

1. Conference on the Limitation of the Manufacture of Narcotic Drugs, 1931. 27 ff.

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LEAGUE OF NATIONS

Conference

on the

Limitation of the
Manufacture of Narcotic Drugs.

INFORMATION SECTION
LEAGUE OF NATIONS SECRETARIAT, GENEVA

1931

THE CONFERENCE FOR THE LIMITATION OF THE MANUFACTURE OF NARCOTIC DRUGS.

Object of the Conference.

The Conference for the Limitation of the Manufacture of Narcotic Drugs has been convened to meet at Geneva on May 27th, 1931. The object of the Conference is to embody in an international Convention a practicable scheme whereby the manufacture of narcotic drugs may be limited to the medical and scientific needs of the world. It is the conviction of many of those who have for the last ten years been working on behalf of the League for the suppression of the illicit traffic in narcotics that, so long as more of these substances are manufactured than are required for legitimate purposes, there is a danger of the surplus finding its way into the illicit traffic, while even those who do not hold this view nevertheless realise that an agreed scheme for the limitation of manufacture will materially strengthen the measures of repression which have already been taken under the Hague and Geneva Opium Conventions.

The Hague Convention of 1912 and the Indirect Method of Limitation.

The idea of limiting manufacture and thus cutting off supplies at the source is as old as the opium question itself and was introduced into the Hague Convention of 1912. Under Article 9 of that Convention, the contracting parties undertook to introduce laws and regulations with a view to limiting the manufacture, sale and use of morphine, cocaine and their respective salts to medical and legitimate needs. The method of limitation embodied in the Hague Convention consisted in restricting the manufacture of narcotics to persons and firms duly licensed for the purpose and requiring them to keep a register of the quantities which they manufactured, imported, sold, exported or otherwise distributed. This has come to be described as the indirect, in contrast with the direct, method of limitation.

Preparations for the Second Opium Conference of 1924-25.

The question of the direct limitation of manufacture inevitably assumed considerable importance in the preparatory work which preceded the second Opium Conference, which met at Geneva in November 1924.¹ It was the task of the Conference, as fixed by a resolution of the Assembly, to consider the measures which might be taken to carry out the Hague Convention of 1912 with regard to (1) a limitation of the amounts of morphine, heroin or cocaine and their respective salts to be manufactured ; (2) a limitation of the amounts of raw opium and the coca leaf to be imported for that or for other medicinal and scientific purposes ; (3) a limitation of the production of raw opium and the coca leaf for export to the amount required for legitimate use. The Preparatory Committee to which the preliminary work was entrusted consisted of six members, including a representative of the United States and two European assessors, and its discussions turned mainly upon the question to what extent and by what means the production of the raw materials from which narcotics were manufactured and the manufacture of the drugs themselves might be limited to the legitimate requirements of the world. The States Members of the League had previously been invited to prepare an estimate of the total annual requirements of their territories for medicinal, scientific and other uses, and the question of the amount of drugs legitimately needed had been concurrently examined by a Mixed Committee consisting of members of the Advisory Committee on the Traffic in Opium and the Health Committee of the League. As the result of these estimates and enquiries, the Advisory Committee had been able to declare with authority that the information available concerning the manufacture of drugs appeared to render possible a rough estimate of the requirements of the world and that the time had now come when the Governments of the producing countries might approach each other with a view to a general understanding.

¹ There were two Opium Conferences in 1924-25. The first Opium Conference was a meeting of the Powers with territories in the Far East. It drafted an agreement for the control and gradual suppression of opium-smoking.

The Five Proposals of 1924.

Five proposals, three of them in the form of draft agreements, were put forward by the delegates on the Preparatory Committee. The scheme submitted by the Netherlands delegate aimed at a progressive limitation of the production of coca leaves, entailing as a consequence an indirect limitation of the manufacture of cocaine. The British delegate, on the other hand, submitted a draft Convention which provided for a direct limitation of the manufacture of cocaine, declaring at the same time that a draft Convention in similar terms and subject to necessary adjustments might be applied to the manufacture of morphine and heroin and to the production of raw opium. A third scheme, based on similar principles, was submitted by the United States delegate ; it provided for a limitation of the production of raw materials and of the manufacture from them of narcotic drugs. The two remaining schemes, submitted respectively by the French delegate and the French assessor on the Committee, were based on the assumption that a direct limitation of production and manufacture was for the moment impracticable. They aimed at achieving the desired result indirectly by means of a strict national and international control of persons, buildings and materials.

Direct Limitation and the System of Quotas.

All five schemes were subject to considerable criticism. It was objected, for example, to the Netherlands scheme that it made no attempt to limit the output of cocaine to the amount required for medical and scientific purposes. It was urged, moreover, by the advocates of direct limitation that it was easier to control the manufacture of the drugs than the production of the raw material. The scheme submitted by the British delegate contained most of the essential features of the draft Convention which, with other material, will be submitted to the Limitation Conference in May. It provided for the restriction of the manufacture of cocaine to a definite average quantity yearly, to be based on estimates furnished by the States themselves of their annual medical and scientific requirements or, in the absence of such

estimates, to be assessed by the League, while each of the manufacturing countries was to be assigned a quota of the total average quantity of the drugs to be manufactured. This was, in fact, the first appearance of the system of quotas round which so much of the later discussions were to turn. The scheme was criticised on the general ground that it was too complicated; that it would be difficult in practice to fix the estimates or allot the quotas; and that it would create in favour of certain countries a monopoly in the production and sale of the raw material and the manufacture of the drug.

The United States Proposal.

The scheme presented by the American delegate was substantially similar to the British scheme and encountered much the same objections. It provided that the production of opium and coca leaves should be confined to the States already producing them and that the import of raw materials for the manufacture of narcotic drugs should be limited to the States already manufacturing them. These would alone be authorised to manufacture the drugs for export. Any modifications which might be necessary in the amounts of raw materials or drugs allotted to the manufacturing or producing States were to be regulated and adjusted by an international board.

The French Proposals.

It was objected to the schemes submitted by the French delegate and the French assessor on the Committee that they ignored the object of the second Opium Conference, which was to consider the possibility of limiting the manufacture of drugs to definite amounts corresponding to legitimate requirements and that they merely aimed at improving the provisions of the Hague Convention. It was further represented that both these schemes would necessitate a revision in many countries of the existing measures of internal control.

Direct Limitation Abandoned.

The Preparatory Committee was unable to present a general plan of limitation for the consideration of the second Opium Conference of 1924, but its discussions revealed the principal currents of opinion which, during the years that followed, were to determine the general conduct of the campaign against the illicit traffic. They showed, in particular, that the time was not yet ripe for a solution of the many difficult problems involved in the direct method of limitation. The Advisory Committee, in August 1924, invited the Preparatory Committee to make a further effort to submit an agreed programme, and the scheme for a direct limitation of manufacture was abandoned. The proposals ultimately submitted to the second Opium Conference aimed at securing limitation, indirectly, by means of a strict control of imports and exports.

The Opium Convention of 1925.

The Conference, taking these proposals as a basis, finally approved the Convention which was signed at Geneva on February 19th, 1925. The Convention contains no provision for the direct limitation of manufacture, but the necessity for some form of limitation is emphatically asserted in the preamble, in which the contracting parties express their conviction that the contraband trade in dangerous drugs cannot be effectively suppressed except by bringing about a more effective limitation of the manufacture of drugs and by exercising a closer supervision over the international trade. The signatories, moreover, undertake in Article 5 to enact effective laws or regulations to limit exclusively to medical and scientific purposes the *manufacture*, import, sale, distribution, export and use of the drugs covered by the Convention, and in Article 6 to control all persons *manufacturing*, importing, selling, distributing or exporting drugs. All persons engaged in any of the above operations must obtain a licence to do so and must keep an open record of all their transactions. This system of indirect limitation is reinforced by an import certificate system, according to which the parties to the

Convention undertake not to export drugs to any country unless the Government of that country has previously granted a certificate covering the consignment, and by the establishment of a Permanent Central Opium Board, which receives annually from the contracting parties estimates of the quantities of drugs covered by the Convention to be imported into their territories for internal consumption and annual statistics of the production of raw materials, manufacture of drugs, stocks in the hands of dealers or held by Governments, consumption of the drugs, amounts confiscated on account of illicit export or import, together with full particulars of imports and exports as between one country and another. The Geneva Convention of 1925 seeks, in fact, to secure a limitation of the manufacture of drugs by a strict and vigilant control of their distribution. It is the duty of the Central Board to watch continuously the course of the international trade, and, if the information at its disposal leads it to conclude that excessive quantities of any substance covered by the Convention are accumulating in any country or that there is a danger of that country becoming a centre for the illicit traffic, it has the right to ask, through the Secretary-General of the League, for explanations from the country in question. In default of an explanation, or in the event of the explanation being unsatisfactory, the Board may call the attention of the Governments of all the contracting parties and of the Council of the League to the matter and recommend that no further exports of drugs shall be made to the country concerned.

Application of the Convention.

The idea of the direct limitation of the manufacture of narcotics, though it was not lost sight of during the years immediately following the Geneva Conferences, fell for the moment into the background, while a determined effort was made to achieve results by the system of indirect limitation embodied in the Convention of 1925. Unfortunately, however, there were delays on the part of some of the principal manufacturing countries and of a large number of non-manufacturing countries in ratifying the Convention and during the next five years the illicit traffic assumed alarming

proportions. It may, indeed, be said that, previous to 1930, the system of indirect limitation was not applied on a sufficiently strict and universal scale to enable any just idea to be formed of its efficiency. Neither the import certificate system nor anything analogous to it was effectively applied prior to that date in certain countries of considerable importance as sources of supply or transmission. These countries were, in consequence, liable to become, and in fact became, centres for the contraband trade in drugs. It must also be noted that, even in countries applying the system, the measures of control were inadequate and might be successfully evaded.

The Situation in 1929.

Such was the situation in 1929, and it gave rise to great and justifiable misgiving. The annual reports from the Governments and the cases of seizures reported that year to the League showed no notable improvement, and the number of ratifications of the Geneva Convention barely exceeded thirty. In these circumstances, it was only natural that the question of direct limitation should again be raised. The Italian delegate on the Committee from 1927 onwards had never ceased to advocate the direct method, and in 1929 the Committee had been invited to consider a scheme known as the Crane scheme, transmitted by the State Department of the United States through the Netherlands Government as of possible interest to the parties to the Hague Convention. It was proposed in this scheme that Governments should be asked to notify in advance the amounts of the drugs which they required for their legitimate needs, indicating the countries from which they intended to obtain their supplies. This scheme was, and still remains, a plan of direct limitation alternative to the system of quotas previously framed.

Attitude of the Advisory Committee during the Period 1925-1929.

The majority of the members of the Advisory Committee, however, took the view that, as the Geneva Convention had only just come into force, it was desirable to allow sufficient time for

its full effects to be measured before attempting to grapple with the problem of direct limitation or embarking on new schemes. The Geneva Convention represented the maximum of progress upon which agreement had been possible in 1925 at a Conference attended by forty-one Powers and after exhaustive discussions extending over a period of three months, and it seemed to the Committee that the best course was still to press for its widest possible ratification and a strict enforcement of its provisions. The Committee, throughout the period 1925-1929, never ceased to press the view that the general ratification and enforcement of the Geneva Convention was the most favourable single step which could be taken to combat the illicit traffic, and its annual surveys of the traffic repeatedly confirmed its conviction that, failing such ratification and enforcement, it was unreasonable to expect any substantial improvement in the situation. The general feeling of the Committee was that the Geneva Convention, which incorporated the result of several years of study and experience, had not so far been given a fair chance, and that the efforts of the League would be most usefully directed to securing an effective application of its provisions.

Attitude of the Council and the Assembly.

These opinions were shared throughout this period by the Council and by the Assembly. The Council, in particular, during its session at Lugano in December 1928, strongly endorsed the view that the efforts of the League must be concentrated upon securing a general adoption of the Geneva Convention and the import certificate system. The serious situation in 1929 and the renewed importance of the question of direct limitation were, in fact, not so much the result of a proven failure or inadequacy of the provisions of the Geneva Convention as of the fact that they had not been effectively applied¹.

¹ The view taken by the majority of the Advisory Committee in the period 1925-1929 that the Geneva Convention, if strictly and generally applied, must prove to be a powerful weapon for the suppression of the illicit traffic, was fully justified by the events of the following year. The Committee, in January 1931, was for the first time in a position to appreciate the full effect of the coming into force of the Geneva Convention in all the

The Tenth Assembly.

There was a growing feeling in 1929 that something further must in any case be attempted, either in the direction of securing a more general application of the Geneva Convention or of supplementing its provisions. This feeling was expressed with considerable force by the representative of Venezuela during the session of the Council held at Madrid in June of that year. He explicitly declared that a really effective control of the traffic in illicit drugs must begin with a strict limitation of their manufacture. Three months later the whole question of limitation and control was raised in the Fifth Committee of the Assembly, and it was at this critical moment that the French delegate on the Fifth Committee announced that his Government was now convinced that the most likely method of suppressing the illicit traffic was to limit directly the manufacture of narcotics, and that it had definitely decided to issue a decree with that object in view. The Netherlands delegate thereupon stated that his Government would welcome practical proposals for a scheme of limitation upon international lines. As a result of these declarations, direct limitation had become a question of practical politics and the British delegate submitted a draft resolution which, after detailed discussion and subject to important amendments, was finally adopted. The result of these discussions in the Fifth Committee was the emergence for the first time in the history of the League of an agreement amongst the manufacturing countries as to the desirability of a direct limitation of manufacture based upon an estimate of the total medical and scientific requirements of the world and on the allocation of the quantities manufactured amongst the manufacturing countries.

principal manufacturing countries. An analysis of the international trade in drugs from the year 1925 to June 1930, prepared by the Secretariat for the use of the Limitation Conference (Document Conf. L.F.S.3) revealed for the first time the full gravity of the situation which had existed up till the beginning of 1930, showing that the illicit traffic, particularly during the years 1926-1929, had been on an even more considerable scale than had been suspected. But it also revealed a remarkable change effected in the situation at the beginning of 1930 by the coming into force of the Geneva Convention in the European manufacturing countries which up to then had not introduced the necessary administrative measures. There was a striking decrease in the manufacture and export of drugs from some of the

The Assembly Resolution.

The following is the text of the resolution which was ultimately approved unanimously by the Fifth Committee and subsequently adopted by the Assembly :

“ The Assembly,

“ Impressed by the disclosures made in the report of the Advisory Committee as to the large quantities of dangerous drugs still passing into the illicit traffic ;

“ Recalling the proposals made in connection with the Geneva Conference of 1924-25 for the direct limitation by agreement between the Governments of the manufacturing countries of the amount of such drugs manufactured ;

“ Taking note of the important declaration made in the course of the present meeting of the Assembly by the representative of France that his Government had decided to impose such limitation on its manufacturers, and of the declarations made by other Governments as to limitation ;

“ Recognising that the Geneva Convention of 1925 provides indispensable machinery for the national and international control of the traffic in drugs, the effective application of which should be secured in all countries at the earliest possible date ; but that, owing to the delay in bringing the Convention into force, its full effects cannot be realised in the near future ;

“ Desiring that, if possible, steps supplementing the Convention should be taken without delay to limit the manufacture of dangerous drugs to the amounts required for medical and scientific purposes :

“ (I) Regards the principle of the limitation of the manufacture of the drugs mentioned in paragraph (b), (c)

chief manufacturing countries of Europe, and a resulting decrease in the seizure of drugs originating in these countries.

The most striking figures in this connection were given by the French delegate on the Committee. The import certificate system was applied in France as from January 1st, 1929. Imports and exports of narcotic drugs immediately fell to very low figures. For instance, morphine imports, which amounted to 1,684 kilogrammes in 1928 fell to 293 kilogrammes in 1929, and 43 kilogrammes during the first three quarters of 1930. Although exports rose from 777 kilogrammes in 1928 to 1,053 kilogrammes in 1929,

and (g) of Article 4 of the Convention of Geneva by international agreement as now accepted ;

“(II) Requests the Advisory Committee to prepare a plan for such limitation, regard being had to world requirements for medical and scientific purposes and the means of preventing an increase in price which would lead to the establishment of new factories in countries which are not at present manufacturing countries ;

“(III) The Committee’s report will be submitted to the Council, which will decide on the convening of a Conference of the Governments in whose countries the above-mentioned drugs are manufactured and the principal consuming countries in a number not exceeding that of the manufacturing countries, and whether certain experts proposed by the Opium and the Health Committee should be included ;

“(IV) Recommends that the Advisory Committee be enlarged in order to ensure more effective representation on that Committee of the non-manufacturing countries ;

“(V) Agrees that the sum of 25,000 Swiss francs shall be included in the budget of the League for 1930 in order to meet the expenses of such a Conference.”

The Limitation Scheme of 1930.

The Advisory Committee, acting under these instructions, considered and adopted a limitation scheme in February 1930. The scheme was no more than an outline or preliminary draft, and on some important questions, such as the allocation of quotas between the manufacturing countries and the machinery for

they fell to 156 kilogrammes during the first three quarters of 1930. Imports of heroin amounted to 1,078 kilogrammes in 1928 ; they were only 13 kilogrammes in 1929 and 8 kilogrammes during the first three quarters of 1930. The exports of this product fell from 2,957 kilogrammes in 1928 to 166 kilogrammes in 1929 and 40 kilogrammes during the first three quarters of 1930. The imports of cocaine amounted to 270 kilogrammes in 1928, 194 kilogrammes in 1929, and 49 kilogrammes during the first three quarters of 1930. Exports fell from 506 kilogrammes in 1928 to 200 kilogrammes in 1929, and only reached 148 kilogrammes during the first three quarters of 1930.

ensuring that the consuming countries should receive the supplies of the drugs required for their medical and scientific needs, no definite or final solution was put forward. The scheme was forwarded to the Governments, Members of the League or parties to the Hague and Geneva Conventions, for examination and comment.

The three fundamental points of the scheme approved by the Advisory Committee at this stage were as follows :

(1) The world manufacture of narcotic drugs should be limited each year to a specific quantity, on the basis of the estimates to be supplied by all countries of the quantities of narcotic drugs required each year for medical and scientific purposes ;

(2) The fraction of this total quantity to be manufactured by each of the manufacturing countries should be fixed in advance by means of agreements concluded between them according to a system of quotas ;

(3) The necessary arrangements should be made to provide each country with supplies of narcotic drugs up to the amounts indicated in its estimates.¹

Proposal for a Preliminary Conference of the Manufacturing Countries.

The Advisory Committee, in submitting this plan to the Council, suggested that it would greatly facilitate the work of a Conference on Limitation if the Governments of the manufacturing countries or the manufacturers themselves conferred in advance upon the allocation of the quotas of the drugs to be manufactured and upon the arrangements for their distribution among the consuming countries. It accordingly recommended that the Council should invite the manufacturing countries to hold a preliminary Conference for that purpose.

¹ Other features of the scheme may be summarised briefly as follows : The requirements of a country which failed to furnish estimates were to be assessed by a central authority. This central authority might not revise the estimates submitted by Governments, but it might ask for explanations in cases where the estimates appeared to be excessive. It was understood that each manufacturing country would be entitled, if it so desired, to manufacture the drugs required for its own medical and

The Composition of the Preliminary Conference.

The Council adopted this suggestion and, in October-November 1930, a preliminary meeting of official representatives of the manufacturing countries was held in London. This preliminary meeting was attended by representatives from France, Germany, India, Italy, Japan, the Netherlands, Switzerland, Turkey, the United States of America and the Union of Soviet Socialist Republics. The representatives of the principal manufacturing firms were also present. The Conference found it necessary to discuss questions which were somewhat outside the matters referred to it and which concerned the consuming as well as the manufacturing countries. It recognised, however, that a final decision in regard to these questions could only be taken in mutual consultation with the consuming countries, and asked that its suggestions should be regarded as merely tentative.

The countries represented at the Conference fell into three main groups :

(1) Countries manufacturing for their own needs and also on an appreciable scale for export : France, Germany, the Netherlands, Switzerland and the United Kingdom ;

(2) Countries manufacturing for their own needs, but not at present exporting on an appreciable scale : Japan, the Union of Soviet Socialist Republics and the United States of America ;

(3) Countries manufacturing a small part annually of their own needs : Italy.

There remained Turkey, which stood in a position different from that of any other country, and India, which manufactured and exported considerable quantities of crude morphine to England from time to time, but which depended on imports for most of her medical requirements.

scientific needs. The distribution of the drugs thus manufactured to the consuming countries was to be subject to the control of a central office, keeping a record of all orders received and supplies manufactured. The central office would be able to inform the Government of any country to which orders for drugs were sent whether the execution of that order would or would not cause an excess over the estimates furnished by the country from which the order came.

The Conference, after considering the drugs to which the scheme of limitation should apply, recommended that countries should be invited to furnish separate estimates for each of three classes of imports : (1) for the supply of its own domestic medical and scientific needs ; (2) for conversion into some other substance — for example, codeine — either for its own consumption or export ; and (3) for re-export to countries to which it supplied specialities or for which it served as a distributing centre.

Proposals of the Manufacturers for the Allocation of the Quotas.

The discussion of the allocation of the quotas was based on preliminary negotiations between the manufacturers themselves, who had agreed on the following :

Morphine and its Derivatives :

Firms in the Cartel	Quota
German.	39.97
Swiss.	25.20
French	21.00
British	13.83

Cocaine :

Firms in the Cartel	
German.	49.30
French	20.00
British	15.00
Netherlands.	10.28
Swiss.	5.42

Criticism of the Quotas Proposed.

The Conference was unable to approve these proposals, and felt that the whole question required further investigation. The estimates of the manufacturers were based on the sales of individual manufacturing firms ; they did not cover the whole field of drug production ; due allowance had not apparently been made in them for production which had passed into the illicit traffic ;

and no clear relation existed between them and the figures compiled by the Secretariat of the League showing the actual national exports for medical and scientific purposes during recent years. Certain delegates, moreover, were unable to subscribe to the system of quotas on general grounds. The Soviet delegation expressed the view that the organisation of an international cartel would not secure a limitation of manufacture, but would lead to an increase of prices which would stimulate the illicit traffic. It represented, moreover, that the organisation of such a cartel was contrary to the interests of the consuming countries. The Japanese delegation desired to reserve the right of Japan, which was not for the moment a country manufacturing for export, to export drugs in response to legitimate orders received. It was unable to formulate any definite proposal for the allocation of the quotas and reserved its position in reference to all the decisions reached by the Conference. The Turkish delegation asked that a quota should be assigned to Turkey representing one-third of the total world production. The Conference was unable to accept this proposal, and the whole question of the Turkish participation in the world production of drugs was reserved for further consideration.¹

Discussion of the London Proposals by the Advisory Committee.

The Advisory Committee, meeting in January 1931, devoted the first half of a long session to a detailed examination of the limitation scheme. By a decision of the Council taken in the previous year upon a resolution of the Assembly, it had been extended to include seven representatives of non-manufacturing countries, and the plan submitted by the London Conference,

¹ There are at present three factories manufacturing drugs in Istanbul or the neighbourhood. During the first six months of 1930 over 1,200 kilogrammes of morphine and over 4,300 kilogrammes of heroin were exported to various countries. The Turkish Government was unable to say whether these consignments had ever reached their declared destinations. Turkey is not yet a party to the Geneva Convention. The Turkish delegation stated, however, that their Government desired a share in the world production of drugs for medical and scientific purposes and was willing, if a quota were assigned to Turkey, to apply the full measure of control provided by the Geneva Convention.

and in particular the system of quotas, was subjected to detailed criticism by the new members of the Committee, supported in certain cases by the older members who had not been parties to the London Conference or had not accepted the quota system as necessarily the most practicable and effective method of limitation. The discussions which took place in the Advisory Committee represented the main currents of opinion which will ultimately determine the nature of the final solution adopted. The discussions were based on a draft Convention submitted by the British delegate which aimed at an objective presentation of the views and decisions reached in London and by the Advisory Committee in its plan elaborated at its previous session. It was understood, however, that the acceptance of this draft as a basis did not preclude a simultaneous examination of other schemes, and that it was subject to any substantial amendments which might be moved in the course of the session.

The Attitude of Japan.

The Japanese delegate, at an early stage of the proceedings, submitted an amendment whose aim was to permit countries manufacturing only for their domestic needs to share in the export of narcotics in the event of their receiving legitimate orders from abroad. He expressed the view that no distinction should be made between manufactures intended to meet home requirements and manufactures intended for export. He eventually accepted a modification of the quota system as determined in London which met his principal objections.

The Attitude of Turkey.

The Turkish delegate declared that he would consider as arbitrary any attempt to exclude his country from receiving a quota on the ground that certain factories established in Turkish territory might have engaged in illicit transactions. He urged that Turkey, which practically alone supplied the European markets with opium, was justified in founding an industry to

produce drugs for medical and scientific purposes, and represented that his Government had established control over the sale, import and export of drugs. His Government was prepared to co-operate in the work of the League for the limitation of manufacture and to accede to the Geneva Convention provided that Turkey was allocated an acceptable quota.

The Attitude of Yugoslavia.

The Yugoslav delegation raised several objections to the quota system and laid down certain conditions which it regarded as essential to an effective and practicable scheme of limitation. It desired to protect the economic and social interests of the poppy-growers in Yugoslavia and the interests of the consumers of drugs in general, and it produced evidence to show that the cartel of manufacturing firms at present in existence had actually lowered world prices of the raw materials and raised the prices of the manufactured products. It considered, moreover, that, if Turkey were authorised to manufacture drugs, an equitable quota should also be allocated to Yugoslavia.

Objections to the System of Quotas.

Similar objections were raised by some of the non-manufacturing countries to the system of a rigid cartel which they assumed to be involved in the adoption of the quota system. The Spanish and Polish representatives, for example, expressed their preference for a system which would not involve the constitution of anything resembling a monopoly or be likely to bring about a rise in the prices of narcotics intended for medical and scientific purposes. It was argued in reply that the system of quotas proposed by the Advisory Committee did not involve the creation of a monopoly, and that the scheme which had emerged from the London Conference preserved the right of any country not at present manufacturing drugs for export to receive a quota if it wished to do so. The Committee, in fact, laid down a two-fold principle — namely, that a State should have full and complete liberty to purchase

drugs for its medical requirements in whatever country it preferred and in such form as it considered expedient, and that it should be permitted to indicate in advance, if it so desired, the names of the countries from which it wished to obtain supplies.

Procedure for the Revision of the Quotas.

It was recognised that the acceptance of this two-fold principle meant that the arrangements made for a revision of the quotas after they had been initially determined was of the utmost importance, and a considerable part of the discussion was devoted to this question. The procedure of revision was discussed on the basis of amendments submitted by the representatives of Spain and Yugoslavia with a view to giving satisfaction to the non-manufacturing countries. The amendment submitted by the delegate of Yugoslavia, in particular, raised a question of principle. He took the view that, if a country submitted a request for a quota, owing to the fact that it had received legitimate orders for drugs or owing to the fact that certain countries proposed to obtain their supplies from certain sources, the central authority established by the League for the revision of the quotas should be authorised to make the necessary re-adjustments without the country which presented the request being obliged to enter into negotiations with the manufacturing countries before its right to a quota was recognised. The Yugoslav amendment embodying this view was supported by the Italian delegate and also by the Polish and Mexican delegates. It was finally rejected by eight votes to four with five abstentions.

The Italian Declaration.

The Italian delegate made an important declaration in the course of these discussions which took the form of a list of conditions which, in his opinion, were essential for the success of any scheme of limitation. In the view of the Italian Government it is essential (1) to respect the right of every country to obtain supplies from whatever country it chooses ; (2) to require every country to specify in advance the quantities it will require over

a definite period ; (3) to restrict to an absolute minimum the privilege of manufacturing countries by avoiding, as far as possible, any measures which might give them an official *de facto* monopoly ; (4) to provide in the Convention for the limitation of the manufacture of all derivatives of opium and coca leaves and, in particular, of codeine and its derivatives ; (5) to encourage the Government monopoly system; not only as regards the trade in, but also as regards the manufacture of substances covered by the Convention ; (6) to provide for the application of sanctions by every Government party to the Convention against any country refusing to accede to it or to put into operation the measures provided for by the Opium Conventions of 1912 and 1925 ; (7) to ensure the limitation of manufacture and the supervision of the drugs manufactured through the Permanent Central Opium Board, with the addition in an advisory capacity of representatives of the Advisory Committee, the Health Committee, the Economic Committee or any other organ of the League.

Subject to such declarations and reservations, the limitation scheme was accepted by the Committee as a provisional basis for the work of the Conference. The Committee was unable to indicate the list of countries to which quotas would be assigned or to determine figures. It was recognised that further discussions between the Governments concerned would be necessary, and that it would be for the Limitation Conference to take a final decision.

Proposal to prohibit Imports from Countries not applying the Geneva Convention.

Another important question which was left open arose upon an amendment submitted by the delegate of Yugoslavia to the effect that the parties to the proposed Limitation Convention should undertake not to import drugs or raw materials from any countries not exercising control over the traffic in narcotics in accordance with the Geneva Convention. This proposal was received with much sympathy by a great majority of the Committee. It was generally recognised to be just and regarded as an effective means of inducing States to accede to the Convention. Certain practical difficulties, however, were emphasised, and it

was suggested that exceptions to this rule might be permitted, with the authorisation of some central authority, in cases where its strict application might lead to a shortage of the substances in question. Connected with this question was the point whether ratification of the Limitation Convention should be taken to imply ratification of the Geneva Convention of 1925. The Committee recognised that the measures of control established by the League constituted a single system and that the new Convention could not effectually be applied unless the system of control based on import certificates provided by the Geneva Convention was also enforced. It was realised, however, that certain Governments non-signatories to the Geneva Convention of 1925 but applying a similar system of control might desire to become parties to the new Convention. The Committee accordingly decided to insert in the new Convention a provision under which contracting parties not signatories to the Geneva Convention would be required to apply the system of control provided in that Convention in respect of such points as were deemed essential.

Composition of the Central Authority.

The Committee further decided to leave to the Limitation Conference the final decision as to the body which should be entrusted with the examination of the estimates of their requirements submitted by the Governments and with the establishment of estimates for countries not supplying them. Certain delegates were in favour of entrusting this duty to the Permanent Central Board established under the Geneva Convention, while others suggested that a joint committee should be set up consisting of representatives from the Permanent Central Board, the Health Committee of the League and the Advisory Committee on the Traffic in Opium.

Control of Prices.

The Advisory Committee was expressly required by the resolution of the tenth Assembly to consider means of preventing an increase in the prices of narcotic drugs as a result of the limitation of their manufacture. Two fundamental points were discussed —

namely, to what body the control of prices should be entrusted and what method of supervision should be adopted. No definite conclusion was reached by the Committee.

Drugs to be covered by the Convention.

The Advisory Committee had also to consider what drugs should be covered by the proposed Convention. Certain members were in favour of a system under which all new drugs put upon the market would be considered as dangerous until they had been declared to be innocent by a competent authority. Others were in favour of maintaining the system in force under the Geneva Convention, according to which a list of special drugs to be controlled is established and amended from time to time in accordance with a method provided for that purpose. The majority of the Committee declared in favour of continuing the present system, emphasising, however, the need for securing a rapid and smooth working of the procedure of revision. It noted in this connection that the Health Committee had already taken steps to accelerate that procedure. There was general agreement that it would be for the Limitation Conference itself to decide the question of the substances to be covered by the future Convention.

There were two main questions before the Committee :

(1) What drugs should come under the scheme for the limitation of manufacture ?

(2) Was it necessary to extend the system of control provided in the Geneva Convention wholly or partly to drugs not at present covered ?

The Committee was of opinion that limitation should apply to the drugs covered by paragraphs (b), (c) and (g) of Article 4 of the Geneva Convention — namely, morphine, diacetylmorphine, cocaine and their salts — together with any new drugs which might in future be brought under the Geneva Convention and all preparations made directly from raw opium and containing not less than 20 per cent of morphine.

There remained the question whether control should be extended to derivatives of opium not at present covered by the Geneva Convention. The Committee, in this connection, gave special consideration to the question of codeine. Codeine is a substance harmless in itself, but it can be used for the manufacture of drugs covered by the Geneva Convention. It was agreed that its distribution should be supervised, especially as such supervision is essential to the effective control of the morphine from which codeine is made.

There was, however, a difference of opinion in the Committee as to the degree of control which should be applied to such drugs as codeine and peronine in order to make the plan of limitation effective. The majority finally adopted a proposal which would involve a control over exports, imports and wholesale sales of codeine, peronine and other derivatives of morphine. A minority was in favour of extending the import certificate system to codeine; but the majority could not go further than recommend that an import certificate should, in the case of codeine, be optional, though it should be compulsory in the case of peronine.

The Italian delegate on the Committee urged that codeine should not only be subject to control, but should be brought under the Limitation Convention.

The Council instructed the Secretary-General to notify the Governments that the proposals of the Advisory Committee in this connection involve extending measures of limitation and control to substances which are not covered by the Geneva Convention of 1925. The Governments have accordingly been asked to ensure that their delegates to the Conference shall have power to discuss the limitation of all derivatives of opium and of the coca leaf as well as the control of the quantities to be limited by the future Convention. The Council felt it necessary to warn the Governments that the ground to be covered by the Limitation Conference would, in view of the discussions in the Advisory Committee, be somewhat more extensive than that indicated in the resolution adopted by the Assembly in 1929, which referred to the limitation of the manufacture of only such narcotic drugs as were covered by Article 4 (b), (c) and (g) of the Geneva Convention.

Attitude of certain of the Non-Manufacturing Countries.

The general attitude of certain of the non-manufacturing countries to the scheme of limitation approved by the Committee was embodied in a statement made by the Belgian representative on behalf of himself and the representatives of China, Mexico, Poland, Spain and Uruguay at the conclusion of its proceedings. The representatives of these countries recognised that the proposed system of restriction constituted a considerable step forward and brought the idea of limitation within the sphere of practical politics. They hoped, however, that the Limitation Conference in May would endeavour to give to the problem a more complete and, in their view, a more satisfactory solution, and with this end in view they summarised the various suggestions and proposals made by their representatives in the following terms :

“ 1. A system of limitation to be decided upon by the Convention to safeguard the rights of each nation to procure for its legitimate needs drugs from the source and the country it chooses.

“ 2. Each country should make known in advance the quantity of narcotic drugs falling under the provisions of the Convention of which it will be in need for a fixed period, as well as the name of the country or countries where it intends to procure its supplies.

“ 3. The system of Government monopoly for the trade and, where necessary, for the manufacture of narcotic drugs falling under the provisions of the Convention is recommended.

“ 4. Sanctions applicable by each Government party to the Convention of May 1931 should be provided for and should apply to every country which does not exercise a control of narcotic drugs equivalent to that laid down in the Geneva Convention.

“ 5. Both the limitation of manufacture and the control of the quantities manufactured should be guaranteed by the action of the Permanent Central Opium Board, assisted, where necessary, by technical authorities.

It was pointed out by the British delegate, on behalf of the majority of the Committee, that the scheme embodied in the draft Limitation Convention did in fact recognise the right of the

consuming countries to obtain their supplies from whatever sources they might desire, and that the system of annual estimates was a cardinal principle of the scheme. Under the draft Convention, any country might, if it so desired, state before the end of the year from what countries it intended to purchase its drugs. To require the Governments to submit such a statement did not, however, seem to the majority to be practicable. The question of making the manufacture and distribution of narcotic drugs a Government monopoly was not discussed by the Committee, in the absence of any definite proposal in that sense.

The Limitation Scheme and Collective World Action.

In conclusion, it may be pointed out that the limitation scheme to be considered by the Conference has an important international significance apart from its special technical provisions. It provides for a limitation of manufacture by collective world action, whereas the Geneva Convention relies upon action taken by the several contracting States. The element of co-ordination provided in the Geneva Convention is the import certificate system which works as between the parties individually. The only form of centralisation under the Geneva Convention — apart from the general supervision over its working exercised by the Advisory Committee on the Traffic in Opium, the Council and the Assembly — is provided by the Central Opium Board, which merely examines the general situation from a statistical point of view after the event. The Geneva Convention is based on the assumption that the international trade in drugs can be effectively regulated in accordance with legitimate requirements if no exports are allowed to take place except on the basis of an import certificate issued by the importing country guaranteeing that the drugs are solely for medical or scientific purposes. The operation of the import certificate system, as pointed out by the Advisory Committee in its report to the Council in January 1931, has undoubtedly been a factor of vital importance in eliminating illicit traffic. Under this system, however, the international trade in drugs proceeds by a series of bilateral transactions, and the total significance of these transactions cannot be estimated until the quarterly

import and export statistics reach the Central Board, at least three months after the transactions have taken place. The limitation scheme, on the other hand, provides, not only for a direct limitation of manufacture, but for a central machinery of distribution by which the operation of the import certificate system is co-ordinated.

Conclusion.

An historical survey of the problem of limitation sufficiently indicates the complexity of the problem and the difficulties which have to be solved by the Conference in May. In one form or another the question of limitation has intruded into the discussions of the Advisory Committee for the last five years. Proposals and schemes have been successively submitted, discussed, abandoned and revived. There are still important questions on which the Conference will be requested to take a decision. The system of quotas is still subject to discussion; the Conference has yet to determine the countries which are to receive the quotas and the composition of the central authority which is to examine the estimates submitted by Governments of their requirements. It has for some time been obvious, however, that an experiment would have to be made. A considerable mass of information has been assembled and will be placed at the disposal of the Conference, which will have as wide and complete a basis as possible for its discussions and decisions. The Advisory Committee, in its report to the Council, was careful to indicate that the submission of a draft Convention to the Conference, approved as a basis of discussion, did not exclude the consideration of other proposals and solutions. The interests of the manufacturing and the non-manufacturing countries, though apparently divergent on certain points, are identical so far as the main object of limitation is concerned. It will be for the Conference to frame a solution which may succeed in reconciling the various opinions expressed during these exhaustive preliminary discussions and thus solve a problem which is as old as the Hague Convention of 1912.

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Geneva, 1931.

LEAGUE OF NATIONS

**RECORDS OF THE CONFERENCE FOR THE
LIMITATION OF THE MANUFACTURE OF NARCOTIC DRUGS**

Geneva, May 27th to July 13th, 1931.

Volume I,

PLENARY MEETINGS

TEXT OF THE DEBATES

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LIST OF MEMBERS
OF THE
**DELEGATIONS OF THE CONFERENCE FOR THE LIMITATION
OF THE MANUFACTURE OF NARCOTIC DRUGS.**

ALBANIA

Delegate :
His Excellency M. Lec Kurti (Resident Minister, Permanent Delegate accredited to the League of Nations).

GERMANY

Delegates :
M. Werner Freiherr von Rheinbaben ("Staatssekretär" z. D.).
Dr. Waldemar Kahler (Ministerial Counsellor at the Ministry of Interior of the Reich).

UNITED STATES OF AMERICA

Delegates :
Mr. John K. Caldwell (Consul-General, President of the Delegation).
Mr. Harry J. Anslinger (Commissioner of Narcotics).
Mr. Walter Lewis Treadway, M.D., F.A.C.P. (Assistant Surgeon-General, United States Public Health, Service Chief, Division of Mental Hygiene).
Mr. Sanborn Young (Member of the Senate of the State of California).

Technical Advisers :
Mr. Lawrence B. Dunham,
Mr. John D. Farnham,
Dr. Lyndon F. Small.

Secretary :
Mr. Winthrop S. Greene (Secretary of the Legation of the United States of America at Berne).

ARGENTINE REPUBLIC

Delegate :
His Excellency Dr. Fernando Perez (Ambassador Extraordinary and Plenipotentiary to His Majesty the King of Italy).

AUSTRIA

Delegates :
M. Emerich Pflügl (Envoy Extraordinary and Minister Plenipotentiary, Permanent Representative accredited to the League of Nations).
Dr. Bruno Schultz (Police Director and "Conseiller aulique", Member of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs).

BELGIUM

Delegate :
Dr. de Myttenaere (Principal Inspector of Chemistry).

BOLIVIA

Delegate :
Dr. M. Cuellar (Member of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs).

GREAT BRITAIN

AND

NORTHERN IRELAND

and all parts of the British Empire
which are not separate Members of the
League of Nations

Delegate :
Sir Malcolm Delevingne, K.C.B. (Permanent Deputy-Under-Secretary in the Home Office).

Technical Advisers :
Mr. M. D. Perrins (of the Home Office).
Mr. G. G. Fitzmaurice (of the Foreign Office, Legal Adviser of the Delegation).

CANADA

Delegates :
Colonel C. H. L. Sharman, C.M.G., C.B.E. (Chief, Narcotic Division, Department of Pensions and National Health).
Dr. Walter A. Riddell, M.A., Ph.D. (Dominion of Canada Advisory Officer accredited to the League of Nations).

Secretary :
Mr. E. d'Arcy McGreer (Second Secretary to the Canadian Legation at Paris).

CHILE

Delegate :
M. Enrique Gajardo (Member of the Permanent Delegation accredited to the League of Nations).

CHINA

Delegates :
Dr. Wu Lien-Teh (Director and Chief Medical Officer, Manchurian Plague Prevention Service, Harbin; Director, National Quarantine Service, Shanghai; Chief Technical Expert, National Health Administration).

His Excellency Dr. Woo Kaiseng (Minister Plenipotentiary, Director of the Permanent Office of the Chinese Delegation to the League of Nations).

Substitute and Technical Adviser : . . .
M. Cheng Ting (First Secretary of Legation).
Technical Adviser :
Professor Westel Woodbury Willoughby.
Secretary :
M. Roland H. Ouang (Attaché to the Chinese Legation at Berne).

COSTA RICA

Delegate :
Dr. Viriato Figueredo Lora (Consul at Geneva).

CUBA

Delegates :
His Excellency M. Guillermo de Blanck (Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations).
Dr. Benjamin Primelles.

DENMARK

Delegate :
M. Gustav Rasmussen (Chargé d'Affaires at Berne).

FREE CITY OF DANZIG

Delegates :
His Excellency Dr. Witold Chodzko (Former Minister, Head of the Delegation).
Dr. Guillaume Rozenbaum (Medical Adviser, Head of the Health Service).

DOMINICAN REPUBLIC

Delegate :
M. Charles Ackermann (Consul-General at Geneva).

EGYPT

Delegate :
T. W. Russell Pasha (Chief of Police of Cairo and Director of the Central Bureau for Information with regard to Narcotics).

SPAIN

Delegate :
M. Julio Casares (Head of Section at the Ministry for Foreign Affairs).
Substitute :
M. Paulino Suarez (Health Adviser).

ABYSSINIA

Delegate :
His Excellency Count Lagarde, Duc d'Entotto (Minister Plenipotentiary, Representative accredited to the League of Nations).

FINLAND

Delegate :
M. Evald Gyllenbøgel (Chargé d'Affaires *p. i.* at Berne, Permanent Delegate *p. i.* accredited to the League of Nations).
Substitute :
M. P. K. Tarjanne (" Secrétaire de Bureau " in the Ministry for Foreign Affairs).

FRANCE

Delegate :
M. Gaston Bourgois (Consul of France, Head of the Delegation).

Technical Advisers :
M. Bougault (Professor of Analytical Chemistry at the Pharmaceutical Faculty of Paris).
M. Razet (Chief Inspector of the Service for the Repression of Frauds, Head of the Bureau for Narcotics to the Ministry of Agriculture).

GREECE

Delegate :
M. R. Raphael (Permanent Delegate accredited to the League of Nations).

Substitute :
M. Alexandre Contoumas (First Secretary of the Permanent Delegation accredited to the League of Nations).

GUATEMALA

Delegate :
M. Luis Martinez Mont (Professor of Experimental Psychology in Secondary Schools of State).

HEJAZ, NEJD AND DEPENDENCIES

Delegate :
His Excellency Cheik Hafiz Wahba (Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty).

Secretary :
Abd el Hamid Elbaba.

HUNGARY

Delegate :
M. Jean Pelényi (Resident Minister, Head of the Delegation accredited to the League of Nations).

Substitutes :
M. Zoltán Baranyai (Counsellor at the Delegation accredited to the League of Nations).
M. Alexandre Mozsonyi (Counsellor of Section at the Ministry of Social Welfare and Labour).

Technical Advisers :
Dr. André Ungar (Assistant Director-General of the "Chinois" Factory at Ujpest).
M. Nicolas Wendler (Director of the "Alcaloïda" Factory at Büdszentzihály).

INDIA

Delegate :
Dr. R. P. Paranjpye (Member of the Council of India).

Adviser :
Mr. G. Graham Dixon (of the India Office).

IRISH FREE STATE

Delegate :

Mr. Sean Lester (Permanent Delegate accredited to the League of Nations).

Substitute Delegate and Technical Adviser :

Mr. J. J. Anderson (Pharmacist, Department of Justice, Dangerous Drugs Section).

ITALY

Delegates :

His Excellency Senator Cavazzoni (former Minister of Labour).

M. Giuseppe Tedaldi (of the Ministry of Interior, Health Delegate abroad).

Professor C. E. Ferri (Advocate).

JAPAN

Delegates :

His Excellency M. Setsuzo Sawada (Minister Plenipotentiary, Director of the Japanese Bureau accredited to the League of Nations).

M. Shigeo Ohdachi (Secretary at the Ministry for Home Affairs, Head of the Administrative Section).

Technical Advisers :

M. Jin Matsuo (Expert to the Ministry for Home Affairs).

M. Shiko Kusama (Secretary to the Japanese Bureau accredited to the League of Nations).

Secretaries :

M. Wazaburo Yamazawa (Secretary of the Monopolies Office of the Government-General of Chosen).

M. Shinichi Shibusawa (Secretary of Embassy, Secretary to the Japanese Bureau accredited to the League of Nations).

M. Sabroh Ohta (Attaché to the Japanese Embassy in London).

M. Takeji Kusanobu.

LATVIA

Delegate :

M. Jules Feldmans (Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations).

Substitute :

M. Wilhelm Kalnin (Secretary to the Permanent Delegation accredited to the League of Nations).

LIBERIA

Delegate :

His Excellency Dr. Antoine Sottile (Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations).

LITHUANIA

Delegate :

M. Juozas Sakalauskas (Head of Section at the Ministry for Foreign Affairs).

LUXEMBURG

Delegate :

M. Charles Vermaire (Consul at Geneva).

MEXICO

Delegate :

M. Salvador Martinez de Alva (Permanent Observer accredited to the League of Nations).

MONACO

Delegate :

M. Conrad E. Hentsch (Consul-General at Geneva).

NORWAY

Delegate :

M. Th. G. Thorsen (Secretary-General of the Norwegian Ministry of Social Welfare).

PANAMA

Delegate :

Dr. Ernesto Hoffmann (Consul-General at Geneva).

PARAGUAY

Delegate :

His Excellency Dr. Ramon V. Caballero de Bedoya (Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic, Permanent Delegate accredited to the League of Nations).

THE NETHERLANDS

Delegate :

M. W. G. van Wettum (Government Adviser for International Opium Questions).

Secretary :

Dr. A. H. Philipse (Attaché of Legation).

PERU

Delegate :

His Excellency M. F. Garcia Calderon (Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic).

Substitute :

M. José-Maria Barreto (Permanent Delegate accredited to the League of Nations).

PERSIA

Delegate :

His Excellency M. A. Sepahbodi (Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, Permanent Delegate accredited to the League of Nations).

Substitute :

M. N. Entézam-Wéziry (First Secretary of Legation).

POLAND

Delegates :

His Excellency M. Witold Chodzko (Former Minister, Head of the Delegation).

M. Jan Taylor (Assistant Head of the Treaty Section at the Ministry for Foreign Affairs).

Substitute :

M. Henri Stebelski ("Rapporteur" to the Ministry for Foreign Affairs).

PORTUGAL

Delegates :

His Excellency Dr. Augusto de Vasconcellos (Minister Plenipotentiary, General Director of the Portuguese Secretariat of the League of Nations).

Dr. Alexandro Ferras de Andrade (First Secretary of Legation, Chief of the Portuguese Office accredited to the League of Nations).

ROUMANIA

Delegates :

His Excellency M. Constantin Antoniadu (Envoy Extraordinary and Minister Plenipotentiary accredited to the League of Nations).

Dr. Nicolas Deleanu (Professor at the University of Bucharest).

SAN MARINO

Delegate :

Professor C. E. Ferri (Advocate).

SIAM

Delegate :

His Serene Highness Prince Damras (Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty, Permanent Representative accredited to the League of Nations).

Secretary :

M. S. Varasiri (Attaché of Legation in London).

UNION OF SOVIET SOCIALIST REPUBLICS

Delegates :

M. Dimitri Bogomoloff (Counsellor to the Embassy of the Union of Soviet Socialist Republics at London).

M. Georges Lachkevitch (Legal Adviser to the Embassy of the Union of Soviet Socialist Republics at Paris).

M. Haim Weinberg (Secretary of the Embassy of the Union of Soviet Socialist Republics at Rome).

SWEDEN

Delegate :

Dr. Erik Rudolf Sjöstrand (Adviser on Social Questions).

Technical Adviser :

M. Ernst Matern (Head of Section in the General Direction of Medical Services).

SWITZERLAND

Delegates :

M. Paul Dinichert (Minister Plenipotentiary, Chief of the Division for Foreign Affairs of the Federal Political Department).

Dr. Henri Carrière (Director of the Federal Service of Public Health).

Legal Adviser :

M. Camille Gorgé (First Chief of Section to the Federal Political Department).

CZECHOSLOVAKIA

Delegate :

His Excellency M. Zdeněk Fierlinger (Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, Permanent Delegate accredited to the League of Nations, Head of the Delegation).

Substitute :

Dr. Jaroslav Hrdlička (Ministerial Counsellor in the Ministry of Public Health).

Technical Advisers :

M. Ph. M. Jaroslav Bohutínský (Senior Adviser in Chemistry in the Ministry of Public Health).

M. Robert Frank (Director of the Chemical Factory of Chrást).

Secretary :

M. Karel Trpák (Secretary of the Czechoslovak Legation in Berne).

TURKEY

Delegates :

Hüsni Hassan Bey (Vice-President of the Great National Assembly of Turkey).

Subet Ziya Bey (Political Adviser to the Ministry for Foreign Affairs).

Assim Ismail Bey (Director-General of Public Health in the Ministry of Health and Social Welfare).

Technical Adviser :

Mehmet Ali Tayyar Bey (Technical Adviser for Agriculture in the Ministry of Economy).

URUGUAY

Delegate :

His Excellency Dr. Alfredo de Castro (Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council).

Secretary :

M. Juan Carlos Risso Sienna (Secretary of the Legation of Uruguay in Switzerland).

VENEZUELA

Delegate :

Dr. L. G. Chacín-Itriago (Chargé d'Affaires at Berne, Member of the Medical Academy of Caracas).

YUGOSLAVIA

Delegate :

His Excellency M. I. Choumenkovitch (Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations).

Substitutes :

M. S. Obradovitch (Head of Section in the Ministry of Commerce and Industry).

M. D. Militchevitch (Secretary of the Chamber of Industry at Belgrade).

Technical Adviser :

M. V. Djourdjevitch (Secretary of the Chamber of Commerce of Skoplje).

Participating at the Conference as Observers :

AFGHANISTAN

His Excellency Abdul Hussein Aziz (Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Italy).

UNITED STATES OF BRAZIL

M. Carlos de Carvalho Souza (Consul-General at Geneva).

ESTONIA

His Excellency M. A. Schmidt (Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations).

* Participating at the Conference as Experts in virtue of a decision of the Council :

Mr. W. E. Dixon (Doctor of Medicine, Professor at the University of Cambridge, Expert on Pharmacological Questions).

M. Erich von Knaffl-Lenz (Doctor of Medicine and Philosophy (Chemistry), Professor at the University of Vienna, Expert in Pharmacological and Pharmaceutical Questions).

M. M. Tiffeneau (Doctor of Medicine, Professor at the Medical Faculty of Paris, Expert in Pharmacological and Chemical Questions).

M. P. Wolff (Doctor of Medicine and Philosophy (Chemistry), Privat-docent at the University of Berlin, Expert in Medical Questions).

Participating at the Conference in an advisory capacity in virtue of a decision of the Council :

His Excellency Dr. Augusto de Vasconcellos (President of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs).

PERMANENT CENTRAL OPIUM BOARD

Mr. L. A. Lyall (President of the Board, attending the Conference in an advisory capacity, in virtue of a decision of the Council).

Assisted by :

Dr. Otto Anselmino (Member of the Board),
Mr. Herbert L. May (Member of the Board),

who accordingly assembled at Geneva.

The Council of the League of Nations appointed as President of the Conference :

M. le Sénateur Louis de Brouckère.

The Secretarial work of the Conference was entrusted by the Secretary-General of the League of Nations to :

M. E. E. Ekstrand (Director of the Sections for Opium Traffic and for Social Questions, Secretary-General of the Conference),

and to the following members of the Section for Opium Traffic and of the Legal Section of the Secretariat of the League of Nations :
Mr. H. Duncan Hall (Secretary), M. Bertil A. Renborg (Assistant Secretary), and M. P. Barandon (Legal Adviser to the Conference).

FIRST MEETING (PUBLIC).

Wednesday, May 27th, 1931, at 11 a.m.

President : M. DE BROUCKÈRE.

I.—OPENING OF THE CONFERENCE.

The President welcomed all the members of the Conference and spoke as follows :

You have before you an important and noble task, but one of great difficulty, and all your knowledge and zeal will be required to bring it to a successful conclusion. As President, I rely on both your knowledge and your zeal.

You will not be asked to decide whether the manufacture of narcotics ought to be limited by international regulations. Yours will be the more difficult and complex task of devising methods for bringing this limitation into effect. Final agreement seems to have been reached on the question of general principle, as is shown by the resolution of the Assembly on which our work is based :

“ The Assembly regards the principle of the limitation of the manufacture of the drugs mentioned in paragraphs (b), (c) and (g) of Article 4 of the Convention of Geneva by international agreement as now accepted.”

As you are aware, this is merely a confirmation of existing Conventions—the Hague Convention of 1912 and the Geneva Convention of 1925—since both of these recognise the principle of national, though not international, limitation of actual manufacture.

By Article 9 of the 1912 Convention, the contracting parties undertake to limit to medical and legitimate purposes the manufacture, sale and use of morphine, cocaine and their salts. By Article 5 of the Geneva Convention, the signatories undertake to enact effective laws or regulations limiting exclusively to medical and scientific purposes the manufacture, import, sale, distribution, export and use of opium and narcotics. The following principle is therefore recognised : that a study should be made of methods of application and procedure which will make it possible, by means of an international Convention, to give assistance to the various countries and enable them to carry out more effectively and easily the obligations which they have already contracted.

Your task is, as I have said, a difficult one. It is indeed already clear that, although we are all agreed on the goal before us, opinions differ—in some cases widely—as to the best means of attaining that goal. I am convinced

that, through the spirit of conciliation which is characteristic of all meetings at Geneva these means will be discovered. I should be exceeding my powers as President if, at the present stage, I specified or suggested what these means might be or mentioned what differences of opinion are likely to be expressed. I shall refer to these after they have been officially noted at the end of the general discussion.

May I, however, be allowed to state my reasons for believing that in the end agreement will be reached.

We shall succeed as a result of our unanimous desire to follow up our first victories. Up to the present the existing Conventions have made it possible to achieve a victory by decreasing the consumption of narcotics to an appreciable extent. For a long time, there was some doubt as to the efficacy of the 1925 Convention but, since its wider application in 1930, it may be said that statistics give us every reason to be hopeful. Nevertheless, this hope must not be exaggerated. As is well known, it is always when it is first applied that an instrument appears most efficacious. The best results are achieved at a time when the manufacturers and drug traffickers and all the smugglers who live by the abuse of narcotics have not yet adapted their fraudulent methods to the new regulations. In this and other similar matters, it is only possible to succeed by means of progressive and increasingly severe legislation which deals more and more effectively with the actual situation.

We are spurred to further effort because we have gained a first victory, but we know that this will be jeopardised unless we can succeed in winning a second now.

It is possible to achieve something in this matter because we are faced with what one might call a new vice, or at any rate a vice of which the spread is recent and which has, in most countries, not yet contaminated the masses, nor subjected any great political interests to its sway, nor spread to an extent sufficient to upset the structure of society.

We are agreed, as I have already said, that manufacture must be limited. This is a great point—a new principle. After all, the harm is not done until the drug reaches the consumers, but you have realised, and rightly, during your earlier work, that wholesale trade, export and manufacture itself pave the way to the offence so effectually as to make

this almost inevitable. All States are agreed that manufacturers have the right to manufacture drugs only when the former have reason to believe that these are for legitimate use.

If, having propounded this principle since 1912, you succeed during the present Conference in giving practical and clear proof, by the text of a Convention, that it is applicable, you will make it possible, not only to gain a decisive victory in the war against opium, but you will prepare the way for fresh victories for mankind. Drugs are not the only commodities of which the League of Nations desires to limit and control the manufacture. The problem before you is similar to that of the manufacture of armaments, of substances used in chemical warfare. With the Disarmament Conference so near at hand, you will realise the widespread influence which your work has in its power to exercise.

I am further hopeful of good results because all the nations here represented have the same interests in this matter ; I refer of course to moral interests. Of what account is the petty material gain acquired by some States compared with the catastrophe represented by the spread of the use of dangerous drugs ? Surely all nations have to a great extent already renounced the profits to be obtained from the manufacture or sale of drugs ?

The Governments who have signed either of the Conventions of 1912 and 1925, the Governments here represented which have in general accepted the principles embodied in these Conventions, have formally renounced the profits to be gained from illicit traffic and consumption. It would be a serious injustice were we to accuse them of a kind of hypocrisy, of having given lip service to renunciation while continuing nevertheless to profit by the traffic. If this illicit profit is eliminated, what remains ? The profits

from licit manufacture. These will always be small because, in the very nature of things, they will always be limited. The main part of the Convention to be established will consist in preventing the realisation of excessive profits which would lead to fresh manufacture and ruin the very principle of the Convention.

It is not without reason, therefore, that I open this Conference on a note of hope. I have another reason for optimism, the fact that we are at Geneva, where the spirit of conciliation has always been to the fore. Here, however much our opinions may differ, even on important questions, we are all governed by the need for progress in the development of that international friendship without which mankind could no longer exist ; we feel that we must realise it by teaching the members of different nations to work together, guided by common principles, carefully weighed and universally accepted.

You have shown on at least three previous occasions that this spirit has led you to achieve important results regarding the manufacture and sale of opium. I am convinced that you will again do likewise, faithful to the precedents which you have yourselves established.

2.—APPOINTMENT OF THE COMMITTEE ON THE CREDENTIALS OF DELEGATES.

The President proposed that the Conference should appoint a Credentials Committee of five members to receive and examine the full powers of the delegates and present its report to the Conference as soon as possible.

He suggested that the Committee should be composed of a delegate from each of the following countries : Austria, Canada, Cuba, Greece and Hungary.

This proposal was adopted.

SECOND MEETING (PUBLIC).

Thursday, May 28th, 1931, at 11 a.m.

President : M. DE BROUCKÈRE.

3.—REPORT OF THE COMMITTEE ON THE CREDENTIALS OF DELEGATES.

M. Raphaël (Greece), Chairman of the Committee on Credentials, reported as follows :

The Committee has considered documents submitted by the fifty-two delegations taking part in the Conference, and communicated to it by the Secretariat. It notes that the delegates of the following States have received full powers from the heads of their respective

Governments : Austria, Belgium, Cuba, Free City of Danzig, Denmark, Dominican Republic, Germany, Great Britain, Greece, India, Japan, Luxemburg, Mexico, Monaco, Netherlands, Poland, Portugal, Spain, United States of America. The full powers of the delegates of these nineteen countries cover negotiations and the signature of any instruments. The Canadian delegation has submitted a letter from the permanent delegate accredited to the League of Nations authorising participation in the Conference and the signature of any instruments.

The delegates of the following States have received full powers from the heads of their Governments authorising them to take part in the Conference: China, Costa Rica, Sweden, Switzerland and the Union of Soviet Socialist Republics. The Committee was unable to decide whether the full powers of the last-named countries could be interpreted as authorising their delegates to sign instruments. It accordingly asked those delegates to indicate in what sense their full powers should be interpreted.

The Lithuanian delegate has received full powers from his Government authorising him to take part in the Conference.

The delegates of the following States have been accredited to take part in the Conference either by letter or telegram addressed to the Secretary-General of the League of Nations from the Minister for Foreign Affairs or the Permanent Representative accredited to the League of Nations: Abyssinia, Albania, Argentine Republic, Chile, Czechoslovakia, Denmark, Egypt, Finland, France, Guatemala, Hedjaz and Nejd, Hungary, Irish Free State, Italy, Latvia, Liberia, Norway, Panama, Paraguay, Persia, Peru, Roumania, Siam, Turkey, Uruguay, Venezuela, Yugoslavia.

The Committee proposes that the delegates of the States in the last list who have not been accredited to sign instruments which might be adopted by the Conference, should be asked to secure authorisation for this purpose before the end of our work.

Estonia has appointed a delegate to follow the work of the Conference in the capacity of observer.

The Governments of Bolivia and San Marino have not yet accredited delegates to the Conference.

The conclusions of the Committee's report were adopted.

4.—EXAMINATION OF THE DRAFT RULES OF PROCEDURE.

The President drew the attention of the Conference to the following procedure for which provision was made in the draft Rules:

1. The Conference should elect two Vice-Presidents: the President and the Vice-Presidents, assisted by the Secretariat, would form the Bureau of the Conference;
2. The Conference should appoint a Business Committee composed of the President, the Vice-Presidents and fifteen other members of the Conference.

He asked whether the Conference wished to adopt the Rules of Procedure article by article, or as a whole.

Colonel Sharman (Canada) suggested that the number of members of the Business Committee (Article 3 of Rules of Procedure) should be increased to seventeen.

The Conference agreed to increase the membership of the Business Committee from fifteen to seventeen.

Mr. Caldwell (United States of America) proposed that the last sentence of Rule 5 should be changed to read:

"The special Committees and Sub-Committees shall decide whether their meetings shall be public or private."

M. Perez (Argentine) saw no reason why some meetings should be private; all meetings ought to be held in public.

The President replied that, according to parliamentary rule, plenary sessions were held in public. All countries admitted, however, that such an assembly could deviate from this rule if a special decision were taken to this effect. The circumstances giving rise to such a decision were, however, very rare.

It would be preferable to leave the Committees to decide for themselves whether their meetings should be held in public or private. The discussions in some Committees were so important that their meetings were in every way comparable to plenary sessions and should receive the same publicity. On the other hand, some other Committees dealing with administrative questions and detailed drafting could better hold their meetings in private.

M. de Vasconcellos (Portugal) endorsed the President's view. The Advisory Committee itself had adopted the rule in question. It normally held public meetings, unless it unanimously decided to hold private meetings.

Article 5, as amended by Mr. Caldwell, was adopted.

The Rules of Procedure as amended were adopted (Annex 1).

5.—APPOINTMENT OF THE VICE-PRESIDENTS.

The President proposed Mr. Caldwell, first delegate of the United States of America, and M. de Vasconcellos, first delegate of Portugal, Chairman of the Advisory Committee, as Vice-Presidents.

This proposal was adopted.

Mr. Caldwell (United States of America) expressed his pleasure and appreciation of the honour done to his country and to himself personally.

M. de Vasconcellos (Portugal) also thanked his colleagues. The Conference knew of his devotion to its work and could count on his co-operation.

6.—APPOINTMENT OF THE BUSINESS COMMITTEE.

The President proposed that the Business Committee, in addition to the President and the two Vice-Presidents who were members of this Committee *ex officio*, should consist of the first delegates of the following countries or their substitutes: Argentine, Canada, China, France, Germany, Great Britain, India, Italy, Japan, The Netherlands, Persia, Spain, Switzerland, Turkey, Union of Soviet Socialist Republics, Uruguay and Yugoslavia.

This proposal was adopted.

7.—QUESTION OF HEARING REPRESENTATIVES OF CERTAIN PRIVATE ASSOCIATIONS.

The President stated that several private Associations concerned either exclusively or in part with the campaign against the use of opium and drugs had written asking for certain privileges and facilities in following the work of the Conference and, if necessary, to be allowed to take some part in the discussions.

In accordance with the rules just adopted, he proposed to submit these requests to the Business Committee for its report.

This proposal was adopted.

8.—QUESTION OF INCLUDING IN THE AGENDA THE PROPOSAL OF THE PERMANENT CENTRAL OPIUM BOARD FOR THE AMENDMENT OR INTERPRETATION OF THE FRENCH TEXT OF ARTICLE 24 OF THE GENEVA CONVENTION OF 1925.

The President drew attention to the following passage in the Secretary-General's letter (C.L.44.1931.XI), dated March 11th, 1931, which had been forwarded to all the Governments represented at the Conference :

" . . . On the other hand, the Council decided, on January 24th, 1931, to submit to the Governments the suggestion contained in the letter addressed to it by the President of the Permanent Central Board, dated January 9th, 1931 (document C.110.1931.XI), in which the President of the Board draws attention to a divergence between the English and French texts of Article 24 of the Geneva Convention, and suggests that the States parties to that Convention shall take the opportunity afforded by the Conference on the Limitation of the Manufacture of Narcotic Drugs to be held next May to amend or interpret the Convention in the sense of the English text".

In the next paragraph, the Secretary-General had asked all the Governments to accord the necessary powers to their delegates.

The President did not consider, however, that the mere wish expressed by the Council could *ipso facto* lay the suggestion before the Conference. This could only be effected by a formal decision taken by the Conference itself. He therefore proposed to submit the question to the Business Committee for report.

This proposal was adopted.

9.—LIMITATION OF THE MANUFACTURE OF DRUGS : GENERAL DISCUSSION.

The President stated that the principal object of the Conference was to give effect to the resolution of the tenth Assembly, amended by the eleventh Assembly.

The tenth Assembly resolution recorded that "the Assembly regards the principle

of the limitation of the manufacture of the drugs mentioned in paragraphs (b), (c) and (g) of Article 4 of the Convention of Geneva by international agreement as now accepted". This programme had been slightly amplified under conditions with which everyone was familiar and which need not therefore be quoted.

The Council of the League had instructed the Advisory Committee to prepare plans for such limitation and had later instructed the present Conference to discuss and possibly to accept them. The Advisory Committee's scheme had been considered as an adequate basis for the work of the Conference. It had been supplemented by a draft which might also serve as a basis for discussion. It should be clearly understood, however, that this draft was not necessarily the sole basis of discussion ; other proposals could be examined together with it.

The best means of giving effect to these different recommendations was to begin with this parallel examination of all the documents and proposals submitted on the limitation of the manufacture of drugs, and to open a general discussion in the course of which each delegate could present his amendments to the proposed Convention, alternative texts or fresh proposals.

Mr. Caldwell (United States of America) had intended to suggest that, at the end of item 6 of the agenda, it should be stated that any alternative proposals might be submitted. In view, however, of what the President said, and provided that his remarks represented the consensus of opinion of the Conference, no amendment to this effect was necessary.

The President's proposal was adopted.

M. Perez (Argentine) observed that the Hague Convention of 1912 and the Geneva Convention of 1925 had not produced the beneficial effects expected of them. The spread of drug addiction had not been arrested. This evil, which was especially prevalent among the young generations, which deprived men of the normal use of their mental faculties and menaced them with premature death, might be said to be becoming more and more widespread. The social evils which ensued were becoming greater and greater. Fathers were living in dread for their children. The anxious world was wondering whether Governments were really powerless to cope with the developments of so serious and so shameful an evil. It was fully realised that certain questions, exclusively political in nature, could not be solved in accordance with the higher interests of mankind. But the world was severe in its criticism when it found that questions wholly removed from political considerations and falling within the sphere of social welfare and health were not solved in the way which was both desirable and necessary. It was thus inclined to doubt the spirit of international solidarity which should actuate the League of Nations in its work.

The Governments had entrusted their representative at the Conference with the

responsible task of answering the question which the anxious world was asking. In accepting this task, the Conference had shouldered a heavy responsibility before world public opinion. It could not therefore conclude its proceedings before achieving success—that was to say, before having considered the problem in all its intricacy, before having revised the Conventions already concluded and adjusted them to the exigencies of the position as revealed by experience, and before having considered and prepared the solutions which all would be bound to accept in the not-too-distant future. For, owing to their complexity and to the developments which were continually taking place, social problems did not all lend themselves to solutions that could be laid down once and for all.

The authors of the 1912 and 1925 Conventions had done good work. They opened the campaign. It was for the present Conference to improve on their efforts by strengthening those provisions which had proved useful and effective and replacing by fresh proposals those that were without practical value.

The Conference had been convened to draw up a Convention designed to limit the manufacture of dangerous drugs and to regulate their distribution. The draft before the Conference was based upon the following idea: The number of drug addicts was large because narcotics were manufactured in unduly large quantities. In M. Perez' opinion, this idea was very questionable; it was based upon an erroneous conception of the problem to be solved.

Indeed, over-production and over-consumption were far from being synonymous terms, or terms connected by an inevitable relation between cause and effect. Investigations into the world agricultural depression had shown that over-production, even when accompanied by its inevitable corollary, a fall in prices, might coincide with under-consumption. The truth was that if there were drug addicts, it was not because little or much cocaine or morphine was being manufactured, but because the quantities of these narcotic poisons—whether large or small—that were being produced were being diverted from their legitimate objective, the relief of human suffering.

These considerations had induced the Argentine delegation to formulate the following principle, which should form the basis of all the conclusions of the Conference and guide it in its campaign against the abuse of narcotic drugs: *The spread of drug addiction and the development of the illicit drug traffic are not the effect of over-production, but are due to the moral perversion of the drug addicts and of the unscrupulous traffickers who supply them with material for their vicious practices.*

What were the administrative implications of this principle? The problem was ethical rather than posological in character, and if posological considerations were to intervene at all, they could only be of value in so far as they might supplement the results achieved by action on ethical lines. To speak even more precisely, the implications were that, if the campaign against the illicit drug traffic were to be successful, it was necessary, not

only to consider the commodity which was being bought and sold—that was to say, the poison itself—but also and especially the agent of such trade, in other words, man, whether a grower, a producer, a manufacturer, an exporter, an importer, druggist, or a chemist, or, finally, a consumer.

Neither the existing Hague (1912) and Geneva (1925) Conventions, nor the draft which the Conference was about to consider took sufficient account of the point which had just been raised. They were open to criticism not because they contained superfluous matter, but rather because of their lacunæ. This inadequacy explained their failure, which must be admitted, in the campaign against drug addiction.

Once this painful fact was realised it was the duty of the Conference to acknowledge the mistake and to change the line of attack. For the principle of partial limitation of the manufacture of drugs must be substituted the principle of complete limitation applied to all the actors in this commercial drama which was enacted less often at the bedside of a sick person than in the bedroom of a prostitute eagerly seeking to procure the stimulants necessary for her erotic trade.

The draft Convention prepared by the Advisory Committee set up highly intricate machinery designed to enforce a limitation of the manufacture of narcotics. This system was based on estimates of the quantities of narcotic drugs required by each of the contracting parties and on the manner in which each of the parties might provide for its needs, either by home manufacture or by international manufacture or both. These estimates would be communicated to the manufacturers who would then undertake not to produce more than was required to meet the demands according to the quotas allocated by a proposed International Narcotics Office. It must be frankly admitted that such a preliminary estimate would nearly always be lacking in precision. In every case, a margin would have to be added lest the estimate should subsequently prove inadequate. Such an estimate would therefore nearly always prove a stimulus to over-production rather than to limitation.

Consequently, if it were desired to bring about a limitation which should really be in keeping with legitimate needs, the matter must be approached from a different angle. To begin with, this true limitation without any additional margin could only follow as a result of a well substantiated under-consumption, the latter being itself the effect of limitations which would ensue from the application of a series of converging measures designed to prevent leakage into the illicit traffic through a better organisation of legitimate commercial transactions.

M. Perez would repeat that it would be a mistake to imagine that a limitation of the manufacture of narcotic drugs was the essential weapon in the campaign against drug addiction. Limited manufacture was dangerous if the drugs were diverted from their legitimate purpose by the moral perversion of a dishonest manufacturer. On the other hand, over-production could be entirely

harmless if the drugs were handled by honourable business men. Consequently if it were decided to limit manufacture, the value of that limitation must be correctly assessed and it must be accepted as one of the factors of a more extensive form of limitation which M. Perez would call complete limitation, since it must apply simultaneously to the substances traded in and to the agents involved in the trade.

How would it be possible to achieve such complete limitation, which would be the upshot of a series of partial limitations reacting favourably one upon the other? By enacting legislation which would organise and control both factors in all commercial transactions connected with the narcotic substances specified in this Convention.

M. Perez wished to trace the whole course of these transactions. There were several stages.

First, the growers of the raw material, then the manufacturers and exporting commission agents, and, finally, the importing druggists, the wholesale drug firms, pharmacists and consumers. At each stage, there were a certain number of middlemen, who increased in numbers the nearer one approached the consumer. All these parties to commercial transactions might be classed in two groups. The first group, the more important, was that of the honest and wholly reliable business men. It was certainly not this group that made limitation necessary, and, were there only such men in the world, the present Conference would be entirely unnecessary.

The second group comprised traffickers of doubtful or definitely perverted morals, dishonest and prepared at any moment to make a fortune out of the moral degradation of drug addicts and the sufferings and despair of numberless families. Those were the men who had made the Conference necessary; those were the men who must be fought, for they were the agents of the illicit traffic. A constant relation existed between the aggregate numbers of persons concerned in each group. It was obvious, however, that the total number of dishonest traders would increase commensurately with the number of parties involved. Conversely, the fewer the parties involved in such transactions the smaller the immoral element. There were therefore practical advantages in limiting the total number of intermediate distributing agents as well as the number of commercial transactions undertaken in the narcotic drugs market.

The unscrupulous illicit trafficker would be found at every stage in the chain of transactions that had just been reviewed. At each stage there was diversion of drugs and leakage into the illicit traffic. In order to avoid this, stringent control must be applied at each of these stages in such a way that the agents could be selected after being subjected to what might be called a moral "sifting out".

Even without limitation of manufacture, it would be impossible to achieve the necessary measure of control if traders were allowed to take advantage of the outlets afforded by immorality and perversion. In order

to deal with a leakage which was so detrimental to public health, commercial transactions would have to be passed through a kind of administrative bottle-neck which would make supervision and sifting simple and effective.

There was, of course, one ideal, if radical, solution for the administrative problem involved—namely, to nationalise the drug trade or conduct it as a State monopoly in countries where the Constitution permitted. A State monopoly would eliminate all intermediaries and simultaneously put an end to all the leakages and diversion into illicit channels. If a State monopoly could abolish tobacco smuggling, it was permissible to hope that the same result would be obtained in the drug traffic and that drug addiction would be effectively suppressed.

M. Perez was a whole-hearted supporter of this radical solution. He believed that, whatever the outcome of the Conference, an additional resolution should be adopted recommending this measure most earnestly to the serious consideration of all the Governments in the hope that it would one day be put into effect wherever the present campaign against drug addiction had failed. When the time came, M. Perez would submit a draft resolution to this effect.

If this solution at the present time appeared too ideal to be put into actual practice, the Conference should, at any rate, endeavour to find the nearest substitute. M. Perez considered that the draft which he would presently read complied with this requirement. It virtually amounted to a monopoly of distribution, organising, as it did, trade in narcotics by means of agents chosen and supervised directly by the State. It was based on the creation in each of the territories of the contracting parties of a powerful administrative body, the functions of which would be:

- (1) To concentrate, canalise, consider, in order to authorise or reject them, all national dealings in narcotics;
- (2) To set up such permanent inspection of factories as would prevent their output being diverted into illicit channels;
- (3) To limit, by means of a comprehensive and detailed system of regulations, the excessive number of intermediaries and thus to make it easier and more effective to select them. This body might be called the Central National Narcotics Office.

It was rather curious that, when the Hague and Geneva Conventions were being drafted, it had not occurred to anyone to propose the creation of such national offices. Legislation was not enough; the administrative instrument needed to enforce it must also be created.

On the other hand, a multiplicity of international organisations had been set up, such as the Permanent Central Opium Board of Geneva, and the Advisory Committee. Reliance had also been placed on the co-operation of the Health Committee of the League of Nations and the Institut international d'Hygiène publique of Paris. Yet, in spite of

their highly valuable activities, these international organisations had failed to exercise the favourable influence expected of them on drug addiction, and inevitably so. How could mere international organisations be expected to solve questions of health which were essentially national? This increase in the numbers of international bodies had led astray public opinion which had believed, and still believed, that drug addiction could be abolished through the activities of the health organs of the League of Nations.

These bodies certainly discharged very useful and very necessary functions in the international sphere. They drew official and public attention in the various countries to health problems of international import and consolidated that opinion in campaigns for the greater welfare of mankind. The Conference would, however, agree that they could not do such useful and such noble work without the co-operation and support of the Governments. The Central National Narcotics Office was intended to fill the gap to which he had just referred, but it would always co-operate closely with the Permanent Board in Geneva.

During the discussions of the Advisory Committee on Traffic in Opium and other Dangerous Drugs, the representatives of Japan, Turkey and Yugoslavia, supported by those of Italy, Poland and Mexico, had demanded that all countries, including those whose output was intended to cover their own requirements only, should be entitled to participate in the export trade in drugs if they received legitimate orders from abroad.

M. Perez considered this a perfectly logical and justifiable demand, but there was another equally deserving of respect—that all countries should be entitled to take any steps necessary to protect themselves against the multiplicity of offers on the drug market. Suppose—a very desirable assumption from the standpoint of the campaign against drug addiction—that all countries decided to manufacture themselves all the narcotics they required for home consumption; suppose, again, that they stated one day their readiness to export; what would be the result? The world would be inundated with commercial travellers who were anxious to offer samples of their dangerous wares. Surely this inordinate increase in the number of greedy salesmen, all of them with samples, would particularly encourage the spread of drug addiction. How could this danger be eliminated once and for all? Only by giving all Governments the right to close their respective frontiers to narcotics, the origin of which was held for various reasons to be undesirable. Existing treaties of commerce containing a most-favoured-nation clause hampered the exercise of the superior claim of public health to protection. That was why M. Perez proposed the adoption of a text excluding narcotics from the benefit of the most-favoured-nation clause. Such

exclusion could, if necessary, be used as a penal measure against countries violating the existing conventions.

M. Perez would pass now to a point which was both interesting and novel. In the campaign against drug addiction, concentration merely on the object and the parties involved would be only a half measure taking no account whatever of the drug addict who in most cases was the means of spreading the evil. Generally speaking, every case of idiopathic drug addiction might be said to be the result of another case of drug addiction.

If the work of the Conference was to be useful, the question of restricting the number of drug addicts, either by inducing them to undergo treatment or by making them harmless, must be considered. Certain articles of the draft give the competent authorities the right to intervene with a view to securing the necessary restriction of the number of drug addicts.

M. Perez considered also that, as a severe deterrent for illicit trafficking in narcotics, the penalty should be applied on the basis that the crime was assimilated to that of counterfeiting currency.

If it were to be effective, the Convention which would be signed at the Conference must be accepted and enforced by all the nations of the international community. M. Perez considered this desirable universality could be obtained by means of an article binding the signatories not to conduct any commercial transactions in narcotic drugs except with co-signatory countries.

In conclusion, the draft submitted by M. Perez also provided for the foundation of philanthropic societies to afford social assistance to drug addicts, which might in many cases set them on the road to recovery.

The draft proposed by M. Perez was in the following terms:

DRAFT CONVENTION TO INTENSIFY THE CAMPAIGN AGAINST DRUG ADDICTION AND LIMIT THE MANUFACTURE OF NARCOTIC DRUGS.

[List of contracting States.]

Being convinced of the necessity of pursuing the campaign against drug addiction by the adoption of more definite and effectual measures, have decided to conclude a Convention for that purpose and have appointed as their plenipotentiaries:

[List of plenipotentiaries.]

who, having communicated their powers, found in good and due form, have agreed upon the following provisions:

Article 1.

(The same as Article 1 of the draft before the Conference, but with the omission of the following sentence: "The term 'import certificate' denotes an import certificate as provided for in Article 13 of the Geneva Convention".)

Article 2.

The High Contracting Parties will take all such legislative, administrative or other measures as may be necessary to give due effect within their territories to the provisions of this Convention designed to prevent the spread of drug addiction by limiting the manufacture of narcotic drugs and commercial transactions therein exclusively to medical and scientific needs.

Article 3.

The High Contracting Parties undertake to establish in their national capitals and in the capitals of their federated States or provinces or in the chief towns of the departments or cantons of their respective

countries, wherever necessary, Central Narcotics Offices to direct the campaign against drug addiction by applying the provisions of the Conventions of The Hague (1912) and Geneva (1925) and of the present Convention.

There shall be a National Office to centralise the activities of the Regional Offices. The latter shall be so equipped as to ensure the most effective enforcement of the provisions of the Conventions in force regarding the campaign against drug addiction.

The National Narcotics Offices shall be administered by a Director-General, assisted by a Supervisory Council, of which, where possible, the following shall be members :

The Minister of Social Welfare, The Director of Public Health, The Chief of Police, The Director-General of the Customs, and Professors of mental diseases, hygiene, therapeutics, pharmacology and criminal law in the Faculties of Medicine and Law in their respective countries.

The Supervisory Committee shall appoint its own officers and establish its own rules.

Article 4.

The Central Narcotics Office shall supervise all those who manufacture, handle in any way, import, sell, buy, distribute in any manner, or export the narcotic substances specified in this Convention, as well as the buildings in which these products are manufactured or in any way traded in and the commercial vessels which convey them.

To this end the Office shall :

(a) Limit solely to duly authorised establishments and premises the manufacture of the substances referred to in Article 1 ;

(b) Require that all those who grow, manufacture, import, export, distribute, buy or sell in any way the said substances or work as employees in the said establishments and premises should be provided with an authorisation to engage in these operations ;

(c) Require persons who engage in commercial transactions to enter in their books the quantities of the said substances manufactured, imported, exported, sold, bought, exchanged or distributed in any manner.

To obtain a manufacturing permit, the factory must undertake not to export or buy anywhere or to sell in the territory in which it resides otherwise than through the Office and after authorisation delivered by it. It shall assume the obligation to manufacture solely and without exception in order to satisfy the demands addressed to it through the Office.

All persons who buy, sell, exchange or distribute narcotic substances, or engage in any commercial transaction regarding such substances, must undertake to perform such transactions through the Office only.

This clause shall not apply to retail pharmaceutical purchases and sales on presentation of a medical prescription or to purchases and sales effected on presentation of a certificate delivered by the Rector of the University and countersigned by the Director of the Central Office.

Article 5.

No person may engage in the cultivation of the plants specified in Article 1 without obtaining an authorisation delivered by the Central Office. The fundamental condition of this authorisation shall be that the sale of the output may only be effected through the Office.

The Office may limit the cultivation of these plants to the needs estimated by the Permanent Board on the basis of requirements arising out of the exclusively therapeutic or scientific use of the narcotic substances specified in Article 1 of this Convention.

Article 6.

The Office shall take steps to prohibit in internal trade the cession of the substances covered by the present Convention to unauthorised persons and the possession of these substances by such persons.

The Office may authorise chemists to deliver on their own initiative and as drugs for immediate use in urgent cases the following medicinal opium preparations : Tincture of opium, Sydenham laudanum,

Dover's powder, pills of thebaic extract. Nevertheless, the maximum dose which may be delivered in these cases must not contain more than 0 grm. 15 of medicinal opium, and the chemist must enter the quantities supplied in his books in accordance with Article 4 (c).

Article 7.

The Central Office shall draw up administrative regulations governing the exercise of the trade in narcotic substances specified in the present Convention.

Article 8.

With a view to international co-operation, and in order to promote the campaign against the drug habit and enable all countries to profit by the progress and the favourable results achieved, and in order itself to profit by the results obtained by other countries, each National Office shall submit to the Permanent Central Board at Geneva all the measures of a legislative or administrative character and all the steps which it decides to adopt with a view to ensuring the success of the campaign. Accordingly, the Permanent Board shall send to all the National Offices all the information which it receives and which it may consider likely to ensure the better organisation of this campaign.

Furthermore, each National Office shall regularly communicate to the Permanent Central Board information as to its activity and the results of the measures adopted, as well as all statistics throwing light on such activity and results. It shall communicate with the other National Offices through the Permanent Board.

These exchanges shall extend to all the spheres of activity necessary to reinforce the campaign and render it more effective (information of all kinds, estimates of requirements, laws, administrative decrees, statistics of all kinds, list of agriculturists growing the plants whose narcotic alkaloids are utilised, list of manufacturers and wholesale and retail traders with past record, list of smugglers and of all the agents of the illicit trade, with surname, Christian name and exact information as to civil status and any previous convictions).

Article 9.

Each country retains full freedom to purchase where it wishes. But recognising that, in the interests of the campaign against the drug habit, it is useful to limit the number of manufacturers as well as the output of factories, it undertakes to specify among the co-signatories, at the time of ratifying the present Convention, a country in which it will procure its supplies. At the same time, it shall indicate the manufacturer in that country whom it will ask to supply it with the narcotic substances which it needs annually, this agreement to be for a period of five years, renewable by tacit consent, unless one year's notice to the contrary is given. It shall also undertake not to make any other purchase elsewhere without informing the Permanent Board of the reasons for its request and without the latter's previous consent.

Article 10.

Every year, at a date to be fixed by the Permanent Board, all the National Offices shall communicate to this Board estimates of their annual requirements confined to therapeutic and scientific needs.

The National Offices undertake not to consume quantities in excess of these estimates without informing the Permanent Board and without stating their reasons for the over-consumption.

Article 11.

Each National Office of a consuming country shall send the orders which it receives to the National Office of the producing or manufacturing country through the Permanent Board at Geneva, which undertakes to transmit these orders immediately if it has no observations to make.

In agreement with the National Offices, the Permanent Board shall regulate these commercial transactions in such a way as to facilitate deliveries and to obviate illicit operations in international trade.

Article 12.

Each National Office shall communicate to the Permanent Board the surnames, Christian names and particulars as to civil status of all persons, whether nationals or foreigners, who engage in the illicit traffic in narcotics and of all prostitutes who are drug addicts.

The Permanent Board shall communicate these particulars to the National Offices.

The Contracting Parties undertake to assist each other in their efforts towards the suppression of contraband by means of exchanges of information and views between the Directors of the different National Offices, arranged by the Permanent Board.

Article 13.

Any commercial transaction relating to the narcotic substances specified in Article 1 of this Convention and not effected through the competent National Central Office is declared to be illicit.

Article 14.

The offence of illicit trade in narcotics is assimilated to that of counterfeiting currency and shall accordingly involve the same penalties.

Article 15.

In the interests of the campaign against the drug habit, the High Contracting Parties shall exclude the narcotic substances specified in this Convention and the plants from which they are obtained from the benefits of the most-favoured-nation clause.

Article 16.

The High Contracting Parties undertake to encourage the foundation in their respective countries of welfare societies aimed at organising prevention and the moral assistance of drug addicts.

Article 17.

The High Contracting Parties undertake to create in the Customs and Police administrations of their respective countries services specially aimed at combating the illicit trade in drugs and the spread of the drug habit, in full agreement with the national Narcotics Office and through it with the Permanent Board at Geneva.

Article 18.

The High Contracting Parties, if they have not already done so, undertake to incorporate in their respective laws the following provisions with a view to combating drug addiction :

(a) Anyone who in any public place or place open to the public, or in a private club of any kind, is discovered in a state of serious mental disorder due to the abuse of narcotic substances shall be punishable by . . . and by a fine of . . . francs.

If it is a second offence, he shall be placed in an institution until his complete cure.

(b) Anyone who is suffering from drug addiction and who, after having been in such an institution for a period of two years, shall have been declared incurable by medical certificates may be set at liberty again unless he is dangerous to public health, but he shall be placed under police supervision and deprived of the exercise of his civil and political rights.

(c) Since drug addiction deprives the human being of the normal use of his mental faculties, no addict shall be allowed to exercise any liberal profession or to engage in any kind of teaching or educational work, or practise prostitution.

(d) Anyone who engages in the illicit traffic in narcotics, either clandestinely or fraudulently or in any other way, and anyone who is in possession of such substances with a view to trading in them, or who supplies them to others, encouraging their use without therapeutic instructions, shall be punishable by . . . and by a fine of . . . francs.

The penalty shall be increased if one of the substances mentioned in the first article of the present Convention is supplied to persons under 20 years of age or to persons who are already drug addicts.

(e) Anyone who, while not having committed the offences mentioned in the preceding paragraphs, shall instal or allow to be installed in property belonging to him public or private premises to serve as a place of meeting for drug addicts, shall be punishable by . . . with a fine of . . .

(f) Anyone who frequents such premises with a view to indulging in drug addiction shall be punishable by . . . with a fine of . . . and the penalty shall be publicly announced.

Article 19.

The expenditure involved by the application of the present Convention, as by the Conventions of The Hague (1912) and of Geneva (1925), shall be met by the institution of a special tax, the amount and the method of collection of which shall be decided by the National Central Office.

Article 20.

After consultation of the Parties concerned the Permanent Board shall fix every six months the prices of narcotic substances and of the plants from which they are derived, enumerated in Article 1 of the present Convention. The High Contracting Parties undertake to accept these prices.

Article 21.

(Article 22 modified.)

Article 22.

(Article 23.)

Article 23.

(Article 24.)

Article 24.

(Article 25.)

Article 25.

(Article 26.)

Article 26.

(Article 27.)

Article 27.

(Article 28.)

Article 28.

(Article 29.)

Article 29.

(Article 30.)

Article 30.

(Article 31.)

DONE at Geneva this . . . in a single copy, which shall be deposited in the archives of the Secretariat of the League of Nations, duly certified copies whereof shall be sent to all the signatory States.

In conclusion, M. Perez asked the President to be good enough to submit the text of the articles which he had read to the Business Committee in order that they might be incorporated in the official draft.

The President assured M. Perez that the text of the draft Convention which he had submitted to the Conference would, in accordance with his wish, be referred to the Business Committee.

M. Deleanu (Roumania) wished to make a brief general statement on the attitude of his Government with regard to the opium problem and the steps which it has taken to meet both its national obligations to its own people and all those living on its territory, and its international obligations to all the other peoples of the world.

For some years, the Roumanian Government had been following with constant anxiety the increasing menace of drug addiction, which was unfortunately prevalent in many countries.

M. Deleanu thought there was no need to assure the Conference that the Roumanian Government had always regarded the problem from a purely humanitarian point of view.

He would, however, recall that Roumania was neither a producing nor a manufacturing country and, for this reason, had never had to take account of any material interest which might have influenced the decision of its Government even legitimately.

Being anxious to work out a solution of the problem which would be generally considered as the most effective, and which had been brought to the attention of the Council of the League in the last report but one of the Advisory Committee, the Roumanian Government had just promulgated a Health Law, Article 4 of which provided for the creation of a State narcotics monopoly with a view to supervising their manufacture, import, warehousing, control, sale and distribution. The monopoly recently set up in Roumania was on the following lines¹.

Once an estimate had been made of the quantities of narcotics required annually for the medical and scientific needs of the civil and military population within the national territory, the Government would grant a concessionaire the importation monopoly within the limits fixed by the health authorities of the country. The concessionaire would not have the right to import even the smallest quantity of narcotics in excess of the quantities fixed by the health authorities.

Although the Roumanian Government had considered this procedure likely to enable it to exercise effective control over sales within the country, it must not be supposed that it was not prepared itself to operate in every detail the monopoly provisionally granted to a concessionaire. Moreover, the Roumanian Government had taken every possible precaution to ensure that the concessionaire should not infringe the laws and regulations in force in Roumania and take advantage of his privileged position. The concessionaire would be required to make a deposit of 6,000,000 lei as security.

M. Deleanu hoped the Conference would accept his assurance that, as far as national measures were concerned, his Government had taken the necessary steps to prevent any abuse of legally imported narcotics.

At the same time, the international aspect of the problem had not escaped the attention of the Roumanian Government. The measures which it had taken in this matter were of particular interest for the international Conference which had to take effective measures to solve the serious international problem of the illicit traffic in manufactured narcotics; this problem was due entirely to the fact that manufacture greatly exceeded the quantities necessary for the medical and scientific needs of the world.

After considering the various solutions which had at one time or another either been studied by the competent organs of the League of Nations or communicated to the Governments by the Secretary-General of the League, the Roumanian Government, as a purely consuming country which only imported narcotics for its own needs and

prohibited all re-export, had come to the conclusion—as other Governments had already done—that it could not contribute to the solution of the problem more effectively than by making known in advance the quantities necessary for its medical requirements and also the name of the country or countries with which firm contracts had been concluded.

The Roumanian delegate did not intend at the present stage to discuss the respective merits of the various solutions which would be submitted to the Conference. He only wished to make this general statement regarding the situation and the attitude of his Government, but, at the same time, he felt it his duty to take the opportunity of drawing the attention of his colleagues to the great simplicity and efficacy of the measures adopted by Roumania. He would not say that, in a world composed of countries each having its own special conditions, the solution found by his Government could be adopted by all, but he was personally convinced that, after the thorough examination of the question which would certainly be made during the Conference, his colleagues would recognise that the Roumanian Government had done the best that was possible in view of the special conditions of the country, which was neither a producing nor a manufacturing country, and of its sincere wish to help to solve the serious problem before the Conference.

In conclusion, the Roumanian delegate expressed his earnest desire that the Conference might succeed in its task. Its success would be to the credit, not only of the Governments taking part in the discussions, but also of the League of Nations.

Hassan Bey (Turkey) said that the Government of the Turkish Republic had never failed to collaborate in the useful work of the League of Nations in the sphere of international questions whenever it had been called upon to do so. On this occasion it had responded readily to the invitation to take part in this Conference which had been convened under the auspices of the League with a view to studying and regulating on new bases the question of opium and other narcotics which was a vital one for the well-being of the whole of humanity.

The Turkish delegation understood from the documentation and the drafts prepared by the competent organ of the League that the ultimate aim of the Conference was to discover suitable means of preventing the spread of drug addiction which was becoming a disaster for humanity, so that society might be saved from this deplorable habit by the limitation of the traffic in narcotics to strictly medical and scientific requirements. It was clear from the draft Convention which was to serve as a basis for the discussions of the Conference that it would be necessary, from the point of view of effective control, to fill the gaps which still remained in the

¹ See Annex 29.

international Conventions at present regulating the drug traffic.

Although Turkey had not yet acceded to these Conventions, he was glad to state that the Government of the Republic fully realised the necessity of close co-operation between the different countries with a view to giving real value to the international measures of control embodied in these Conventions. It was to this end that the Turkish Government had endeavoured to extend its legislation so as to bring it completely into line with the methods of control applied in other countries, in order to eliminate all possibility of illicit traffic in Turkey itself or in other countries by means of Turkish products. As the Turkish delegate had had the honour to state before the Council of the League at its last session, the Government of the Republic, with an essentially humanitarian aim in view, had adopted measures which were beyond the scope of the provisions of the international conventions for the repression of illicit traffic, by deciding to set up a State monopoly for the manufacture and sale of narcotics¹. The Turkish delegate was happy to inform the Conference that the Bill prepared for this purpose had already been laid before the Turkish Grand National Assembly.

Although it was true that differences of opinion were improbable as far as the humanitarian and social aspects of the drug problem were concerned, it was none the less true that the economic side of this problem might give rise to difficulties and to the clash of numerous interests.

The draft Convention prepared by the Advisory Committee² sought to abolish the illicit traffic in drugs by means of the limitation of manufacture. It was impossible to deal with this aspect of the problem without attempting to co-ordinate and conciliate the different interests of the consuming countries, the manufacturing countries and the countries which produced the raw material, and without recognising *a priori* that the different countries must be prepared to make an effort and even consent to sacrifices if the work of the Conference was to have good results. In the course of the discussions, it would be possible to judge the extent of these difficulties. The limitation of manufacture must necessarily involve the regulation of the prices of the manufactured products, and the Conference would therefore be faced with a problem the solution of which, from the economic point of view, would certainly be very complex.

The Turkish delegation was convinced that the very complicated problem which the Conference had to consider—the complexity of which was increased by the economic question which was bound up with it—could only be solved in the best possible conditions by a just and equitable distribution of sacrifices among the various countries. The Turkish delegation believed that any solution which would impose sacrifices on certain countries to the advantage of certain others could only lead the members of the Conference to a justifiable pessimism as to the results of their work, and it hoped that this view would be shared by the Conference as a whole.

The continuation of the general discussion was adjourned to the next meeting.

THIRD MEETING (PUBLIC).

Thursday, May 28th, 1931, at 3 p.m.

President : M. DE BROUCKÈRE.

10.—LIMITATION OF THE MANUFACTURE OF DRUGS : GENERAL DISCUSSION (continuation).

Colonel Sharman (Canada) expressed on behalf of his Government appreciation of the opportunity offered by the Conference to improve a situation which had for a long time caused it very deep concern. The Canadian Government was sincerely anxious to assist in the formulation of any measures which would stop or help to stop the flow of illicit narcotics. It was actuated, not only by moral considerations, for narcotic addiction was not unknown in Canada, but by more material considerations as well; the amount which the Government of Canada was obliged to spend annually in combating the illicit traffic and punishing those engaged therein was greatly in excess of the actual commercial value of all narcotics legally imported into Canada. In fact, its lawyers'

bills for the prosecution of narcotic cases alone exceeded such commercial value.

The Canadian Parliament was fully alive to the necessity for stringent and effective legislation on narcotic matters, and nearly two years previously the Act in force had been greatly strengthened by the addition of the lash as a punishment for traffickers, apart from imprisonment, which could not be for less than six months and might extend to seven years. The lash had been imposed on four occasions. Colonel Sharman believed that, so far, Canada was the only country to use this deterrent.

There was another point which Canada found very remarkable. Although in the country to the south of Canada narcotics were manufactured for the legitimate medical needs of a hundred million people, and although there was between the two countries

¹ See document C.382.M.157.1931.XI.

² See Annex 7.

a land boundary some thousands of miles in length, which normally made smuggling operations of any sort comparatively easy, no case had ever been encountered involving the illicit introduction into Canada of narcotics manufactured in the United States of America. Many narcotics did arrive illicitly in Canada, coming from the south, particularly from New York, in just the same manner as shipments into Canadian ports sometimes had an ultimate destination to the south, but in every case known to the Canadian Government such narcotics had certainly not been manufactured on the American continent.

Canada also benefited greatly—the benefit, doubtless, was mutual—by the existence of a special Convention with the United States of America relating to drugs¹. That Convention facilitated the co-ordination of effort and made possible close co-operation which would otherwise be a matter of greater difficulty.

As a result of experience gained, Canada realised the necessity for united action and, in particular, the desirability of taking every possible step to reduce the manufacture of narcotic drugs to the actual legitimate medical needs of the world.

Dr. Wu Lien-Teh (China) regretted that his colleague, the Chinese Minister in London, was unable, on account of pressure of business, to attend the Conference in its early stages. The presence of Mr. Sze would have been most useful, for quite apart from his qualifications, he had been present at the last Conference held in 1924 and 1925.

China was purely a narcotics consuming country and had never had any share in their production. Unfortunately, however, owing to her vast frontiers, large numbers of the population who were not *au fait* with the dangers of narcotic addiction had become addicts. As a practitioner of some thirty years' standing, Dr. Wu Lien-Teh was in a position to vouch for the immense harm that had been done wherever the Chinese had made their homes. He had begun life as a medical man practising amongst Chinese people in the Straits Settlements and there he had had insight into the terrible problem of narcotic addiction.

He did not intend to deal with the opium-smoking problem, because it did not come within the scope of the Conference. There was, however, a second problem—namely, the existence of a considerable number of victims of the morphine habit. Why was it that people took up that habit? Was it because they preferred it to opium-smoking on account of the particular attraction connected with narcotic injection, or was it started as an attempt to break off the opium-smoking habit? The fact remained—and here he was referring to conditions of twenty

¹ See Annex 31.

years ago—that numbers of Chinese people had resorted to injection in the Southern Seas before injection had become as prevalent as it was at present in China.

These men were emigrants from Swatow and Amoy, two very important emigration centres of China, and, when they returned to their homes, they introduced their pernicious habit to their countrymen, and it had spread very widely. Anyone going to these ports and visiting the places where the addicts could be found would be surprised at the extent of addiction. These emigrants were the earliest addicts to the morphine habit in China, but, during the last fifteen years or so, the habit had spread much more widely northwards and inwards.

It might have been supposed that, since the nations had signed the Hague Convention of 1912, there would have been less fear of narcotic addiction, but apparently the reverse had been the case. Dr. Wu Lien-Teh could remember the enthusiasm shown at the Hague Conference by all those present, who had thought that with the help of the best diplomats and the greatest chemical experts of the world there was a chance of overcoming the opium and narcotic habit. Perhaps the diplomats had been too diplomatic and the scientists a little too scientific, but, at any rate, the delegates at the Conference had thought that by putting their signatures to the Convention they would ensure the end of narcotic addiction. They had been much too sanguine!

In 1912, there was no publication of information regarding the manufacture of narcotics, and Dr. Wu Lien-Teh did not therefore know what the actual amount of production was. Recently, however, thanks to the co-operation of the League of Nations, the manufacturing countries of the world had sent in their figures, which gave the extraordinary total of 70,000 kilogrammes of all narcotics for one year. If that were the case—and he had no doubt it was—the production of narcotics in the world had increased by something like eight to ten times since the signing of the Opium Convention in 1912. What had the countries which had expressed that earlier idealism been doing to help humanity since 1912?

The Conference had heard the delegates of Argentine, Roumania, Turkey and Canada express the hope that it might result in effectively limiting narcotic production. As representative of the largest population in the world, Dr. Wu Lien-Teh earnestly hoped that means might soon be found to put an effective stop to this horrible traffic. Everybody knew what great medicines morphine and the alkaloids of cocaine were if properly used, but, during the last ten years, they had been improperly used to an unusual extent.

The League of Nations experts had drawn up a statement from two independent sources to the effect that the maximum needs of morphine for the world's medical and scientific purposes were approximately 10,000 kilogrammes (9.5-10.5 tons). This did not include 23 tons of morphine required for manufacturing codeine, dionine and diacetylmorphine. If that were so, the problem before the Conference was to find a way of

agreeing upon that figure and not upon those of the enormous over-production that had taken place during the last few years. During the next few days, he had no doubt that an effective means of reaching that end would be found. The draft Convention before the Conference was most valuable and was the result of many months of hard work. He could see a few loop-holes in it, but these could be dealt with later.

On behalf of China, Dr. Wu Lien-Teh would say that the more effective the regulations and the sooner they could be enforced the better it would be; he could see no better way of rendering the draft Convention more effective than by making it as simple as possible. In that connection, he expressed his pleasure at the way in which the resolution introduced by Mr. May had been taken up and passed by the Health Committee, on which he had sat as a member earlier in the month. The resolution in question stated that all derivatives of morphine were to be classed as guilty unless proved not guilty. That was the reverse of what was recommended in the draft Convention. The Conference would realise that, if that resolution were adopted, it would be far more efficacious than the will-o'-the-wisp method of waiting until a new drug had been proved guilty before regarding it as such. Most of the expert chemists of the world were, he was sorry to say, under the thumbs of the manufacturers, who were too clever for the diplomats and for the man in the street. The most effective way of preventing the abuse of new drugs and alkaloids at present seemed to be the adoption of Mr. May's resolution.

Another point was the choice between the quota method and the stipulated supply method as proposed by Mr. Crane¹. Dr. Wu Lien-Teh had been instructed by his Government to agree to any and every means that would effectively stop the illicit traffic, and his Government thought that the stipulated supply method would meet the purpose better than the quota method. It was said that the problem of vested interests and the problem of commerce had to be considered; but would commerce be affected so much if the illicit traffic were done away with? The Governments did not wish to benefit from the illicit traffic and were, in fact, ashamed that it persisted in spite of the Conventions that had been signed. If the Governments had no pecuniary interest in narcotic production, especially in the illicit traffic, the problem of finance disappeared entirely, and the matter was purely one of private commerce. Even looked at from the point of view of the manufacturers, was it so important?

In this connection, he would refer to a book ("Die Fabrikation der Alkaloide") by Julius Schwyzer, a Swiss expert of Zurich, in which the question of the manufacture of alkaloids was dealt with very carefully, from every aspect. M. Schwyzer had shown very clearly that on every hundred kilogrammes of opium, assuming that ten kilogrammes of morphine were produced from one

hundred kilogrammes of opium, the net profit was only 1,040 Swiss francs. That meant that for every kilogramme of morphine produced there was a profit of only 104 Swiss francs. The large profits did not go to the manufacturers but to the traffickers, who might make 1,000 or 2,000 per cent on those alkaloids.

If ten and a-half tons of morphine were taken as representing the amount required for the medical and scientific needs of the world, the profit did not amount to very much. In that case, was it worth while for the League of Nations to hold so many Conferences and for the people of the world to be so anxious? Surely some better way could be found for dealing with the problem. Even from the purely commercial standpoint, the big factories which at present manufactured morphine, heroin, etc., could devote their energies to purposes which would be of greater use to the world. He would quote only the possibilities of better health by the increased production of quinine for use against malaria and of ephedrine for use against asthma and for heart relief. He hoped that this would soon be the case, when the work performed for the solution of the narcotic problem would make the world happier, and the nations more friendly to one another, and when the traffickers in drugs would have seen their last days.

M. de Castro (Uruguay) was glad to see the Argentine delegate, M. Perez, among the members of the Conference. For several years past, that State had abstained from taking part in League activities and he, as representative of a neighbouring State, was particularly glad that this state of affairs was at an end. M. Perez' participation was particularly valuable to Uruguay, both because Argentine was her neighbour and because of the common interests which had for centuries united the two countries.

The problem before the Conference was purely and simply that of the limitation of the manufacture of drugs and the control of their distribution. Limitation was of immediate importance, in view of the excessive manufacture, proof of which was furnished in the documents drawn up by the League of Nations Secretariat, which showed that the amount of drugs leaking into the illicit traffic reached a formidable figure. He had in mind Mr. Duncan Hall's note to the Advisory Committee at its fourteenth session².

It was obvious, and was the opinion of the majority of the members of the Advisory Committee, that this excessive manufacture, which enormously exceeded the world's legitimate needs for medical purposes, meant intensive illicit traffic. This was not difficult to realise; it could equally be proved by reading the statistics supplied.

If manufacture were strictly limited to medical and scientific needs, the number of traffickers would decrease until the hoped-for day when the Convention had come into force in all countries, until traffickers had ceased to exist or had been hunted to

¹ See Annex 7(b), Appendix.

² See document C.251.M.114.1931.XI.

¹ See document C.88.M.34.1931.XI. Vol. 1, p. 85 to 89.

such an extent that they had turned to other more remunerative activities. The Uruguayan Government's point of view, which he had expressed for years at League meetings, was well known. Uruguay had been one of the first countries to notify the League of its accession to the scheme of stipulated supply, known as the Crane Scheme¹.

Uruguay had never considered the question of drugs other than from the humanitarian and social points of view, and this M. de Castro would do during the present discussions, as he had always done at the Assembly, in the Fifth Committee and in the Advisory Committee.

He had carefully read the draft Convention submitted by M. Perez, some parts of which were, he thought, worthy of the Conference's attention. For instance, he thought it useful to create National Offices where these did not already exist, and he endorsed the idea of co-operation between these National Offices and the future League Central Office.

He hoped that all commercial considerations would be ignored and that the Conference, bearing in mind the thousands of unfortunates who, for lack of international protection, were suffering all over the world, would undertake its task with the sincere desire to put an end to a scandal which shamed civilisation.

M. Cavazzoni (Italy) could not address such a Conference, where representatives of the whole world were met to undertake a great work for humanity, without an almost sacred feeling of the importance of the task before him and of the necessity for the Conference to succeed. He was no lover of rhetoric, and, both from his natural instincts and as a man of politics, had no wish to exaggerate reality. He thought he might say, nevertheless, that the present moment was a turning-point in the history of social movements.

Thanks to the enlightened desire of certain men and a happy turn of circumstances, the seeds sown in the furrow of international life by philanthropic pioneers and by statesmen had come to fruition. Because the opportunity was unique and the possibilities immense, the Conference would have much to answer for were it to allow this historic hour to pass. History did not repeat itself, and a lost opportunity never occurred again. Other problems would have to be faced. Philanthropists would be called to fight other battles and it was unlikely that it would ever be possible again to convene so many Government representatives and competent men to study the problem before the

Conference. The members were, therefore, not only responsible to the States they represented, but to world opinion and the judgment of history. The men of to-day and to-morrow could but judge them hardly if they wasted the earlier efforts which had led up to a moment so full of promise and possibilities.

M. Cavazzoni could not help thinking back over the rough road over which he had passed, surrounded by opposition and misunderstandings which were sometimes inexplicable; often alone, like a mystic preacher in the desert, sometimes accompanied by a few faithful companions pursuing the same ideals, united in the same faith.

He recalled the past in order to show newcomers to the work the importance of the efforts made and to allow them to estimate the road already covered.

He believed firmly in the guidance, enlightenment and control of providence in human affairs. He could therefore only see, in the concomity of circumstances to which he had already referred, a manifestation of a greater will than the human will—the only will to which man could entrust himself with a serene mind.

It must not be forgotten that, thanks to the Treaty of Versailles, the Hague Convention, to which, until the time of the treaty, no country had acceded, had at once come into force, uniting all the States which had signed the 1919 Peace Treaty. Thus was good born out of the terrible struggle which had enmeshed the world.

This was the first step towards successful international co-operation, and Article 23 of the Covenant had charged the League of Nations with the mighty task of supervising and applying the Hague Agreement, which thenceforth became compulsory for all States Members.

This first step, which was always the most difficult, was accomplished. Hardly, however, had the Hague Convention come into force, when it was seen to be insufficient on account of the lack of definite provisions for its application, and the Governments agreed on the necessity of a more coherent, logical and systematic collaboration, which would enable them to grapple more closely with an elusive enemy. Thus the Geneva Conference of 1925 came about. A second step had been taken, though it, in its turn, was found to be inadequate and to necessitate fresh efforts.

The Convention of February 19th, 1925, was in fact based on the system of control. Although even in this respect it contained loopholes and incongruities, the Convention laid down in Article 5, albeit in too general a form to permit of the establishment of a system, the principle of limitation provided for in Article 9 of the Hague Convention. By the terms of these articles, the contracting parties undertook to enact laws and regulations to limit exclusively to medical and scientific purposes the manufacture, import,

¹ See document C.251.M.114.1931.XI.

sale, distribution; export and use of narcotic substances.

Unfortunately, the principle remained purely a platonic statement and was overruled by the idea of control, which from that time dominated entirely the work of the Advisory Committee, the Council and the Assembly. Even the States which had had some doubts at Geneva in 1925 and were for some time inclined to favour the more severe, drastic and systematic principle of limitation soon stifled their consciences and believed that, now that a new international convention was an accomplished fact, it would, when universally and conscientiously applied, provide the necessary remedy for the illicit traffic. Thus the Governments entered on the path of control, entirely forgetting the idea of limitation, which was nevertheless at least a recognised principle, both in Article 9 of the Hague Convention and in Article 5 of the Geneva Convention.

It might therefore be said that, after the United States had abandoned the Geneva Conference, Italy was the only country to keep alive the flame which alone could throw light on the road leading to the goal.

M. Cavazzoni did not wish to revive controversies which ought to disappear in the unity of common action, neither did he wish to claim any superiority of attitude or ideas. The great and noble idea of the determined struggle against the illicit traffic in narcotics was not the personal privilege of anyone, but was bound up with the continuous efforts of the whole of humanity towards progress. Nevertheless, a tribute must be paid to the zeal of those men who, even outside official circles, had strengthened and revived energies and had returned to the struggle whenever disillusion seemed to make further efforts useless.

When he had had the honour to speak in the Advisory Committee for the first time in January 1927 on behalf of Italy, and, to a certain extent, of the other consuming countries, M. Cavazzoni had firmly stated the problem in the terms in which it was now presented to this Conference ready for solution. He had at that time recalled that, after the Convention of 1912, in order to take a decisive step in the struggle against narcotics, the principle of limitation would have to be applied by determining the approximate amount of the medicinal and scientific requirements and by endeavouring to bring world manufacture into line with the amount thus determined.

The first of these problems—that of the legitimate quantity required—had been solved by the Health Committee of the League of Nations. The second—that of the limitation and distribution of the quantities to be manufactured—now had to be solved. This problem was undoubtedly the more difficult on account of the practical, economic and political factors involved. It was indeed on this question that the decision of the fourth Assembly had aimed at obtaining international agreement, and it was mainly for this reason that the Geneva Conferences of 1924-1925 were convened.

He would recall the text of the Council resolution of October 13th, 1921, and the

resolution of the fourth Assembly which stated in clear and definite terms :

“ . . . the information now available makes it possible for the Governments concerned to examine, with a view to the conclusion of an agreement, the question of the limitation of the amounts of morphine, heroin or cocaine and their respective salts . . . ”

The 1924 Conference had in fact been preceded by a Preparatory Committee which had to draw up a general scheme for the limitation of production, and it must not be forgotten that, out of the five schemes presented, two—that of the United States of America submitted by Mr Neville and that of Great Britain submitted by Sir Malcolm Delevingne—accepted in principle the idea of limitation by allotting to each manufacturing country a definite quantity of production.

The abandonment of the principle at the beginning of the Geneva Conference of 1924 and 1925 was certainly a very severe blow which perceptibly delayed international action against narcotics. M. Cavazzoni did not wish to trace the history of that Conference and the radical disagreement which caused the withdrawal of the United States of America and of China; nor would he lay stress on the attitude of certain delegations which had started by being favourable to the principle of limitation and had ended by joining the ranks of the supporters of control. In the natural course of human affairs, disorder was bound to arise; mistakes were made and men were led away by illusions. These mistakes and illusions were perhaps often inevitable; they might even be useful—one might almost say providential.

In 1925, some people might still have believed in the possibility of solving the problem apart from the strict application of limitation. To-day experience had made that belief impossible. Since a new Convention, based on control, had come into force, the essential barrenness of a principle which condemned men and States to a real labour of Sisyphus had become evident. Just as control appeared to have the whole of the traffic in its grasp, it was suddenly seen that terrible torrents of poison were escaping and the whole work had to be begun again. It was a tragic and unending task which proved the necessity of courageously dealing with the problem at its source. When the foaming river rose, it finally overflowed and rushed with terrible force over its banks, spreading destruction and death. Its volume must be restricted at the source and it must be kept within its bed by timely canalisation. Such is the part to be played by limitation, followed by the necessary control.

It was for this reason that the work of the Italian representative on the Advisory Committee and Italy's more extensive work at the Assembly and the Fifth Committee had always been based on the principle of limitation. Italy had never departed from this attitude even when, for reasons of expediency and at the request of the Advisory Committee, it had agreed to accept

provisionally the principle of control which, in the view of the majority of the Committee, was the only possible basis of united action, and particularly when, at the session of January 1927, the Committee had rejected the proposal put forward by M. Cavazzoni that practical means should be sought for fixing a quota for manufacture.

The scheme which M. Cavazzoni had submitted to the 1928 session of the Advisory Committee and which embodied a systematic collection of rules for the strict application of control certainly did not mean that either Italy or its delegate recognised the value of this principle. It was only a concession made in order that such practical measures, as the international situation arising out of the attitude of the Committee would allow, might be taken. It was still more, in M. Cavazzoni's view, an experimental trial of the system of strict control.

Apart from this practical consideration, Italy had always been faithful to the complete solution of the problem by limitation and she had had the opportunity of proving this fidelity when the scheme for stipulated supplies had been circulated to the Advisory Committee.

This scheme had been examined at the twelfth session, and it would be seen from the discussions which took place at that time and the repeated statements which M. Cavazzoni had had occasion to make that Italy was unchanging in her fidelity to the idea of limitation. The manner in which this idea might materialise was of little importance to M. Cavazzoni, provided it was expressed in a concrete form and could lead to an agreement. It was for that reason that, when, on January 31st, 1929, the Committee decided not to take any action on this scheme, he had reaffirmed, on behalf of the Italian Government, the necessity for dealing with the whole problem of limitation. In spite of the refusal of the Advisory Committee, the Assembly, urged on by the irresistible force of public opinion, was obliged to accept the principle which had thus been disputed and adopt the wishes manifested by the conscience of the world.

This rapid review of the path which had been followed showed that the Italian Government had, from the outset, appreciated the essential elements in the question. It had heard the agonised cry of all victims and all sufferers and had declared war unrelentingly on the obscure forces which, through interest, perversity, inertia or short-sightedness, put obstacles in the way of the triumph of the good cause.

The Italian Government had for years been alone in defending in the Advisory Committee the principle which the 1929 Assembly was to recognise as the only effective one, and to-day, when approval was widespread, when converts were numerous and recruits had come and were still coming to join the standard of direct quantitative limitation, Italy was firmly determined not to yield an inch of the ground which had been gained.

The only thing which mattered was to achieve the splendid humanitarian aim which the Conference had set before it. To this

end, Italy would consistently and logically maintain the attitude which she had always taken up and her action at this Conference would only be the development of the premises laid down and defended during the past years. She would not falter or turn aside.

The Act which the Conference was preparing must, as far as possible, be a final act representing the culminating point of international action in this sphere. To accept in any way an inadequate system would be to make the work of the Conference vain from the beginning.

M. Cavazzoni could not, however, refrain from repeating the criticisms which he had already made in the Advisory Committee with regard to the scheme submitted by the majority to the Council and from recalling the salient features of the statement made on behalf of Italy. He had not wished to present any counter-proposals, in view of his determination to put no obstacle in the way of diplomatic action, but, on the contrary, to co-operate with the greatest goodwill in ensuring its success.

The statement made by the Italian representative at the fourteenth session of the Advisory Committee emphasised the necessity of adopting a sufficiently elastic system, which, while securing the strictest limitation, would allow a certain freedom of movement in the licit commerce in narcotics, while preventing the constitution of a *de facto* monopoly officially recognised among manufacturing interests. In conclusion, the statement called for the application of severe penalties against States which refused to co-operate, and indicated the Central Board as the most competent organ for ensuring the effective limitation and control of the amounts manufactured.

The Italian delegation had asked at that time:

(1) That the right of all States to apply to what countries they pleased for their supply of substances falling under the Convention which would be drawn up in May 1931 should be respected;

(2) That it should be laid down that every country should make known in advance the quantity of substances coming under the Convention which they needed for a fixed period;

(3) That the privileges granted to manufacturing countries should be restricted to a minimum, while avoiding as far as possible anything that corresponded to an official acknowledgment of a monopoly *de facto*;

(4) That the Convention to be drawn up in May 1931 should allow and provide for the limitation of the manufacture of all the derivatives of opium and the coca leaf and, in particular, the manufacture of codeine and its derivatives;

(5) That provision should be made for, and, as far as possible, in favour of, the system of State monopoly, not only for the trade in, but also for the manufacture of, substances falling under the Convention to be drawn up in May 1931;

(6) That provision should be made for sanctions to be applied by all Governments parties to the Convention of May 1931

affecting all countries which might refuse to accede to that Convention and to put into force the measures provided by the Opium Conventions of 1912 and 1925;

(7) That the limitation of manufacture, as well as the control of the limited quantities manufactured, should be ensured by means of the Permanent Central Opium Board, organ of the League of Nations, enlarged in an advisory capacity by members of the Advisory Committee, the Health Committee, the Economic Committee, or any other body of the League of Nations qualified to help it in its task.

At this Conference, where the spirit of co-operation must reign as far as possible and personal interests must be set aside in favour of common interests, M. Cavazzoni had not wished to crystallise the point of view of the Italian delegation by making a counter-proposal. Italy was convinced that to multiply schemes could only impede the progress of the work and its good results. While continuing to collaborate, Italy was determined to maintain her point of view, and had decided to defend, article by article, the points he had put forward, by proposing amendments to the articles of the draft Convention.

M. Cavazzoni would therefore ask that it should be made clear in an article that every country should have the right to manufacture that proportion of the total quantity of narcotics which corresponded to the needs of its territories. He would insist that the Convention should be stated to be applicable to all alkaloids of opium and the coca leaf and their derivatives unless it was established by a special procedure that these alkaloids could not give rise to drug addiction. He would further request that a special procedure should be adopted for allowing any country to take its share at any moment in the export trade within the limits of the total quota.

Finally, he would be in favour, in principle, of a solution whereby the Convention would enter into force as soon as the Secretary-General of the League of Nations had received the ratifications or the accessions either of the countries manufacturing together 51 per cent of the amount necessary for medical needs or of the countries representing together 51 per cent of the legitimate world consumption.

The members of the Conference were well aware of the vigilance and earnestness with which the Italian Government and its head had always sought for a solution of the drug problem. They had always considered this struggle as one of the highest tasks of internal policy and international policy. Apart from every moral reason the supreme heritage of the nations of the whole international community had to be defended. M. Cavazzoni had therefore, in his capacity as delegate, sought to maintain the attitude of directness and sincerity which Italy always adopted in diplomatic questions, acting with the ideal consistency which sprang from firm resolution and a knowledge of the aim in view.

For the moment, however, he wished to forget his position as delegate of a State and remind his colleagues of the eager

expectations of millions of men who had long been waiting for a word of sincerity and peace. Too many illusions had faded away; too often had events belied confidence, so that confidence itself seemed mere simplicity. More than ten years after the Treaty of Versailles, which was to bring peace to men and prosperity to nations and form the Covenant of reconciliation between classes and States, the world appeared still disturbed and the sky of history was full of threatening clouds.

The illusion had been cherished that the men who returned from the war could be given riches and peace, but the mechanism of world production had never revealed as clearly as at present such serious imperfections that, instead of economic security, there was a terrible amount of unemployment.

The efforts of the Economic Committee and the Economic Conference and the schemes for a Customs truce had not produced the results which had been expected. International labour legislation was powerless before the vast extent of the phenomena which it could not control.

In M. Cavazzoni's view, these materialistic hopes were purely an illusion, as it were the enchanting siren of the stormy voyage after the war. Like Ulysses on his difficult journey to Ithaca from the Trojan war, the world must resist the siren's song. It seduced sailors by its deceptive joys, and lured them on, dazzling and inflaming their senses till they abandoned their ship. If the sea was stormy, men must cling to the helm and strive to go forward.

The gentle light of the stars was shining on the horizon in a calm portion of the sky. It was the light of moral values written on the eternal tables which God had given to men. There could be no safety elsewhere.

Soon the League of Nations would be called upon to discuss the most disturbing of the problems which beset the world of to-day, threatened as it was by the multiplication of armaments demanded by the greed of riches for the defence of conquered lands. The eyes of the whole world were fixed on the League. Everything was expected of this historical meeting, which would be the final test of the strength and even the life of the League. If it failed, the fate of all international co-operation would be in the balance. But, in this field, victory could only be obtained if everyone cast aside the tempting demon of material, and turned towards spiritual, things. It must be proved to the world that that was possible. From the success of this Conference, convened to abolish one of the greatest scourges afflicting the world, the probable success of the coming Conference on the problem of armaments could be gauged. The world had a strong feeling that underlying both problems there was an essential spiritual factor and, for that reason, the words uttered and the acts accomplished in the present Conference might have far-reaching effect and great significance.

The task of the Conference was, not only to prove that the problem of narcotics could be solved, but also to show how modern civilisation, in spite of its disturbance and unrest, was still capable of an effort towards

higher things. The delegates must strive not to disappoint expectations. They must leave the sea enchanted by sirens and resolutely make for the port through the storm. To-day also, as in the great poem of Homer, the swine were wallowing in the absence of Ulysses. They were the illicit traffickers who bartered human souls and flesh for a handful of gold. But to-day Penelope was still weaving and unweaving her web, and was steadfastly cherishing in her heart the hope of return.

If the pagan poet, who did not yet know the redeeming light of Christ, had portrayed such consoling visions into his verses, those who were the heirs of two thousand years of Christian life might, by gazing on more radiant visions, reach the land of redemption which was the port of this holy crusade.

M. Sépahbodi (Persia) was anxious to explain shortly his country's point of view and the particular position in which it was placed. He took this opportunity of expressing Persia's good wishes for the complete success of the humanitarian work undertaken by the Conference.

The extent of the danger of drug addiction and the impatience with which the whole world was awaiting the result of the Conference's discussions demanded that a successful completion of the important work in hand should be sought by all possible means.

The work done since 1912 had not achieved a great measure of success because people had confined themselves only too often to the expression of humanitarian and philanthropic sentiments without paying enough attention to the reasons which prevented the success of the measures undertaken. A difficulty must be realised before it could be solved; an obstacle identified before it could be surmounted.

Results were obviously not reached by setting conflicting interests against one another, but rather by reconciling them.

Persia, which was not directly interested in the drug question, would not have taken part in the discussion if the problem could be solved without touching that of opium. The two problems were so closely interconnected that it was impossible to hold views on one and remain indifferent to the other.

Persia, in spite of the facilities open to her, as a great opium-producing country, to set up drug factories, had not done and did not propose to do so. This alone was sufficient to prove its goodwill and disinterestedness.

He hoped that, with the co-operation of the qualified representatives of the various countries and by means of wise and disinterested measures, the Conference would achieve greater success than heretofore in alleviating the sufferings of humanity and solving the problems before it. This hope was strengthened by the praiseworthy draft which the Advisory Committee had submitted to the Conference; this draft, while working for the essential and common goal, had a

practical basis upon which the various interests concerned could be reconciled.

The draft contemplated the adoption of the quota system for the manufacturers of drugs. This just principle, though the most effective means of reaching the desired end, could never achieve a definite result unless extended to cover the trade in opium. With this in mind, the Persian representative had proposed to the Council, during the discussion on the Advisory Committee's report, that it should take into consideration this point of view. The Council had then decided that the Persian representative's point of view should be communicated to the Governments represented at the present Conference.

Persia's request was still further justified in that native cultivators were much less rich than the drug manufacturers, the profits obtained from poppy cultivation being hardly enough for their daily bread. To deprive these people of their means of existence at a moment when Persia was suffering from the acute economic crisis would be to condemn them to death. No just or fair-minded person could contemplate this.

M. Sépahbodi therefore hoped that his request would be favourably received by his colleagues and that they would support him when he made a definite proposal to the Conference during the discussion of the chapters of the draft.

M. Raphaël (Greece) stated that Greece's position as regarded the plan for limiting drug manufacture was already indirectly known through his Government's observations on the Crane plan, reproduced in document C.251.M.114.1931.XI, (Conf.L.F.S.7) distributed by the Secretariat to the Council, States Members of the League, and all States invited to the Conference. The Greek Government agreed that a system for reducing the production of manufactured drugs to the legitimate needs of consumers—medical and scientific needs—would be much more effective than any measures of control of the drug traffic, the necessity for which had never been in doubt. In Greece the manufacture of drugs was only authorised for the purposes of the State monopoly—covering import, sale, etc.; this system had been working successfully since September 1926¹. There was, as a matter of fact, no drug manufacture in Greece at present, and the limited requirements of the monopoly indicated that this situation was unlikely to change.

Moreover, Greece, at the cost of economic sacrifices to which tribute had already been paid, had ceased to be an important provider of raw material for the drug industry and had abandoned her commercially advantageous role of drug distributor to the Near East. She had been impelled to do this in view of her duty as a State Member of the League of Nations and as a signatory of the 1925

¹ See Annex 30.

Convention, and, in a more general way, by her humanitarian undertakings.

This same action dictated her attitude towards the present Conference, and placed her in the forefront of the countries resolved to reach definite and satisfactory results in the struggle against the scourge of drug addiction. Encouraged to persevere, she felt that her former sacrifices authorised her to appeal in a disinterested spirit to the Governments present at the Conference courageously to embark on the League's work for the limitation of drug manufacture.

Subject to reservations which might later be thought necessary, both on questions of principle and of detail, the Greek delegation already accepted the draft Convention before

the Conference. It was also ready to support any amendments likely to enable the Conference's decisions to quiet the misgivings which its convocation had caused among the general public.

Greece, firmly resolved to defend her legitimate interests as a consuming country and anxious to protect herself against the illicit traffic, would unhesitatingly endorse those proposals, whose intrinsic value ensured the Conference's success. She would support the most radical solution, and her delegation hoped that the Conference would not judge her hardly for this.

The continuation of the discussion was adjourned to the next meeting.

FOURTH MEETING (PUBLIC).

Friday, May 29th, 1931, at 10 a.m.

President : M. DE BROUCKÈRE.

11.—QUESTION OF HEARING THE REPRESENTATIVES OF CERTAIN PRIVATE ASSOCIATIONS : REPORT OF THE BUSINESS COMMITTEE.

The President informed the Conference that the Business Committee at its meeting on the previous day had decided to propose that, in accordance with precedent, the Conference should hear the delegates of the organisations which had expressed a desire to participate in its work at the end of the meeting on Tuesday afternoon. It was understood that the delegates would be invited to speak, but that there would be no discussion on their speeches.

In addition, the President would make the necessary arrangements for suitable seats to be reserved for the representatives of these associations and for the Conference's non-confidential documents to be placed at their disposal.

Finally, letters addressed to the Conference by the associations would be published.

The proposals of the Business Committee were adopted.

The President added that in these circumstances the Conference would hear the representatives of the Anti-Opium Information Bureau and the Catholic Union of International Study on the following Tuesday.

The Women's International League for Peace and Freedom had asked for an interview with the President of the Conference, who would receive them on Saturday. After that interview, the President would probably make proposals with a view to their being heard by the Conference itself.

12.—QUESTION OF INCLUDING IN THE AGENDA THE PROPOSAL OF THE PERMANENT CENTRAL OPIUM BOARD FOR THE AMENDMENT OR INTERPRETATION OF THE FRENCH TEXT OF ARTICLE 24 OF THE GENEVA CONVENTION OF 1925 : REPORT OF THE BUSINESS COMMITTEE.

The President stated that the Business Committee had considered whether the Conference should place on its agenda the questions raised by the discrepancies between the French and English texts of Article 24 of the Geneva Convention. The Business Committee had not yet examined the substance of the question, but it had at once perceived that legal advice would be required. Consequently, he suggested that the Conference should immediately appoint a Legal Committee. Doubtless other committees would have to be constituted. The Business Committee, however, thought it would be better to appoint them as the necessity arose.

The Conference decided to constitute a Legal Committee.

The President said that the Business Committee had proposed the following candidates for the Legal Committee :

Sir Malcolm DELEIVINGNE (Great Britain),
M. Jean PELENYI (Hungary),
M. Salvador MARTINEZ DE ALVA (Mexico),
M. VAN WETTUM (Netherlands),
Dr. CARRIÈRE (Switzerland),
SUBHI ZIYA Bey (Turkey).

A member of the Legal Section of the Secretariat would also be at the disposal of the Conference.

The President ventured to propose one other member of the Legal Committee, the first delegate of the Irish Free State.

These proposals were adopted.

13.—COMMUNICATION TO THE CONFERENCE OF THE TEXT OF THE CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND CANADA FOR THE SUPPRESSION OF THE ILLICIT TRAFFIC.

M. Perez (Argentine) thought it would be helpful if the text of the Convention between the United States of America and Canada for the suppression of the illicit traffic in narcotic drugs to which the first delegate of Canada had referred at the previous meeting, could be translated into French and distributed to the delegations¹.

The President replied that satisfaction would be given to the first delegate of Argentine, if Colonel Sharman would be good enough to give the Secretariat a copy of the Convention.

Colonel Sharman (Canada) said he would be very glad to hand in the text of the Convention.

14.—COMPOSITION OF THE CHILIAN DELEGATION.

The President stated that, owing to illness, M. Diaz Velasco would be unable to attend the Conference as Chilian delegate and would be replaced by M. Enrique GAJARDO.

15.—LIMITATION OF THE MANUFACTURE OF DRUGS : GENERAL DISCUSSION (continuation).

M. Chacin-Itriago (Venezuela) was glad that the resolution adopted by the Assembly of the League of Nations in September 1929 with regard to the establishment of a system for the limitation of the manufacture of narcotic drugs was on the way to being realised. Venezuela had for a long time been in favour of limitation, as M. Zumeta had stated at the Council session held at Madrid in June 1929, and as M. Parra-Perez had always shown in the Fifth Committee of the Assembly.

M. Chacin-Itriago was glad to pay a tribute to the League of Nations for the progress which its various organisations had made in the campaign against narcotic drugs. There was still much to be done, but it could not be hoped to eradicate in a few years so formidable an evil which had persisted for so long.

Society was justified in hoping, however, that, as a result of the present Conference, a decisive if not a conclusive step would be taken towards extirpating the scourge, and the Conference should do everything in its power to see that this hope was not disappointed.

M. Chacin-Itriago wished to explain, at the beginning of the discussion, the principles on which his attitude would be based throughout the Conference.

¹ See Annex 31.

As a doctor, and as Director General of the Public Health Service and of the hospitals of his country for several years, he had been able to observe very closely the ravages caused by narcotic drugs. In the first place, narcotic drugs weakened the physical and mental forces of addicts very rapidly and very considerably, and perverted their moral sense, so that they became a burden on, and a danger to, the family, society and the State. Then, too, drugs led to the premature death of their victims. The children of drug addicts were very often incapable of maintaining life or lived for a few years only. Moreover, they became degenerate to the last degree, and consequently a disgrace to their country. What made matters worse was that a great many drug addicts, if not the majority, were in the flower of their life and in many cases belonged to the *élite* of society.

For these various reasons, the campaign against the abuse of narcotic drugs was an act of social defence, a patriotic and humanitarian act, which had nothing to do with politics.

M. Chacin-Itriago did not think the Conference was divided into two camps. All countries were victims of narcotic drugs, and however great the losses in which limitation might involve certain factories—losses which would merely be the result of the cessation of an illicit and consequently dishonest traffic—the States, far from making a sacrifice, would gain considerably. The pecuniary losses of a few individuals owing to the suppression of such a criminal traffic could not be compared with the great benefits which would accrue to the State and to society in general as a result of the saving of thousands of valuable lives. To that should be added the saving in expenditure on drug addicts, and the dangers which would be avoided—in particular, the degeneration of the race.

It should not be forgotten that drug addiction was suicide, and that its effects on mankind were serious. Whoever was consciously responsible for supplying the poison, especially when profit was his sole aim, not only committed a crime, but showed himself to be lacking in any feeling of patriotism and humanity.

M. Chacin-Itriago considered that the Italian delegation's statement in the Council during the discussion on the Advisory Opium Committee's report was of the greatest importance, as also the statement made by the Belgian representative on his own behalf and on behalf of the representatives of China, Spain, Poland and Uruguay, when the report was adopted by the Advisory Committee. The following points were particularly important :

(1) The system of limitation to be provided for in the Convention should safeguard the rights of each nation to procure for its legitimate needs products of any source and from any country it chooses ;

(2) Each country should make known in advance the quantity of narcotic drugs

falling under the provisions of the Convention of which it will be in need for a fixed period as well as the name of the country or countries where it intends to procure its supplies;

(3) The limitation Convention should cover all the derivatives of opium and the coca leaf, including codeine and its derivatives.

M. Chacin-Itriago did not understand why it had been suggested that codeine should be excluded. If, as he was convinced, the Conference was anxious to do really useful work, it must speak and work with sincerity and avoid self-deception. It was essential that all substances which led, or could be transformed into substances which led, to addiction and to disturbing symptoms in the event of deprivation, should come within the terms of the Limitation Convention. Precautions should be taken against possible surprises from modern chemistry. As Mr. May had rightly said in the Permanent Central Opium Board, Article 10 of the Geneva Convention did not provide rapid machinery for restricting the use of products derived from the poppy and coca leaves to medical and scientific purposes. History might repeat itself, and tons of some new derivatives might be thrown on the market before the machinery of the article had been put into motion.

M. Chacin-Itriago, referring to the Argentine delegate's draft, regretted that it was to some extent opposed to the fundamental idea of limitation, the basis of the work of the present Conference. He was glad to note, however, that the draft contained important suggestions which were worthy of consideration.

M. Perez (Argentine) thanked the Venezuelan delegate for his praise of the Argentine draft. M. Chacin-Itriago's remarks showed, however, that he had not heard distinctly or had not quite understood what M. Perez had had in mind.

M. Chacin-Itriago had said he regretted that M. Perez was not in favour of limitation. M. Perez wished to assure his Venezuelan colleague that no member of the Conference, and perhaps no one outside the Conference, was a stronger supporter of limitation than he. In one article of his draft, it was stipulated that each country should indicate *one* country—and not more than *one*—as its source of supply and should even give the name of a factory. It would hardly be possible to be more restrictive.

M. Perez was strongly in favour of adopting the monopoly system, where that was possible. In the Argentine, it was legally impossible, for constitutional reasons, to set up a monopoly. He had therefore proposed a form of indirect limitation: regulation, which was practically a monopoly of distribution. In this way, the interests of public health would be reconciled with the constitutional regulations. Limitation would be ineffective if it were not completed by absolutely clear regulations for distribution.

M. Perez drew attention to a document

entitled "Conference on the Limitation of the Manufacture of Narcotic Drugs". He asked that henceforward all documents should bear the heading "Conference on the Limitation of the Manufacture of Narcotic Drugs and Regulations for the Distribution of Such Drugs". The Conference was required to study the limitation of manufacture on the one hand, and the regulations for distribution on the other. The two matters were complementary, and neither could exist apart from the other.

M. Chacin-Itriago (Venezuela) asked the delegate of the Argentine if the following passage in his explanatory statement did not rather indicate very clearly that he was against the fundamental idea of limitation:

"We have been convened to draw up a Convention designed to limit the manufacture of dangerous drugs and to regulate their distribution. The draft laid before us is based upon the following idea: the number of drug addicts is large because narcotics are manufactured in unduly large quantities. *In my opinion, this idea is very questionable*; it is based upon an erroneous conception of the problem we have to solve."

The President pointed out that he could only act strictly in accordance with the instructions of those who had convened the Conference. The title used in the official documents was actually that which M. Perez wished to modify.

Doubtless during the discussion, other points had been raised besides limitation. The Council of the League of Nations itself had drawn the Conference's attention to the fact that it might be desirable to revise or interpret Article 24 of the Geneva Convention. In spite of that, it had not altered the name of the Conference.

In any case, both substance and form should be borne in mind. Only the substance was important, and, on that point, all the delegates agreed that the Conference was entitled to examine any draft conventions relating to limitation, and any proposals connected with them, the word "connected" being taken in its widest sense.

With regard to the form, the President was obliged to maintain his view. If the Argentine delegate would refer to the document to which he had just referred, he would see from the first page that the question had been submitted to the Council under the heading in question. All the other documents referred to the Conference on the Limitation of the Manufacture of Narcotic Drugs. The reference in the annex to regulations simply proved, in the President's view, that the Conference might do more than was implied in the official title. Precisely because that title was official, the President had no power to alter it.

M. Schultz (Austria) wished to explain briefly the attitude of the Austrian Federal Government towards the official programme of the Conference and in particular towards the draft prepared by the Advisory Committee. His Government took the keenest interest in any measures for combating the

illicit traffic as effectively as possible and had great sympathy with the Conference's programme and the draft Convention.

It should be observed that Austria was chiefly a consuming country. Neither the manufacture nor the conversion of narcotic drugs was of any great importance to it. Moreover, re-exports were very small. Austria's immediate interest in the partial solution of the problem of narcotic drugs was therefore confined, in the first place, to ensuring the necessary supplies for its medical and scientific requirements under the best conditions and at reasonable prices.

On the other hand, it was Austria's duty to prevent by all appropriate means the spread of drug addiction in its territory. Up to the present, the population had fortunately been able to withstand the danger. Further, Austria was anxious to prevent illicit traffickers from using that country, owing to its situation at the cross roads of Europe, as a warehouse for their criminal trade.

Austria was anxious to participate in the world campaign against the abuse of narcotic drugs and to contribute with all its might to this great work of civilisation.

With regard to the Advisory Committee's draft¹, M. Schultz was of opinion that it would render the campaign more effective. He realised that the Convention would involve all the countries which acceded to it in certain difficulties, that it would very considerably restrict the freedom of movement of narcotic drugs and would entail sacrifices. On the other hand, however, it was precisely that limitation of liberty which was desired, and he was sure that the necessary sacrifices would not be useless. His Government was therefore prepared to share in them.

Obviously the details of the draft could be considered from very divergent aspects. The Austrian delegate was prepared to support any amendments which might improve the draft, and he himself would propose at the proper time several explanations or amendments, possibly even corrections.

The Austrian Government was of opinion that the total suppression of the manufacture of diacetylmorphine would be the most effective step in the campaign against the abuse of narcotic drugs. This substance was the most poisonous of all the derivatives of morphine; consequently, owing to its small bulk, it was most suitable for the illicit traffic. Further, it was the only derivative of morphine which could be taken as snuff. It was therefore easier and more convenient to use than morphine. The fact that the consumption of heroin was small in many of the countries where general civilisation and health organisation were most highly developed, and that its use had been prohibited in the United States of America since 1925 showed that this narcotic drug could be

dispensed with without depriving patients of medical treatment, and that heroin could be replaced by other less dangerous derivatives of morphine. When it was realised that the social danger of diacetylmorphine was incomparably greater than its doubtful therapeutical value, several Austrian medical organisations asked the Government totally to suppress its manufacture and importation. Finally, M. Schultz drew attention to the following point. According to the documentation prepared by the Opium Section (documentation relating to the consumption of, and the traffic in, narcotics), the greater part of the diacetylmorphine produced yearly was intended for the illicit market.

The Austrian delegate therefore proposed the following resolution on behalf of his Government :

" The Conference decides to reduce to nil the manufacture of diacetylmorphine and to destroy all the stocks of heroin seized."

The effect of Article 4 (*d*) and Article 8 of the Geneva Convention of 1925 had been to increase the consumption of drugs and the number of consumers. The fact that certain preparations containing narcotic drugs were exempt from the control provided by the Geneva Convention rendered the campaign against the abuse of narcotic drugs more difficult. Moreover, the tolerance allowed under Article 4 was not justified on scientific grounds, as the Health Committee of the League of Nations and the Comité permanent de l'Hygiène publique at Paris had already pointed out. The effect of the provisions of Articles 4 and 8 had been to put on sale certain preparations containing narcotic drugs which, though useless from the point of view of scientific therapeutics, extended the use of narcotic drugs to the great mass of the population. Large quantities of these drugs thus escaped all control. The legitimate idea on which Article 8 was based could be safeguarded by the stipulation in that article which authorised the Health Committee to exempt certain preparations contained in the various national pharmacopœias from the terms of the Geneva Convention.

M. Schultz therefore proposed the following draft resolution :

" All preparations containing narcotic drugs such as morphine, its salts and derivatives, or cocaine, its salts and derivatives, whether or no these drugs come under the Geneva Convention, shall be subjected to the measures of control provided for in Articles 6, 12, 13 and 18 of the said Convention, whatever their drug content.

" The Health Committee of the League of Nations is authorised to exempt from this control those of the above-mentioned preparations which comply with the conditions laid down in Article 8 of the Geneva Convention, provided that they are contained in any one of the various national pharmacopœias."

¹ See Annex 7.

On behalf of his Government the Austrian delegate supported the Chinese delegate's statement with regard to Mr. May's proposal relating to the amendment of Article 10 of the Geneva Convention¹.

M. Schultz reminded the Conference of a passage in the Argentine delegate's statement of the previous day, in which he had compared the illicit traffic in narcotic drugs to counterfeiting currency. M. Schultz thought the danger of the illicit traffic was greater than that caused by counterfeiters; the latter only injured financial interests, on a large scale it was true, but the illicit traffic corrupted the peoples themselves. In this connection, the International Criminal Police Commission had submitted to the Advisory Committee at its last session a draft international convention on the suppression of the illicit traffic, similar to the international convention for the suppression of counterfeiting currency concluded at Geneva in 1929 under the auspices of the League of Nations. This draft was contained in document C.168(a).M.62(a).1931.XI. M. Schultz noted with great satisfaction that the Argentine delegate was in agreement with the fundamental idea of that draft.

M. Schultz did not suggest that the Advisory Committee's draft² should be considered as a final solution, perfect and ideal, of the problem or problems raised by narcotic drugs. He thought, however, that the present draft, if adopted, ratified and put into force, would be a great step forward and a very important stage in the path marked by the Hague and Geneva Conventions. He was convinced that the work of the Conference, to which the Austrian delegation would devote every effort, would lead to complete and real success.

The President stated that M. Schultz' various proposals would be forwarded to the Business Committee.

M. Dinichert (Switzerland) stated that the Swiss delegation was able to give the Swiss Government's carefully considered support to a plan for the direct limitation of the manufacture of narcotic drugs. The principle of limitation had already been introduced, to some extent, in an embryonic form in the Hague and Geneva Conventions, at which time limitation could only be realised indirectly through the machinery of these Conventions.

At the present time, the Swiss delegation was co-operating in the spirit in which, from the very beginning and throughout the 1924 to 1925 Conference, it had recommended and upheld the measures contained in the Convention prepared by that Conference, which had finally been approved almost unanimously by the delegations. The Swiss delegation had then been in a numerous and excellent company, which included, amongst others, M. Cavazzoni, and his remarkable speech on the previous day had tempted M. Dinichert to call on him as a witness to what had at that time been accomplished.

¹ See Annex 7(b), Appendix.

The 1925 Convention had not led to the results which it had seemed to promise. The great cause for disappointment was that it had not been strictly and universally applied. The effects of this were being felt at the present time. If M. Dinichert felt bound to point out that it was not so much the machinery of the Convention as its non-application in a fairly large number of countries which was the cause of the present situation, it was in order to exhort the Conference not to forget, during its present work, that limitation, from whatever aspect it was considered, should be accompanied by control. Limitation could be considered as a basis for control. It could be considered as a complement to control. In any case, control would remain an essential element of the combination. It was possible to imagine strict and severe control without limitation, but not limitation without control. If there were no control, the illicit traffic would continue. Further, with limitation alone, there might be a danger of a shortage and scarcity of supplies for legitimate requirements.

Over and above control and limitation, however, one other factor was still more essential. He referred to universality. No control nor limitation could bring the desired relief unless it was applied throughout the whole or almost the whole world. Consequently, the Conference could and should accomplish its task of preparing the best convention which was possible at the present time. But even when that was done, the work would not be finished. The help of all the Governments was essential. All must apply the Convention. Those conditions were absolutely necessary if the work of the Conference were finally to be crowned with success.

M. Dinichert pointed out that the President had said at the beginning of the Conference that the delegations, all inspired by the same desire, had come to Geneva to perform a common duty. It had been too often said and repeated, even in official demonstrations, that the Conference would be composed of groups of States with conflicting interests. It should therefore be recalled to-day that the work to be accomplished was a common work. It consisted in extirpating and giving the final blow to this degrading vice, and in relieving this misery which must appear to everyone as so terrible and agonising. The delegations had therefore the same preoccupation, but the problem to be solved was very difficult and very specialised. It would be very simple if it concerned a poison which could merely be suppressed. Examples could be given of countries which had easily succeeded in doing away with a harmful product. The Conference, however, was concerned with special products which, while causing the physical and moral breakdown of all who abused them, brought healing and life to all who needed them. That was the real difficulty.

It was true that the Governments were in a very different position, according to whether they were producers, manufacturers

² See Annex 7.

or consumers, and that consequently they would have to assume different tasks and obligations. There was nothing irreconcilable, however, between the fact that the exporting countries wanted to send their products to countries which were urgently in need of them and the fact that the countries which were in need of them and did not manufacture ordered them from manufacturing countries. Was not that, apart from the necessary control, the position in the economic sphere as regards many other kinds of merchandise? It should be noted, therefore, that each Government, according to its position, had its special duties, and M. Dinichert was the first to admit, as in 1925, that the Governments of manufacturing States which exported drugs had a first duty—that of applying strict control both in their own countries and internationally. On the other hand, they were ready to assume the obligation, in all circumstances, to place the necessary products at the disposal of the countries requiring them. No real conflict of interests, however, was involved.

The complaint had sometimes been made that a particular Government defended its industry. The Governments were obliged, however, to see that their industries conformed to the legislation and to the international conventions. When a Government claimed to apply its laws severely and to comply scrupulously with the Conventions in force, it could not allow its industries to be criticised and placed under suspicion, for such criticism and suspicion, if well-founded, would involve the direct responsibility of the State. Consequently, when a question arose which might involve a State's responsibility, the latter was entitled to do justice to its undertakings, provided they had conformed to the provisions to which they were subject.

In conclusion, M. Dinichert shared the hope and faith which M. de Brouckère had displayed in his opening speech regarding the work of the Conference. The delegations were not opposed to one another; all the interests at stake could be reconciled. He himself was convinced that, if the Conference discussed the matter sincerely and calmly, it would be able to do the work which society expected of it.

As regards the plan which must be the living expression of that work, M. Dinichert thought it premature to express a definite opinion. The Swiss delegation had no preconceived and final ideas. At the present time, however, it preferred the plan in the preparation of which it had shared, and which had been very thoroughly and carefully sifted by the Advisory Committee during two sessions, which had been discussed at the London Conference, and the main outlines of which had, as it were, been consecrated by the supreme organs of the League of Nations¹. The Swiss delegation fully realised, however, that the plan raised certain problems which would be very difficult to solve. Some of them had not yet been discussed, at any rate in a meeting

¹ See Annex 7.

like the present, at which all the interested countries were represented. Consequently, although the Swiss delegation did not abandon the hope that, on the basis of this plan, agreement would be reached, it would not refuse, during the Conference, to examine carefully any proposals for improving the plan, however difficult of realisation they might seem. The Swiss delegation would co-operate fully with the Conference without any preconceived ideas: its only desire was to take a useful part in the Conference's work.

Mr. Lester (Irish Free State) said that his country was neither a producing nor manufacturing country; nor did it suffer from the dreadful curse of addiction, which existed only in isolated cases. There had never been any suspicion of illicit traffic, nor had anyone engaged in it ever been discovered either in Ireland itself or passing through the country. Nevertheless, the Government of the Irish Free State had established a strict system of import and export licences, and the internal administration was being strengthened.

At the present time, therefore, the interests of the Irish Free State were only those of a normal consuming country; but, as a Member of the League of Nations, it was anxious to co-operate with other States in every measure designed to eradicate the dreadful curse of the illicit drug traffic.

Mr. Lester did not, at the present stage, intend to discuss the details of the various schemes, but he wished to recall to the members of the Conference a few startling figures which had appeared in the report of the Advisory Committee prepared in January last (document C.168(a).M.62(a).1931.XI). These figures had been established by the Secretariat as the result of the investigations and work of the Opium Section. The report read:

"In the five-year period 1925 to 1929, some thirty-six tons of morphine were apparently made available for the illicit traffic in the form of morphine esters, or possibly of other drugs not covered by the Convention.

"A further conclusion was that some twenty-one tons of morphine and diacetylmorphine appeared to have been exported as such to the non-manufacturing countries in the years 1925 to the first half of 1930 in excess of medical needs; there was little doubt that nearly the whole of this amount had passed into the illicit traffic.

"The Secretariat further drew attention to the large quantities of morphine, heroin and cocaine which had not been accounted for statistically by the countries concerned, chiefly during the period 1925 to 1928, of which it concluded that some fifteen tons would appear, in the absence of other explanation, to have been passed into the illicit traffic."

Those were dreadful figures. The President of the Permanent Central Opium Board had compared the results of one transaction in the illicit trade with the consequences

of a battle in the great war. Mr. Lester would leave to the imagination of the delegates the consequences entailed in the illicit circulation of some seventy tons of narcotic drugs. The Government of the Irish Free State favoured the strictest possible limitation of manufacture, and Mr. Lester was accordingly instructed to support the most practical proposals for attaining that object.

M. de Myttenaere (Belgium) stated that under Belgian legislation all the necessary measures had been made obligatory in Belgium, even before the Convention had been ratified. That clearly showed his country's desire to support the efforts of the League of Nations and its Members.

The Belgian Government supported the limitation of the manufacture of narcotic drugs.

M. de Myttenaere stated that, at the beginning of next year, Belgian traders would set up a factory for narcotic drugs and would undertake to supply the internal requirements of the country. In any case, the Belgian delegate assured the Conference that his Government would continue, as in the past, to exercise most thorough control, and that control would even be doubled in view of the fact to which he had just drawn attention.

M. Martinez de Alva (Mexico) pointed out that Mexico was represented for the first time at a meeting on opium and narcotic drugs in general. He could not do better than to repeat, on behalf of his own country, what the Irish delegate had just said and to assure the Conference that there was no problem of narcotic drugs in Mexico. Mexico produced no raw material, did not manufacture narcotic drugs, did not export them and did not even consume them except for legitimate requirements.

As, however, this was the first occasion on which Mexico had been represented at Geneva at such a Conference, M. de Alva thought it desirable to say a few words with regard to the position in his country.

As everyone was aware, Mexico had signed the Hague Convention of 1912. The Geneva Convention of 1925 had not yet been signed, but the Mexican Government was studying it carefully. It had not yet acceded for technical reasons, but hoped to do so in the near future.

Mexico appeared before the Conference as a liberal nation. There was no narcotic problem in that country not only because the people did not like or were not familiar with narcotic drugs, but because the Government had always been careful to prevent their introduction and consumption.

The history of Mexico showed that even before the discovery of America the aboriginal Governments of Mexico had laid down very strict rules to prevent the consumption and abuse of drugs. A little later, during the three centuries in which Mexico had belonged to Spain, the viceroys, with very strict and definite orders from the kings of Spain, had enacted remarkable laws for the prevention of the abuse of narcotic drugs.

¹ See document C.251.M.114.1931.XI.

At the time of the Republic, the Government had enacted laws which were very similar to those recommended in the 1912 and even the 1925 Convention.

The Mexican delegate was glad to inform those members of the Conference who desired to consult the Mexican legislation that nearly all the laws at present in force were deposited in the Library of the League of Nations.

Mexico could not but support the general ideas which had led to the Conference. It was in favour of limitation and control. M. de Alva thought there could be no limitation without control, and even that there could be no control without some sort of limitation.

Since it was only necessary for the moment to take up a general position until the detailed discussion opened, the Mexican delegate was glad to announce that his Government absolutely approved the system of limitation, though, up to the present, it preferred the Crane plan¹.

M. Choumenkovitch (Yugoslavia) stated that Yugoslavia had taken an active part in the campaign against drug addiction of which the present Conference was one stage, and had given proof of its goodwill by agreeing to make considerable sacrifices. That was proved, both by its accession to the Geneva Convention of 1925—although other opium-producing countries, with the exception of India, had not assumed the obligations of that Convention—and by the resulting unfortunate consequences for one branch of production.

In the same spirit of goodwill and in view of humanitarian considerations—and M. Choumenkovitch realised that all the members of the Conference were inspired by the same ideas—the Yugoslav Government accepted the principle of the limitation of manufacture as completing the system of control over the traffic in narcotic drugs.

Nevertheless, the Yugoslav delegation wished to point out that the questions on the Conference's agenda presented special economic and social aspects appropriate to each country. These should be borne in mind in preparing the Convention.

The following argument had already been advanced. As the limitation of manufacture would necessarily result in a decrease in the demand for raw material and consequently in a fall in its price, it followed that limitation would affect the interests of producing countries more than those of manufacturing countries. The Conference would be better able to judge of the difference in the situation of the producing and manufacturing countries if to that were added the institution of the system of quotas for which the draft Convention² provided and which might lead to the monopoly system, with all its accompanying consequences. There was no necessity to emphasise that this situation might have not only economic but also moral and social reactions.

The Yugoslav Government had always suggested instead of the quota system

² See Annex 7.

embodied in the draft Convention, the institution of a more elastic system which would permit of free competition in the licit trade within the limits of legitimate needs.

In this connection, the Yugoslav Government attached special importance to the question of price. The difference between the price of raw material and the price of manufactured products was one of the causes of excessive manufacture. Moreover, this difference encouraged the illicit traffic. It was therefore necessary to establish a stable relationship between these two classes of price and thus to eliminate the principal cause for the excessive manufacture and the illicit traffic.

Without for the moment developing this idea more thoroughly or referring to other points to which the detailed discussion would lead, on some of which the Yugoslav Government had already had an opportunity to state its views during the preparation of the draft Convention, the Yugoslav delegation was convinced that the Conference could reach appreciable results on the basis of the ideas which several of its members had already expressed—namely, that the only way to deal with this problem was to endeavour to co-ordinate and reconcile the interests of the various countries, keeping in mind the necessity for a fair and equitable distribution of sacrifices.

In conclusion, M. Choumenkovitch repeated that his Government intended to

co-operate very sincerely in the humanitarian efforts of the Conference and to do its best to bring the Conference's work to a satisfactory conclusion.

The continuation of the discussion was adjourned to the next meeting.

16.—REPRESENTATION AT THE CONFERENCE OF THE REPUBLIC OF SAN MARINO.

The President announced that the Secretariat had received a telegram from the Government of the Republic of San Marino stating that it had decided to be represented at the Conference, and had given full powers to Professor Carlo Emilio FERRI. M. Ferri was attending the Conference as a member of the Italian delegation, and the President congratulated him on the new capacity in which he would share in the discussion.

The President also pointed out that, with San Marino, the number of States represented at the Conference was fifty-four. That figure was rarely attained, and it proved that the Swiss delegate had been right in emphasising the extreme importance of achieving universality. It seemed that this would now be achieved in view of the number of States represented at the Conference.

FIFTH MEETING (PUBLIC).

Saturday, May 30th, 1931, at 10 a.m.

President : M. DE BROUCKÈRE.

17.—LIMITATION OF THE MANUFACTURE OF DRUGS : GENERAL DISCUSSION (continuation).

M. van Wettum (Netherlands) said that he could be very brief as the position of his Government was sufficiently known.

He need hardly repeat that the Netherlands Government was prepared to co-operate wholeheartedly in the efforts of the Conference to carry out the decision of the tenth Assembly, by which the principle of the limitation of the manufacture of narcotics had been accepted.

Various suggestions had been made by previous speakers. M. van Wettum understood that those suggestions would be discussed later, when the Conference came to consider its definite plan of action. At the present stage of the discussion, he would therefore refrain from offering any comments on the system of limitation itself. He would have an opportunity of bringing forward suggestions in due course. He would merely point out that any such system could only be successful provided the Geneva Convention were applied practically universally and the

national administrations were efficient in the performance of their duties.

He had no doubt that the Conference would achieve very valuable results, for all delegations had come with the same purpose—to combat the abuse of narcotics. The unanimous decision of the tenth Assembly was the common base of action.

M. Bourgois (France) said that the Fifth Committee's recommendation and the Assembly resolution to convene the Conference were the outcome of a statement by the French delegate in the Fifth Committee of the Assembly, in which he announced his Government's decision to limit directly the manufacture of narcotic drugs.

The Advisory Committee, in its last report to the Council, "congratulated the French delegate on these very remarkable results of the strict system of control introduced as a result of the effective putting into force of the Geneva Convention in France in 1929." and added that "this was a further proof of the practical value of the provisions of the 1925 Convention".

A moralist had affirmed that egoism was detestable. The French delegate would at once apologise, therefore, for sinning against that maxim by recalling the above facts. His first impulse—Talleyrand had said that no good ever came from following first impulses—had been not to mention them, but he had not yielded to it. Perhaps the Conference would forgive him when it knew why. He had found a reason—or, if his colleagues preferred, a pretext—in recalling these facts for sparing them a speech.

The French Government's action, both in organising a system of control and in connection with the problem of direct limitation, was a clearer and better proof of its goodwill—one might almost say, even more forcibly, of its will—than mere words.

M. Bourgois would venture very briefly to draw his colleagues' attention to two aspects of the problem.

The accumulation of stipulations, obligations and restrictions would result in a strictly limited and controlled market, but this would have very little effect if beside that market and in communication with it there existed or were established a free market. What was the use of drawing the meshes tightly together if the net did not close the whole channel, particularly the channel through which the illicit traffic might pass?

It was therefore essential to anticipate and, if necessary, avert any such danger. For this purpose restrictions would have to be placed on non-signatories. How could that be done? What restrictions? That was a new and difficult problem; its solution would involve important questions of principle and might even create precedents. The Conference would have to deal with and solve it prudently but firmly.

The French delegate wished to refer to an opinion, or to put it more plainly, a mistake, which, if not fairly widespread, was fairly easy to make: he referred to the belief that, for the manufacturing countries, the limitation of manufacture was an economic problem.

The remarkable documents which the Health Committee of the League of Nations and the Secretariat had accumulated for five years showed, according to the statistics, which were generally accepted, that exports from manufacturing to non-manufacturing countries (which were practically all that would remain under the new system) amounted to less than two thousand kilogrammes, representing about six to eight million francs. In order to estimate the effect on the trade balance, the price of that raw material which must be always imported should be deducted. There was, then, a profit of about two million francs to be divided between the manufacturing countries. The probable increase in manufacture, as a result of a double game on which this was not the moment to dwell, would reduce the figure still further. In any case, the present figure clearly showed that, though manufacture was of interest to a certain number of industrial concerns; it was of no economic importance to any manufacturing country.

¹ See Annex 7.

Opium raised an economic problem only for the countries in which the poppy was cultivated. In some of those countries, sixty thousand to one hundred and twenty thousand families lived on the proceeds of poppy cultivation.

The French delegate wished, however, to emphasise that the Governments of both manufacturing and consuming countries should view the problem of limitation solely from a humanitarian and medical aspect.

The French delegation had therefore come to the Conference without any economic anxieties. It supported the Advisory Committee's plan, but was prepared to examine, without any preconceived ideas and in the most liberal and friendly spirit, any plans or suggestions which might be put forward. It would study every proposal with the desire to discover points of contact and not points of difference and with the determination to find a complete solution of the problem. Finally, its sole aim was to serve the general interests of humanity.

M. Sawada (Japan) said that, in accepting the invitation of the League Council to the Conference, his Government had definitely signified its willingness to co-operate with other countries in achieving the limitation of the world manufacture of narcotic drugs. He could assure the Conference that his delegation would do its utmost to find the best possible solution of that problem in conjunction with the delegations of the other Powers represented.

The strict limitation of the world manufacture of drugs to medical and scientific needs, with a view to controlling the illicit traffic and to preventing the use of drugs for illicit purposes, was no doubt one of the most effective methods by which to achieve the purposes of the Hague and Geneva Conventions. Nevertheless, the limitation of manufacture alone would not be sufficient to secure those ends. Strict control, in each and every country, by effective legislative measures and social education, was a matter of vital importance; in other words, an efficient national administration in all countries was one of the main factors of success in the attainment of the high purposes contemplated by the limitation of the manufacture of drugs.

With these aims in mind, the Japanese Government had carefully examined the draft Convention submitted as a basis of discussion¹. Before, however, entering upon the discussion of the problems involved in the draft, M. Sawada wished to assure his colleagues that his Government had followed with keen interest all the deliberations that had taken place on the subject at the League Assemblies, at the Preliminary Conference in London, and subsequently at the Advisory Committee's fourteenth session held at Geneva in January last. In reviewing the various stages of that preparatory work, he had felt a deep sense of admiration for the zeal and devotion with which some of his colleagues

attending the Conference had brought their work to its present stage of development.

Needless to say, the limitation of the manufacture of narcotic drugs aimed at a humanitarian object. Accordingly, in considering the scheme before them, the members of the Conference should be animated always and above all by that spirit. At the same time, if any scheme were adopted dealing with the question of the limitation of manufacture, it should take into consideration the great principle of the liberty of commerce and of equal opportunity in the development of industry. His Government considered that that point of view was of primary importance in drawing up an agreement on the limitation of drug manufacture. A further consideration which was equally important was that the conventions to be concluded on this subject should be such as to ensure universal application. If they failed in that respect, there was reason to fear that all other efforts might be doomed to failure.

The whole structure of the proposed draft Convention was based upon the quota system. In the Japanese Government's opinion, a scheme for the limitation of manufacture based upon that system had in it inherent difficulties. All the members would have noted from the discussions of the Advisory Committee, that there were still certain irreconcilable views unsettled in the scheme. If, however, the quota system was to be adopted at all, it would be only fair and just to decide that all quantities of drugs manufactured for export should be evenly allocated between all the countries desiring to export. Short of that, he felt persuaded that that system would meet with difficulties and irrefutable objections which might set at naught the whole object of the Convention.

If, however, M. Sawada's suggestion for the equal distribution of quotas failed to commend itself to all delegations, he might propose another alternative to allow all countries which manufactured drugs for export to produce up to the amount of legitimate and concrete orders coming from abroad. Such countries would, of course, be at liberty to manufacture a certain amount of drugs to adjust the shortage of their domestic needs caused by acceptance of the orders in question. Any country which had an export trade in the previous year might continue to manufacture up to a certain percentage of the quantities exported that year, even before receiving actual orders, and, when there was any surplus over and above the export of the year, that quantity would be carried forward to the next year and deducted from the quantities to be manufactured.

Some delegates might be inclined to say that, from the point of view of limitation, M. Sawada's suggestion as to the manufacture of drugs upon order fell short of achieving the objects contemplated by direct limitation, it being the intention of the Conference to allow the production of drugs only within the

limit of the world total. M. Sawada believed that, none the less, it was an effective method of direct limitation. Accordingly, he hoped that all the delegations would take his two proposals into careful consideration with a view to coming to an agreement on the basis of one or the other.

In that connection, he would repeat that, whatever method of limitation might be adopted at the Conference, the full realisation of its objective was based upon an effective control in each and every country. In order to ensure that control, his Government was inclined to think that the establishment of a Government monopoly in all countries for the manufacture and sale of narcotic drugs would go far to facilitate the achievement of the high purposes contemplated in the limitation of the manufacture of narcotic drugs. Accordingly, he would propose that all countries represented at the Conference should consider the possibility of establishing a Government monopoly or any other similar institution and he hoped that his colleagues would give this proposal equally serious consideration.

In conclusion, M. Sawada pointed out that, judging from the tone of the discussions that had taken place up to the present, there seemed to be a divergence of views among the countries represented on the question before the Conference, and he was led to think that the task was not an easy one. At the same time, he was delighted to find that the discussions had been marked by a strong and unanimous desire to come to an agreement one way or another. Surely that could be taken as a very good augury for the success of the Conference. He would therefore express the hope, on behalf of his delegation, that the future discussions would be carried on in an atmosphere of calm deliberation and in a spirit of co-operation, so that the work of the Conference might be crowned with the success desired by all alike.

The President stated that M. Sawada's proposals would be referred to the Business Committee with the other proposals which had already been submitted.

Sir Malcolm Delevingne (Great Britain) had noticed with some surprise that, in the course of the discussion, very few of the speakers had addressed themselves to the consideration of the scheme embodied in the draft Convention which had been communicated to the members of the Conference by the Council of the League, and which had been adopted as the basis of their work¹. In his opinion, no effective progress could be made unless the main lines on which the work was to proceed were decided, and he would ask the indulgence of the Conference in going over, in some detail, the ground covered by the scheme before it.

The scheme in question was the sequel of the 1925 Geneva Convention. It was now six years since that Convention had been adopted. It had not been possible in 1925 to obtain the direct limitation of manufacture which his own Government desired and advocated, but a much more efficient instrument was obtained than had previously

¹ See Annex 7.

existed. He was not, he believed, alone in thinking that the effective use made of that instrument, and the close international co-operation that had accompanied it, had enabled a point to be reached at which it was possible to consider, with every prospect of success, the further step which the present Conference had met to bring about.

He did not propose to travel over past history, but at the outset he wished to say this: criticism, not to say abuse, had been lavished in plenty on the Advisory Committee of the League, on the League Secretariat, and on the League itself, in connection with the question of drug control; but it was, he believed, beyond all possibility of disproof that the Conference had met mainly as the result of the steady work—continued over a series of years—of the Advisory Committee in unmasking the methods, sources, agents and extent of the illicit traffic; in urging on Governments—perhaps out of season as well as in season—the ratification and effective administration, in the spirit as well as in the letter, of the Geneva Convention; and in working out improved methods of administration, work which had, he was glad to say, received the constant approval and support of the Council and Assembly of the League.

What was the situation with which the Conference had to deal? He would recall some elements of the problem. In the matter of the manufacture and supply of narcotic drugs, the countries of the world fell into two main groups—manufacturing countries and consuming countries. The manufacturing countries, again, fell into two sub-groups—those which manufactured solely, or almost solely, for their own requirements, and those which manufactured for the supply both of their own requirements and the requirements of other countries. To a small extent, the two main groups overlapped, as some countries manufactured part of their own requirements and imported the remainder.

The problem before the Conference was how to bring about, first, that manufacturing countries should not, between them, manufacture more than was required to meet their own legitimate needs and of the needs of the countries, if any, which they supplied; secondly, that the consuming countries should receive to the fullest extent and without delay the supplies they required and in the form in which they required them. These aims could only be achieved, first, by co-operation between the manufacturing countries themselves, and, secondly, by co-operation between the manufacturing and the consuming countries.

The scheme embodied in the draft Convention before the Conference set out to secure this object, and a very large measure of progress to that end had already been made as the result of the preliminary Conference of manufacturing countries held in London in the previous November, and of the negotiations and discussions that had since taken place.

Sir Malcolm Delevingne would say a word as to a suggestion often heard in the past, and still heard, that the interests of the manufacturing and consuming countries were opposed in this matter. However true that might have been in an unhappy past, it could not be truly said to-day, so far, at any rate, as the Governments which accepted the scheme before the Conference were concerned.

What were the interests of the consuming countries in this matter? They could be briefly summarised as follows: first, that they should be assured the supply at reasonable prices of the drugs they required for legitimate uses; second, that they should be protected against illicit introduction of the drugs. These interests were recognised and provided for in the draft Convention.

How did the scheme before the Conference deal with that situation? However complex its details—and complex they could hardly fail to be in view of the complex character of world trade and the almost infinite variety and constantly changing nature of medical requirements—the main outlines of the scheme were clear and simple. They might be stated under three heads:

- (1) The limitation of world production to a definite amount year by year;
- (2) An agreed apportionment of that amount between the manufacturing countries so as to ensure that, between them, they did not make more than the defined amount;
- (3) The distribution of that amount to the consuming countries according to their needs.

Under the first heading, the yearly limit of manufacture was to be based on the estimates, furnished annually by the countries themselves, of their respective needs, each country being left the judge of its own needs. Should a country's original estimate be found insufficient for its needs, it had the right to send in a supplementary estimate. Two qualifications were added: first, if an estimate were sent in which appeared excessive to the competent authority to be established under the League, it would be the subject of friendly discussion between that authority and the Government concerned. Sir Malcolm Delevingne did not think that anyone would question the value of such a provision; it was a protection for other countries against the possibility of leakage of the drugs into the illicit traffic. Secondly, if a country failed to send in an estimate, an estimate would be framed for it by the competent authority mentioned above. In this way, the needs of that country would be provided for under the scheme.

As regarded the second heading, if the world figure were not to be exceeded, the manufacturing countries must agree how much of that figure each of them should manufacture. A very large measure of agreement had already been reached in this matter. He had heard it stated, as a criticism of this part of the scheme, that it constituted a monopoly for the existing manufacturing countries. That was most emphatically not the case. Any country which did not at present manufacture drugs

retained full liberty to do so. It was still objected, however, that, admitting that each country retained its freedom, the distribution of quotas would present great difficulties. He was quite ready to agree that the present provisions of the draft Conventions were capable of improvement, and that it would be desirable, if possible, to find some more definite basis on which the redistribution of quotas could in such cases be effected. He believed it was possible, and proposals to that end had been under consideration. He would refer to this matter again at a later stage.

With regard to the third point, that of distribution, there were three conditions to be secured. First, every consuming country must receive the amount of its estimate and no more. Secondly, there must be no undue delay in supplying its requirements. Thirdly, each consuming country should be able to go where it wished to obtain its supplies.

It would take too long to go into the details of the provisions by which those conditions were secured in the draft Convention, but he would mention one point which was often overlooked. The subjects of limitation and control were sometimes discussed as though the only substances involved were the pure alkaloids and the salts. Very considerable quantities of those drugs were used in the manufacture of special medicinal preparations which formed a substantial part of the international trade. Members of the Conference had but to look at the list of such preparations contained in document O.C.1123, which had been drawn up for the Opium Advisory Committee by a committee of experts, to appreciate the importance of that point. The medical profession insisted on its professional right to obtain the drugs in whatever form, at whatever times, and from whatever sources it considered necessary for the treatment of the sick. No scheme which interfered with that right would have any chance of acceptance in Great Britain or, he would imagine, in many other countries.

Those were, in brief, the main points of the scheme before the Conference. He was well aware, apart from various minor details which would need to be settled by the Conference, of some serious difficulties which had not yet been surmounted.

In the first place, there was the difficulty that Japan had not yet seen her way to accept the scheme. Japan was a manufacturing country, but not yet, except on a very small scale, an exporting country. She desired, however, liberty to engage in the export trade if, and to the extent, she wished. The matter had been the subject of friendly discussions between the Japanese delegate and the delegates of other manufacturing countries, but he was sorry to say that it had not so far been possible to come to an agreement.

While interested in the statement made by the Japanese delegate, Sir Malcolm Delevingne was not quite sure that he followed the proposal which M. Sawada had submitted to the Conference. He could, however, assure the Japanese delegate that, so far as he himself was concerned—and he believed

¹ See Annex 7.

so far as his colleagues from other manufacturing countries were concerned—he was ready to consider in the most sympathetic spirit anything put before the Conference which would or might lead to a possible solution. Should it be impossible to come to an agreement, the difficulty that arose could, he believed, be met by an extension, in a modified form, of the arrangement in Article 16 of the draft Convention¹.

There was the further difficulty which had arisen as a result of the establishment of drug factories in Turkey. That was a very serious difficulty. Sir Malcolm Delevingne did not propose to say more on the subject at the moment, as the situation in Turkey had changed considerably during the last few months, and discussions with the Turkish delegation had still to take place. He could only say that the prospect of a solution seemed much more hopeful than it had done a short time ago.

There was also the question of safeguarding the consumer against an excessive increase in the price of drugs. On that point he need only say that the manufacturers in the countries which accepted the scheme were prepared, he understood, to accept price control. The only question which remained concerned the best method of effecting this. The Opium Advisory Committee of the League, partly through lack of time, had refrained from making any definite recommendation.

Admittedly, the scheme in all its details was a complex one; but, if that were a fault, he would remind the Conference that this was the first time, so far as he knew, that anything of the kind had been attempted on a world scale. It might well be that some of the arrangements proposed could be simplified without weakening the plan. If suggestions to that end were brought forward, those who had taken part in drafting the scheme would be glad to discuss them. Their aim had been to present to the Conference a scheme at the same time workable and water-tight; and, as he had said already, some complexity in dealing with a worldwide trade seemed unavoidable.

There was one matter which had been referred to in the discussion and which, although it did not relate in particular to the scheme, Sir Malcolm Delevingne would not like to pass over—namely, the position of the countries which produced the raw material, as it would be affected by any scheme limiting manufacture. The delegations of Turkey, Yugoslavia and Persia had all referred to this point. They wished to see their producers protected and their export market stabilised. He felt sure that the Conference would wish to examine this question sympathetically, in order to see whether any arrangement was practicable.

The British Government supported a scheme of limitation on the lines of the draft Convention; in its opinion, no other generally practicable scheme had been put forward. Reference had been made in the discussions to the Crane scheme². The British Government regarded that scheme as impracticable and as entirely unacceptable. The Japanese

² See document C.251.M.114.1931.XI.

delegate had spoken of a scheme of monopoly; whatever the future might hold in store in that regard, the Japanese delegate would agree with Sir Malcolm Delevingne that it was not a practical proposition at the present moment, and could certainly not be embodied then and there in the form of a Convention.

The scheme incorporated in the draft Convention had been before the world for over a year and had received a very large measure of support. An immense amount of preparatory work had been done. When, a year ago, the first steps were being taken towards the goal, it had seemed to Sir Malcolm Delevingne that the greatest difficulty to be encountered would be that of securing agreement among the present exporting countries. That difficulty had been overcome. The principle of the limitation of manufacture to a definite amount had been accepted and the allocation of that amount agreed. It could not, he thought, be questioned that the scheme before the Conference, if adopted by the Governments and operated by them with a desire to give to it its full effect, would produce the results desired. If the scheme were given to the world with the full support of the Conference, its success would be assured. The scheme was the product of long and earnest consideration by men who were familiar with the administration of the drug laws in their respective countries and who had also for years been taking an active part in the international side of the problem. If there were any credit to be attached to the scheme, no single individual and no single country claimed or could claim it. It was submitted to the Conference as the joint work of many minds, collaborating over a long period, and inspired with a single desire to reach a solution. The responsibility for a decision rested with the Conference. It had before it a scheme worked out in detail which, if the nations rallied to it, could be put into operation without delay. Sir Malcolm Delevingne ventured to hope that the Conference would not throw that scheme lightly aside.

M. Chodzko (Poland) stated that the Polish delegation's attitude at the Conference was clearly stated in the communication addressed by the Polish Government to the Secretary-General of the League of Nations on April 5th, 1930, through the intermediary of its accredited diplomatic representative. In that communication the Polish Government had accepted the two essential fundamental principles for effectively limiting the manufacture of narcotic drugs.

Poland was prepared :

(1) To notify in advance, for a determined period, its requirements of narcotic drugs ;

(2) To state from which country or countries it would purchase its requirements.

The Polish Government was of opinion that the first of these points was simply a

logical development of Article 21 of the Geneva Convention, under the terms of which the parties to the Convention forwarded to the Permanent Central Opium Board a statement relating to the quantities of narcotic drugs to be imported during the following year.

With regard to the second principle, the Polish Government considered that, as the scheme for stipulated supply facilitated freedom on the market, and consequently encouraged competition in regard to the quality and price of the manufactured products, it gave greater guarantees to the consuming countries from both these aspects.

Obviously, the Polish Government attached great importance to the strictest application of the provisions of Article 9 of the Hague Convention and Article 5 of the Geneva Convention relating to the limitation of the manufacture of narcotic drugs to world medical and scientific requirements.

The world requirements of morphine and its derivatives for medical and scientific purposes, as calculated on a generous scale by the Opium Section of the Secretariat, amounted to 32½ tons per year¹. In 1929, however, 59 tons of morphine and, from 1925 to 1929, an average of 46 tons of morphine per year had been manufactured. That was a difference of about 27 tons for 1929 and about 70 tons for the years 1925 to 1929. On the other hand, it is possible to establish that, during the period 1925-1930, not less than 100 tons of morphine from all known sources and under all forms, including diacetylmorphine and the other esters and ethers of morphine, have escaped into the illicit traffic, which would represent, for morphine, 10 milliards of doses².

M. Chodzko paid a tribute to the Opium Section of the Secretariat for its important work and the figures it had supplied. Those figures had been computed quite impartially.

In view of the Polish Government's attitude, M. Chodzko had made the fullest reservations at the fourteenth session of the Advisory Committee in January 1931 with regard to the draft Convention accepted by the majority of the Committee, and, in particular, Article 8 and the articles connected with it³. He now maintained those reservations.

Having signed, together with the representatives of Belgium, China, Spain, Mexico and Uruguay, the minority note reproduced on page 83 of the Minutes of the fourteenth session, he reserved his right during the discussion on the Advisory Committee's draft to put forward any necessary amendments and any suggestions arising out of the decisions taken by the Health Committee of the League of Nations at its session in May 1931. He also reserved the right to make any other necessary proposals. M. Chodzko thought, however, that the Conference could accept and adopt a number of articles in the draft Convention, particularly those relating to its application and the setting up of the organisations necessary for the effective application of the Convention.

¹ See document C.587.M.228.1930.XI, page 16.

² See Annex 21.

³ See Annex 7.

He hoped it might be possible to reconcile various points of view which at first sight seemed irreconcilable. The Polish and Danzig delegations would loyally co-operate in this work.

The very interesting draft Convention¹ submitted by the Argentine delegate contained ideas which were worthy of attention. M. Chodzko was particularly pleased that the idea of a State monopoly of trade in narcotic drugs was viewed with favour. He also agreed with the delegate of Uruguay that the Argentine proposal to set up National Offices for the campaign against narcotic drugs was of the greatest value, provided those bodies were closely connected with one another and with the Permanent Central Opium Board.

The Polish Government and the Senate of the Free City of Danzig, anxious to co-operate actively in all humanitarian and social work of international importance, were firmly determined to contribute to the utmost to the work of the Conference which should finally and once and for all remove the evil from which the whole of mankind, irrespective of race and religion, was suffering. They very much hoped that the Conference would be successful.

M. von Rheinbaben (Germany) shared the views of the preceding speakers as to the importance of freeing humanity as quickly as possible from the evil of drug addiction.

As representative of a country which manufactured and exported narcotic drugs, he would state certain facts and develop certain arguments in order to explain the German Government's attitude with regard to the task before the Conference—the preparation of an international Convention for the limitation of the manufacture of narcotic drugs.

In the first place, M. von Rheinbaben pointed out that the German Government had done its best in past years to make effective the measures of control for suppressing the illicit traffic in narcotic drugs. The German delegates were prepared to show their goodwill by doing everything possible to ensure the success of the Conference. In that spirit, the German Government had participated in the long and difficult preparatory discussions to which Sir Malcolm Delevingne had referred². It had also co-operated in the preparation of the Advisory Committee's draft Convention³.

The German Government was anxious that no Convention should be concluded without the free consent of the manufacturers themselves. It had been at some pains to persuade manufacturers of the value of the draft and to induce them to abandon some of their requests in order to facilitate this important international effort. It believed that this was the best way to ensure the strict and satisfactory application of the limitation of the manufacture of narcotic drugs, the object of the present Convention.

Obviously, during the Conference's discussions, the German delegation would willingly examine any proposal for improving

the draft Convention; but, in its view, the draft should remain the fundamental basis of the work of the Conference, and in this connection M. von Rheinbaben supported the British delegate's views.

Many of those who had already spoken had referred to the past and had illustrated the progress of the campaign against narcotic drugs since the great war. M. Cavazzoni, in particular, had referred to the Treaty of Versailles and the ratification of the Hague Convention. M. von Rheinbaben would simply point out that the first law on the control of the derivatives of opium had been adopted in Germany in 1920, immediately after the Treaty of Versailles had entered into force. Five years later Germany, though not yet a Member of the League of Nations, had taken part in the proceedings of the Geneva Conference. Prior to ratification it had applied the stipulations of the Convention drawn up at that Conference. It had ratified the Convention in 1929, at the time when, after the entry into force of the Convention, the reservation made by Germany at the moment of signing had been fulfilled.

With regard to the practical value of the Geneva Convention, the German delegate associated himself with some of the statements made by M. Dinichert. Though it was regrettable that the illicit traffic still existed, there was no doubt, in the German delegation's view, that there had been a real improvement of the general situation in the campaign against narcotic drugs since the 1925 Convention had entered into force. Even greater progress would have been made if all the countries had ratified the Convention earlier.

In order clearly to prove that criticism had been a little premature and that the Geneva Convention had been effective, the German delegate quoted figures showing the result of the limitation of the manufacture of narcotic drugs in his country :

<i>Manufacture of morphine:</i>	Kilogrammes
1929.. .. .	24,200
1930.. .. .	10,555
<i>Exports of morphine :</i>	
1929.. .. .	2,892
1930.. .. .	1,078
First quarter of 1931	70
<i>Manufacture of diacetylmorphine:</i>	
1929.. .. .	387
1930.. .. .	169
<i>Exports of diacetylmorphine :</i>	
1929.. .. .	292
1930.. .. .	175
First quarter of 1931	15
<i>Manufacture of cocaine :</i>	
1929.. .. .	1,826
1930.. .. .	1,153
<i>Exports of cocaine :</i>	
1929.. .. .	1,504
1930.. .. .	1,032
First quarter of 1931	173

¹ See pages 21-23.

² See document C.669.M.278.1930.XI.

³ See Annex 7.

The decrease in the figures was due to the restrictive measures laid down in the Geneva Convention or to measures closely connected with the Convention. He referred to the regulation of the manufacture and export of morphine esters, which had ceased since January 1st, 1930.

M. von Rheinbaben also drew attention to a new agreement between the German Government and the manufacturers, as a result of which the ethers of morphine—and, in particular, peronine—would, in practice, be subject to the restrictive measures laid down in the Opium Law for all other drugs. The manufacturers had formally undertaken not to manufacture or export peronine except for a few medical specialities for which the employment of small quantities of peronine was essential, but which were quite harmless. The manufacturers were required to inform the Government every three months of the quantity and quality of the other ethers of morphine, so that the State might exercise absolute and effective control over the manufacture of these drugs. The German Government felt it had done all it could since April 1st of the past year to prevent a single gramme of peronine manufactured in Germany from passing into the illicit traffic.

The German Government's recent action showed its determination to take its fair share in the common struggle. In that spirit, the German Government was prepared to complete the results already achieved by the Geneva Convention, and, after the preparatory work to which M. von Rheinbaben had referred at the beginning of his speech, to limit the manufacture of narcotic drugs in accordance with the Assembly's recommendation.

M. Figueredo-Lora (Costa Rica) stated that the Government of Costa Rica felt it had an imperative duty, as a signatory of the Hague Convention of 1912, to co-operate, as it had done in the past, in the campaign against the evil of narcotic drugs.

The Government of Costa Rica had been the first fully and completely to accede to the fundamental principles of the scheme for stipulated supply. Document C.251. M.114.1931.XI, which had been circulated to the members of the Conference, contained a note sent by M. Figueredo-Lora to the Secretary-General of the League of Nations on August 31st, 1929, at just the moment when it seemed likely that that scheme would be passed over in silence. The second paragraph of the note read :

"With a view to drawing my Government's attention to the said scheme, I transmitted to it on March 17th, 1929, a report published in *La Gaceta* (official journal) of San José, dated June 7th and 8th, 1929."

As a result of the memorandum in question, the Costa Rican Government decided, in Decree No. 434, of July 12th, 1929, to appoint a Commission to study the question of narcotic drugs with a view to the revision of the drug law then in force in Costa Rica,

¹ See Annex 34.

and the addition of new articles for preventing an increase in drug addiction and making more effective the campaign against the illicit traffic in narcotic drugs throughout the country, which traffic was fortunately not very widespread. That Commission gave its views, and immediately afterwards the Secretariat for Public Health and Public Safety submitted to the Constitutional Congress a Bill which, with some amendments, was soon approved by the Congress. That Bill, which was based on the general lines laid down in the memorandum to which he had already referred, had been translated in full by the Opium Section of the League of Nations and published in document A.51.1929.XI. The following statement appeared on page 7 :

"The system of a State monopoly is undoubtedly the most successful conceivable at present for the effective suppression of the illicit traffic in narcotics, and for the restriction of their use and their exclusive limitation to therapeutic and scientific requirements. This applies to the solution of the problem in our own country."

M. Figueredo-Lora was glad to say that a State monopoly was at present in force in Costa Rica. He continued to think, as regards the importation and distribution of narcotic drugs for the medical and scientific requirements of each country, that the system of State monopoly was the most advantageous and gave the greatest guarantees against illicit traffic. He hoped the Conference would officially recommend the adoption of this system in all countries in which it was compatible with the national legislation. In Costa Rica, dynamite was only imported by the State, which distributed it to the persons who proved they had need of it. Consequently, nothing would be more natural than that drugs, which were infinitely more dangerous than dynamite, should be exclusively imported and distributed by the State, whose duty it was to ensure the security of the inhabitants of its territory. Guided by this principle, the Costa Rican Government, by Decree No. 4 of October 24th, 1928, absolutely prohibited the importation, exportation, transit through the territory of the Republic, purchase, sale, transfer, possession, warehousing and use under any form whatsoever of heroin (or diacetylmorphine), and any preparation containing it¹.

M. Figueredo-Lora strongly supported the Austrian representative's views, the more so because, during the course of his medical career, he had completely abandoned the use of heroin, convinced that it was not at all indispensable for patients, but that, on the contrary, as everyone was aware, it subsequently exposed them to very grave dangers.

The new Costa Rican law on narcotic drugs imposed fairly severe penalties on offenders. He wished they were even more severe, for, in his view, the illicit traffic in narcotic drugs should be punished as attempted

homicide. He therefore supported the view that the clandestine sale of narcotic drugs was not merely an offence, but a crime aggravated by premeditation and the intention to do harm.

The Conference would realise from these observations that the Costa Rican Government desired to continue to co-operate, on an international scale, in the campaign against the illicit traffic in narcotic drugs, and that, so far as the importation and distribution of those drugs in Costa Rica was concerned, it was anxious to establish severe control and to prevent, by all legal means at its disposal, consumption for other than legitimate requirements.

M. Figueredo-Lora drew the Conference's attention to the fact that Costa Rica was neither a producer nor a manufacturer of narcotic drugs, but merely a consumer. In these circumstances, he was glad to say that the co-operation of his country in the campaign was inspired by feelings of humanity and international fellowship. Obviously, therefore, its modest help was entirely and sincerely at the disposal of the Conference, which could not and should not conclude its work until it had accomplished the task before it. That task laid on it a heavy moral responsibility, the humanitarian importance of which was apparent. The Conference would have failed in its duty if the Convention to be adopted did not immediately bring about the limitation of the manufacture of narcotic drugs.

Mr. Caldwell (United States of America) would confine himself for the moment to a general statement on the position of the United States delegation, reserving the privilege of introducing, if necessary, any detailed proposals as the discussion proceeded.

The United States delegation was of the opinion that none of the plans for limiting the manufacture of narcotic drugs suggested so far were entirely satisfactory in their present form. The work on the preparation of the plan drawn up by the Opium Advisory Committee¹ was fully appreciated, but it was manifestly incomplete. Consequently, the United States delegation could not at the moment advocate the adoption of any proposed plan as it stood, but was prepared to co-operate with the other delegations along the lines of any plan that might be under consideration, in a sincere effort to devise a Convention which would achieve the purpose of the Conference.

He wished to make the following observations concerning the provisions which should be embodied in the draft Convention.

The proposal that only certain drugs should be affected by the Limitation Convention was based, presumably, on the belief that only the drugs suggested for inclusion had, up to the present time, been manufactured in such quantities as to be a serious menace to the world. It must be realised, however, that, as had been amply demonstrated within recent years, as soon as a drug which had been found in the illicit traffic in large quantities

¹ See Annex 7.

was placed under control, there at once appeared in its place a new, or previously unimportant, dangerous habit-forming drug.

The manufacture of all opium and coca-leaf derivatives should therefore be limited, and his delegation recommended that this should be accomplished by limiting the quantities of raw material which manufacturers were allowed to use, the alkaloidal content to be ascertained by Government assay. Moreover, in view of the fact that, contrary to opinions which had been current, it was known that morphine good enough to be used in the illicit traffic might be derived from gum opium by simple and inexpensive methods, and that codeine was readily convertible into habit-forming drugs, it would be necessary for supplies of raw opium to be strictly controlled by Governments as soon as a limitation of manufacture became effective and supplies of high-grade morphine were not so readily obtainable for the illicit traffic.

If the quantities of raw materials which factories were permitted to work up were strictly limited by Governments, the maximum quantity of all derivatives which could be prepared therefrom would automatically be limited. Governments should account for all imports, manufactures, sales and exports of opium and coca leaves and of all drugs manufactured from them.

Any effective plan for limitation of the manufacture of narcotic drugs must, of course, be based on estimates of needs of opium and coca-leaf derivatives, to be prepared by consuming countries and transmitted to some central office, as envisaged in the Opium Advisory Committee's plan.

Exports of opium and coca-leaf derivatives should be restricted to the estimated requirements of the consuming countries, unless in exceptional circumstances, and the United States delegation urged that the import and export certificate system should be applied to *all* opium and coca-leaf derivatives.

The United States Government fully appreciated the importance of a limitation of manufacture and the more adequate control of the distribution of narcotic drugs, and it would lend its best efforts to the realisation of that object.

As a result of the lack of adequate limitation of manufacture and control of the movements of narcotic drugs, enormous quantities intended for the illicit traffic had, in recent years, reached the United States from abroad. In consequence, his Government had a very definite and practical interest in the successful outcome of the Conference, apart from its interest in the solution of the problem from a humanitarian point of view.

The task of the Conference was admittedly difficult, but a gathering composed of delegates of the Governments of almost the entire world, acting in the spirit already evidenced by the delegates who had spoken, could not fail to agree upon a Convention which would

put an end to the manufacture of tons of narcotic drugs for the illicit traffic.

He wished to acknowledge the reference to the United States contained in the Canadian representative's statement and to take the opportunity of expressing appreciation of the very effective co-operation which the officials of the United States Government had at all times received from the officials of the Canadian Government in their efforts to suppress the illicit traffic in narcotic drugs.

M. Sakalauskas (Lithuania) felt there was very little to be said after the speeches he had just heard. Nevertheless, he desired to add a few words in order to bear witness once again to the Lithuanian Government's sympathy for the Conference's work. He also wanted to express a hope that the present humanitarian effort would be successful.

The question of narcotic drugs was not of the same importance in Lithuania as in other countries. Lithuania did not manufacture these drugs, and imported only some dozens of kilogrammes a year for medical requirements. The damage to human health caused by narcotic drugs did not, therefore, provoke such intense feeling in Lithuania as in the countries which were more directly affected.

With the sincere desire, however, to help in the international campaign against this evil and to enable the abuse of narcotic drugs to be stamped out under whatever form it appeared, the Lithuanian Government had acceded during the past year to the 1925 Opium Convention. Further, his Government would extend a warm welcome to the international documents which would certainly crown the common efforts of so many eminent statesmen gathered together at the present Conference.

The continuation of the discussion was adjourned to the next meeting.

18.—QUESTION OF HEARING THE REPRESENTATIVE OF THE "ASSOCIATION DE DÉFENSE INTERNATIONALE CONTRE LES STUPÉFIANTS".

The President stated that the *Association de défense internationale contre les stupéfiants*, having been informed of the Conference's procedure, had asked to be heard on the following Tuesday. The Business Committee had acceded to this request, and the President asked the Conference to ratify that decision.

The decision of the Business Committee was ratified.

SIXTH MEETING (PUBLIC).

Monday, June 1st, 1931, at 10 a.m.

President : M. DE BROUCKÈRE.

19.—LIMITATION OF THE MANUFACTURE OF DRUGS : GENERAL DISCUSSION (continuation):

M. Casares (Spain) thought it needless, at the present stage, to occupy the Conference's time by repeating the views which the Spanish Government had long held on the campaign against narcotic drugs, or by explaining once again the legislative measures in force, which were evidence of Spain's firm resolve to put a stop to the illicit traffic internally and to co-operate enthusiastically in the solution of the international problem. He called to mind his previous statements at the Fifth Committee, and drew special attention to the report presented to the Assembly by the Polish delegate, M. Chodzko, in which the Spanish law was described as model for the purposes of the campaign against narcotics and had been singled out as the one bright spot on a dark horizon.

M. Casares would be glad to place the text of the Spanish laws and regulations, both in French and English, at the disposal of the delegates should they wish to consult them.

Those taking part in the general discussion should not confine themselves to statements of the methods employed in the various countries and to assurances of their Govern-

ment's readiness and desire to find an effective solution of the drugs problem.

Some delegations, it was true, had made important declarations; he had in mind the noteworthy and very suggestive document submitted by M. Perez; other delegates, however, had only stated their views on particular principles or, in some cases, points of detail.

The Spanish delegation would have no hesitation in accepting the most advanced and radical solutions and would remind the Conference of the minority report which it had signed with the representatives of five other countries in the Advisory Committee¹.

In the name of his Government, M. Casares supported also the proposals which M. Cavazoni had made at the end of his speech. He favoured the proposal of Mr. May², of the Permanent Central Board, which aimed at automatically bringing all substances not proved harmless within the scope of the Conventions. He advocated likewise the total suppression of the manufacture of diacetylmorphine, a measure already in force in the United States of America, Costa Rica and Poland, and which had just been recommended afresh by M. Schultz.

As to the inclusion in the future Convention of all opium and coca-leaf derivatives,

¹ See Annex 7(a).

² See Annex 7(b), Appendix.

M. Casares would simply remind the Conference that the extension of its programme to cover this point had been proposed by the Spanish representative on the Council of the League.

The scheme of stipulated supply was already incorporated in the Spanish law. In accordance with Article 51 of this law, the competent Spanish authorities had, on April 4th last, communicated to the Permanent Central Board the names of the foreign firms with whom official orders had been placed after the receipt of tenders, together with the nature and quantity of the drugs to be supplied.

While he did not contest the expediency and value of statements such as that which he had just made, M. Casares hoped that the general discussion would not be closed before certain points of essential importance had been dealt with so as to lighten the task of the Conference.

The Conference had before it two drafts which had been examined by the Advisory Committee and a preliminary draft from the Argentine delegate. The President had ruled that the official drafts and any other proposals submitted to the Conference would be discussed *pari passu*.

The draft which had in some measure the official approval of the League organs was that submitted by the Advisory Committee¹. That draft, which was about to be discussed article by article, was dependent on an agreement being concluded first between the manufacturing countries. The Advisory Committee, sitting for a month during the previous winter, had worked on the draft in the hope that agreement between the manufacturing countries might be achieved at any moment, but its session had closed while there was still no prospect of an agreement, and the Committee had had to leave blank the articles specifying the quotas and the list of countries to whom they were to be allocated. The Conference therefore would be glad to learn whether the blanks in the Advisory Committee's draft could now be filled in or whether once again the probable outcome would be a conditional text, from which the essential data would be missing and to which no country would dare append its signature.

Should it prove impossible to reach the agreement which had been awaited in vain since the preliminary London Conference of October 1930 and on which the Advisory Committee's draft was based, the Conference would have to turn to some entirely different system of limitation, the enforcement of which would depend wholly on the goodwill of Governments instead of on an agreement between certain private interests.

This point should be sufficiently cleared up during the general discussion to allow the Business Committee to embark on its task with a certainty of doing useful work.

The Mexican delegate, whom M. Casares would publicly thank for his generous and

¹ See Annex 7.

spontaneous words, had called to mind Spain's concern, from the moment when she had first introduced her civilisation into the far American colonies, with the fight against the drug scourge. By taking her place in the forefront of the great crusade, the decisive battle in which was being prepared by the present Conference, modern Spain was but carrying on the tradition of centuries.

To achieve the aim in view, each delegate must be prepared to sacrifice his personal views as to the system to be adopted and methods of application and publicly to denounce any action savouring of weakness or selfishness which might endanger the work of the Conference and the prestige of the League.

M. Bogomoloff (Union of Soviet Socialist Republics) said that this was the second conference on the limitation of narcotic drugs at which the Soviet Government had been represented, the first being the London Conference in October and November 1930. The reason for the Government's abstention from earlier international conferences on the subject was not that it failed to appreciate the importance of the issue, but that it did not believe that the existing agreements, such as the Geneva Convention of 1925, gave any assurance that real limitation would be achieved.

In the Soviet delegation's view, the Geneva Convention provided no measure which would facilitate the limitation of manufacture. The terrible growth of the illicit traffic in different kinds of narcotic drugs since the signature of the Geneva Convention showed that the Convention was of no avail in the fight against that growing evil.

The Soviet delegation considered that the situation at present was much worse than it had been at the time when the Geneva Convention was signed, and at that time the situation had been much worse than at the time of the first International Convention of 1912. The illicit trade in all kinds of dangerous drugs, including opium, hashish, etc., showed a tendency not to diminish but to grow. The list of seizures published by the League was evidence of the terrible amount of drugs which went into the illicit traffic. The report distributed on the previous Saturday stated that the seizures of some drugs greatly exceeded in amount the world's legitimate needs. Moreover, as everybody knew, the quantity of drugs seized by the Customs authorities might at the highest estimate represent perhaps 10 per cent of the whole amount of the illicit trade. In actual fact, an examination of the figures given by the League for some of the firms involved in the illicit trade, for instance, the firm of Roessler, would show that the seizures did not amount to more than one per cent of their whole production. Hence, it would plainly be a very moderate estimate to say that the illicit trade was at

least ten times greater than the legitimate world needs. Such was the situation five years after the signature of the Geneva Convention.

From an analysis of some of the official figures supplied by different States and published by the League it would be seen that the average needs of the whole world, for example in morphine, were about 32½ tons a year¹; but according to the official statistics the average production of that drug during the last five years had been 46 tons a year, reaching in 1929 the figure of 59 tons. That meant that, according to the official statistics, about 100 tons of morphine prepared by so-called *bona fide* firms during the past five years had gone into the illicit traffic.

A complete review of the existing situation would take too much time and M. Bogomoloff would limit himself to a few examples showing that it would be a delusion to think that any real progress had been made since 1925.

For instance, one of the League publications concerning the international trade in narcotic drugs for the years 1925 to 1929 (document C.718.M.306.1930.XI), contained, on page 33, the following very curious statement concerning one of the great manufacturing countries :

“ The total exports from 1925 to 1929 were 5,058 kilogrammes (of morphine). Of this amount, more than 85 per cent was either not acknowledged by the importing countries or went spasmodically and in large amounts to countries which have furnished no information regarding their imports.”

That was the official recognition of the present situation.

Page 35 of the same report afforded another striking example. Exports of diacetylmorphine from one of the big manufacturing countries were given, for the year 1928, as 2,663 kilogrammes. The whole production of that country was given as 3,450 kilogrammes; but at the same time the production of only one firm in that country was quoted as having been 4,349 kilogrammes—that was to say, 1,000 kilogrammes more than the official production of the whole country.

The Soviet Union delegation was inclined to think that those cases were not exceptional, but more probably represented the general rule—that was to say, that they furnished the correct picture of the situation throughout the world, and showed that, to fight the growing evil, some drastic measure would have to be taken immediately.

The Soviet Government had sent a delegation to the London Conference in the hope that world public opinion had at last understood the necessity for some measure which would lead to the limitation of the manufacture of narcotic drugs, or, at least, for some action to reduce illicit consumption. The Soviet Union delegation was obliged to say that its Government had been very much disappointed at the results of the London Conference. The proceedings had shown that the question which had taken 90 per

cent of that Conference's time had not been the question of the limitation of the manufacture of dangerous drugs, but the question of dividing the market between some of the manufacturing countries, leaving the entire control of the trade in narcotic drugs in the hands of the manufacturers, whose primary aim was always increased profits; that was a well-established economic law.

The draft Convention before the Conference² was, as it stood, very unsatisfactory, not only because it supplied no basis for the solution of the problem, but also because it tried in advance to limit the range of the discussion. In the Hague Convention of 1912 three subjects had been dealt with, crude opium, prepared opium and medicinal opium; and in the Geneva Convention two subjects—crude opium and medicinal opium—whereas, in the draft before the present Conference, all the proposals were restricted to one subject only, medicinal opium. That showed that instead of redoubling their efforts to fight the evil, the authors of the draft were, on the contrary, trying to limit them in advance.

The Soviet Union delegation thought that the development of those proposals was very disappointing and that drastic measures would have to be taken by the Conference to create a new basis for a successful campaign against the illicit consumption of narcotic drugs. M. Bogomoloff's Government had sent a delegation to the Conference in the hope that there was still a possibility of finding a solution for that problem, which was so important to humanity as a whole. At the same time, his delegation thought that if any agreement were reached at the Conference it must essentially be one that represented a genuine advance.

What were the fundamental bases of any possible agreement which would guarantee a reduction in the consumption of narcotic drugs? Those bases, in the Soviet Union delegation's view, were as follows :

1. The limitation of the production of raw materials—opium, coca leaves and Indian hemp—and the limitation of the manufacture of all drugs made from them. No limitation of manufacture was, in the Soviet delegation's opinion, possible without the limitation of the production of raw materials. Otherwise, limitation would, at best, cover only the production of legal factories, with the result that a number of illegal factories would appear. So long as there was a surplus of raw material, there would always be a sufficient number of illegal factories to supply the illicit trade. The only difference would be that the Governments would then have to fight not only the illicit trade but the illicit manufacture as well, and this would further complicate the campaign against illicit consumption.

Another very important point necessitating an immediate agreement for the limitation of the production of raw materials was the fact that, in many eastern countries, in the Near East as well as in the Far East, narcotics were consumed in crude form—i.e., the smoking of opium, hashish, etc. It would be a crime against humanity to overlook the many millions of people in those countries

¹ See document C.587.M.228.1930.XI, page 16.

² See Annex 7.

who were suffering more from the smoking of opium and hashish than from the use of narcotic drugs.

The figures published by the League indicated that, of the whole amount of 6,865,735 kilogrammes imported from the producing countries during the years 1925 to 1930, only 2,514,749 kilogrammes had gone to the manufacturing countries, the remainder, 4,350,986 kilogrammes, going to countries where it was consumed in crude form for smoking.

2. A second measure, without which no real control of the traffic in narcotics could be achieved, was the introduction of a State monopoly for the production and distribution of all narcotic drugs.

In the Soviet Union, according to the Decree of August 27th, 1926¹, the monopoly of all the opium produced in the territory of the Union was in the hands of a single company belonging to the State. No individual or organisation in the Soviet Union was authorised to grow opium without having made an agreement beforehand with this company.

Since 1930, the company in question had combined with the All Union Company for the production and export of medical raw materials, so that at the present time the production and export of opium were under the control of a single company.

The manufacture of all narcotic drugs derived from opium was also in the hands of a single manufacturing State company, known as "Gosmedtorgprom". The quantity of drugs to be manufactured for internal consumption was established at the beginning of each year by a Conference of representatives of the People's Commissariats for Public Health of the Republics Members of the Union; that was the best guarantee that the whole of the narcotic drugs produced were used for medical and scientific purposes only.

The amount of narcotic drugs to be produced was based on the number of births in hospitals, and on the number of doctors and patients. The drugs were distributed solely through the State hospitals and municipal chemists, and the measures governing distribution, etc., were accompanied by very severe punishments in the case of illicit traffic.

The State monopoly in the Soviet Union had produced the best possible results; the number of addicts in the Union being, according to the latest statistics, only about 10,000 in a population of some 160,000,000.

The Soviet delegation was of opinion that the introduction of a State monopoly for the production of the raw materials—opium, coca leaves, Indian hemp—and for the manufacture of all narcotic drugs, was the only way by which the illicit traffic could be fought with success. The experience of other countries in different kinds of State monopolies (for example, the tobacco monopoly in certain countries) had shown that, from the practical point of view, there were no real difficulties in the way of the introduction of a State monopoly in the case of narcotic drugs.

¹ See Annex 32.

3. The Soviet delegation believed that, in any Convention that might be concluded, it must be clearly stated that limitation and control should cover all narcotic drugs without exception; this would avoid the danger of new kinds of narcotic drugs being invented under a new name which would not be covered by the Convention. That point needed special consideration in view of the fact that the latest figures for exports from manufacturing countries of drugs not covered by the Geneva Convention showed a very notable increase.

In the event of an agreement being reached, it would be necessary to provide an instrument for putting into effect the new system of limitation and control. The Soviet delegation considered that the existing League organisation was inadequate for that purpose, and it would accordingly put forward concrete proposals when this point was under discussion. It was ready to take an active part in the elaboration of a Convention on the lines mentioned and, during the discussion of the drafts submitted to the Conference, would propose amendments and give every support to any suggestions that might lead to the achievement of the task entrusted to the Conference.

In conclusion, the Soviet delegation proposed that the following points should form the basis of the Convention to be drawn up by the Conference :

(1) The limitation of production of all raw materials (opium, coca leaves, Indian hemp), and not only of manufactured drugs;

(2) A State monopoly for the production of raw materials and the manufacture and distribution of all narcotic drugs;

(3) The limitation of the manufacture of *all* kinds of narcotic drugs and their derivatives.

The President stated that the important suggestions made by the Soviet delegate would be referred to the Business Committee.

M. Hrdlicka (Czechoslovakia) acknowledged the enormous amount of work already done on this subject, by both the League and its various branches. The Czechoslovak delegation was in favour of the principles which had, from the beginning, animated the nations represented at the present Conference and which aimed at checking the dangers inherent in the abuse of narcotics. Though situated at a cross-roads from which led highways to four seas and thus exposed to the perils of illicit traffic and its consequences, Czechoslovakia was not yet menaced by this danger. Only during the immediate post-war period had a few immigrant aliens and a very small fraction of the national population slackened their resistance to the evil, which was often called

a vice, but might almost be described as a contagious social disease.

The Czechoslovak Republic, which had acceded to the previous conventions on drug control, had been quick to master the situation, which was not serious, and to carry out its obligations loyally and scrupulously. Hence, in Czechoslovakia, the abuse of drugs was not likely to affect the health of the inhabitants in any great degree.

As regarded the economic aspects of the problem, Czechoslovakia was primarily a consuming State. Her situation was similar to that described by the Roumanian and Irish delegates, the only difference being that there existed in Czechoslovakia just one factory manufacturing drugs.

As the representative of a country up till now importing only, M. Hrdlicka would stress more particularly the importance attached by his delegation to the principle of the freedom of commerce and hence to the need for, allowing each country liberty to obtain its supplies from whatever source it desired.

Dealing with the efficacy of the Geneva Convention and of that which the Conference had been convened to conclude, he thoroughly agreed with the delegates who had stressed the importance of the universal application of the measures to be taken, if the desired result were to be achieved.

The limitation of drug manufacture and the control established by the existing Conventions might, it was true, prove effective beyond all doubt. Given certain conditions, the Conventions were capable of preventing the abuse altogether or of suppressing it entirely. They, in any case, obstructed its progress.

Czechoslovakia was well aware of the difficulties. She was prepared to take an active part in the work, not only in her own interests, but in those of all mankind. She would support any action towards the common goal.

The causes of drug addiction were various. In Czechoslovakia, some cases of morphine and cocaine addiction were due to medical prescriptions necessitated by the patient's health. The medical corps had therefore for some time past avoided prescribing harmful drugs. Physicians preferred, as did their colleagues in other countries, to prescribe preparations which did not affect the central nervous system, whenever this was possible without causing suffering. This practice was recommended by teachers in the medical faculty and would certainly be continued. The support of the medical corps was significant and most important, quite apart from the measures contemplated in the Conventions.

Earlier speakers had encouraged the hope of an appropriate and successful solution, even though at the price of certain sacrifices.

¹ See Annex 7.

The Czechoslovak delegation considered that the Advisory Committee's draft Convention¹ formed a firm basis for the Conference's work. Everyone agreed that the limitation of drug manufacture was, above all, a humanitarian and social question, but no one could pretend that it had not also an economic aspect not only for manufacturing and producing States but, in another way, for purely consuming States. Had the reverse been the case, the end in view could have been attained easily and promptly.

The Czechoslovak delegation hoped that the discussion of the draft, article by article, would throw light on certain points which had been left vague, and it would state its point of view in due course.

Dr. Paranjpye (India) thought it unnecessary to explain in detail the stringent and elaborate system of control exercised in his country. It was well known that India was second to no country in the punctilious fulfilment of the obligations entailed by the Hague and Geneva Conventions, not only in the letter, but also in the spirit. Only last year, in order to strengthen the regulations still further, a consolidating Act had been passed vesting control in the Central instead of the Provincial Government. There was in India a Government factory which manufactured from contraband opium and opium waste a certain amount of refined morphia for the Indian market and, when prices permitted, raw opium and crude morphine were exported to the drug manufacturers in the United Kingdom. India exported no manufactured drugs, except very small quantities of morphine to neighbouring parts of the Empire, such as Ceylon.

The Indian production of drugs was therefore no menace to the world, but as a victim of that traffic she was vitally interested in the success of the Conference. Thirty years ago the cocaine habit had been practically non-existent in India. To-day, on account of the ease with which it could be concealed, the drug was pouring over her long land and sea frontiers in ever-swelling waves. The amount seized in 1929 had been six times greater than that seized in 1928. No less than 7,200 ounces had been seized in Calcutta alone in 1929, and it had been estimated that the seizures represented only from 2 to 5 per cent of the quantity successfully smuggled. India, therefore, was closely concerned in the conclusion of a Convention which would effectively limit the manufacture of drugs to the world's legitimate medical and scientific requirements. Subject to the preservation of her right to manufacture for the home market and to supply drugs in small quantities to neighbouring parts of the

Empire, such as Ceylon, and to the same treatment as was accorded under the Convention to other countries which manufactured drugs but did not export at present, she was anxious to accept any workable scheme that the present Conference might evolve.

Dr. Paranjpye asked to be allowed to make some suggestions as to procedure. While he entirely agreed that it should be open to the Conference to consider any scheme of limitation that appeared to merit examination, he was not sure that more than one point of principle should be examined at a time. Four schemes based on different principles had already been propounded, and more might be put forward.

His own view was that, before considering possible alternatives, the delegates should first of all see whether agreement was feasible upon the draft Convention drawn up by the Opium Advisory Committee¹. That scheme had the support of a number of Governments, including his own, and it had the advantage that it was the result of the work of experts and that, having been discussed by Government representatives, the text, as it stood, took account of the various interests of a number of Governments. He would therefore urge that the Conference should take the draft Convention proposed by the Opium Advisory Committee as a basis of discussion, and, while bearing in mind and adopting such features of other schemes as would appear to offer an improvement, it should not proceed to the consideration of other schemes unless and until an agreement on the lines of the official scheme had been found impossible.

The Conference might, however, desire fully to discuss all the points of principle put forward by various delegations before proceeding to draw up a Convention. If that were so, the delegates would probably be at Geneva a very long time, unless some method were adopted for coming to an early decision as to the principles upon which the work was to proceed. He would suggest that, after the general discussion, the Business Committee should be requested to formulate a series of resolutions embodying the main principles of the various schemes submitted, without, however, taking responsibility for any of them, and that any delegation might be allowed to put forward resolutions in accordance with the method adopted by the Austrian delegation. Each of those resolutions on individual questions of principle would then be taken into consideration by the Conference and if they were rejected, any further amendments on the same lines should be declared by the President to be out of order. On the other hand, those resolutions that were accepted would be sent to a Drafting Committee for incorporation in a Convention. Dr. Paranjpye believed that out of such a sifting of the various alternative principles, the draft Convention prepared by the Advisory Committee would prove to command the greatest measure of general acceptance; but the procedure he had suggested would give every delegation the satisfaction that its point of view had been fully considered.

¹ See Annex 7.

The President said that it was understood that each delegation could submit any resolutions it wished. The discussions would be simplified if the delegations tending to do so would send in their proposals at once. That was the whole object of the general discussion. As soon as this discussion was over, the Conference would agree with the delegate of India that only one question should be handled at a time.

The order in which problems and principles should be discussed was a very complicated matter, which it would be waste of time to discuss at the moment. The best plan was to await the Business Committee's proposals.

M. Gajardo (Chile) thought that the problem before the Conference was among the most serious with which the League was faced. Moreover, each delegate bore the heavy responsibility of ensuring results which would stamp out one of the greatest evils of humanity.

It had been stated, during the general discussion, that there were certain antagonistic interests and even certain irreconcilable divergencies which must be borne in mind if a solution were to be reached. He would prefer to say that there were certain differences of situation, differences which must be merged in a conciliatory solution, so that the final outcome would be a single situation representing the synthesis of the universal desire to put an end to the danger threatening the world.

It was sad to think that any insurmountable barriers existed in the path pointed out by the most elementary humanitarian feelings. He was not blind to the difficulties, but did not for one moment doubt that success would be achieved.

It was quite natural that a Conference at which countries producing the raw material, manufacturing countries and consuming countries were represented should hesitate when faced with solutions which might be thought to affect certain economic interests. Logically, too, some preferred one system, some another. The duty of the Conference was to find some common ground, a *via media* or a formula which could unite all opinions.

The Conference would succeed because it was backed by three great forces—duty towards the unfortunates whose salvation depended on it, the instructions received by the delegates from their Governments, which were all imbued by a spirit of goodwill, and, lastly, the pressure of public opinion, whose hopes were centred in the work that had been undertaken.

The following principles were strongly to be recommended as a basis for the new Convention :

- (1) As the Uruguayan delegate had very rightly said, the moral aspect of the problem should outweigh all economic considerations ;

(2) Each State should have the right, in accordance with the Argentine delegate's suggestion, to close its frontiers to narcotics of dubious origin and to debar these products from the most-favoured-nation clause ;

(3) A central drugs office should be established in the territory of each contracting party ;

(4) The contracting parties should undertake not to have any commercial dealings in narcotics except with other contracting parties.

(5) Offences connected with the illicit drug traffic should be assimilated to offences against the security of the State, or at least to counterfeiting of currency.

Chile had recently framed a new and up-to-date health code, which embodied the most recent and the strictest possible measures in this respect¹. The Bill was about to be submitted to Parliament. The work of preparing the law had demanded much time and had so far prevented Chile from ratifying the 1925 Geneva Convention, although she had applied its principles in practice.

M. Gajardo assured the Conference that the public authorities in his country attached the greatest importance to the question and would follow the present proceedings with special interest. He need not assure the Conference of his willingness to co-operate to the utmost and to accept any measures likely to lead to a radical solution.

Reference was often made to the Geneva atmosphere, which had become the classic atmosphere of international relations and the healthiest for the lungs of the nations which had sought shelter there for eleven years past. It was not Utopian to feel sure that that atmosphere would prove effective now and help the Conference to fulfil its task.

In conclusion, he proposed the following draft resolution on one of the most important points to which he had referred :

" The International Conference on the Limitation of the Manufacture of Narcotic Drugs declares that the drug question as a whole is primarily a moral problem and that States should place this consideration before that of their economic interests when attempting to solve it.

" The Conference further considers that the illicit traffic in narcotic drugs should be deemed a crime against the whole community of the nations and that it is therefore the duty of States mutually to assist one another in putting down offences connected therewith."

The President said that the proposals of the Chilean delegate would be referred to the Business Committee.

M. Hoffmann (Panama) pointed out that the definitions of drugs given in Chapter I, Article 1, of the draft Convention for limiting

the Manufacture and regulating the Distribution of Narcotic Drugs referred, in paragraph 2(ii), to " diacetylmorphine and the other morphine esters and their salts ".

The draft Convention², in referring only to esters—that was to say, ethereal salts—and omitting ether oxides had drawn an unjustifiable, arbitrary and unscientific distinction between these two chemical groups. Actually, the only difference between esters and ethers was one of chemical structure. This had no connection with the toxic character of therapeutic qualities of the substance itself.

The term ester corresponded to the chemical structure formed by oxygenated acids and the alcohols and phenols (in other words the ethereal salts of the French nomenclature) as given by its inventor, Gmelin, and generally admitted by German, English and American chemists. The term ether or ether-oxide, on the other hand, indicated the chemical structure of the anhydrides of two alcohols.

Thus, as morphine, according to its chemical structure, was an alcohol (because one of the two hydroxyl groups of its formula was a secondary alcohol group), stress must again be laid on the chemical error committed if only esters, or ethereal salts, were brought under the Convention, while the ether-oxides were omitted.

The ingenuity of manufacturers would find no difficulty in evading the restrictions of the Convention by substituting, in the preparation of narcotics, alcohol, which was allowed, for the forbidden acid, and converting the chemical structure of the ester into an ether by a very simple modification, with the consequence that the restrictions would become ineffective and valueless. As the acid which characterised an ester exercised not the slightest influence on the toxic character or therapeutic qualities of the narcotic—as was shown by the fact that morphine itself was not an acid but an alcohol—it would be absurd to take the acid as the cornerstone of the new structure, as was done in the draft Convention by drawing a distinction between esters and ethers. With a weak foundation like that, the whole fabric that had been built up with so much care might rapidly fall to pieces.

Logic and fair play demanded the amendment of paragraph 2 (ii) of Article 1, and the second column in the table in Article 8, to read as follows : " Diacetylmorphine and the other morphine esters and ethers and their salts ". Unless this were done, manufacture would not be limited, and, in view of the known chemical possibilities, the restrictions regarding esters, which could so easily be turned into ethers, would become useless. It would be equivalent to a tacit admission in the Convention that transgressors were immune and would indeed supply them with the means of violating its clauses.

¹ See Annex 34.

² See Annex 7.

Apart from the esters, the possibilities of combining morphine with alcoholic radicals were legion. Indeed, every combination of hydrocarbides could be obtained by all and sundry. Hydrocarbides and, consequently, their derivatives, alcohols, were very numerous. It must be remembered that each link in each chain could have lateral chains capable of combining with one another and with all the possible chemical elements. The possibility of creating new substances was therefore limitless and it would be easy to find as a substitute for the prohibited ester formula a new chemical formula with the structure of an ether which did not come under the Convention.

Eucodal, dicodide, dilaudide and acedicone, which were only four of the many similar substances that might be discovered after further research, had quite rightly been brought under the Convention, though through being erroneously regarded as esters and included under the heading morphine esters, whereas chemically they were ethers. Eucodal was a derivative of codeine or more exactly of codeine oxide—*i.e.*, codeinone. Eudocal was, therefore, dihydroxicodeinone-chlorhydrate. Dicodide, another derivative of codeine oxide, was dihydrocodeinone, while acedicone, or acetyldemethylodihydrothebaine, was a derivative of thebaine. Thebaine was one of the alkaloids of opium and could be hydrolised by sulphuric acid to obtain codeinone. Thebaine was thus the methylether of codeinone.

All these preparations were thus highly complicated and the members of the Conference, whether chemical experts or no, would realise that the League was not in a position to embark, on equal terms, on a struggle with the ingenuity of manufacturers who had at their disposal a host of chemical combinations which could be used to avoid the restrictions laid down by a Convention in which it was proposed to draw up a specific list of the substances covered and to prescribe the means of bringing new substances, if necessary, under its provisions. It was impossible to draw up a specific list of substances which would preclude fraud. The solution upon these lines contemplated by the draft Convention would not give effective results; M. Hoffman therefore preferred the alternative solution which likewise had been put forward in the Sub-Committee. All opium and coca-leaf derivatives should come under the Convention and a list of exceptions should be drawn up in accordance with chemical terminology. The Convention should also forbid drug manufacturers to christen their productions with names which did not allow their chemical composition to be ascertained at once.

The nature of drugs was nevertheless such that even those in the list of exceptions should be subject to some form of control. Codeine, or methylmorphine, for instance, which was a combination of methylalcohol

and morphine, was an ether not covered by the Convention and thus, unless controlled, might offer a pretext to manufacturers to prepare thousands of kilogrammes of morphine.

The favourite current process for preparing codeine and morphine was the Robertson process, modified by Robinet and Gregory—to all intents and purposes the same for both morphine and codeine, the only difference being that, at the end of the process, the morphine had to be separated from the codeine by ammonia, which did not precipitate the codeine. If therefore the factories had obtained permission to import a certain quantity of opium for the manufacture of codeine, they should be required to give a return of the quantity of morphine they obtained by that process. As opium—which contained 0.3 to 1 per cent of codeine—contained 10 to 14 per cent of morphine, the result of the preparation was that, for 100 kilogrammes of codeine, between 1,000-1,400 kilogrammes of morphine were obtained at the same time, with the same material and by the same process, according to the percentage of the morphine and codeine content of the raw material, without mentioning thebaine, narceine, narcotine, papaverine and the other alkaloids, which would be utilised directly or after conversion into esters or ether-oxide of morphine.

The danger of excluding codeine from the scope of the Convention on the limitation of drug manufacture was obvious. It would increase when the manufacture of narcotics was limited, owing to the enormous surplus of raw materials which would still be produced in unlimited quantities and which it would be impossible to utilise in the factories as heretofore. It would thus be more difficult to convert the whole stock of raw material into cash, and it was essential to prevent the alleged harmlessness of codeine being made a pretext for the disposal of the raw material. The Advisory Committee had considered a system of controlling codeine manufacture. That was not enough, since, as M. Hoffmann and earlier writers had proved, codeine manufactured by the modified Robertson process yielded large quantities of morphine which would not be covered by the Convention and which might easily find its way into the illicit traffic.

In conclusion, M. Hoffmann proposed :

(1) That Article 1, paragraph 2 (*ii*), and the second column in the table in Article 8 of the draft convention be amended to read "diacetylmorphine and the other morphine esters and ethers and their salts";

(2) That manufacturers be required to publish the chemical formulæ of their products and that the use of fancy names which concealed the real nature of the narcotics be prohibited;

(3) That regulations be enacted for the control of codeine so as to prevent the manufacture of this substance being used as a pretext for the manufacture of other narcotics.

The President said that the suggestions made by M. Hoffmann would be referred to the Business Committee.

M. de Vasconcellos (Portugal) spoke in his double capacity of Portuguese delegate and Chairman of the Opium Advisory Committee. Anything that he might say in no way committed the latter.

Speaking as a delegate of Portugal, he announced that his country was prepared to accept the whole of the draft Convention¹. It was nevertheless ready to co-operate with those who proposed any improvements or simplifications. He had one important statement to make—namely, his Government would not undertake any obligation regarding stipulated supplies. Portugal would buy the drugs she needed where, when and how she wished.

As Chairman of the Advisory Committee he would point out that he was not the author of the draft Convention before the Conference. The father of the Convention was Sir Malcolm Delevingne and he was a father to be proud of, for he was a past-master in this subject. M. de Vasconcellos was only the godfather of the Convention and he would refer to it and, if necessary, defend it in that capacity.

The Conference had been convened by a decision of the 1929 Assembly. That decision was known to all, but he would quote one of the principal passages :

“ The Assembly,

“ Regards the principle of the limitation of the manufacture of the drugs mentioned in paragraphs (b), (c) and (g) of Article 4 of the Convention of Geneva by international agreement as now accepted ;

“ Requests the Advisory Committee to prepare plans for such limitation, regard being had to world requirements for medical and scientific purposes and the means of preventing an increase in price which would lead to the establishment of new factories in countries which are not at present manufacturing countries.”

He had read this extract in order to define the Advisory Committee's mandate, the preparation of plans for the limitation by international means of the manufacture of harmful drugs.

In January 1930, the Advisory Committee had unanimously agreed upon a plan. The Council had decided to communicate this plan to the States Members and non-members of the League for their observations. The Advisory Committee, taking these observations into account, had drawn up the draft Convention before the Conference on the basis of a preliminary draft worked out by Sir Malcolm Delevingne.

A preliminary meeting of manufacturing countries had been held in London in October and November 1930², with the object of reaching agreement upon the distribution between the manufacturers of the total quantity of drugs to be supplied to the world trade. This latter Conference had been

unable to agree on all points. The question had accordingly been left for discussion by the present Conference, as the Advisory Committee had not wished to settle it, being unwilling to discuss a question of such moment in the absence of representatives of certain of the countries interested.

During its discussion of the draft Convention, the Advisory Committee had examined all the other plans and suggestions submitted by its members and, to make allowance for them, had made various amendments in the draft. In submitting this draft Convention to the Council, the Committee had declared, through its Chairman, that it had simply fulfilled the Council's instructions and supplied the Conference with a basis of discussion which could be adopted, rejected, amended, modified or replaced by any other³.

What were the main principles of the draft ? They had been expressly singled out by the Committee. They were :

(1) The world production of drugs would be limited annually to a quantity determined on the basis of estimates, to be furnished by each country, of its drug requirements for medical and scientific purposes ;

(2) The amount of this total to be manufactured by each producing country would be fixed in advance by means of agreements concluded between the countries in question in accordance with a quota system ;

(3) The necessary steps would be taken to ensure that each country would, within the limits of its own estimates, receive the drugs it needed, irrespective of the producing country in which the consuming country chose to place its orders.

Consequently, the Committee having received instructions to limit drug manufacture in its draft, had done what was required of it. It limited manufacture by the only really effective means, saying to each manufacturer : “ You will produce so many kilogrammes of morphine or cocaine only. If you produce one kilogramme more, you will be guilty of fraud.” That was limitation in the true sense of the word. All other systems, if they succeeded in arriving at limitation, did so only approximately. They were only systems for indirect limitation and therefore defective and likely to lead to fraud.

Perfection, alas, was beyond the reach of man ! Objections had been raised to the system proposed by the Advisory Committee. Japan had been apprehensive lest it might restrict liberty of commerce. Producing countries had been fearful of the effect of the cartel upon the legitimate interests of grounds, leading perhaps to a fall in the price of raw material. Finally, the charge of a “ monopoly ” had more than once been raised, with all the feeling to which that unfortunate word gave rise.

It had not been difficult to dispose of the objection that the Convention impeded the

¹ See Annex 7.

² See document C.669.M.278.1930.XI.

³ See Annex 7(b).

freedom of trade. The amendments made in certain articles of the original draft and embodied in Articles 8 and 9 of that before the Conference had satisfied the Japanese delegate. States were free to choose the country in which they would buy the substances they required as and when they wished to do so. The question whether they would be equally free under other systems would be examined later.

The claims of the producing countries would undoubtedly receive the Conference's closest attention. The problem was important and the draft Convention did not contain all the provisions which would have to be embodied in it to enact their point. The Committee had been faced with the same difficulty as in the allocation of quotas. Not all the producing countries were represented on the Committee. As they were present at the Conference, it would not be difficult, in the friendly atmosphere prevailing there, to reach solutions affording the necessary guarantees to safeguard their legitimate interests.

M. de Vasconcellos must say a word on the subject of monopolies. This word had been used by opponents of the draft Convention—for it had opponents—rather as propaganda for their point of view than as if it were a defect that would have to be remedied. A perusal of Articles 10, 11 and other parts of the draft¹ could not but lead to the conclusion that the monopoly was a queer one, since everyone could take part in it.

There was no question of monopoly. It was merely a cartel, but a special kind of cartel, limited as to production and controlled as to distribution. Although only a cartel, it had opponents, of course, among consumers who, generally speaking, were against cartels, although very often, as in this case, wrongly. The Economic Section of the League, the 1927 World Economic Conference, the writings of the greatest economists and recently the Committee for European Union advocated cartels as being among the most appropriate solutions for the perplexing problems of industry. It could not be said that the Advisory Committee had not been up to date in suggesting a solution by way of a cartel.

Consumers, on the other hand, had adapted themselves marvellously well to the steel cartel and to hundreds of other cartels for goods and indispensable articles in far greater daily use than drugs. He would examine in more detail the effect which such a cartel might have upon prices. When he heard mention of consuming countries and manufacturing countries in a discussion of the drug question, he could not resist a smile. As a doctor who had carried on his profession for years he could not forget that morphine, heroin and cocaine were used by the milligramme or the centigramme. He was amused when people spoke of the interests of consumers as though morphine or cocaine were eaten by the kilogramme and daily like bread or meat. Happily only a very

¹ See Annex 7.

small percentage of the population used such substances and then in tiny doses, which even in the dearest preparations cost but a few centimes. During the Committee's discussion on prices, Dr. Anselmino, in one of his timely and authoritative speeches, had pointed out that even if manufacturers doubled their prices—and that would be an immense increase—consumers would, for average doses, have to pay an increase of not more than 5 gold centimes. Opposition between manufacturers and consumers was therefore no more than a propagandist red herring.

M. de Vasconcellos apologised for dwelling on this fundamental point, but what he had to say could not fail to interest his colleagues. Some consuming countries would remain obdurate, would not listen to the idea of a cartel. Nevertheless, all the cocaine, licit and illicit, consumed in Europe, since 1927, came from a cartel composed of five German factories, two Swiss, one English, one French, and one in the Netherlands. Outside this cartel there were in Europe only a few small and unimportant French factories producing cocaine, which had refused to join the cartel, and outside Europe, American factories, supplying the United States alone, and the factories in Japan; the latter, too, had not entered the cartel. This meant that, for the last three years, millions of consumers had been supplied with cocaine by a cartel which was not controlled officially; and there had been no protest as to prices and no outburst of public indignation.

Were the Conference to reject the clauses in the draft providing for the formation of a cartel for the other drugs, cartels would certainly be organised. The Conference would thus have lost the opportunity of subjecting them to an effective limitation and control such as no other system could afford.

M. de Vasconcellos turned next to the control of distribution. The Argentine delegate had strongly urged the need for severer measures. The provisions of the 1925 Convention and the new provisions in the draft before the Conference would most probably meet M. Perez's point, since he had not proposed any new international provision. From the national point of view, however, he had made some most interesting suggestions which came within the province of Governments. Some of these suggestions were in force in certain countries—for example, that for the institution of central offices, which already existed in Yugoslavia and Portugal.

M. de Vasconcellos then pointed out that the clauses strengthening the system of control over re-exports would tend to make this form of control far more effective.

The Advisory Committee had left another question for the Conference to decide—namely, the constitution of the organ to exercise control. Various solutions had been proposed. The Advisory Committee had taken no decision for various reasons, partly because the medical corps, who were so deeply concerned in the matter, must be represented upon this organ, and the Conference at which fifty-four States were officially represented, could make its choice in this matter with greater authority than the Advisory Committee, composed as it was of a limited number of members. The Soviet delegate had stated that he would make a proposal on this subject.

M. de Vasconcellos would now consider the other schemes of limitation, or, perhaps better, the other draft which had been discussed and to which some delegates had already given their support, the draft which had been called "American" until the official representative of the United States had repudiated this title as equivocal. He referred to the Crane scheme¹. That was not a scheme of direct limitation; it claimed that production could be limited by obliging States to specify on a certain date the quantity and quality of all the drugs they would require during the year and the manufacturer from whom they would purchase their supplies during that period. Manufacturers would be obliged to limit production to the orders received. The members of the Conference would undoubtedly have read the many criticisms levelled against the Advisory Committee in this respect. Foremost among them was the frequent accusation that the Committee had refused to examine and discuss the scheme. That was totally untrue, as any delegate would see from the Minutes of the Advisory Committee's twelfth session (document C.134.M.149.1929.XI). The Committee had discussed the plan at length at two meetings, and the most highly qualified of its members had examined it in all its aspects and consequences. The Committee had resolved to drop it, only because, upon consideration, it had found it a very bad and quite impracticable scheme. To make a comparison: if the quota system were adopted, one manufacturer might be told to manufacture, say, 200 kilogrammes of morphine over a period of not less than two years. Thus he knew where he was; he could organise his business, his plant, his staff. He could thus sign contracts for his raw material and fix his prices. Under the Crane scheme he was obliged to await orders, which might or might not come. The manufacturer, having organised his business, his plant and staff, might, at the end of the year, find that he was ruined because successful propaganda had diverted orders elsewhere. What would manufac-

turers do to avoid this danger? All would combine to secure the maximum amount of manufacture, and over-production would be the inevitable result. Over-production and illicit traffic were inseparable phenomena unless manufacturers suddenly became gods!

From another point of view, even if a country under the Crane scheme stipulated its requirements at the beginning of the year, specified the manufacturer and signed a year's contract with him, it was possible that quite early in the year the goods would be found to be badly manufactured, or that the firm might raise difficulties as to the payment of invoices, or that there was some dispute over technical trade details between purchaser and supplier. In all these cases, it would be impossible to turn to another manufacturer; the Government would be bound to an undesirable source of supply, unable to extricate itself from its awkward position, forced to accept the supplier's terms—and that was called liberty of trade. The Conference would understand why M. de Vasconcellos and his Government preferred the so-called tyranny of the draft Convention.

He would quote part of a speech, made by Sir Malcolm Delevingne at the Advisory Committee's meeting on January 31st, 1929, which contained the following irrefutable criticism:

"Further, it could easily be imagined what strong competition would be aroused between manufacturing countries in order to obtain the orders of the consuming countries. All kinds of economic and political pressure would be brought to bear. No scheme more likely to lead to international friction than this could be conceived."

Last but not least, the Crane scheme would be unacceptable to the principal manufacturing States owing to the upheaval and uncertainty it would involve for their industries; hence it would limit nothing and its adoption would merely complicate the 1925 Convention. Nevertheless, the spirit of conciliation and goodwill which had always presided over the Advisory Committee, and which would prevail at the present Conference also, had made it possible to reconcile, in the Advisory Committee's draft, the requirements of limitation and the support which the Crane scheme had obtained among some representatives of the consuming countries. A few amendments to the original draft had enabled the main provisions of the Crane scheme to be applied within the limits of direct limitation, but in such a way that they would not cause in industry the upheaval which could not have been avoided unless quotas had been fixed beforehand.

To turn to the proposals made during the Conference's preliminary discussion; the Argentine representative had asked for appropriate legislation assimilating the crime of illicit drug trafficking to that of counterfeiting currency. M. de Vasconcellos would give his personal opinion on this point. Well aware for some time past of the inadequacy of the penalties imposed on traffickers, he had urged that this disgusting offence

¹ See document C.251.M.114.1931.XI.

should be considered an international crime on a par with piracy and slave trafficking, to which category had lately been added the counterfeiting of currency. He was glad that the Chilian representative thought likewise. In this way, criminals could be tried as soon as captured, without the complicated formalities of extradition. Nevertheless, penalties applicable to crimes which affected a man's purse could not be the same as those which affected his very life. The penalties inflicted should correspond to those for attempted murder, as the Costa Rican representative had proposed. If Stuber, Roessler and their tribe knew that the millions which they might amass could equally well serve to condemn them to several years' hard labour, they might hesitate before despatching to China or Egypt the millions of fatal doses they had spread broadcast throughout these countries. But plainly for a fine of a few thousand francs and a few days' imprisonment a man might easily be tempted in the prospect of winning millions.

M. de Vasconcellos was not sure if it was legally possible to embody provisions on this subject in a convention for the limitation of manufacture. If it were, however, possible, he would be glad to join with his colleagues in settling this grave question of penalties in accordance with the dictators of Justice.

He viewed sympathetically the question of a State monopoly, but it must be recognised that it met with constitutional or administrative difficulties which it would be hard or even impossible to overcome in some countries. The Soviet Union representative had advocated a monopoly and the reason was plain, since the question involved no difficulties in Soviet Russia. In some countries, however, the Constitution prohibited State monopolies. The problem deserved careful study; it might even be possible before long to advance a stage further in the countries where some such system could be contemplated.

M. Cavazzoni, whose eloquence and sincerity M. de Vasconcellos highly appreciated, had, in an excellent speech, recommended that each country should have the right to manufacture narcotics to the extent of its needs. M. de Vasconcellos entirely agreed. He thought it would be possible to embody a provision to that effect in the Convention, although he held that the Convention as it stood contained certain clauses which would cover M. Cavazzoni's point.

The Soviet Union representative had painted a gloomy picture of the quantities of drugs in the illicit traffic. He had stated that the 1925 Convention had been powerless to stem the flow of the traffic. But he was mistaken. Though the Convention had been drawn up and signed in 1925, it had not been applied until 1928. Thus it

was not altogether the Convention that was at fault if vast quantities of drugs had found their way into the illicit traffic. Moreover, the figures had decreased in the two years during which the Convention had been in force. The German delegate had pointed out that the production figures had dropped heavily as a result of the application of the 1925 Convention.

Mr. Caldwell, speaking with the authority he possessed as a result of his experience and by reason of the fact that he represented a State which had been one of the most successful in regulating the drug traffic, had stated that the Advisory Committee's draft was incomplete, principally because it did not limit the entry of raw material into the manufacturing States. M. de Vasconcellos would refrain from giving a definite opinion on this important question during the preliminary discussion. He was not sufficiently conversant with the working conditions of the industries in question to be able to come to a decision. Speaking on his own behalf, however, he might say that the point deserved the Conference's full attention, and if circumstances permitted, he would vote for a provision limiting supplies of raw materials.

The Soviet representative had pointed out that the Convention did not cover limitation of smoking opium. A Conference had been convened at Bangkok to deal with these questions, and the present Conference was concerned only with the limitation of the manufacture of narcotic drugs. It might be possible later on to call a Conference to discuss the knotty problem of the other raw materials.

M. de Vasconcellos apologised for taking up so much of the Conference's time; he had felt bound to do so as the representative of a technical Committee which had honoured him with its confidence. That Committee had been the butt of much criticism, including that which should have been directed against Governments for the inadequacy of the measures they had taken. The Advisory Committee and the League could only create international instruments and organs to fight against illicit drug traffic, and the Secretariat could go no further than make the strongest possible representations to Governments strictly to enforce the Conventions they had signed. The 1925 Convention had only been applied after four years of ceaseless pressure, four years during which the illicit traffic had continued on a considerable scale. The League and its organs had been accused of insufficiency and even of failure, insufficiency and failure which were due solely to the indifference of certain Governments.

In spite of the enormous difficulties with which it was faced, the League had succeeded in collecting an immense amount of information and in unmasking the chief traffickers. It had exposed to a terrified world the crime

in all its horror and the danger of the evil. Had these been the only results, they would have done honour to the Opium Section and the Advisory Committee.

In conclusion, M. de Vasconcellos would urge the Conference to vote for the Advisory Committee's draft Convention. Delegates could of course introduce into it any modifications which would simplify it or make it more effective, provided that they did not alter the essential underlying principles. In so doing, the Conference would complete a fresh stage in the abolition of one of the worst scourges of mankind.

The President said that the proposals made by M. de Vasconcellos would be referred to the Business Committee.

The continuation of the discussion was adjourned to the next meeting.

20.—QUESTION OF HEARING REPRESENTATIVES OF THE WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM AND OF THE COMITÉ NATIONAL FRANÇAIS DE DÉFENSE CONTRE LES STUPEFIANTS.

The President said that to the list of associations which had asked to be heard in the Conference should be added the Women's International League for Peace and Freedom and the Comité national français de défense contre les stupéfiants.

In accordance with the normal procedure, these requests had been considered by the Business Committee. Certain members of the latter had pointed out that one of the above associations was not concerned exclusively with the campaign against dangerous drugs, and that the other was rather a new body. The great majority had come to the conclusion that the Conference itself must decide.

If the Conference replied in the affirmative, the list would be closed finally and no other association would be entitled to ask for a hearing.

The Conference decided to hear the representatives of the two associations in question.

SEVENTH MEETING (PUBLIC).

Monday, June 1st, 1931, at 3 p.m.

President : M. DE BROUCKÈRE.

21.—LIMITATION OF THE MANUFACTURE OF DRUGS : GENERAL DISCUSSION (continuation).

M. Sottile (Liberia) stated that his country had accepted the invitation to attend the Conference, not because it was very directly concerned, but because it desired to pay a tribute to the League's campaign against narcotic drugs, and to co-operate, so far as lay in its power, in that humanitarian, social and moral mission.

The Liberian Republic did not produce, manufacture or export narcotic drugs. It consumed an almost insignificant quantity, and drug addiction was unknown. The use of narcotic drugs was confined solely to medical requirements, which were, moreover, very small, as there was no great demand for modern drugs, speaking generally, in Liberia. A kind of Liberian pharmacopœia existed, in that the native tribes, in particular, often used herbs in preference to modern medicaments. This was satisfactory to everyone, and the people enjoyed good health. For that reason, only a very small quantity of narcotic drugs, especially of products with a cocaine basis, and opium and its derivatives, was consumed.

The Liberian delegation would strongly support any draft Conventions submitted to the Conference and any provision for remedying the ineffectiveness of the Conventions already concluded. It would support any plan or measure which, while respecting the sovereignty of States and the exercise of that sovereignty, offered a means of lessening or eradicating the evil of drug addiction.

The President said that there were still two names on the list for the general discussion—the representatives of Turkey and Sweden—who, for entirely legitimate reasons, had asked permission not to speak until the following day. He therefore proposed to declare the general discussion closed, on the understanding that the Conference would hear the two statements to which he had just referred on the following afternoon.

M. Cavazzoni (Italy) had no objection to the President's proposal. The Spanish delegate, however, had put a very important question at the morning meeting. M. Cavazzoni thought that question should perhaps be answered before the general discussion was closed. M. Casares had asked whether an agreement had been reached by the manufacturing countries. The Italian delegate wondered whether the President did

not think this might be regarded as a previous question, and as coming within the general discussion, or whether it should be referred to the Business Committee.

The President replied that he appreciated the importance of the question raised by the Spanish delegate. All members would certainly realise that it was an extraordinarily delicate matter. The President therefore thought it advisable to keep strictly to the regular procedure. The rules of procedure stipulated that the President should not allow a proposal to be discussed until the written text had been distributed to the delegates, unless it were very short, easy to understand and a simple reading sufficed. In all other cases, questions should first be discussed by the Business Committee, which would make proposals to the Conference. The President therefore thought it wiser to refer M. Casares's question to the Business Committee, which would doubtless submit a report at the next meeting of the Conference.

The President understood that M. Cavazzoni considered the general discussion should not be closed in case any member of the Conference wished to make observations on the proposal to be submitted by the Business Committee. M. Cavazzoni would doubtless be satisfied if the President did not declare the general discussion closed immediately, but if it were understood that, after the two speakers still on the list and the Business Committee's report had been heard, any delegate could speak in the general discussion.

M. Cavazzoni (Italy) was prepared to accept the President's proposal. He asked, however, whether it would be possible for the Chairman of the Advisory Committee to reply immediately by "yes" or "no" to the Spanish delegate's question. The Conference was discussing a draft Convention. It might contemplate modifying or making additions to certain articles and the whole course of the proceedings might depend on whether the articles left in blank could or could not be filled in at once.

M. de Vasconcellos (Portugal), speaking as Chairman of the Advisory Committee, pointed out that he had explained at the previous meeting that the Advisory Committee had left this part of the draft Convention blank because it felt that the question was not within its province, but was a matter for the Conference itself, seeing that certain of the countries concerned were not represented on the Advisory Committee.

M. Cavazzoni (Italy) simply wished to know whether the manufacturing countries had or had not come to an agreement.

M. de Vasconcellos (Portugal) repeated that the Advisory Committee had not dealt with this question. Personally, he had no more information than M. Cavazzoni himself.

Sir Malcolm Delevingne (Great Britain) said that, in the speech which he had made on Saturday, he had answered M. Cavazzoni's question. He had said that an agreement had been reached between all the countries which were exporting countries at the time when the matter was under consideration, and that the only points remaining unsettled were the positions of Japan and Turkey.

M. Cavazzoni (Italy) considered that Sir Malcolm Delevingne's reply was incomplete. M. Cavazzoni knew that an agreement had been reached since January except with regard to Japan, but wished to explain his question. Since January, no effort had been made to come to an agreement. The work was therefore unfinished. M. Cavazzoni was aware of what had happened up till February. He also had taken part in the Advisory Committee's work. He wished definitely to know, however, whether the position was still the same as at the time of the London Conference. From the replies of M. de Vasconcellos and Sir Malcolm Delevingne, it appeared that nothing new had occurred.

M. Bogomoloff (Union of Soviet Socialist Republics) understood that a declaration had been made to the effect that an agreement had been reached between the manufacturing countries. The Soviet Union had not been a party to any such agreement, and he would ask the Chairman of the Advisory Committee whether the United States of America had taken part in it.

M. de Vasconcellos (Portugal) replied that he had not attended the London Conference, which had been entirely outside the Advisory Committee's jurisdiction. He understood that the United States of America had not participated in the London Conference, but the United States delegation was better qualified than he was to reply to M. Bogomoloff.

Mr. Caldwell (United States of America) stated that it was incorrect to say that the United States had not taken part in the London Conference. That country was not, however, a party to any agreement reached there.

Sir Malcolm Delevingne (Great Britain) pointed out that he had said that an agreement had been reached, not between the manufacturing countries, but between the exporting countries. Neither the United States of America nor Soviet Russia was an exporting country in the sense in which the word was used in the draft Convention.

M. de Vasconcellos (Portugal) observed that at that time he had not been Chairman of the Advisory Committee.

The President said he had not asked M. de Vasconcellos to speak because he thought that the Chairman of the Advisory Committee could be questioned directly. He had felt, however, that M. de Vasconcellos would be able to help, in view of his share in the discussion. He could not be held to account for matters which happened outside his knowledge, and the information he had been good enough to give could only be considered as unofficial.

M. Casares (Spain) said that Sir Malcolm Delevingne was right to draw a distinction between manufacturing and exporting countries. Agreement had been reached between the exporting countries. There remained the question of Japan. Japan was not a party to the London agreement, in so far as agreement had been reached; but the question of Japan was perhaps nearing a solution. During the discussions in the Advisory Committee, a formula had been found to meet the very legitimate wishes of that country.

The question of Turkey was, however, disturbing. Turkey was a very important exporting country within the meaning of the draft Convention. Turkey's application would wreck any attempt at agreement if it were not dealt with satisfactorily. M. Casares did not know whether the negotiations between Turkey and the other exporting countries had progressed since the Advisory Committee's last session. If the position were the same as in February, the Spanish representative felt that agreement was not in sight. If the position had improved, he would like to be informed, for this would be one of the most important factors in enabling the Conference to continue along the lines mapped out by the Advisory Committee.

The President did not wish to enter into the substance of the discussion, but drew attention to a question of order. The discussion was ceasing to be general and becoming specialised. The draft¹ which the League Council had submitted to the Conference as a possible basis of discussion contained certain blanks. It had been asked whether those blanks could be filled in immediately. For his part, the President could not complete them immediately. In those circumstances, there were three solutions :

(1) To rule that, as the draft Convention was incomplete, another draft should be taken as a basis for discussion ;

(2) To fill in the blanks before examining the draft as a whole ;

(3) To assume that there were no blanks and to continue the discussion and so perhaps make it possible for the draft to be completed.

The Conference should choose between these three solutions. A very difficult question of procedure was involved, and to some extent it affected the substance of the matter. The question of procedure should therefore first be submitted to the Business Committee. The President suggested that this should be

done and that the Business Committee should be asked to submit a report without delay.

M. de Vasconcellos (Portugal) strongly supported the President's observations. The Spanish delegate had asked whether there had been a change in the position with regard to Turkey, and M. de Vasconcellos, as Chairman of the Advisory Committee, could give some interesting information, which he had already announced in the League Council. Between February and the present time, however, there had been a great change in the situation in Turkey. Turkey was at present applying the provisions of the 1925 Geneva Convention and was considering the possibility of a State monopoly. The position was therefore absolutely different from what it had been in February last, and M. de Vasconcellos felt he should inform the Conference of this change.

M. Cavazzoni (Italy) entirely agreed with the President's attitude, but wished it to be stated in the Minutes that he had had no intention of prolonging the general discussion by taking up the articles of the draft Convention at the present stage. He had simply asked M. de Vasconcellos to say "Yes" or "No", so that he might have some guide when amendments to the draft were submitted. Whatever the Business Committee's view, the Conference would certainly have to consider the articles of the draft at the close of the general discussion. When it reached Article 8, which dealt with the question of quotas, the delegates would certainly express their views on that subject very freely.

M. Cavazzoni repeated that he had raised the question simply in order to know whether there had been any change in the situation since February. But, even if the question of quotas were studied by the Business Committee, it could never be allowed to constitute a reef on which the Conference might come to disaster. Concrete results were essential.

M. Sawada (Japan) thought he had made it clear in the statement submitted on the preceding Saturday that the Japanese Government had carefully considered the draft Convention¹, but he had been obliged to add that his Government could not be a party to that Convention if the quota system were incorporated in it. In this event, the Japanese delegation would propose another alternative, of which M. Sawada had given notice on Saturday and which he intended to put in writing for the Business Committee's consideration.

The continuation of the discussion was adjourned to a later meeting.

¹ See Annex 7.

EIGHTH MEETING (PUBLIC).

Tuesday, June 2nd, 1931, at 3 p.m.

President : M. DE BROUCKÈRE.

22.—HEARING OF REPRESENTATIVES OF PRIVATE ASSOCIATIONS.

The President reminded the Conference that the representatives of certain private associations engaged in the campaign against narcotics had asked to be allowed to explain the object of their work and their views on the Convention which was to be drawn up.

On the President's invitation the following representatives came to the platform : Mr. Richmond P. Hobson, President of the "Association de défense internationale contre les stupéfiants"; Dr. Georges Dequidt, Secretary-General of the "Comité national français de défense contre les stupéfiants"; Miss Emily Balch, Vice-President of the Women's International League for Peace and Freedom; Miss Madeleine Z. Doty, member of the Opium Committee of the Women's International League for Peace and Freedom; Mgr. Beaupin, representative of the Catholic Union of International Studies.

The President welcomed the delegates of the private associations and informed them that fifty-four Governments were represented at the Conference. All were animated by the same desire to find and apply effective means for stamping out, or at least reducing as far as possible, the evils due to the consumption of dangerous drugs. They were all searching for light, and would be very glad to hear what the representatives of the private associations had to say.

Mr. Richmond P. Hobson (President of the "Association de défense internationale contre les stupéfiants") had the honour to speak for the affiliated narcotic organisations, consisting of the International Narcotic Education Association, incorporated under the laws of the State of California in 1923, with headquarters at 995, South Western Avenue, Los Angeles; the World Conference on Narcotic Education, its subsidiary, which had been founded in 1926, and the World Narcotic Defence Association, incorporated under the laws of the State of New York in 1927, with headquarters at 578, Madison Avenue, New York. Those organisations had established a joint office in Geneva at 3, rue Butini, under the name of the "Association de défense internationale contre les stupéfiants". The organisations were wholly private and studiously avoided all governmental connections of an organic nature, and the limitations and restrictions which such connections might entail, but reserving

their full liberty of control they sought to co-operate with Governments and other agencies, public and private, to promote the purpose for which they all existed : the safety of society and its ultimate immunity from the menace of narcotic drug addiction.

The first two organisations, by their articles of incorporation and constitution respectively, avoided taking sides in political and controversial questions, and sought the co-operation of those on both sides to promote narcotic education, to find the truth about narcotic drug addiction and to organise and disseminate that truth. On their boards and committees they had two Catholic cardinals, three Protestant bishops, one Hebrew rabbi, one Mormon elder; they had democrats and republicans and wets and dries. The third organisation was a fighting organisation and had the broadest incorporated powers for organising the defence of society against narcotic drug addiction, whether through processes of education, processes of law, processes of isolation and rehabilitation of narcotic drug addicts or any other processes. It recommended caution and scientific methods in the narcotic education of youth, carefully adapted to the educational systems and customs of the particular country, and suggested the prompt narcotic education of teachers and professors. It was issuing a manual for teachers, available for delegates on request.

Etiological surveys in America showed clearly that ignorance of consequences was a prolific primary cause of addiction among youth. Similar surveys would doubtless show somewhat similar results in other countries. On the other hand, knowledge of the consequences would put the motive of self-preservation on guard, whether against existing narcotic drugs of to-day or new narcotic drugs of to-morrow. Narcotic education of the youth of to-day would ensure intelligence and vigour in the enactment and execution of good anti-narcotic laws in the next generation. Such sustained narcotic education throughout the world would constitute the sure foundation for humanity's immunity from drug addiction in the generations to come.

The World Conference on Narcotic Education undertook the narcotic education of the public at large and developed public opinion upon the narcotic drug problem. It assumed and had proved that the regular agencies of public distribution of knowledge and most of the clubs and associations, whether religious or secular, could be drafted

without cost for their services. The Press had given practically one hundred per cent co-operation. The radio, through "hook-ups" and through individual stations, was a good second. The pulpit was steadily coming into line. The clubs that had put on programmes literally ran into thousands. In diffusing narcotic education, the Conference had introduced Narcotic Education Week, the last week of February each year, when about 80,000 or 90,000 copies of a booklet guide was issued for that purpose. Other countries were finding it desirable and were beginning to organise the same observances. Booklets were sent to them on application. Through the Second Quinquennial World Conference on Narcotic Education, which would be held at Geneva on June 15th to 17th, and through the co-operation of national narcotic committees then being organised, it was expected that most of the important nations would, in a very short time, join in making the observance of Narcotic Education Week world-wide, producing a period of intensive narcotic education which, it was believed, would generate and direct a powerful world public opinion.

The materials for Narcotic Education Week were prepared in a large part by Committees which met in yearly conference on Thursday and Friday of the week preceding Narcotic Education Week.

The World Narcotic Defence Association was incorporated in New York and operated through the Geneva Office. It was now promoting the development of national defence committees. Those committees were self-governing and retained their full liberty of action. They were following a general model in their statutes and were federated through their Presidents forming a general council, working together through their Geneva Office for the general defence. At the rate at which they were developing, they would probably be in a position to aid in the ratification and the enforcement of any convention which the Conference might produce and also for the better enforcement in the future of the Hague Convention of 1912 and the Geneva Convention of 1925.

For those who were seriously interested in that challenging problem, the defence of society, an attractive field was opening up in this rapidly developing world-wide organisation and federation of national Narcotic Defence Committees. The executive committee of the central office at Geneva had chosen Senator Stefano Cavazzoni (Italy), Chairman, Senator Justin Godart (France), Hon. Cesar Zumeta (Venezuela), Colonel Frederick H. Allen (New York and Paris). The acceptance of a citizen of Germany was expected. While each of these three organisations had its own differential func-

tion, they were all affiliated parts of one system. They were financed by private contributions.

All three organisations joined in putting out the quarterly bulletins, about 7,000 copies in French from the Geneva office, and about 20,000 in English from the New York office. They all utilised the results of the same technique, including the results of the work of the New York Narcotic Survey Committee, whose technique was available for developing national surveys anywhere.

They all received the results of the studies of 43 Committees with a growing membership now numbering about 500. The Committees featured in their studies important phases as they became appropriate. For instance, they had drafted a uniform State law which, with slight variations, had been recommended to the forty-eight States of the United States of America. They had been studying for some time the principles that should guide in the drafting of national laws and treaties. They had left the drafting of conventions to competent official conferences, such as the present one, where the experience and wisdom of the nations assembled. Those principles, revised by the Preparatory Committee, would constitute the principle feature of the general conference of Mr. Hobson's Association that would meet at Geneva on June 15th. Copies would soon be distributed for preparatory study.

Its extended studies of all the factors in the equation had led the Association to the adoption of a simple formula for strategy and tactics, whether in drafting an international convention or enacting a national law, whether for adopting a municipal or administrative ordinance, for any enforcement of the struggle or for any other action along the whole front. Its formula read: "Destroy the illicit traffic first, then control the legitimate traffic."

The sequence of the two objectives named in the formula was the essence of the formula itself. "Destroy the illicit traffic" was the call to arms and the battle cry; it was the key to the code of principles of the Association, general and guiding principles alike.

The first resolution read:

"The illicit traffic in dangerous habit-forming drugs should be assimilated to piracy and destroyed".

It was not necessary to enter into a general discussion of the Association's code of principles, which would soon be available. It was sufficient to point out simply that the vigorous application of its underlying strategy would ensure victory, whether in a skirmish, in a battle, or in a siege. It would break down the outer walls of enemy resistance made up of honest men and legitimate businesses behind which the enemy had so successfully fought in the past. Those would speedily desert and line up on its side.

Then the second wall would crumble, made up of men whose moral and spiritual heights were not yet above the powerful urge of self-interest, to which the enemy made so large an appeal. For no civilised man would like to be found housed in a pirate's den. Many of those second line men would also join its ranks in the end, some to remove suspicion, some who naturally wished to be on the winning side, some who really hated their environment and yearned for more congenial heights, and who would gladly give works meet for repentance in sublime service.

Then would stand out, exposed for the first time, the citadel of this ruthless enemy of man. The irresistible bombs and heavy artillery of an outraged public opinion would batter down their walls. The crew had given no quarter and would receive none. They would be delivered over for massacre at the hands of millions of mothers, fathers, wives, husbands and children, whose hearts were broken, who had hoped against hope for their loved ones, poison victims who were writhing in the agonies of a living death. Those broken-hearted ones in despair were now with their hands raised towards high heaven calling out: "O Lord, how long, how long."

The adoption of the strategy of the Association would invigorate its own ranks as it paralysed the ranks of the enemies. In the wholesome, unifying atmosphere created in facing a common foe and standing shoulder to shoulder battling for humanity, they would forget their paltry commercial differences so long used by the enemy strategy to divide their ranks and would speedily find fair and just bases for controlling and regulating the legitimate traffic.

Persistent steadfastness in the application of their formula would ultimately ensure permanent victory to mankind; they would become a part of the law of nature.

Addressing the President, Mr. Hobson said that in the solemn presence of the Conference where, through their chosen delegates, the nations of the earth were assembled, his mind turned to the precincts of Shanghai and The Hague and came back again to the present Conference Hall in 1925. He knew that all delegates joined with him in offering a wreath of affection and admiration to the memories of Bishop Brent, Dr. Wright and Judge Porter, and he felt the Conference would permit him also to refer with pride to their successor who was present on this occasion. America was proud of the contributions her sons had made in the past in that great cause and were fully confident that their successors here present would nobly carry on their predecessors' work.

He believed they stood for the inarticulate millions who suffered, and the still larger number who mourned. He believed that they stood likewise for the vaster hosts of

virile men and loving women who did not intend to remain inarticulate and who did not intend to see modern civilisation perish. With God overhead they were prepared to serve and to fight.

M. G. Dequidt (Secretary-General of the "Comité national français de défense contre les stupéfiants") wished first to thank the President and the members of the Conference for the great honour which they had paid to a very youthful association by allowing one of its delegates to address the meeting.

The "Comité national français de défense contre les stupéfiants", the President of which was Senator Justin Godart, formerly Minister for Labour and Health, and of which M. Dequidt had the honour to be Secretary-General, had been constituted hardly a month previously in full agreement with the "Association de défense internationale contre les stupéfiants", and in accordance with the programme which Mr. Hobson, the President of that Association, had just outlined.

At its first meeting, the French Committee had instructed its bureau to follow the work of the Conference and to get into touch with those who were engaged in the campaign against narcotic drugs at Geneva. On arriving at Geneva, he had learnt that another National Committee had been set up almost at the same time in a neighbouring country, and that a third had been formed more recently. This information had increased his eagerness to make a brief statement at the Conference.

His statement could only be short if it were to be in proportion to the age of the Society, but he would like in a few words to outline the aims of the Committee and to make clear the spirit in which it had been set up and intended to work; he wished, also to show how, in his view, the French Committee could assist the cause which had been entrusted to the Conference by the League.

The aim of the new Committee was fully defined in its Statutes, the main provisions of which were as follows:

"Article 3.—The Committee intends to achieve its aim:

"(1) By centralising all documentation, information, research work and studies with regard to the import, manufacture, trade and use of narcotic drugs and the practice of the legislation in force;

"(2) By organising propaganda and education directed towards defence against narcotics, both by its own efforts and by encouraging private organisations and co-operating with institutions likely to have an influence on public opinion;

"(3) By urging the public authorities to enact practical measures and take all suitable steps with a view to modifying existing laws and regulations."

These statutes, which the "Association de défense internationale contre les stupéfiants" regarded as a model for similar

national committees, signified first and foremost, that a group of men, including members of Parliament, educationists, doctors, representatives of religious societies, journalists and others who might be able to influence public opinion, realised the great danger of narcotic drugs and were trying to give effective help in the campaign against them.

The French Committee was animated by an essentially humanitarian and social spirit. Its one concern was the fate and preservation of those unfortunate beings, too numerous in all classes of society, who were the victims of the encroaching evil. Moreover, its statutes provided that membership of the French Committee was subject to the special permission of the Executive Committee which was not obliged to give its reasons for withholding authorisation. Its object was to prevent any person or interest which, under pretext of co-operating, might actually be a hindrance to sound work and divert the Committee from the definite object it had in view.

M. Dequidt spoke next of the co-operation which, it was hoped, would be established between his essentially private organisation and the official organisations, national and international, which were pursuing the same end.

The French Committee believed that its membership and propaganda would enable it to keep in close touch with public opinion. It was well placed, as experience had already shown, to hear the grievances of the public and to receive suggestions, and fortified by the insight it would acquire into immediate realities, it would be in a position to represent a large section of public opinion, on which it hoped, with the help of the Press, to work with good effect. It was plain, however, that the best conventions and the most carefully thought out official instruments were not really effective unless they were adopted and accepted unanimously. Bearing in mind the old adage, *quid leges sine moribus*, the Committee hoped to be able to lead public opinion in such a way that the texts drawn up by the Conference would be fully applied.

During the discussions, M. Dequidt had heard several members of the Conference say that, if international conventions were to be properly enforced, they must have the support of very powerful national organisations. Perhaps the national committees of each country might be able to help the Conference to obtain the executive organisation most appropriate to its aims. Perhaps they might be of service in helping to adjust the national legislations to the terms and spirit of the decisions of the Conference.

The problem of narcotic drugs, even in the sphere now under consideration did not admit of an isolated solution. It depended in all its aspects and at all stages on the loyal co-operation of all countries, on their goodwill and their acceptance of a common ideal. That was one of the reasons why it was important to set up national committees

everywhere. Mr. R. Hobson, President of the Association de défense internationale contre les stupéfiants, had been right in drawing attention to that point. M. Dequidt would like the Conference itself to join in this recommendation, but feared that he had perhaps said too much and was too ambitious about the prospects of his Committee and its desire to help the Conference in the work for which it had been convened.

He wished only, and above all, to acknowledge the welcome which had been extended to the representative of the "Comité national français" as a proof of the sympathy of the Conference and as encouragement to it in its efforts.

Miss Madeleine Doty (Member of the Women's International League for Peace and Freedom) very much appreciated the honour done to the Women's International League by allowing its representative to address the Conference. The Women's League had hoped that some of its members who had specially dealt with the opium problem would be able to be present at the Conference, but they had found it impossible to attend, and, in consequence, Miss Doty would ask to be allowed to speak for them and for the large body of organised women belonging to twenty-six nations.

The object of the Women's International League was to establish "peace and good relations between the peoples". In 1928, it had sent two members—an Englishwoman and a Frenchwoman—to China and Indo-China to promote friendship between the women of East and West. Women friends in China had urged the Women's League to concern itself actively with the opium problem and with the traffic in narcotic drugs. As a result, an endeavour had been made to send members to attend the sittings of the League Opium Committee, and meetings had been organised in many cities in Germany, France, the Netherlands and Scandinavia. An international meeting to consider the same subject had also been held at Geneva in May 1928. At a recent executive meeting in April, a memorandum, which had been distributed to the Conference, had been presented and accepted by all sections of the Women's League.

The more the Women's League studied the question, the more terrible did it find the situation. The immense divergence between legitimate needs and production, the intricacy and extent of the illegal traffic, were appalling; but worse than all was the financial aspect of the problem, the money devoted to extending the traffic. Efforts had been made to control it, and one method after another had been tried, but the cruel self-interest of those involved in the so-called "opium ring" had wrecked every effective measure.

For instance, over a year ago it had been learned that a quarter of the total revenue of several colonial territories in the East came from the sale of opium, which had become a powerful weapon of imperialism. It had been declared by a Health Commission

that 786 tons of opium were sufficient for the medical purposes of the entire population, whereas statistics showed a yearly world production of 8,600 tons. For instance, a single French firm had exported 4,349 kilogrammes of heroin in 1928, although the annual needs of the whole world had been estimated at not more than 1,700 kilogrammes. The significance of these figures was obvious.

Miss Doty wished to add a few words from her own experience as to the connection between drugs and crime. In 1913, as a member of the New York State Prison Reform Commission, she had been permitted to manage the Women's State Prison at Auburn for two weeks, while a head matron was being secured. Self-government had been introduced into the prison, and as a result it had been discovered, among other things, that there was an enormous amount of illegal traffic in narcotic drugs in the prison. Not only did women addicts receive drugs but those who were not addicts were encouraged to become so. In the men's prison at Sing Sing, Mr. Thomas Mott Osborne, who had also introduced self-government there, had found the same situation disclosed by the convicts.

Miss Doty was convinced that a large part of the serious crime of which so much was heard in the United States of America was fostered by the use of narcotics, and that, in a country where the legal use of drugs was limited to scientific and medicinal needs, it was the illegal and underground traffic which was producing that result.

In conclusion, it was not as experts that the members of the Women's International League came to the Conference, or with the object of presenting fresh evidence of this terrible menace; they came as women wishing to offer their co-operation, in the conviction that the illegal traffic in drugs must be stopped and that both the production of raw materials and the manufacture of narcotics and all derivatives must be limited to scientific and medical needs.

Public opinion was growing more and more impatient at the lack of results, and the League of Nations suffered under the growing suspicion that the internationally organised forces for human welfare were powerless in the face of the great and evil strength of money.

Where there was a will there was a way, and if every representative present at the Conference would place human welfare above financial interests a new chapter might be written—a chapter that would redound to the credit, not only of the Opium Committee, but of the League of Nations as a whole.

Mgr. Beaupin (Representative of the Catholic Union of International Studies) wished, on behalf of the Union which he represented, to thank the Conference for the opportunity it had been given of expressing its very earnest desire that the Conference should succeed in drawing up an international convention for the quantitative and direct limitation of the manufacture of the various kinds of narcotic drugs.

The Union sincerely hoped that the Conference would succeed, for it considered it necessary for the welfare of humanity that the illicit traffic and its evil consequences should be brought to an end as soon as possible. It hoped that the object in view would be achieved because it knew that drug addiction was growing in the most terrifying proportions in the East and in the West and in all ranks of society notwithstanding the praiseworthy efforts made to suppress it.

The results so far obtained were quite inadequate, for even the strictest measures of control hitherto employed had failed to stop smuggling, which was still very difficult to track down. The evil arose from the production of far more raw material and manufactured narcotic drugs than were required for legitimate medical and scientific purposes. It was said that it was impossible, at any rate at the moment, to deal with the production of raw materials. Even if that were admitted, it was necessary immediately to solve the problem of the manufactured products by adopting a scheme for the genuine and strict limitation of manufacture. He wished, on behalf of the Union, to ask the Conference, with the help of the various proposals before it, to draw up a scheme which, while making allowances for legitimate interests, would make it possible to achieve the results which were being awaited with some impatience. Further delay or a plan which still left the door open to abuses would prejudice not only the welfare of mankind but also the prestige of the League; for the League would be accused of impotence in a sphere in which it had the means, the duty and the right to take action and, if necessary, to break down opposition.

It must no longer be possible to say that economic interests still prevailed over moral and social necessities, and that the public authorities who were responsible for the general welfare were held up or put to flight by the material interests of a few.

The world was anxious for peace, which the League was trying to organise. But it was well known that, as had been said in a motion adopted, on November 20th, 1930, by the representatives of the major international associations interested in the education of youth in the spirit of peace, the manufacture of and illicit traffic in narcotic drugs "created an obstacle to understanding and mutual comprehension between certain nations owing to the antagonism perpetuated on account of certain commercial interests".

To put it more clearly, certain eastern and western nations complained, not without reason, that factories belonging to other countries were free to produce and sell narcotic drugs solely in order to increase their profits indefinitely, to the great detriment of the public health.

On January 21st, 1931, a Roman catholic bishop, Monseigneur Besson, Bishop of Lausanne, Geneva and Fribourg, had said at a popular meeting organised by the Catholic Union of International Studies at Geneva

that : "Neither the material advantages of a community nor the material gains of individuals justify the frittering away of physical health or the cheapening of moral forces".

In speaking thus, Mgr. Besson was only alluding to the natural moral principles which were accepted by all honest men, and which Roman Catholics would untiringly defend. The Conference could be sure that these principles would be defended, fiercely and uncompromisingly, by the Union.

For the Union, the question was simple. Any industrial and commercial activity which profited from the illicit and clandestine traffic in narcotic drugs and supplied that traffic should be censured. Conscience condemned it and the profits it earned should be considered as acquired unlawfully. As the moralists would say, restitution must be made.

In this connection, the attitude taken by the Roman Catholic Church for a hundred years past regarding the cultivation of the poppy, the trade in and the use of opium in China and throughout the Far East and Indian hemp in Africa, was significant. These products were forbidden to all true believers for all purposes other than medical and scientific, under the most severe disciplinary penalties the Church could enforce. Anyone who broke this strict rule, except for legitimate reasons, was refused the sacraments.

The Chinese Catholic Episcopacy had given its views very clearly and decisively at the meeting held in Shanghai in 1924, when the "canons" recently published with the approval of the Holy See were drawn up. The canons dealt first and foremost with the poppy and opium, but they also applied to other similar drugs. In Canon 432 drawn up at that meeting it was said : "Although the cultivation of the poppy, the trade in and use of opium are not in themselves unlawful, nevertheless, in view of their great abuse, as shown by experience, they have become unlawful. They are in general prohibited, together with similar drugs". The Latin text of the last sentence was as follows : "*et aliarum ejusdem generis materialiarum*". All dangerous drugs were thus prohibited in a formula which, though general, was none the less adequate.

On January 10th, 1931, the Pope, in reply to a request by the Chinese National Anti-Opium Association, whose first President was a Catholic, had sent an encouraging message through the Cardinal Secretary of State in a letter which had just been published. "His Holiness", this document stated, "recognises and appreciates the very praiseworthy efforts which are being made in China to combat the evil of opium and other similar substances, which are as harmful to the welfare of the soul as of the body. He prays Our Lord to crown so meritorious and difficult a campaign with success." All the missionaries of the Vatican were placed at the service of this campaign, and His Holiness had even announced that he had "given special instructions to the Apostolic delegate in China to see that instruction regarding the innumerable dangers of opium

and its by-products is given in the mission schools".

The "canons" of the Shanghai Council were classified under the general heading of : "The Fifth Commandment of God"—that was the commandment which prohibited any attack, except for legitimate defence, on the life of one's neighbour or oneself. Clearly that commandment was broken by anyone who either placed at the disposal of another, except for medical reasons, drugs, those slow poisons which degraded his physical and moral forces, or used such drugs himself, unless prescribed medically. The respect due to the dignity of man's person was thus affirmed.

From the point of view of moral law, such was the problem before the Conference, and the Union hoped that the result of the latter's work would be decisive and that a first solution would be found.

The Conference was faced with great difficulties. The Catholic Union of International Studies had been anxious to assure the Conference that all the weight of its opinion was available to help it to achieve success. If it did not succeed in the work of limitation which it had undertaken, the Conference would be judged severely.

The Conference must not only consider the powerful few who did not desire limitation, who tried to evade it, or whose only concern was their own profit. It must look with confidence to the Union which was wholeheartedly and energetically in favour of real and sincere limitation. The Union wanted the Conference to succeed, and when success had been reached it would not be content with offering congratulations and thanks. It would give its untiring assistance and strongest support in putting into force the measures adopted.

The President thanked the representatives of the private associations. It was not for him to reply by another speech. Doubtless he would be expected, however, to say a few words before closing this part of the meeting.

The Conference had heard certain representatives of active associations, which were carrying out energetic propaganda inspired by the highest ideals. They were militant organisations, and the President would willingly utilise again Mr. Hobson's formula concerning the strategy which led to victory. The associations went gladly into battle for a good cause. Above all, however, the President saw in their leaders the representatives of public opinion, of the whole of public opinion, of the public opinion of all countries, which represented more particularly those movements which were inspired by the various forms of philosophic and religious thought of all parties, a public opinion sublimated, as it were, into a universal conscience.

The members of the Conference represented Governments. The representatives of the private associations and the members of the Conference had therefore very different spheres of action. That need not create between them any discrimination, still less

any division, since experience at Geneva had at least taught one lesson—namely, that joint action by the Governments was only possible, or, at any rate, was only successful, when it was upheld, supported, urged on, he might say, by public opinion. By describing the state of public opinion and indicating its ardent desire for concrete results at least, the representatives of the private associations were but encouraging the Conference still further, and stimulating it, if that were necessary, to do something great and decisive. He was sure that the Conference would respond.

Mgr. Beaupin had been quite right in saying that the Conference was faced with great difficulties, difficulties which were shared by the private associations.

If these difficulties had retarded success in international law more than they had hampered the noble aspirations and desires of the private associations, this was simply in the nature of things, and was the necessary result of circumstances. It did not mean that the zeal of the Conference was less ardent than that of the private associations which would certainly not accuse the former of being less zealous; it would be unfair to suppose that the eminent persons now assembled together as representatives of their States were other than a body of men earnestly determined to do their utmost to attain the greatest and noblest results which were actually and definitely within the bounds of possibility.

The Conference would therefore devote all its efforts to the task before it, and was firmly resolved to succeed. While the Conference was carrying out its task, it would perhaps be somewhat isolated, by its rules of procedure at least, but, at the close of its work, it would rejoin the private associations which were the main-spring of the action taken by the Governments and which constituted the means whereby the resolutions of the Conference would be realised.

While it was true that Conventions could be concluded without the help and action of public opinion, everyone knew that regulations, laws and conventions which had not the support of public opinion were condemned to futility. When the Convention had been prepared it would have to be applied, and in that matter the help of the private associations would be particularly valuable. At that moment the Conference and the associations would meet again, but the Conference already counted on the help of the private associations in the future.

The President added that he had received two letters from associations which had not asked to be heard by the Conference.

The first letter was from the Foreign Policy Association, and read as follows:

“The Foreign Policy Association, of 18, East 41st Street, New York, is a voluntary association of about 12,000 members, most of them in the United States of America, whose primary object is to publish objective statements of fact underlying foreign policy, principally in short weekly bulletins and detailed bi-weekly publications, the latter being entitled Foreign Policy Reports. It has an opium research

¹ See document C.C.P.44(1).

committee which arranged for the publication in English on April 1st, 1931, of a report entitled ‘International Limitation of Dangerous Drugs’. This document has also been translated into French. A copy has been placed in the hands of each delegation to this Conference, and additional copies may be obtained now at the Club International, 4, rue de Monthoux, Geneva, or at any time at the office of the Association in New York. The document after briefly reviewing the history of the movement for drug limitation, analyses in detail the draft convention now before this Conference and other plans that have been suggested. The authors are Mrs. Helen Howell Moorhead, a director of the Association, and Secretary of its Opium Research Committee, and Mr. John D. Farnham, who is connected with the Bureau of Social Hygiene of the Rockefeller Foundation, and is one of the advisers to the United States delegation to this Conference.

“Furthermore, it was through the Foreign Policy Association that funds were made available for publication by the League of Nations of Dr. Otto Anselmino’s ‘ABC of Narcotic Drugs’¹. Mrs. Helen Howell Moorhead is unfortunately unable to be present at Geneva to address the Conference; the foreign policy report on international limitation of dangerous drugs may, however, be considered as containing the material upon which such an address would have been based. It is respectfully suggested that, under the circumstances, this statement be incorporated in the Minutes of the Conference as a matter of record for those students of the opium problem who may wish to have a reference to the Foreign Policy Report on the subject.”

The second letter, which was from the Anti-Opium Information Bureau, read as follows:

“I have the honour to acknowledge receipt of your letter of May 29th, acknowledging receipt of my letter No. 1633 of May 25th, 1931, in which I enquired whether special facilities would be granted to representatives of private organisations occupying themselves exclusively with the problem of narcotics.

“In your letter under reply you were so good as to inform me that, following upon a decision of the Conference, representatives of private organisations will be granted certain privileges, amongst which figures that of being supplied with all non-confidential documents at the same time as delegates.

“I shall be deeply grateful if you will convey to the Conference my sincere appreciation for the facilities granted.

“With reference to the decision taken by the Conference, whereby—as Director of the Anti-Opium Information Bureau—

I should be allowed the privilege of addressing the Conference, I wish to inform you—and, through you, the Conference, that I shall not avail myself of this privilege, which I very much appreciate.

"Whilst I have never, in the past, refused to answer—to the best of my ability—any question dealing with the Opium problem, whether it emanated from official sources, from the Press, or from private persons interested in the subject with which this Conference is called upon to deal, and whilst, in the future, I intend to pursue the same course of making known, by word of mouth or by writing, what is being done, what is not being done, and what—in my opinion—should be done to solve the problem of limitation of manufacture, I do not propose to take up the valuable time of this Conference by addressing it. Too much time has already been lost since 1912, and too much remains to be done to justify my taking up the time of the Conference.

"The Conference knows exactly the task with which it is faced. It does not need to be reminded by me that any failure to succeed in the direct quantitative limitation of manufacture of all derivatives of opium and of the coca leaf will carry with it responsibilities from which delegates individually and collectively, cannot escape.

"(Signed) A. E. BLANCO,
Director of
the "Anti-Opium Information Bureau"
Geneva."

The President observed that the Conference had now heard all the communications from private associations. This part of the Conference's discussion was closed. It had been said on several occasions that there was not a moment to lose, and the President therefore asked the Conference to continue its work immediately so as to reach a satisfactory conclusion as soon as possible.

23.—LIMITATION OF THE MANUFACTURE OF DRUGS : GENERAL DISCUSSION (continuation).

M. Sjöstrand (Sweden) said that Sweden, being a consuming and not a manufacturing country, might be thought to have no vital interest in the limitation of the manufacture of narcotic drugs; it might also be supposed that public opinion in Sweden had not yet become conscious of any immediate danger from the abuse of narcotic drugs. Any such view would, however, be neither true nor just.

Stimulated by the efforts of the League, the knowledge of a danger that was common to all civilised peoples had made increasing headway in Sweden. Even if cases of abuse were very few, they were nevertheless attracting attention, and post-war history had brought them into greater prominence. In another field of humanitarian effort, the fight against alcohol, Sweden had a long experience of legislative action which had been crowned with remarkable success. That experience had made the Swedish people familiar with the idea of limiting the manu-

facture and even the consumption of substances considered as dangerous to health and morals.

With regard to the draft Convention submitted to the Conference by the Advisory Committee¹, a scheme of limitation, if universally applied and supplemented by various measures of control, would, he thought, have a great chance of success. The sources of supply were limited in number and hence it ought not to be impossible to trace the illicit traffic to those sources. To attain this end, the scheme should not be unnecessarily complicated, nor should it impose too heavy a burden on countries which gave an honest statement of their legitimate needs. In that connection, M. Sjöstrand would probably have occasion to make certain remarks later in the discussion.

A consuming country like Sweden must have the assurance that its legitimate needs could be covered and that it would be in a position to meet certain unforeseen contingencies, such as epidemics. To a certain extent this was provided for in the draft Convention.

One point, however, the question of prices, to which the Swedish delegation attached particular importance, was left entirely open in the draft. A satisfactory solution of this somewhat thorny question would be watched by the Swedish Government with the greatest interest. Certain other points would be raised by the Swedish delegation during the course of the discussion.

M. Sjöstrand wished to reserve his attitude as regarded the Crane plan in its present form², and other proposals.

Hassan Bey (Turkey) wished, first of all, briefly to sum up his country's situation with regard to the problem before the Conference, and then to explain his Government's attitude.

Turkey, which was, above all, a producer of raw opium, was now also a manufacturing and exporting country; it was a consuming country as well, because, like certain other countries, it had found it necessary to import, for its medical and scientific requirements, narcotic drugs derived from substances other than opium, such as cocaine and its salts.

The Conference was aware that for many years Turkey alone had supplied opium for almost the whole of the world market. The provinces which, owing to their climatic conditions and the nature of the soil, were particularly suitable for the cultivation of the *papaver somniferum*, had remained within the territory of the Republic after the break-up of the Ottoman Empire. The cultivation of the poppy had therefore continued on the same scale. At the present time it was still the chief product of ten vilayets, and provided a very large section of the agrarian population with the means of existence. Owing to this special situation, the production of raw opium was of the greatest economic importance to Turkey, whereas, for a great

¹ See Annex 7.

² See document C.251.M.114.1931.XI.

many other countries, it was of secondary importance, or even negligible.

The difficult situation resulting from the world economic crisis, the effects of which were so marked in the agricultural countries, had already been made very much worse owing to stagnation in the raw opium market, which was due to the uncertainty created by the contemplated measures for limitation. Failure to sell their crops had placed thousands of Turkish growers in an impossible position. While the stocks for the past year had not yet been exhausted, the next harvest would shortly throw new stocks upon the market, and the prospect of disposing of them was not at all good.

The Turkish Government was therefore in the painful situation of being faced with a very serious local crisis which would still further aggravate the consequences of the world crisis from which Turkey was already suffering so severely. Though it recognised the very great humanitarian importance of the measures the Conference was expected to take to stamp out the illicit traffic in narcotic drugs, it was bound to find a way out of its own difficulty.

The competent League organs, after long and successful study, had reached the conclusion that the measures of control laid down in the existing international conventions were inadequate, and that direct limitation of manufacture was the most appropriate way of filling in the gaps in those conventions. Starting from this conclusion, the Advisory Committee had drawn up the draft Convention as a basis for the discussions of the present Conference.

The Turkish delegation highly appreciated the Committee's qualifications, and expressed its sympathy with the principles on which the draft was based. It felt bound, however, to draw the Conference's attention to the practical difficulties which prevented an agricultural country—for many years the sole producer of sufficient raw material to satisfy world requirements for the manufacture of all opium derivatives—from accepting the method of direct limitation of manufacture, unless at any rate its interests were safeguarded by some modification of that method.

The interests of the manufacturing countries and of the countries which produced the raw material could perhaps be reconciled if the producing countries were authorised by a convention to dispose of their produce on the basis of their present output, in the same way as it was proposed to grant a conventional right to the manufacturing countries by means of the quota system. In this connection it should perhaps be pointed out that any country, whether a producer of raw material or no, could be a manufacturing country, whereas only countries where the soil, climatic conditions and economic system were suitable for the cultivation of the poppy could become producers. The conclusion might be that the recognition by Treaty of a right possessed by the produc-

ing countries was based on a situation inherent in natural causes and should not be regarded as a privilege conferred on them. Moreover, the scope of limitation would be extended so as to cover raw material, which would make it doubly effective. The corrective recommended by the Turkish delegate would establish equilibrium between the interests of the producing and the manufacturing countries, and would, most probably, lighten the task of the Conference.

On the other hand, the Turkish delegation, as representing a manufacturing and exporting country, maintained the point of view it had put forward at the Preparatory Conference in London, and believed that, if the quota system were inevitable, Turkey was entitled to claim an equitable manufacturing quota. In fixing the percentage, account should be taken of the raw material produced in Turkey.

In submitting the preceding solutions for consideration by the Conference, Hassan Bey stated that, in the Turkish Government's opinion, the most effective means of settling the question of limitation completely and once for all would be to set up one factory which, under the management and immediate control of the League organs, would be the sole centre for the manufacture of crude morphine and crude cocaine. The factory would obtain its raw material direct from the producing countries, in proportion to their present production, which would be taken as a basis for calculation. It would supply raw material for conversion purposes to the narcotic drug factories of the manufacturing and exporting countries within the limits of the quotas assigned to each country. In his view, this system had the two-fold advantage of providing a most effective control and regulating the prices of raw materials and manufactured products. The Turkish Government would be prepared to find its share of the capital for setting up such a central factory, if this modified system met with the approval of the Conference.

The Turkish delegation, prompted by a spirit of international co-operation and by the principle of justice and equity which must underly all decisions if the Conference was to succeed in the eminently humanitarian cause before it, hoped that the meeting would consider sympathetically the foregoing suggestions and their consequences. He would add, very respectfully, that the Turkish Government greatly regretted its inability to accept the quota system of limitation recommended in the draft Convention¹, unless its legitimate interests were protected, and it would unfortunately be unable to renounce its right freely to convert its raw materials into manufactured products for the strictly legal and legitimate consumption of the consuming countries.

The Turkish delegation also felt bound to point out that Turkey was as anxious as any other country that the humanitarian

¹ See Annex 7.

cause for which the Conference stood should triumph. Turkey claimed the honour of being in the forefront of the fight. The Turkish Government which was at present applying all the measures of control laid down in international conventions was quite prepared to apply in its own territory any provisions which the Conference decided were advisable and necessary to suppress the illicit traffic. The Turkish Government felt that the desire for gain, which was an inevitable factor in any private undertaking, was one of the causes of the clandestine traffic, and had therefore decided to set up a State monopoly for the manufacture and sale of narcotic drugs as a measure of control additional to those arising out of international instruments.

Although the draft Convention before the Conference contained no provision to that effect, several delegations had said during the general discussion that the supply of codeine should also be limited. The Turkish delegation had been instructed by its Government to point out that, in itself, codeine was a harmless drug, and that its use for medical purposes was very widespread. It would be very difficult, and sometimes impossible, to estimate a country's requirements of codeine. Hassan Bey considered inadequate the argument that the limitation of this substance was to be recommended on the ground of its convertibility into a harmful one. He saw no reason for subjecting a pharmaceutical article, innocuous in itself, to limitation because it could be converted into a dangerous drug, when the raw materials used directly for the manufacture of such drugs were not subject to limitation. From the economic point of view, it would be more advantageous for those concerned to use the raw material rather than codeine. At the same time, the Turkish delegation thought the manufacture of and trade in codeine should be subject to strict control in the same way as raw opium, since it presented the same danger. Codeine was subject to such control in Turkey. For these reasons, the Turkish Government regretted its inability to accept the proposals relating to the limitation of codeine.

Hassan Bey wished to call attention to one point in the draft Convention. The idea of the direct limitation of manufacture had undoubtedly arisen because of the insufficiency of the measures of control prescribed in the 1912 and 1925 Conventions. It must also be admitted that the main reason for the illicit traffic was the existence of drug addiction and that the limitation of narcotic drugs could not be considered as a remedy of the evil itself. As long as drug addiction existed, the most ingenious subterfuges would be used to obtain the drugs, particularly as the resources of chemical combinations were inexhaustible.

Since the chief aim of the Conference was to redeem humanity from the evil of drug addiction, its activity should not be confined to the investigation of methods for limiting the supply of drugs; an attack should also

be made on the evil itself. Future generations must not be contaminated, and therefore special provisions with a view to a direct campaign against drug addiction and the treatment of the unfortunate sufferers should be embodied in the future Convention. In this connection, the Turkish delegation welcomed most sympathetically the Argentine delegate's suggestions¹.

The Turkish delegate reserved his right to explain during the discussion his delegation's views on the various articles of the Convention. He asked the President to refer to the Business Committee the various suggestions he had put before the Conference.

M. Baranyai (Hungary) pointed out that on several occasions Hungary had explained its point of view on the question under consideration, in particular during the last two sessions of the Fifth Committee of the Assembly. It had also done so in communications addressed to the League Council and the Secretary-General. On one occasion, it had done so before the Advisory Opium Committee, to which it had been invited to send a representative. The Hungarian delegation desired, however, to repeat that Hungary was fully aware of what was required of it, and would examine the draft Convention very carefully.

The Hungarian delegation realised that the Conference was of the greatest importance both from the humanitarian aspect and the moral, social and health aspects, and would do everything in its power to make the Conference a success. The Hungarian Government would in the future, as it had always done in the past, omit no step that should be taken to check the abuse of drugs and the illicit traffic, which were a disgrace to civilisation and to the present century.

The Hungarian Government's endeavour to co-operate with the League and with other States had not been confined to words; it had also acted, and the best proof that its action had been effective was that the abuse of drugs in Hungary had been reduced to a minimum and that there were hardly any cases of illicit traffic, although Hungary produced raw materials and manufactured, exported and consumed drugs. It was just because the Hungarian Government was very active in this sphere that it desired to avoid all unnecessary measures that overshot the mark and would possibly defeat the object in view.

The 1925 Convention, which contained a list of drugs, in which traffic was prohibited, did not make sufficient allowance for the discovery of new substances. These came under the Convention only after lengthy and complicated procedure. In this con-

¹ See pages 21 to 23.

nection, the Hungarian delegation accepted Mr. May's proposal¹ that all the products of the poppy should, *ipso facto*, be subject to control.

The Hungarian delegation suggested that a list should be drawn up of products which, though containing harmful substances, did not lead to drug addiction. Once that had been done, the League Health Committee, acting on the proposal of any Government, would consider whether the new drugs should be placed within the category of habit-forming drugs. The Hungarian delegation was of opinion that this procedure would still further prevent abuse without needlessly hampering production and the use of drugs which did not lead to addiction, such as codeine, apomorphine, papaverine, ethylmorphine, narcotine, etc. M. Baranyai repeated that, under this system, abuse would be avoided and doctors and hospitals would not be handicapped in their work.

With regard to the draft Convention², the Hungarian Government accepted its main lines, but had several reservations to make on points of detail.

The President declared the general discussion closed.

24.—ADOPTION OF THE ADVISORY COMMITTEE'S DRAFT CONVENTION AS A BASIS OF DISCUSSION

AND APPOINTMENT OF COMMITTEES: PROPOSALS OF THE BUSINESS COMMITTEE.

The President said that, as regards the detailed discussion, the Business Committee unanimously proposed the following procedure. The Advisory Committee's draft would be taken as a basis: this would not in any way prejudice the final decisions. The suggestions already brought forward would take the form of amendments to the text and should be drafted as such by their movers. The Bureau would, if necessary, indicate to what articles those amendments related.

Further, a certain number of committees would have to be appointed in addition to those already set up—the Credentials Committee, the Business Committee and the Legal Committee. The latter's functions would be extended, and it would be called the Legal and Drafting Committee. A Technical Committee would be set up to consider whether particular drugs should be included in the list of prohibited drugs. Finally, a Limitation Committee would be constituted to study the problems relating to limitation itself.

The Bureau and the Business Committee desired that as many members as possible should serve on these Committees. The Business Committee would make proposals in this connection at the next meeting of the Conference.

The plenary Conference would retain full powers over its own agenda. Questions would only be referred to the Committees after a formal decision by the Conference itself.

These proposals were adopted.

NINTH MEETING (PUBLIC).

Wednesday, June 3rd, 1931, at 10.30 a.m.

Président : M. DE BROUCKÈRE.

25.—EXAMINATION OF THE DRAFT CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS.

The President stated that, in accordance with the previous day's decisions, the Conference would examine, article by article, the draft Convention submitted by the Council and prepared by the Advisory Committee³.

The only texts which could be considered were those of the draft itself and the amendments submitted in writing to the Bureau and distributed to the Conference.

He proposed that the preamble should be discussed first.

¹ See Annex 7(b), Appendix.

PREAMBLE.

M. Bogomoloff (Union of Soviet Socialist Republics) thought it would be much better to postpone the discussion of the preamble until the text of the Convention had been examined. The preamble gave in fact the impression that certain provisions of the Convention had already been adopted, which, of course, was not the case. He believed that the procedure he suggested was often followed at international conferences.

M. Perez (Argentine) did not think it necessary to postpone the discussion on the preamble, which was quite straightforward. He would, however, like to propose that the last part of the preamble should read, "and

² See Annex 7.

regulating and *strictly controlling* their distribution”.

The President asked the Argentine delegate to hand in his amendment in writing for examination by the Bureau.

M. de Vasconcellos (Portugal) saw no objection to the Soviet proposal. In the case of a book, the preface was invariably written last. The Argentine amendment, together with the preamble, could therefore be discussed after the articles of the draft Convention.

Mr. Caldwell (United States of America) supported M. Bogomoloff's proposal.

M. Perez (Argentine) did not insist upon an immediate discussion.

The Conference agreed to discuss the preamble after the articles of the draft Convention.

ARTICLE I.

The President stated that the Soviet delegation had submitted a proposal which referred to Article I, paragraph 2.

He added that several other amendments had just been handed in—in particular, one from the delegation of Panama relating to Article I, paragraph 2. He once more urged the extreme importance of submitting amendments in good time, in order to avoid delaying the discussion.

He asked the Soviet delegate to speak on his amendment.

M. Bogomoloff (Union of Soviet Socialist Republics) submitted the following text with which he proposed to begin the Convention :

“Article I.—This Convention shall apply to all kinds of raw materials (opium, coca leaves, Indian hemp) which can be used either in raw or prepared form as habit-forming drugs, as well as to all kinds of narcotic drugs which can be manufactured thereof, and to all their derivatives.”

He recalled that, during the general discussion, he had already expressed his delegation's opinion that the limitation of the production of raw materials—opium, coca leaves and Indian hemp—would provide the only sure guarantee for a real limitation of the manufacture of narcotic drugs. At the sixth meeting, M. de Vasconcellos had made the very important point that the over-production of manufactured drugs was bound inevitably to result in illicit traffic. M. Bogomoloff thought there were reasons for applying that argument to raw materials also. It was quite clear that, if there was a surplus of raw materials, there would always be an incentive to illicit manufacture and, consequently, to illicit traffic.

M. de Vasconcellos had also made certain interesting remarks regarding the forth-

coming Conference at Bangkok. There was reason to fear that those remarks would give the impression that, if the question of raw materials were not discussed at the present Conference, it might be because there would be an opportunity of discussing it at Bangkok. That, however, was not the case. M. Bogomoloff had learned that the Bangkok Conference would be confined to the problem of opium-smoking in certain Far-Eastern territories, and that the question of raw materials in connection with the production or manufacture of drugs would not be raised. Even supposing that issue were considered at Bangkok, that would hardly be the right way of dealing with the problem, since it would be quite illogical to try and limit the production of manufactured drugs before striking at the root of the evil—the production of raw materials.

The Soviet delegation therefore considered that the Conference could not achieve satisfactory results unless it took action to limit the production of the raw materials from which any dangerous drug might be manufactured. It would be seen that the Soviet proposal made it quite clear that the Convention must apply to all kinds of narcotic drugs which might be produced from the raw materials and to all their derivatives. As he had already explained, there was a great danger that new narcotic drugs might be produced under a new name, thereby evading the Convention, with the result that the evil would be as great as ever, or perhaps even greater.

M. de Vasconcellos (Portugal) regretted that he was not able to support the Soviet proposal, which raised a constitutional difficulty. The powers conferred upon the delegations by their Governments were circumscribed by the terms of the Assembly resolution of September 1929, and by the later addition made by the Council. Indeed, they might be considered as based on the Assembly resolution only, because, when the Council added “other derivatives”, it was already understood that the Conference was empowered to consider the limitation of other derivatives. The question was thus settled and there were no grounds for reopening it.

The limitation of raw materials could not be discussed, as the powers of delegates did not admit of it. Another Conference might perhaps prepare a Convention on the limitation of the production of raw materials; this was a very necessary move, but was not within the competence of the present Conference.

As regarded the Bangkok Conference, he had stated that it was not a world Conference, but a meeting of the representatives of countries producing opium for smoking. It would therefore deal with various questions, among them some of those to which the Soviet delegate had referred.

M. Cavazzoni (Italy) considered that the Chairman of the Advisory Committee had

given the right reply to the Soviet delegate. Indeed, the President could not but settle the question in the same manner. The Conference had been assigned a definite task and had no power to extend it.

M. Cavazzoni could not, however, confine himself to this purely formal reply without adding a friendly word to the Soviet delegate and to the other members of the Conference, who were in all good faith making what seemed to be a very natural request—namely, that production should be limited before manufacture. Any such attempt might be playing into the hands of the enemies of limitation who, though not actually present, were undoubtedly not far off, ready to strain every nerve to prevent the Conference from achieving concrete results.

M. Cavazzoni therefore strongly urged his colleagues to keep within the limits set by the League and to restrict the discussion to the question of the limitation of manufacture. He hoped that the great majority, at any rate, of the members were in favour of the limitation of production, but the question was outside the terms of reference of the Conference.

He repeated that he seconded what M. de Vasconcellos had said. Being strongly in favour of limitation, he had been anxious to say a word to the delegations who had wished the Conference to cover a wider field.

The President, replying to M. Cavazzoni, said that he had refrained from expressing an opinion earlier, not because he was shirking his responsibilities, but because the situation was very complicated and perplexing.

The question was, in substance, whether a particular amendment was admissible or not. According to the more usual procedure, all amendments covered by the title of the Conference were considered admissible. This proved the importance of the title and showed why this subject had been discussed at such length with the Argentine delegation.

Did the Soviet amendment aim at limiting the manufacture of narcotic drugs? The question depended entirely on the definition of these drugs which might be adopted. Hence, he believed that it would be better to discuss the Soviet proposal when the Conference came to consider Article 1, paragraph 2, which defined narcotic drugs. The Conference had not yet reached that point and, until the matter was settled, it was quite in order to consider the raw materials themselves as narcotic drugs; they were often used as such.

Other reasons also prevented the President from ruling that this Soviet proposal was inadmissible. Although in Parliament all amendments coming under the definition in the title of a Bill were admissible, the present Conference could usefully discuss only proposals covered by the delegates' full powers. Thus, it would be more to the

point if the delegates were to state their full powers for the President's benefit than for him to indicate what subjects could or could not be discussed. The delegates had a right to discuss any subject provided that they produced the necessary full powers. From this point of view, however, the Soviet proposal was, he thought, outside the scope of the full powers of most delegations.

The Council of the League had convened the present Conference and had defined very carefully the subjects with which it was to deal. It had first stated that the question to be discussed was that of the limitation of the manufacture of narcotic drugs as mentioned in Article 4, paragraphs (b), (c) and (g) of the Geneva Convention. As one of the resolutions adopted by the eleventh Assembly had given ground for assuming that other specific narcotic drugs might be limited, and as it had also been proposed to limit all narcotic drugs derived from the poppy or the coca leaf, the League Council had forewarned the Governments that the discussion might be somewhat wider than had at first been intended. Since the term "somewhat wider" was rather vague, on the proposal of the Spanish representative, M. Quiñones de León, the following words were added to the letter inviting the Powers to the Conference :

" . . . and to discuss the limitation of all derivatives of opium and the coca leaf, as well as the control of the quantity limited by the future Convention."

The President considered that the States had undoubtedly accorded their delegates full powers under these conditions. Though he might not be able to rule the amendment out of order, because it was not for him to judge of the delegates' full powers, the Conference, nevertheless, had complete control of its own agenda. He believed it was within his office to state that the Conference would probably be meeting the wishes of the convening authority and remain within its powers by stating that the question was outside its competence.

M. Bourgois (France) observed that all the members of the Conference advocated the direct limitation of manufacture. He was very sanguine in this respect and convinced that success would be achieved. He believed that all delegations were also in favour of the principle of limiting cultivation. Here, however, a practical difficulty arose and he, at any rate, would hesitate to ask for the insertion in a Convention of provisions requiring, from the Governments of countries producing the raw materials, definite undertakings as to the limitation of cultivation. Such action would make it impossible for those Governments to sign the Convention, for well-known reasons upon which it was unnecessary to dwell at any length.

The poppy was grown over vast areas—much larger than Europe—where there was no land register. Years must elapse before the completion of a survey on the basis of which the Governments concerned could

organise the control necessitated by such undertakings. The same applied to Indian hemp, which was grown over an enormous area in India and Central Africa. In these conditions, how could the Governments in question be expected to enter into commitments which it was manifestly impossible for them to fulfil? Coca leaves, too, were in the same position, since they grew in virgin forests. Was the Conference going to tackle virgin forests?

Like all his colleagues, M. Bourgois was in favour, in principle, of a form of limitation which would provide so simple a solution. Some of the countries where the raw materials were cultivated and where such limitation was possible might consider the possibility of undertaking some such obligation. He personally would not ask for the inclusion of any such provision in the Convention; but, as France, however, was not a cultivating country, he would leave the decision to the countries that were.

Sir Malcolm Delevingne (Great Britain) concurred in the President's view. His own powers did not extend to the questions raised by the Soviet delegate. He thought, like M. Cavazzoni, that it would be very dangerous to attempt to introduce into the discussions of the Conference matters outside its scope, and he agreed with M. Bourgois as to the practical difficulties that would arise. But all who were partisans of the limitation of the manufacture of drugs must also be partisans of any practical scheme for the limitation of the production of raw material.

The two most important classes of raw material were raw opium and the coca leaf. He did not know what powers the representatives of the countries which produced raw opium or the coca leaf had received from their Governments, and whether there was any real prospect of their coming to an agreement among themselves in the direction of limitation of production, but he would suggest that, if their powers did extend to that subject, and if there were any prospect at all of an agreement among them on the above question, they should discuss the matter among themselves outside the Conference. The Conference would welcome any *rapprochement*, understanding or agreement between producing countries which could bring about the limitation of the production of the raw material to the amounts necessary for purposes recognised by the Hague and Geneva Conventions.

He saw a further difficulty in the way of the subject being discussed at the present Conference, in that one important country which produced the coca leaf and one or two minor countries which produced raw opium were not represented, while, in the case of hashish, the difficulty was multiplied several times.

Mr. Caldwell (United States of America) was of opinion that the exact effect of the Soviet amendment could not be gauged until the question of definitions had been settled. His delegation was entirely in sympathy with the idea of the eventual limitation of

raw materials, and Mr. Caldwell hoped that this would be accomplished. He would not, however, suggest that it was within the competence of the Conference to propose it.

The Conference might, on the other hand, find it possible to consider the limitation of the supplies of raw materials used by the factories for manufacturing derivatives, because, as a practical measure, imports of raw materials ought certainly to be limited, unless anyone had an equally good or better method to suggest for limiting output. Mr. Caldwell hoped to propose an amendment to that effect later on.

M. Perez (Argentine) had been considering whether the Soviet amendment did or did not fall within the mandate of the Conference; personally, he thought that it did. He had also considered whether it was dangerous to discuss such a proposal, but had come to the conclusion that it was not.

He had come to the Conference unallied to any of the camps which had formed around this limitation question. He was in favour of limitation, but considered that the solution of the problem of the campaign against drug addiction did not entirely depend upon it. The title of the draft Convention referred to "limiting manufacture". Such limitation could be obtained either by indirect or by direct means. He was a partisan of both. In his view, the point raised by the Soviet delegate was exactly that covered by Article 5 of the draft which he had submitted at the second meeting and which ran as follows:

"No person may engage in the cultivation of the plants specified in Article I without obtaining an authorisation delivered by the National Central Office. The fundamental condition of this authorisation shall be that the sale of the output may only be effected through the Office.

"The Office may limit the cultivation of these plants to the needs estimated by the Permanent Board on the basis of requirements arising out of the exclusive therapeutic or scientific use of the narcotic substances specified in Article I of this Convention."

He would therefore ask the Soviet delegate to withdraw his proposal for the time being and to submit it again when the Conference came to deal with questions regarding control.

M. Martinez de Alva (Mexico) said it was impossible to deny that the limitation of production of raw material could have a very direct effect on the limitation of manufacture. He thought, however, that, if the Conference were to go back as far as the causes of over-production, the time at its disposal would be insufficient, especially

in view of the numerous interests involved in the question of the production of raw materials.

Furthermore, he thought the question of the limitation of production did not arise from the text presented by the representative of the Soviet Government, which merely stated :

“ This Convention shall apply to all kinds of raw materials (opium, coca leaves, Indian hemp) which can be used either in raw or prepared form as habit-forming drugs, as well as to all kinds of narcotic drugs which can be manufactured thereof, and to all their derivatives.”

The Argentine delegate had stated that he did not see any danger in a discussion of the question of the production of raw materials. There was no danger, except as far as time was concerned. M. de Alva thought, however, that the question could be easily solved by a recommendation to the effect that some other organisation should deal with the limitation of raw materials.

As far as Mexico was concerned, the production problem did not arise, because Article 202 of the Health Code strictly forbade the cultivation of *Cannabis indica* and *pavot*, and the climatic conditions made it impossible to produce the coca leaf. Mexico would therefore have no objection to signing any agreement with a view to the limitation of production of raw materials.

M. von Rheinbaben (Germany) strongly sympathised with the Soviet proposal, but thought it did not come within the scope of the present Conference. Moreover, he did not think that the proposal could be reconsidered in connection with the question of control. The problem of the limitation of production of raw material was a subject apart, which, given the present competence of the Conference, could in no case be discussed by it.

M. de Vasconcellos (Portugal) said that, from his point of view, the question was perfectly straightforward. It did not concern the advantages or disadvantages of the limitation of production of raw materials, but was purely legal in character. The Conference could not deal with the limitation of raw materials; it was not empowered to do so, and it was a waste of time to discuss a problem which the Conference was not legally competent to solve. He thought that the Legal Adviser of the Secretariat would agree, and suggested that the Conference might hear his views.

M. Perez (Argentine) stated that the question was of great importance to the Argentine Republic, which imported 455,000 kilogrammes of coca leaves annually. It was thus particularly concerned in the question of limiting production.

Dr. Wu Lien-Teh (China) considered that the Soviet amendment raised a vital point, and showed that the Hague Conference of 1911-12 had done rightly in putting opium and derivatives together. In the matter of drug addiction, there was no possibility of dividing the two, and that division, had perhaps accounted for the wide divergency of opinion at the Geneva Conference in 1925. It would have been far better, especially for the nations suffering from addiction, if the Geneva Convention had been drawn up as a continuation of the Hague Convention.

The Chinese delegate, however, had strict instructions to deal with the limitation of the manufacture of narcotic drugs, and, much as they sympathised with and approved the Soviet amendment, it was not within their powers to support it.

At the same time, he shared Mr. Caldwell's opinion that, although the Conference could not, in principle, agree to survey the whole subject of raw materials, it should not forget those used for the manufacture of narcotic drugs.

Dr. Paranjpye (India) agreed with the delegations which had raised a point of order as to the competence of the Conference to discuss the question of raw materials. His instructions from his Government referred solely to the draft Convention which had been distributed, and he was therefore not in a position to express any opinion on the wider question raised by the Soviet delegation.

Moreover, it must be remembered that the raw materials were not produced simply with a view to the manufacture of narcotics, but were used in several countries for smoking or eating opium or for the chewing of coca leaves. Consequently, if the production of raw materials was to be considered at the Conference, all those aspects of the problem would have to be dealt with. Another Conference was to meet very shortly to consider the question of opium-smoking, and he believed that the Advisory Committee had been asked to consider whether any steps could be taken for the limitation of the production of raw materials. The consideration of one question at a time was by far the most useful method of procedure in dealing with the vast and complicated problem of opium and narcotic drugs.

In India, the production, sale and distribution of raw materials were strictly controlled by the Government, and Dr. Paranjpye did not think that his country could be charged with any infraction of its commitments under the various Conventions.

So far as India was concerned, there would be no difficulty in considering the problem of production, but the Conference would be going beyond its mandate if it took up the wide question proposed by the Soviet delegation. He therefore felt bound to oppose the Soviet amendment.

M. van Wettum (Netherlands) thought it was clear from the note which had been sent to the various Governments convening the present Conference that the latter was not able to discuss the question of the limitation of the production of raw materials. The Netherlands delegation had no instructions on that point.

With regard to the British delegation's suggestion that the question of the limitation of raw materials should be discussed privately, the production of coca leaves was the only matter that concerned the Netherlands in that connection. He thought that his Government would be prepared to discuss the question at any time when there appeared to be a chance of obtaining results; but, as the Bolivian Government was not represented at the Conference, private discussions would, in M. van Wettum's opinion, serve no purpose.

M. Bogomoloff (Union of Soviet Socialist Republics) said that his delegation considered that it had been perfectly in order, from a constitutional point of view, in raising the question under discussion. There were, he thought, two sides to the question of the limitation of the production of raw materials; first, the production for smoking purposes, for which more than 60 per cent of all the opium produced was used in the raw form; and, secondly, the production of raw materials to be manufactured into narcotic drugs. In M. Bogomoloff's opinion, it was impossible to make any progress in limiting the manufacture of drugs unless the quantity of raw materials used for the manufacture of those drugs was also limited. This was the reason for which the Soviet delegation held that it had been constitutionally correct in raising the question.

While he had been glad to hear the Argentine delegate's statement, he was not prepared to withdraw his proposal, as he considered that it must form the basis of the whole Convention. He had, in fact, on that account proposed that it should be inserted as Article I. At the same time, the Soviet delegation was prepared to support any proposal on similar lines which might be made during the discussion.

The President pointed out that the only question so far considered was whether discussion of the Soviet amendment could be admitted. He had already stated that the amendment could not, *in abstracto*, be considered inadmissible, but that the Conference must decide whether it was or was not covered by the full powers of the delegates. He would therefore put the following question to the vote:

Did the Conference consider that it could discuss the amendment submitted by the Soviet delegation within the limits of its powers?

M. Casares (Spain) asked for a vote by roll-call.

M. Cavazzoni (Italy) considered that the question was not whether the delegates'

full powers permitted the discussion of the question of production. The powers he had received from his Government, and no doubt those of other delegations, corresponded exactly to the subjects mentioned in the League's invitation. Delegates had been granted their full powers in strict accordance with the invitation received. Thus the question was not whether the full powers of the Conference covered discussion of the Soviet amendment, but whether the said amendment was in accordance with the invitation received.

The President, replying to M. Cavazzoni, pointed out that two questions arose: What were the exact terms of the invitation issued by the League? What points did the League wish the Conference to discuss? On that matter the President had already given a ruling. The Soviet amendment was not covered by the terms of the invitation. This was quite clear from the records of the Council's last session, to which he had already referred. That, however, was not sufficient, since the question was very intricate, and the way in which it was solved might have an important effect upon later discussions. That was why the President was determined to be very cautious in anything he might say. This did not prove, *ipso facto*, that the Conference could not discuss the Soviet amendment. The States might have conferred very wide powers on their delegates; one, at any rate, had done so, or else the Soviet delegation would not have been able to submit the amendment under discussion. The question which the President would put to members was whether, bearing in mind their full powers, which were, in general, subject to the terms of the invitation, the members of the Conference considered themselves in a position to take part in the discussion of this new subject and extend the scope of their work.

M. Perez (Argentine) had asked whether the question of production had been contemplated by the Council. He had not received an affirmative reply. He did not wish to hold up the proceedings, but at the end of the discussion he would propose a recommendation urging the Council to take up the question of the limitation of production.

M. Figueredo-Lora (Costa Rica) supported the Argentine delegate's proposal for a Conference on the limitation of the production of raw materials.

The President pointed out that that was an entirely separate question which had already been raised by the Mexican delegate, M. Martinez de Alva.

Mr. Caldwell (United States of America) asked whether the Soviet delegate wished it to be understood that the wording of his amendment implied a discussion of the limitation of the production of raw material.

M. Bogomoloff (Union of Soviet Socialist Republics) replied that it was clear from his proposal that it made provision for the limitation of the production of raw materials.

It was decided by forty-three votes to three, with three abstentions, not to discuss the Soviet amendment.

The President observed that the Mexican and Argentine delegations had expressed the hope that the Conference, before finishing its work, would indicate in some way its desire for a similar limitation of the

production of raw materials. The most suitable moment for such a decision would probably arise during the discussion on the Final Act. He asked the Conference to leave it to the Business Committee to consider a suitable formula, in order that the matter might be dealt with under the best possible conditions.

This proposal was adopted.

The first sentence of Article I was approved.

The continuation of the discussion was adjourned to the next meeting.

TENTH MEETING (PUBLIC).

Wednesday, June 3rd, 1931, at 3 p.m.

President : M. DE BROUCKÈRE.

26.—EXAMINATION OF THE DRAFT CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS (continuation).

ARTICLE I (continuation).

Paragraph 2.

The President stated that amendments to paragraph 2 had been submitted by the delegations of Venezuela, Panama and Belgium, of which the Venezuelan amendment was the most general. He proposed therefore that it should be discussed first.

M. Chacín-Itriago (Venezuela) said that, in accordance with the statement he had made during the general discussion, he proposed the following amendment to Article I, paragraph 2 :

“ The term ‘ narcotic drug ’ shall denote the following substances :

“ (1) Medicinal opium ;

“ (2) All alkaloids of opium and of the coca leaf, its salts and derivatives ;

“ (3) All preparations containing the above-mentioned substances, irrespective of whether they are or are not manufactured directly from the raw material.

“ Notwithstanding, if the Health Committee of the League of Nations, after having submitted the question to the Permanent Committee of the Office international d'Hygiène publique in Paris and having received from the latter an opinion and report, has declared that certain of the said substances cannot themselves cause, or are not capable of being transformed into substances which might cause addiction, and if the Health Committee has duly communicated this fact to the Council of the League of Nations and the Council has transmitted it to the High Contracting Parties, the substances in question shall no longer come under the present Convention.”

M. de Vasconcellos (Portugal) said that, if he remembered rightly, there were more than twenty alkaloids of opium. If the Conference adopted the Venezuelan amendment it would decide that all these alkaloids were narcotic drugs, unless the Health Committee, in agreement with the Office international d'Hygiène publique, gave a decision to the contrary. It had, however, already been established that several of these alkaloids were not narcotic drugs, and, further, that it was not possible to recover morphine or other dangerous substances from them.

The Conference already possessed an organ, the Technical Committee, which could say which alkaloids were not dangerous and should not therefore be included in the list. Why not consult that organ ? Certain alkaloids, papaverine, for example, were not dangerous and could be put to many uses. The Conference should not hamper the practice of medicine for lack of a little forethought.

All harmless alkaloids should be left outside the Convention, which should apply only to those from which harmful substances could be recovered.

M. de Myttenaere (Belgium) drew the Conference's attention to paragraph 3 of the Venezuelan amendment, which stipulated that “ all preparations containing the above-mentioned substances, irrespective of whether they were or were not manufactured directly from the raw material, should be classed as narcotic drugs ”. The 1912 Hague Conference and that held at Geneva in 1925 had, however, excluded solutions, whether official or not, containing less than 0.2 per cent of morphine and less than 0.1 per cent of cocaine. These provisions had engendered no abuse, and there was therefore no reason why they should be modified.

The Venezuelan amendment presented another serious drawback. It made the legitimate pharmaceutical trade almost impossible, and prevented the sale of almost all

pharmaceutical specialities. An amendment of this type, if adopted, would hamper the lawful exercise of the pharmaceutical profession in all countries.

Dr. Carrière (Switzerland) did not think that the Venezuelan amendment could be accepted. It must in any case first be examined by the Technical Committee.

A clear division must be made between the different products which the amendment was designed to bring under the future Convention, and further between control and limitation in this respect. There were some products which were undoubtedly narcotic drugs and regarding which this question did not arise; the provisions of the future Convention should apply to them unreservedly. A second category of products existed, which were not in themselves narcotic drugs, but which could be used as material for the manufacture of narcotic drugs properly so-called, or in some other manner in the illicit traffic.

In this connection, the question of codeine, which had been so often discussed in the Advisory Committee, arose. The Swiss delegation considered that, though codeine could and should be subject to a certain degree of control, it was not possible to limit its manufacture. He believed that in so saying he was representing the view of the whole medical corps, to whom the limitation of manufacture would be incomprehensible, involving, as it did, limitation of the use of a medicine which was being more and more generally employed; indeed, the general use of codeine should be encouraged, since that would mean the substitution of a harmless narcotic for morphine. He would emphasise the fact that the medical corps of all countries unanimously desired that the manufacture of codeine should not be limited, and he joined with M. de Vasconcellos in asking that the Technical Committee should be requested to go very carefully into the codeine question when considering the case of certain other derivatives of opium and morphine coming under the same category.

A second question arose out of the Venezuelan amendment—namely, the assimilation to narcotic drugs of all preparations containing them, whatever the narcotic content and whether manufactured directly from the raw material or not. The Belgian delegate had wished to maintain the latitude allowed by the Geneva Convention for preparations containing less than 0.2 per cent of morphine or less than 0.1 per cent of cocaine. Dr. Carrière did not share that view. He knew from experience that this latitude seriously complicated control; moreover, he did not think that its suppression would present great difficulties for pharmacists. He would add that the Swiss administration already controlled dilutions of morphine or cocaine, whether in liquids or inert substances, irrespective of the alkaloid content, regarding them, not as preparations, but merely as a method of presenting the alkaloid itself.

The Belgian delegate had not referred to another category of preparations, those exempted from the Geneva Convention under Article 8, because their composition and the nature of the substances with which the drugs were combined precluded all abuse. Dr. Carrière did not think that this provision of the Geneva Convention could be simply deleted, as the Venezuelan amendment proposed. There were certainly some preparations which should continue to benefit by Article 8 of the Geneva Convention; this was a question which, with the others mentioned, should be referred to the Technical Committee.

Dr. Wu Lien-Teh (China) said that the definition proposed by the Venezuelan delegate anticipated what he himself had intended to say in confirmation of his remarks at a meeting of the Health Committee concerning the control of all drugs. He agreed, in particular, with Mr. May's proposal that all derivatives should be considered noxious until they had been proved otherwise. His colleagues were well aware that pharmaceutical science was developing very rapidly. However complete the Convention was considered to be—just as the Geneva Convention had been considered by its authors to be complete—they would always be left behind in the race against people so supremely clever as pharmaceutical chemists. For this reason, he supported the draft resolution.

Many new morphine products had lately been placed on the market and, unless the delegates made up their minds that some of these were drugs of addiction, they might spend most of their lives attending Conferences. The greatest care was therefore needed from the start with regard to what was inserted in the Convention, and the list of drugs which might produce addiction must not be limited in advance. Although he quite agreed that this very intricate and technical subject should be referred to the Technical Committee, Dr. Wu Lien-Teh was anxious that at that early stage members should be conversant with the difficulties of the subject.

Dr. Kahler (Germany) stated that his Government could not support the Venezuelan delegation's proposal. The question was of fundamental importance for Germany. It had been discussed repeatedly in the Advisory Committee; several speakers had referred to it during the present Conference and the Technical Committee would deal with it. Dr. Kahler therefore would not dwell upon it at length. He would, however, emphasise his Government's point of view, as set forth at the Advisory Committee's session in the previous January and stated in document O.C.1363. Germany's views had remained unchanged.

The German Government based its view on the conviction that codeine, which was a highly useful and quite harmless medical necessity, could not give rise to drug addiction. Codeine had been alleged to be dangerous because it could be converted into

another narcotic drug, but the Technical Committee, with the assistance of the experts appointed by the Council, would discuss the question thoroughly. Granted, however, that codeine could be converted into another narcotic drug, such conversion was industrially impracticable, because the process was extremely complicated and difficult.

In the matter of codeine, a distinction must be made between internal regulations and the control of exports. In Germany, internal consumption was subject to medical prescription—a fully adequate measure. Moreover, the application to codeine of the restrictions applying to morphine and other narcotic drugs would arouse strong opposition from pharmacists and the medical corps. The Conference should not complicate the internal control of codeine. Such action would lead to a surfeit of useless administrative work, incompatible with the German Government's efforts to simplify administration and reduce expenditure under that head.

For the reasons given the Government of the Reich would not be ready or able to subject codeine to the same restrictions as the other drugs.

As regarded the control of codeine exports, each country was of course perfectly free to forbid codeine imports, to allow its import only under certain conditions, or to impose any suitable restrictions. Anyone wishing to import into a particular country would naturally be obliged to comply with these restrictions—for instance, if the importing country required a special import permit, the importing firm would have to observe this regulation and obtain a permit. Without prejudice to this right of the importing country, Dr. Kahler believed that codeine was not so dangerous that there was need for a decision by the Conference bringing it under the import certificate system.

M. Casares (Spain) viewed the Venezuelan proposal as an attempt to set forth two principles. He did not think that the Venezuelan delegate had intended to give a complete definition of the term "narcotic drugs" or to settle the question of codeine and other preparations by a stroke of the pen. As M. Casares understood the proposal, the principle contained in it tallied with that which he had himself set forth with a view to bringing under the Convention all derivatives of opium and the coca leaf. Secondly, he took it that the amendment was an attempt to give effect to Mr. May's proposal to bring under the Convention in future all new products the harmfulness or innocence of which could not be established at present.

He had himself proposed an amendment to Article 1 to the same effect, though he did not claim to have exhausted the subject. These various amendments and any presented later should be referred to the Technical Committee. It should be clearly understood,

however, that the Venezuelan delegation, like himself, had desired to set forth the two principles he had described.

Hassan Bey (Turkey) shared the views of the Swiss and German delegates and did not think it necessary to make any further observations regarding the ethers of morphine.

Mr. Caldwell (United States of America) did not agree with the German delegation in regard to codeine, and considered it inadvisable to discuss that point at the moment. He would, however, say that Dr. Kahler's statement as to the facility with which codeine could be converted into dangerous drugs did not tally altogether with the statements made in Dr. Anselmino's "A.B.C.". While Mr. Caldwell did not completely share the Swiss delegate's opinion as to the impossibility of including codeine in a limitation scheme, he considered that the matter should be referred to the Technical Committee, together with the Venezuelan amendment and M. de Vasconcellos' proposal.

M. Perez (Argentine) thought that codeine should be included in the list of drugs to be limited for the following reason: he believed that French, Italian and German law prescribed that bottles containing codeine should be labelled "Poison". As codeine was a poison, it was logical, reasonable and necessary to limit it.

M. de Vasconcellos (Portugal) insisted on the question's being referred to the Technical Committee.

He could not agree with M. Perez. There were many forms of poison which were not habit forming and did not lead to drug addiction. Codeine was, of course, fatal if taken in a sufficiently large quantity, but nevertheless did not engender addiction.

The President thought that, in the Conference's opinion, no conclusion could be reached until the Technical Committee had expressed its views.

There were two classes of questions before the Conference. In the first place, certain questions of detail as to the greater or less degree of toxicity of certain specific drugs. As regards this matter, the great majority of the Conference must rely upon opinion of the experts. In the second place, there was a question of principle, which went perhaps a little beyond the technical domain—namely, whether the Conference should draw up a list of harmful substances or give a general definition with a list of exceptions. He proposed that the question be submitted to the Technical Committee, but, before doing so, the Conference should hear those speakers who had general observations to make on this second point, and whose statements might be helpful to the Technical Committee.

M. Chacin-Itriago (Venezuela) agreed that the matter should be referred to the Technical Committee.

His intention had been a general definition with a list of exceptions—in order to provide against unforeseen developments in modern chemistry.

He would say a word with special reference to codeine. Morphine was an indispensable substance upon which the life of a patient might depend—for instance, in a case of angina pectoris. It was, nevertheless, one of the limited drugs. Why not then limit codeine, which was far less widely used? He had practised as a doctor for years, both in London and in his own country, and had noted that codeine was easily replaceable. It could, moreover, be converted into dicodide, a very dangerous substance. Limitation was all the more practicable in that it did not mean total exclusion; the required quantity of codeine could always be ordered, so that limitation would give the medical corps no legitimate ground for complaint.

M. Hoffmann (Panama) was prepared to agree to reference to the Technical Committee, but would like an assurance that all or the great majority of the experts would not be representatives of manufacturing countries; he would also like to be sure that the victim countries were adequately represented.

27.—COMPOSITION OF THE COMMITTEES OF THE CONFERENCE.

The President interrupted the discussion to remind the Conference that it had been agreed to appoint three Committees, the Legal and Drafting Committee, the Technical Committee and the Committee for Limitation. The proposals which the Business Committee had adopted for the composition of these Committees might reassure the delegate for Panama.

The Legal and Drafting Committee would be placed under the chairmanship of Mr. Caldwell (United States of America), with a Swiss representative as Vice-Chairman. The members would comprise the following delegations: Abyssinia, Albania, Chile, Cuba, Denmark, Dominican Republic, Egypt, France, Germany, Great Britain, Hungary, Irish Free State, Italy, Japan, Liberia, Mexico, Monaco, Netherlands, Norway, Poland, Siam, Turkey, Union of Soviet Socialist Republics.

The Technical Committee would be placed under the chairmanship of M. Chodzko (Poland), with a representative of Belgium as Vice-Chairman. As members would be chosen representatives of Austria, China, Costa Rica, Czechoslovakia, Danzig, France, Germany, Great Britain, Guatemala, Italy, Japan, Lithuania, Netherlands, Panama, Paraguay, Peru, Roumania, San Marino, Spain, Sweden, Switzerland, United States of America, Union of Soviet Socialist Republics, Venezuela.

M. de Vasconcellos (Portugal) would be Chairman of the Committee for Limitation, with a Vice-Chairman from the Argentinian delegation and members from the delegations of Canada, Egypt, Finland, France, Germany, Great Britain, Greece, Hedjaz, India, Italy, Japan, Latvia, Luxemburg, Nether-

lands, Persia, Poland, Siam, Spain, Switzerland, Turkey, United States of America, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Being so few in number, the Committees were all large. The lists had been drawn up, after much reflection, by the Secretariat, the President, and the Business Committee, and an endeavour had been made to maintain an even balance between all possible interests and shades of opinion.

28.—EXAMINATION OF THE DRAFT CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS (continuation).

ARTICLE I (continuation).

Paragraph 2.

M. Cavazzoni (Italy) said the Italian delegation was prepared to accept any new draft for Article I provided it brought all derivatives of opium and the coca leaf under the Convention. He was ready to support the Venezuelan amendment, but hoped that even stricter and fuller regulations would be proposed in the Technical Committee. If no other proposal were made in that sense, the Italian delegation would certainly put forward a suggestion.

The question of codeine, which was a very perplexing problem, had often been discussed at length in the Advisory Committee. Italy had for years past urged that codeine should be brought within the scope of the Geneva Convention; she would therefore insist that it should be covered by the Convention which the Conference was called upon to frame. He would recall that document C.168.M.62. 1931.(XI. Conf.L.F.S.5) (page 10) contained the following statement:

“The Secretariat thought it desirable, however, to call attention to the fact that the Health Committee had stated that codeine could be converted into dicodide, and that, in those circumstances, codeine ought perhaps to be treated like peronine from the point of view of control.”

As regards the question of control, therefore, there was no objection to raise. It was common knowledge that tons of morphine had been disposed of in the illicit traffic for years past by means of declarations to the effect that the morphine had been used for the manufacture of codeine; this was one of the most unfortunate aspects of the problem, and the Italian delegation would therefore insist that codeine be brought under the Convention.

His delegation was also in favour of the last part of the Venezuelan amendment, but considered it unnecessary to consult the Permanent Committee of the Office international d'Hygiène publique in Paris on the point whether a substance was capable of causing addiction. All derivatives of opium and the coca leaf should come under the Convention. If it could at any time be proved that one preparation or another was not habit-forming and could thus be excluded

from the Convention, it would be for the persons concerned to apply to the Health Committee of the League, and to carry out the necessary research work and produce evidence.

The President asked whether it was agreed that Article I, paragraph 2, and the amendments submitted by the delegations of Venezuela, Panama, Belgium and Spain should be referred to the Technical Committee.

M. Sawada (Japan) asked that the Japanese delegation's amendment, which had just been sent to the Secretariat, should also be referred to the Technical Committee. The amendment was to the effect that all derivatives of morphine and ecgonine should be more clearly defined, a task which should be undertaken by the Technical Committee.

The President said that the Japanese amendment, and any further amendments to paragraph 2 which might be received, would be referred to the Technical Committee.

It was agreed that Article I, paragraph 2, should be referred to the Technical Committee.

Paragraph 3.

Paragraph 3 was referred to the Technical Committee.

Paragraph 4.

M. Schultz (Austria) thought that a more precise definition of the word "conversion" was needed. There was of course one definition—namely, that the term "conversion" denoted the transformation by a chemical process of a narcotic drug into another substance. The words "another substance" were, however, capable of two interpretations; they might mean either a non-narcotic substance or a substance containing a narcotic. It might be useful to place this point on record. No formal amendment was perhaps necessary, as the Minutes of the meeting might be sufficient as a register of the sense attributed to the words in question.

Sir Malcolm Delevingne (Great Britain) said that by "another substance" was meant a substance of any character.

He suggested that the definitions in paragraph 4 and all the rest of the definitions were matters of drafting. They did not raise points of substance apart from the following articles; and he did not think they could be settled until it had been decided what the body of the Convention was to contain. They might be affected by alterations made in subsequent articles, and it would therefore be more convenient if all remaining definitions, including those in paragraph 4, were reserved until the body of the Convention had been considered. They could then be dealt with in the first instance by the Legal and Drafting Committee.

Mr. Caldwell (United States of America) agreed with Sir Malcolm's suggestion and added that these questions, when the time came, might be referred to the Technical Committee.

M. Cavazzoni (Italy) pointed out that Mr. Caldwell had proposed that the point under discussion should be referred to the Technical Committee and not to the Legal Committee. It was most certainly the Technical Committee's business to discuss the formula in paragraph 4 and possibly to amend it. M. Cavazzoni was in favour of this procedure; the text should be referred to the Legal Committee later.

The President had understood from the discussion that Article I, with the exception of the first three lines already voted, should be postponed.

Immediate reference of the whole article to a Committee might present some drawbacks. The rest of the article did not contain technical definitions only, but raised several rather difficult questions which ought to be discussed in plenary meeting before being referred to any Committee; the Committee concerned would need to know the Conference's opinion before taking a decision.

If the Conference agreed with Sir Malcolm Delevingne, it should postpone the discussion of the remainder of Article I until a decision had been reached as to the contents of what Sir Malcolm had so aptly described as "the body of the Convention".

M. Cavazzoni (Italy) proposed that paragraph 4 should be referred, with paragraphs 2 and 3, to the Technical Committee, unless any delegate wished to speak upon it. He made this proposal because the second sub-paragraph of paragraph 4 raised a question of substance.

The President summarised the position as follows:

(a) The first sentence and paragraph 1 of Article I had been adopted;

(b) Paragraphs 2 and 3 had been referred to the Technical Committee;

(c) Sir Malcolm Delevingne had proposed that the discussion of paragraph 3 and the subsequent paragraphs should be postponed until the body of the Convention had been discussed;

(d) The Italian delegation had proposed that paragraph 4 should be referred to the Technical Committee, and

(e) If this last amendment to Sir Malcolm Delevingne's proposal were adopted, paragraphs 5 and following would be postponed until the body of the Convention had been considered.

M. Perez (Argentine) pointed out that the Austrian delegate had referred to the sentence "the term conversion shall denote the transformation by a chemical process of a narcotic drug into another substance". This was a scientific question. Was it possible

to convert a narcotic into a non-narcotic substance? He did not think the Legal Committee was competent to give an answer on this point and therefore supported M. Cavazzoni's request that this part of paragraph 4 should be referred to the Technical Committee.

Sir Malcolm Delevingne (Great Britain) had no objection to referring paragraph 4 to the Technical Committee. His proposal would accordingly be that the paragraphs following—from 5 onwards—should be reserved until after the body of the Convention had been discussed.

M. Dinichert (Switzerland) supported Sir Malcolm Delevingne's first proposal. Paragraph 4 was a matter of terminology and thus in a way involved the fundamental clauses of the Convention. The exact meaning of the terms in question could not be decided until the decisions of the Business Committee on the first three points were known. The use of the term "conversion" in the second sub-paragraph of paragraph 4 made this plain. That was a matter which the Technical Committee must settle. M. Dinichert did not think that either Committee could usefully discuss at present this question of terminology. Hence he proposed, and he believed this had been the President's first idea, that the discussion of paragraph 4 should be postponed for the moment.

The President understood the Conference to agree that the remainder of Article 1, from paragraph 5 onwards, be postponed. The only difference of opinion concerned the fate of paragraph 4, some members wishing to postpone it, others to refer it to the Technical Committee for examination. He would ask the delegates to confirm their remarks to this single question.

M. Perez (Argentine) suggested asking the opinion of both the Technical and Legal Committees on paragraph 4.

Mr. Lester (Irish Free State) said that he had submitted an amendment to paragraph 15 of Article 1 and had shown in an attached explanatory note that the clause was unnecessary, as ample provision was already made in another article of the Convention. It would considerably reduce the Technical Committee's work if this point were considered at once.

The President stated that there were two new proposals before the Conference. He urged M. Perez not to insist upon reference to two Committees. This would complicate and prolong the discussion, as the question would have to be submitted first to the two Committees separately and later to a joint Committee. The Technical Committee, if paragraph 4 were referred to it, would be

ready to report on it long before the Conference had finished considering the Convention. It could thus reconsider Article 1 later.

M. Perez (Argentine) withdrew his proposal.

The President, referring to the proposal made by the delegate of the Irish Free State, pointed out that the Japanese delegation had submitted an amendment proposing the deletion of paragraph 4. It was difficult to discuss Article 1 by halves. No doubt the question raised by the Irish delegate was quite simple to him because he had studied it, but others might need some time before they were clear about it. Moreover, the wishes of the Japanese and Irish delegations had been partly met for the time being, since the two paragraphs which they wished to delete had not been agreed by the Conference, but had been adjourned. If the Technical Committee's report, when submitted, proposed the adoption of the two paragraphs in question, the Japanese and Irish delegations would remain perfectly free to discuss the question then.

He therefore proposed that paragraph 4 be sent to the Technical Committee for examination and that the discussion of paragraph 5 and the following paragraphs be adjourned.

The President's proposal was adopted.

The President pointed out that a Conference was, at the outset of its work, invariably tempted to postpone the earlier articles, perhaps thinking, not altogether wrongly, that each point could best be decided after all the others had been settled. He would ask the Conference not to yield unduly to this temptation, which tended to complicate its task and create an impression of uncertainty.

ARTICLE 2.

The President stated that the Conference had before it an amendment submitted by the Polish delegation, which read as follows:

"Add at the end of Article 2 of the Draft:

"It is recommended that a State monopoly be established over the traffic in narcotic drugs or even, if necessary, a State monopoly over the manufacture of the narcotic drugs coming under the present Convention.

"If the State monopoly over traffic in narcotic drugs is found, for constitutional or other reasons, not to be practicable, traders who may have received from a Government a licence to trade in the narcotic drugs covered by the present Convention should be required to furnish adequate security in kind to serve as a really effective guarantee which would prevent them from engaging in any illicit transactions in narcotic drugs."

Dr. Chodzko (Poland) said that the first part of his amendment was in line with certain existing facts. Several delegates had announced that State monopolies covering the trade in narcotic drugs, and even State monopolies covering manufacture, existed in their countries.

The second paragraph of his proposal was an almost textual reproduction of a resolution voted in 1925 and appearing in the Final Act of the Geneva Conference. He was anxious that this resolution should be converted into an article in the new Convention.

M. de Vasconcellos (Portugal) repeated that he was entirely in sympathy with State monopolies. He thought, however, that the Polish proposal would be more appropriate in the Final Act of the Conference; it was a recommendation and, as such, could not be inserted in the body of the Convention.

M. Chacin-Itriago (Venezuela) supported the Polish amendment.

The President stated that the Soviet delegation had just submitted an amendment to Article 2. As it was a most important one, but could not be circulated for some little time, he proposed to adjourn the discussion of this article and to consider the Austrian delegation's proposal for a new article, 2(a).

He once more urged members of the Conference to submit their draft amendments to the Secretariat as early as possible.

The discussion of Article 2 was postponed.

ARTICLE 2(a).

The President read the following Article 2(a), proposed by the Austrian delegation :

"The manufacture of diacetylmorphine is forbidden".

M. Schultz (Austria) pointed out that his delegation had proposed not only a new article, 2(a), but also amendments to Articles 8, 17 and 21, which were connected with the same subject. The question was a technical one, and all these amendments should be referred in a body to the Technical Committee for an expert opinion on the danger involved in diacetylmorphine and on the point whether it could be replaced, for medical purposes, by another less dangerous substance.

The President thought it difficult for the Conference at the present stage to refer to the Technical Committee texts relating to Articles 8, 17 and 21. Many amendments to Article 8 had been submitted. Widely differing systems were open to adoption, and the Technical Committee would find it extremely difficult to discuss any part of the article without a knowledge of the other proposals connected with it. The Conference could draw the Technical Committee's attention to the value of a report from it on the technical aspects of the problem raised by

the Austrian delegate, but must for the moment confine itself to the formal reference to that Committee Article 2(a) only.

Dr. de Myttenaere (Belgium) thought that M. Schultz' proposal was outside the Conference's mandate. The Conference had been convened to bring about limitation. Limitation to nil, however, had not been contemplated. The total abolition of a product was not exactly limitation.

Dr. de Myttenaere had received definite instructions not to abolish diacetylmorphine altogether, the Belgian Medical Corps and the Commission on the Pharmacopœia considering it a necessary remedy for certain affections of the respiratory organs. This did not mean that the Technical Committee could not consider various ways of limiting the use of diacetylmorphine. But the Belgian delegation could not acquiesce in its total abolition.

At the 1925 Conference, he had proposed and succeeded in obtaining the abolition of the percentage figure authorised by the 1912 Conference for heroin preparations. In other words, it had been agreed that all preparations containing any quantity of heroin would come under the Convention. His object had been to obtain the view of the whole medical world as to whether diacetylmorphine was necessary or not. It was a fact that, after five years, diacetylmorphine was still prescribed daily, which proved that it was a necessary remedy. He was sorry not to be able to agree with M. Schultz, but still considered that the total abolition of a product was outside the agenda of the Conference. He affirmed that the suppression of heroin would be prejudicial to public health.

M. Schultz (Austria) agreed with the President's proposal to refer Article 2(a) to the Technical Committee. He would point out that the question of diacetylmorphine was also in the other amendments he had mentioned, relating to Articles 8, 17 and 21. Further, in his statement during the general discussion, he had proposed that the manufacture of diacetylmorphine should be abolished altogether. A decision on this principle should be taken first. If it were adopted, exceptions might be allowed for countries which considered it a necessary remedy, but the experts should be consulted before this principle was approved.

In reply to Dr. de Myttenaere's remarks, M. Schultz had a very just appreciation of medical opinion, but nevertheless could not help wondering how the United States of America managed matters, the use of diacetylmorphine being entirely prohibited there.

In that country also there must be millions of sick persons in need of medicines, but they did without diacetylmorphine. This led to the conclusion that it was not absolutely necessary. For this reason he adhered to his position, and would ask that his amendment should be referred to the Technical Committee and the discussion adjourned until that Committee had given its opinion.

The President, in reply to M. de Myttenaere, held that the question raised by M. Schultz could be considered by the Conference as it came within the definition indicated in the title of the Convention. M. Schultz' argument that limitation to nil was limitation, was irrefutable. As regards the question of receivability, the President would have been obliged to rule that the Austrian delegate's proposal was out of order if the Conference had adopted Articles 1 to 7. As this was not the case, however, he thought the Austrian amendment was in order. The Conference must decide whether it wished to discuss it or not. Obviously, it had every right to discard an amendment, either by refusing to discuss it or by rejecting it after discussion.

M. Kahler (Germany) had some general remarks to make on his Austrian colleague's proposal, which contemplated the complete prohibition of the manufacture and use of heroin. This question had been studied in 1926 or 1927, when the most competent medical authorities had been consulted. Some doctors had stated that they could do without heroin, others held the opposite view and were disinclined to give up a remedy which they judged necessary or useful in particular cases. The Reichsgesundheitsrat had also expressed an opinion supporting those who wished not to suppress this drug. That being so, the manufacture and use of heroin had not been prohibited.

Germany attached no great importance to this question from the economic point of view. Internal consumption amounted to only 35 or 40 kilogrammes per annum. Exports also were very small. M. von Rheinbaben had stated during the general discussion that during the first three months of the present year Germany had only exported 15 kilogrammes.

Although the question was of little economic importance to Germany, M. Kahler could not agree to the absolute prohibition of the manufacture and use of heroin. He feared that the medical corps might raise difficulties, since they would doubtless consider that such a measure would handicap medical science.

He had no objection to referring the question to the Technical Committee, which could hear the experts' opinion, but he did not think his Government would be prepared to accept absolute prohibition.

M. de Vasconcellos (Portugal) appealed to the Austrian delegate's wisdom and spirit of moderation and urged him not to insist on his proposal.

The Conference had to avoid a danger, that of encroaching upon the domain of the medical corps. Doctors were very jealous of their rights, and the Conference could not limit their right to use the direst poisons, since they only used them to save their patients' lives. They would resent any interference with their rights. There was a further reason. Heroin had properties which made its use preferable to that of morphine and other substances in the treatment of lung diseases. It was employed, however, in very small quantities. Thus, if all manufacturers were obliged to make returns of their heroin production and of the quantities exported, it would be clear that all quantities in excess of the very small amounts required for legitimate purposes, were going into the illicit traffic. This would provide a most valuable instrument for detecting the traffic; it would be enough if the quantity manufactured were checked. The object, of course, was not to use drugs as a clue, though they could serve this purpose.

Hence, he urged the Austrian delegate not to insist upon his amendment.

Dr. Chodzko (Poland) said that the Belgian delegate had pointed out that the heroin question had been discussed in February 1925. Dr. Chodzko had then stated the opinion of the Polish Government which, supported by the unanimous opinion of all the Polish medical faculties, was perfectly ready to abolish all heroin imports into the country. The whole medical corps, which he had the honour to represent as President of the Order of Polish Doctors, had quite lately endorsed, this opinion. All practitioners, therefore, without exception, considered that the use of heroin must be abolished.

The Belgian delegate had said that limitation could not be carried out to the point of total abolition. It should be added, however, that the Conference had the right to suppress all narcotic drugs not necessary for medical purposes. Poland, together with Austria and the United States of America, considered that heroin was unnecessary.

At the time of the 1925 Conference, an important case had come on in the court at Lausanne due to the poisoning by heroin of several persons who had paid for its use with their lives.

Countries which did not wish to harbour a danger of that magnitude within their boundaries should not be exposed to it. Its export, at least, must be prohibited. If a country desired to use the drug for its own needs, it could manufacture it within its territory, for the manufacturing process was extremely simple; but in no case should heroin be allowed to cross the frontier. If any country was ready to run the risk,

that was its own affair, but all possibility of exposing other countries should be avoided.

He therefore proposed that heroin should in no case be exported, but that each country should have the right to manufacture it within its boundaries, and for its own needs, if it thought fit.

M. Bourgois (France) had no objection to referring the question to the Technical Committee. He would not go into the substance of the problem—that was to say, the value of heroin. That could be discussed later by the experts of the French delegation.

He would, for the moment, confine himself to drawing attention to the fact that it would have been appropriate, before raising so serious a question, to ask the Office international d'Hygiène publique and the League Health Committee to study the matter thoroughly. A decision of such importance could not be taken, in France at any rate, until the Comité d'hygiène de la Commission du Codex in the Academy of Medicine had been consulted. It would have been desirable—he might even say indispensable—that the countries submitting the amendment should have forewarned the others some months earlier, at the time when they were asked for their observations on the draft Convention.

Sir Malcolm Delevingne (Great Britain) said that the Austrian delegate's proposal would be quite unacceptable to the medical profession in his country and he would therefore be unable to agree to the insertion of such a clause in the Convention. The new restriction adopted in 1925 in the Geneva Convention, to which the Belgian delegate had referred, had been loyally carried out by the medical profession in Great Britain, although it had given rise to complaints on the ground of the interference caused with medical practice. In view of the opinions which had been expressed by previous speakers, reference to the Technical Committee could not, he thought, lead to any useful result and certainly not to agreement. He was doubtful whether it was desirable to make that reference.

The Polish delegate had contemplated an alternative to complete suppression, and had suggested that if manufacture were continued, export should be prohibited. That seemed an uncommonly selfish and extraordinary proposal. If a non-manufacturing country wished to keep such drugs out of its territories, it could refuse to grant import licences. But if a non-manufacturing country desired to continue the use of heroin, why should it not be able to obtain it from the manufacturing countries? Sir Malcolm Delevingne therefore suggested that the Conference should take a decision on the matter immediately.

Mr. Caldwell (United States of America) had not asked to speak earlier because he thought the matter would be referred to the Technical Committee. Since reference had been made to the United States of America, he wished to state that no heroin had been manufactured in or imported into that country during the last seven years. There were still a small stock which had been in existence in 1924, the year in which the

decision had been reached that heroin was an unnecessarily dangerous drug and could be replaced by something less dangerous. The decision had led to no revolt of the medical profession, and the United States saw no occasion to change its view. His delegation had not intended to raise the point and had not known that it would be raised, but, in the circumstances, would of course regard the Austrian proposal with sympathy.

Dr. Wu Lien-Teh (China) had listened with great interest to the Austrian delegate's proposal. He believed he was right in stating that it was in 1897 that diacetylmorphine, or heroin, had been brought on the market by a German firm. Those who had the care of patients appreciated its medical uses, but only in a limited field. They knew that in cases where morphine could not help the patient, heroin had sometimes come to the rescue, but those were exceptional circumstances. Compared with the extraordinary harm that heroin had caused through its abuse, Dr. Wu Lien-Teh, as a medical man, would prefer to see it struck off the pharmacopœia. The United States of America had discontinued its use since 1925, and yet, although heroin was no longer produced in that country, it could not be said that the United States was behind other parts of the world, or that its morbidity or mortality statistics had risen. In view, therefore, of the dangers which accompanied the abuse of heroin, his delegation would have no hesitation in supporting the Austrian proposal.

The Conference would, he felt sure, be shocked to learn of the terrible harm done to Chinese people by this drug. Every year thousands of kilogrammes of heroin were smuggled into China. He intended shortly to circulate statistics regarding Customs seizures, which would show the prominence of heroin in the illicit traffic and the absolute necessity for stamping out that traffic. Unless it could be shown that the medical benefits really outweighed the abuses, there could be no hesitation in condemning this drug which had been introduced on the market as harmless.

The Conference might wonder why Dr. Wu Lien-Teh was so hostile to heroin. It was partly because heroin was a powerful aphrodisiac, employed specially by men, and in particular by soldiers; it occupied for the male sex much the same position as that held by cocaine for the other sex. Speaking generally, heroin lay between morphine, on the one hand, and cocaine, on the other. It possessed the sins of both without their compensating features. The Chinese Government would gladly see it struck off the list of pharmaceutical products. If the presence of the delegates at the Conference was to bring any substantial happiness to the world, they must not hesitate to restrict the abuses of heroin as far as possible.

M. Schultz (Austria) thanked all the speakers who had thrown light on the question. Diacetylmorphine had the most dangerous effects and it was scarcely necessary for him

to dwell upon the question concerning which the Chinese delegate had given such striking particulars. "The ABC of Narcotic Drugs" (document C.718.M.306.1931) also referred to the great dangers of diacetylmorphine, and stated that it was a particularly important element in the illicit traffic.

He had not remained unmoved by M. de Vasconcellos' appeal. For the moment, however, he could not withdraw his proposal; but would ask that the Technical Committee be requested to consider it, as this would facilitate the Conference's decision.

The manufacture of diacetylmorphine constituted a great danger, and the argument that each country could do as it wished, no country being forced to import a drug which it considered dangerous, was not sound, for if the drug were manufactured, large quantities plainly found their ways into the illicit traffic, as was proved by statistics.

M. Cavazzoni (Italy) insisted that the Austrian proposal should be referred to the Technical Committee. It was a very important proposal and he was ready to accept it as it stood. He added that if the Conference adopted the Polish proposal by way of compromise, it would have made notable progress.

The heroin question was most important. Representatives of certain great countries had declared that other less harmful substances could be substituted for it, without arousing protests from doctors and pharmacists. Certain States, Italy among them, were ready to abolish heroin entirely. Some countries had done so already, which proved that the question merited discussion.

The ideal solution would be abolition pure and simple, but if the Polish proposal were adopted it would be easy for any countries wishing to do so to convert morphine into heroin in their own factories. This would, in any case, mean rigid control.

There were enormous stocks of heroin in different places enough undoubtedly to meet the legitimate needs of the whole world for a considerable number of years. In the first part of the report of the Advisory Committee on the work of its last session (document C.168.M.62.1931.XI), it was stated that a single manufacturing country had manufactured 4,300 kilogrammes of heroin in six months, while another official document showed that the legitimate needs of the whole world amounted to not more than 700 kilogrammes per annum.

It was common knowledge that large quantities of heroin passed into the illicit traffic. The Conference must prevent such abuses and it would be doing good work if it achieved the complete abolition of heroin. Countries wishing to continue the use of heroin could, of course, manufacture it themselves for their own needs, but must take the necessary measures to prevent the quantities thus manufactured from going into the illicit traffic. This proposal, however, was of secondary importance.

The fundamental point was that the Conference should encourage every effort to substitute for heroin and any other narcotic drug other non-habit-forming remedies. He would submit a general recommendation on this subject at the end of the Conference. He believed that remedies of the type to which he had referred, remedies which could be substituted for narcotics, had already been produced. If they were not as yet in general medical use, it was due to a conspiracy of silence, brought about possibly by the traffickers themselves. This was quite natural if account were taken of the gigantic interests which were involved in the expansion of the illicit traffic and which would most certainly leave no stone unturned to prevent the production of such substances.

The League might offer prizes to encourage scientists in the search of non-habit-forming drugs to supersede heroin. Should the Conference do no more than achieve prohibition of heroin manufacture it would have made great progress. If this point of view was not acceptable, he would support the Polish delegation's proposal.

The continuation of the discussion was adjourned to the next meeting.

29.—APPOINTMENT BY THE COUNCIL OF THE LEAGUE OF EXPERTS TO BE AT THE DISPOSAL OF THE CONFERENCE.

The President stated that the Secretary-General wished to inform the Conference that the following four experts had been appointed by the Council of the League :

Professor W. E. DIXON, Professor at the University of Cambridge, England ;

Professor Erich von KNAFFL-LENZ, Professor at the University of Vienna ;

Professor M. TIFFENEAU, Professor at the Faculty of Medicine in Paris ;

Dr. P. WOLFF, Privatdozent at the University of Berlin.

These experts would be at the disposal of the Technical Committee just as a Secretarial legal expert was at the disposal of the Conference.

ELEVENTH MEETING (PUBLIC).

Thursday, June 4th, 1931, at 10.30 a.m.

President : M. DE BROUCKÈRE.

30.—EXAMINATION OF THE DRAFT CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS (continuation).

ARTICLE 2 (a), PROPOSED BY THE AUSTRIAN DELEGATION (continuation).

Dr. Chodzko (Poland) asked permission to deal first with a small personal incident. On the previous day, Sir Malcolm Delevingne had described Dr. Chodzko's suggestion as a selfish one. Dr. Chodzko must protest against a charge of that sort. His suggestions were based on sentiments that were no less altruistic than those of the British delegate, even if they were not identical.

Before speaking on the subject under discussion, Dr. Chodzko had consulted experts who had told him that the manufacture of heroin was very simple and within the range of any chemical factory. This, therefore, refuted the argument that the Polish proposal might cause difficulties in non-industrial countries, especially as only very small quantities of heroin were required for a country's legitimate needs. Dr. Carrière, for instance, had said that the annual legitimate requirements of Switzerland amounted to only 2 kilogrammes, the population of Switzerland being four millions. The total world requirements had been calculated at 700 kilogrammes. The Swiss figures, however, showed that that estimate was far too large. The quantities of heroin necessary for legitimate consumption were therefore so low that any country could, if it wished, easily manufacture for itself its entire requirements.

The Polish delegation was urging that a country which wished to exclude heroin should not be exposed to the results of the smuggling that was likely to take place if the drug were allowed to be circulated freely, even accompanied by the import certificate.

The opinion of the medical corps in certain countries had been quoted. It might, however, be remarked that, while the delegates of Austria, the United States of America and Poland had adduced facts and cited decisions passed by their medical corps, the Belgian delegate and Sir Malcolm Delevingne had merely indicated their personal opinion or impressions. Dr. Chodzko hoped that these two delegates would state when, in what form, and under what terms the British and Belgian medical corps had pronounced for or against the use of heroin. The fight must be conducted with identical weapons; otherwise, there was no firm basis

for any affirmations which might be made. To assist the Conference, those delegations which claimed that the medical corps in their country was divided on the matter must furnish adequate proof. Until such proof was forthcoming, their remarks could only be regarded as expressing their personal impressions and not as reliable arguments.

It might be pointed out that, in countries like Germany, Austria and Poland, where there were compulsory sickness insurance funds, very severe restrictions were imposed, for economic reasons, on the medical corps, in regard to the medicines to be prescribed. Sickness insurance doctors could not prescribe anything and everything. They had to keep to a special pharmacopœia, which did not cover all medicines. Hence, if, on economic grounds, the medical corps could be subjected, sometimes even without being consulted, to certain very important restrictions, it was quite possible, and with even more justification, to impose on it certain restrictions demanded in the interests of mankind as a whole.

Dr. Chodzko was a physician. He was acquainted with the medical corps, and he felt sure that all doctors would acquiesce, without demur, in a decision to abolish heroin altogether. He therefore warmly supported the Austrian proposal for the abolition pure and simple of diacetylmorphine. If that proposal were rejected, he would press his own suggestion as an alternative.

M. Casares (Spain) said that the Mexican delegate was unable to attend the beginning of the meeting and had asked him to announce that Mexican law prescribed the total abolition of heroin, and that all persons in possession of the drug were severely punished.

M. de Vasconcellos (Portugal) fully understood the Austrian delegate's inability to accede to the request that he should withdraw his amendment, which had been so vigorously defended by other delegations. He understood likewise the position of the Polish delegate, who was conversant with the opinion of the medical corps in his country, and the position of other delegates as well, who had explained the medical view in their respective countries. Speaking personally, he would be averse from voting for the complete suppression of a drug which certain doctors considered necessary in certain circumstances. He would therefore not vote for the Austrian amendment.

M. Cavazzoni had put forward a very cogent argument when he had stated that

the amount of heroin manufactured, was so large that the greater part of it went into the illicit traffic. It might be observed that valuable deductions as to the growth and methods of the illicit traffic had been supplied by heroin. The information so collected had even made it possible to enact very strict and effectual repressive measures.

M. Cavazzoni (Italy) remarked that illicit consumption was still increasing.

M. de Vasconcellos (Portugal) replied that the figures proved that this was not so. He would not, however, deny that the greater part of the heroin manufactured found its way into the illicit traffic. Supplies intended for the illicit traffic should be seized and destroyed.

In conclusion, he would not oppose reference of the matter to the Technical Committee.

M. Dinichert (Switzerland) had not at first intended to take part in the discussion. He would, originally, have had no difficulty in consenting to the question being referred to the Technical Committee. Certain matters could be referred to Committees without its being necessary to append for the Committees' use any data over and above those contained in the actual facts of the problem. That had been done in many cases on the previous day. Other problems, however, the Conference would not wish to refer to the Committees unaccompanied by certain data, not to say instructions, and it was of course entirely free to do so. The Conference would be well advised sometimes to place all the facts before its Committees and to define the sense and spirit in which it desired a question to be treated. The discussion begun on the previous day and continued at the present meeting showed that the matter was one with which it did not desire a Committee to deal, unless it were conversant with the general feeling.

The Swiss delegation's attitude in this matter was dictated by an entirely general consideration, by which it would be guided, as well as by certain other considerations, throughout the Conference.

A drug had no right to exist unless it met a legitimate need. If it were shown that that was the case, steps must be taken to see that the drug was available to mankind. The Swiss medical corps had hitherto maintained with conviction that heroin was the actual specific for the treatment of certain diseases in which Swiss physicians claimed to have perhaps greater experience than the medical corps in many other countries.

It should be made quite plain that neither M. Dinichert nor Dr. Carrière was expressing a personal opinion. They were only repeating the mature view which was the outcome of the experience and knowledge possessed by the Swiss medical corps. No one at the Conference would attempt to contest their experience and knowledge.

The problem was a medical one, exclusively a medical one, and for that reason every other consideration must be discarded.

On the previous day, the question of competence had been raised. M. Dinichert had not appreciated greatly the circumlocutory argument that had been advanced, to the effect that, as the Conference had met for the purpose of limitation, and that, as a substance might be limited to vanishing point, the Conference could likewise suppress; that would imply that limitation without limit was still limitation.

M. Dinichert could not accept that thesis. It might lead to the argument that, as the Conference had met to limit the manufacture of drugs, it could limit it to vanishing point—that was to say, abolish drugs. Every member of the Conference would most certainly protest against any such construction.

A comparison had been drawn between the present Conference and another, and yet more important, one. It would be most incorrect to say that the word "limitation" used in the title of the present Conference and of that other one was synonymous with "abolition". That would be a dangerous course to pursue, with no compensating advantages. The question was far simpler. A few words in the title of a Conference defining its object must not be allowed to become a strait-waistcoat. The Conference's object being defined as the limitation of the manufacture of a large number of drugs, the Conference retained its right to abolish one drug or another, and should even exercise that right in the case of a drug which was proved to have lost its medical value. The question of competence therefore did not exist, and, in any case, M. Dinichert would urge that the present Conference was entitled to consider a proposal for the suppression of any particular product.

A subsidiary motion had been submitted whereby, in the event of the continued manufacture of diacetylmorphine being permitted, its export should be prohibited.

M. Dinichert would say frankly to Dr. Chodzko that he did not care much for this proposal, which amounted to saying, "I shall continue to manufacture a medicine or drug, because it is indispensable; but I shall not place it at the disposal of those who ask me for it through their Governments". That could hardly be described as altruism.

The proper step in this case, too, was to strengthen control, especially as the product was a particularly dangerous one. That had been the argument used by the Swiss delegation at the 1925 Conference, when it had pressed for the national and international control of all preparations with a heroin basis.

The Austrian proposal had unfortunately been submitted somewhat late. Had the delegations received it earlier, they might perhaps have been able to make better preparations to discuss it. The Swiss delegation would not, however, on that account oppose its reference to the Technical Committee. The Committee was composed of very highly qualified members, who might be able to express an authoritative opinion.

Further, M. Dinichert, was prepared—and he recognised that it was perhaps much easier for him than for the other delegates to do so—to consult the Swiss medical corps during the Conference and obtain its opinion

again. That opinion would be announced to the Conference if it arrived in time.

Colonel Sharman (Canada) said that, from the point of view of the police, he entirely agreed with the Austrian delegate as to the desirability of the elimination of heroin. In Canada, heroin addiction was a serious problem. Only within the past few months a great deal of money had been spent by the authorities in the actual purchase of large quantities of illicit heroin at one of the Canadian winter ports from boats immediately upon their arrival from abroad, so that there could be no doubt as to the European origin of the drug. True, the Canadian Government might have saved its money and merely seized those consignments of whose existence it had been aware; but it had preferred to bring such cases to a conclusion at the moment when the vendor and purchaser were associated and susceptible to arrest, since heavy sentences on individuals were a greater deterrent than a mere Customs seizure.

So long as heroin was manufactured, this constant menace of illicit importation would exist, and Colonel Sharman personally would welcome the day when the last available grain of that drug had been consumed.

There was, however, another aspect to the matter. As had been previously stated, the Conference had had no knowledge that a proposal for limitation to zero would be put forward, and, consequently, had had no opportunity of considering the matter at sufficient length to obtain the views of representative associations and individuals, or to advise their Governments and obtain definite instructions on the matter.

As the result of enquiries made some years previously among leading Canadian physicians and hospital authorities, while the majority was in favour of abandoning heroin, unanimity had not been reached to such a degree as to warrant definite action. The obstetrical department of one of the principal Canadian hospitals had expressed the opinion that heroin had distinct advantages over other drugs in certain types of cases coming within its purview.

Reference had been made by certain delegates to the use of heroin in connection with respiratory diseases, and, if the Austrian proposal were referred to the Technical Committee, the latter's report would be of great value in enabling the Canadian delegation to bring to the attention of its Government and medical profession the considered opinion of so authoritative a body of experts, and thus materially co-ordinate the views held in Canada on the subject.

In common with other delegates, however, Colonel Sharman had no instructions that would warrant him in committing his Government to the abolition of heroin, nor could he take such action as would deprive the medical profession of the right to prescribe a drug which many of its most

distinguished members—with the greatest propriety—found necessary.

Nevertheless, the discussion had been extremely useful, and might well result in progress being made towards achieving unanimity on the matter in Canada, in which case immediate steps would be taken to suspend the issue of import certificates for heroin.

M. Figueredo-Lora (Costa Rica) seconded the Austrian motion, which fitted in admirably with the essentially humanitarian object of the Conference. He emphasised the words "essentially humanitarian", because every economic consideration must be ruled out. In support of this view, he might quote the very important statement by the first French delegate:

"Exports from manufacturing to non-manufacturing countries (which were practically all that would remain under the new system) amounted to less than two thousand kilogrammes, representing about six to eight million francs. In order to estimate the effect on the trade balance, the price of imported raw material should be deducted. There was thus a profit of two million francs to be divided between the manufacturing countries. The probable increase in manufacture, as a result of a double game on which this was not the moment to dwell, would reduce the figure still farther. In any case, the present figure clearly showed that, though manufacture was of interest to a certain number of industrial concerns, it was of no economic importance to any manufacturing country."

M. Figueredo-Lora could not understand the reason for the opposition to the Austrian argument, since the balance of trade showed that the manufacture of heroin was not of vital importance to the manufacturing countries.

In conclusion, he agreed entirely with the Austrian delegation. The possible advantage derived from the use of heroin in medicine could on no account be weighed against the very real danger it involved for patients. He did not think, therefore, that heroin was an "indispensable specific", as the first Swiss delegate had alleged.

Dr. Paranjpye (India) said that less than 10 lb. of heroin a year were used by the medical profession in India. If his Government could be sure of that limited supply, he was convinced—although he had no definite instructions on the point—that it would welcome the virtual cessation of production. There was good cause to fear that, before long, heroin might supplant cocaine in the hands of those who smuggled drugs into India. Nevertheless, Dr. Paranjpye would be unable to support either the Austrian or the Polish proposal, as medical opinion in India must obviously be consulted before his Government could agree to the total abolition of production.

The proposal to prohibit export would cause no difficulty in India, as the Government factory could doubtless adapt itself to the production of such quantities of

heroin as medical men in India might require. Nevertheless, he must confess that, provided the existing system of import licences was effectively applied, he could not understand the object of the proposal, which would merely have the effect of driving non-manufacturing countries to manufacture the drug.

He supported the proposal to refer the question to the Technical Committee, with instructions to report to the Conference on the possibility of applying a specially stringent system of restriction to the production of this dangerous drug, or, if the Technical Committee so advised, of framing a recommendation to Governments in favour of its abolition.

M. Cavazzoni (Italy) felt obliged to press the point. After the discussion which had taken place at the previous and present meetings, the question could, he thought, be referred to the Technical Committee. That was the view of the opposition, except for M. de Vasconcellos, who stuck to his guns.

M. Cavazzoni ventured to insist on certain points. On the previous day, he had said that 700 to 800 kilogrammes of heroin was the total legitimate need of the entire world. A thousand kilogrammes might therefore be manufactured. He had pointed out on the previous day that 4,000 kilogrammes had been returned as the production for six months in one single country, which had been among the last to begin manufacturing this drug. Again, the official documents showed that 11½ tons of morphine and heroin had gone into the illicit traffic. He believed that there was a stock of close on 15 tons of heroin, and manufactures were continually increasing.

The situation was accordingly quite simple. Every possible effort must be made to prevent these thousands of kilogrammes of heroin continuing to circulate and imperil mankind, involving, perhaps, the death of thousands of human beings and the ruin of thousands of families. A position of that sort, the horror of which must be felt by every delegate, deserved the Conference's close attention.

M. Dinichert had spoken of strict control. Stricter control might, of course, prevent leakages. Public opinion, however, had no longer any belief in the efficacy of mere control unaccompanied by limitation, which might be pushed as far as vanishing point. The public knew only too well that control had been unavailing. It had been accepted in 1925, and yet, during the years between 1925 and 1931, the quantity of heroin in the illicit traffic had increased.

It might perhaps be said that the 1925 Convention had come into force only in 1928. Nevertheless, the countries that had signed the 1925 Convention must have done their utmost to prevent the continuation of an evil which might be likened to poison gas and

which, instead of declining, was growing constantly.

These huge amounts of a particular drug had not fallen from the moon; they had quite definitely been manufactured on the earth. The Canadian delegate had shown that they came from Europe, and yet almost all the European countries were Members of the League. They had signed and ratified the 1925 Convention; it followed that something more would have to be done.

In the Advisory Opium Committee, M. Cavazzoni had argued in favour of control, because he was anxious to explore every possibility of concluding an international convention and to endeavour to obtain really practical results by a very strict system of control. That strict system of control, which could still be reconsidered, and which M. Cavazzoni was still prepared to accept, had, however, been rejected. There remained, therefore, only limitation, and that must finally lead to abolition.

Scientists must direct their efforts, not to preserving a product liable to cause addiction, but to substituting a less dangerous medicine for this harmful substance. That idea was making headway; but, as M. Cavazzoni had said, there was a conspiracy of silence and secrecy about this drug.

M. Cavazzoni thought that the Austrian and Polish proposals might be referred to the Technical Committee. But, although the matter had its technical aspect, it was still more a humanitarian question. Divergent opinions had been expressed in the Conference. Some countries and their medical corps, who were persons entirely worthy of respect, held that heroin could be abolished without risk. Other countries and other medical corps, who were equally worthy of respect, considered that heroin might be useful in certain cases. That issue would have to be discussed, but it must be remembered, first and foremost, that the matter was a humanitarian one.

The Polish delegate had warmly supported the Austrian proposal, but had pointed out that it was a very radical suggestion and that, therefore, it might encounter resistance and finally be defeated, because certain countries thought it absolutely essential to have a certain quantity of heroin available for certain special cases. He had accordingly submitted a less radical proposal.

So far, the point of view stated had been that of the manufacturing countries. M. Cavazzoni would intimate that of the consuming countries. Under the Polish proposal, each country was authorised to manufacture a certain quantity of heroin if the medical corps desired it. The Swiss delegate, however, thought that it would be monstrous not to be able to supply the world with heroin for legitimate needs. The manufacturing countries need have no fears. If the Polish proposal were adopted, they could continue to manufacture for their legitimate needs, but they would cease to be able to export the drug to countries which did not wish for it.

The opposition to the Polish proposal should have come, not from the manufacturing countries, since with that proposal they could continue to manufacture heroin for their own needs, but from the consuming countries, which did not manufacture. The latter countries, however, had accepted the Polish proposal, and unanimity ought to be quite feasible, since the manufacturing countries were given the right to continue manufacturing, although exports were forbidden, because they went largely to swell the illicit traffic; indeed, no other result could be expected, since the official figures showed that the output was fifteen to twenty times higher than the legitimate needs. Moreover, even the consuming countries could, if they wished, manufacture heroin to meet their own needs, since the preparation of this product was by no means complicated. It was far less difficult than the discovery of a new hemisphere or navigation in the stratosphere. Any small chemical factory could manufacture enough to meet the requirements of the medical corps.

In conclusion, M. Cavazzoni urged that, if the question were referred to the Technical Committee, it should none the less be dealt with again in the plenary Conference, since, as he had already said, the problem was mainly humanitarian; he was sure that M. Dinichert would share his view on this aspect of the matter.

Dr. Wu Lien-Teh (China) referred to Sir Malcolm Delevingne's statement that the medical profession of Great Britain would never agree to the elimination of heroin from the pharmacopœia. As a graduate of a British university, Dr. Wu Lien-Teh appreciated the lofty idealism and practical virtues of the British medical profession; but must add that, although heroin was known to be of some use when morphine failed, it was not an indispensable drug, like morphine or quinine, but merely a luxury medicine. It was used principally when morphine had an undesirable effect on the patient. Did the fact that heroin was a useful medicine compensate for the enormous harm it had done, was doing and would do to future generations?

The delegates had been summoned to the present Conference to deliver the world from addiction; were they entitled to sit there quietly and say that, because the medical profession considered heroin was useful on certain occasions, it could not be discarded? Would the health of the world suffer if it were eliminated? Experience in the United States of America had shown that the death rate had not increased during the last six years, and this could be taken as a positive proof that there would be no cause for anxiety if drugs of this kind, which did so much harm, were abolished.

The statistics compiled by the League for the years 1925-1929 showed that exports of heroin—that was to say, exports to manufacturing countries as well as to consuming countries—from France, Germany, Great Britain, the Netherlands, Switzerland and

the United States of America had totalled 22,545 kilogrammes during that period. As M. de Vasconcellos had said, the maximum needs of the world were 700 kilogrammes a year, and therefore, for the period 1925-1929, the total needs of the world would be only 3,500 kilogrammes. The acknowledged production of heroin was already six and a-half times as large as it should be, and that did not include the thousands of kilogrammes which had been seized as contraband in certain countries. Dr. Wu Lien-Teh would not have been far wrong if he had doubled the figure of the total production and estimated it at over 44,000 kilogrammes.

He appealed to the highly respected medical professions of Great Britain, Germany and other countries to consider whether the few cases of benefit which resulted from the consumption of heroin were equal to the enormous harm which had been done to addicts, who were not really patients, but who took the drug for purely illegitimate purposes. The greatest consumers were people who had no right to take heroin, but who merely craved satisfaction for a selfish, erotic nature. They were people who were first stimulated and afterwards went to hell. There was no wish to exclude honest manufacturers and dealers from their legitimate business. He was referring only to those unscrupulous manufacturers and traffickers whose one object was pecuniary gain and who cared nothing for the taking of human life, the destruction of mankind, and the suffering of families.

M. Dinichert (Switzerland) said that the prominent position occupied by M. Cavazzoni among the members of the Conference and the enthusiasm by which he was guided called for an answer to the words he had addressed to M. Dinichert himself in particular. Whether that answer was sympathetic or the reverse depended on M. Cavazzoni himself.

M. Cavazzoni had expressed the hope that M. Dinichert would agree with him that they were pursuing a common humanitarian task. In his first speech at the Conference, M. Dinichert had stated that he had instructions from his Government to co-operate to the best of his ability in the achievement of a common task and in the realisation of an ideal which humanity had set before the Conference. Those words had not been spoken lightly, and the Swiss delegates would adhere to them throughout the Conference; they had done so in the past and would do so in the future.

M. Cavazzoni, however, would be going astray if he persisted in dividing delegates into representatives of manufacturing countries and representatives of countries pursuing a humanitarian aim. That was not the right policy. On behalf of the Swiss Government, and M. Dinichert was certain M. Cavazzoni would welcome what he had to say, M. Dinichert declared that he represented, he believed, a country which was conscious of its humanitarian mission in the world, and, as official representative of his Government, he could not allow any delegate to question his

Government's attitude; he could not tolerate any such doubt.

It was true that the countries represented at the Conference were in different situations; some were producers, others manufacturers and yet others consumers. That was a fact which nothing could alter. It was not only a fact; it was actually a necessity, so long as the drugs in question were required for legitimate purposes.

Switzerland belonged to one of the groups of countries which had special duties in carrying out the common policy. So long as manufacture existed for humanitarian reasons, these duties were to fulfil, as strictly as possible, the obligations resulting from the situation. It was for this reason that M. Dinichert constantly reverted to the idea of control. The manufacturing State had a two-fold duty in regard to control. The principle of limitation was admitted, but limitation alone could not be effective; it must be combined with control. From the point of view of control, Switzerland was entitled to regard herself as a champion. Even before the coming into force of the 1925 Convention she had applied, nationally and internationally, all the various measures of control prescribed in it. The results had been such that M. Dinichert defied any delegate to say that any Swiss product subject to control had entered a foreign country from Switzerland without the consent of the Government concerned.

Much advice was given to delegates at the Conference. The Swiss delegation welcomed such advice, but would point out that it had received advice from delegations whose Governments had not yet acceded to the existing Conventions and which had not introduced the system of control enforced in Switzerland. The results obtained by control in Switzerland and in certain other countries convinced M. Dinichert that, were a similar system applied everywhere, the problem would not be far from solution.

With reference to the special point under discussion, M. Dinichert regarded the question of heroin as an exclusively medical matter. There were no technical, industrial, financial or commercial interests to be considered. Heroin would disappear as soon as medical science declared it useless; until that were done, Switzerland would reserve her attitude.

M. Cavazzoni had said that medical opinion was divided. Heroin was a product on which Swiss doctors were entitled to speak, because, owing to a combination of circumstances, they found it necessary to give it to numerous tuberculosis patients from many different countries. The view of the medical corps could not be over-riden on the ground of humanitarian considerations. It was the Swiss delegate's duty to defend medical opinion in his country. He could not allow their views to be described as at variance with humanitarianism.

The Conference agreed to refer to the Technical Committee Article 2(a) proposed by the Austrian delegation, together with the Polish proposal regarding the export of heroin.

The President wished, at this point, to say a few words. He was sure that all the members agreed that no delegation thought, or had ever thought, of suspecting the motives of any other. The Conference had not been convened—and the President was certain that no one was attempting to do so—to divide the countries into producing countries, which were, so to speak, suspect, and countries that suffered from the methods of the producing countries. Nor did the Conference dream of dividing them into virtuous nations which enforced the Convention and less virtuous ones which did not apply it; nor into what he might perhaps term "pioneer" nations and nations which were newcomers to regulation. All members were representatives of countries with equal rights and equal prestige. They were all imbued with the same desire for success. They might differ on the means to be employed, but certainly they were united at bottom and would all show the same goodwill.

Sir Malcolm Delevingne (Great Britain) wished to say a word of personal explanation in reply to Dr. Chodzko, and also to answer a question which Dr. Chodzko had asked him.

He need hardly say that, in the remarks he had made on the previous day, there had been no personal reference to Dr. Chodzko. They had worked together at Geneva on many occasions, and he would ask Dr. Chodzko to accept his assurance on the above point. Sir Malcolm Delevingne had merely meant that the arrangement suggested by which countries might be allowed to manufacture for their own requirements, but should not be allowed to supply the needs of their neighbours, was, from the point of view of the manufacturing countries, a somewhat selfish arrangement.

The question was one of considerable interest to Great Britain, because that country supplied a very large proportion of the medical requirements of the territories included in the British Commonwealth of Nations. It did not seem desirable to adopt the course suggested by Dr. Chodzko and M. Cavazzoni that a country wishing to use heroin should set up its own factory. It was a novel idea that the illicit traffic should be combated by multiplying the factories in which the drugs were made, and Sir Malcolm Delevingne would have thought that smuggling was much more likely to increase if every country wishing to use heroin were to set up its own factory.

Dr. Chodzko had asked Sir Malcolm Delevingne whether he had been expressing his own personal impressions in the remarks he had made on the previous day. Sir Malcolm Delevingne was not present for the purpose of expressing his own personal impressions. He was there as a delegate, and he would ask Dr. Chodzko to accept his assurance that

there was a strong medical opinion in England to the effect that heroin was a useful drug. There was no question in England of suppressing its use, and Sir Malcolm Delevingne had no authority to accept a proposal for its suppression.

On the other hand, he had never made the remark just attributed to him by the Chinese delegate—that the medical profession in England would never accept the suppression of heroin. He was no prophet, and could not say what might happen in the future; he was only able to say that, at present, the medical profession in England would not accept the suppression of the use of heroin.

He need hardly say that the whole question of the invention of substitutes for narcotic drugs was a most important one, with which his Government had the greatest sympathy and in which it took the greatest interest. It seemed to him, however, that the course to follow was not to attempt to force prematurely upon other countries the views of some, but to encourage international co-operative research which might lead to a final settlement of the question.

M. Cavazzoni (Italy) assured the President that, if he found himself compelled to state a few more home truths, he would do so in the calmest possible terms; he would certainly maintain his usual good temper. He had addressed himself to the Swiss delegate because the latter had opposed the Polish motion, and M. Cavazzoni had considered his opposition unjustified. He could have understood opposition from the consuming countries, but could not understand it from the manufacturing countries. He would apologise for using this term.

He did not think that Sir Malcolm Delevingne's important suggestion should prevent the adoption of the Polish proposal. M. Cavazzoni personally was entirely prepared to study it. Some measure could certainly be found which would satisfy each country in respect to its own territory and of all those under its authority.

The Swiss delegate had said that his country had never allowed a single gramme to escape control. M. Cavazzoni accepted that statement, but it was one which might be made by all the narcotic-manufacturing countries. There might, like the unknown soldier, be unknown manufacture, and no delegation speaking on behalf of its Government would ever say that the drugs that had gone into the illicit traffic had been exported from the country it represented. Nevertheless, and in spite of all the efforts made by the States hitherto, tons and tons of drugs had crossed their frontiers and invaded the rest of the world.

In any case, the Polish proposal was so admirable that M. Cavazzoni had noted that three-quarters of all the countries in the world were ready to accept it.

Dr. Chodzko (Poland) thanked Sir Malcolm Delevingne for the statement he had made concerning himself, which testified to Sir Malcolm's sense of loyalty.

ARTICLE 2.

The President observed that there were three amendments to Article 2—one by the Polish delegation, one by the Soviet delegation and one by the Greek delegation.

He proposed that the Conference should first discuss the Soviet proposal, which was to add a second paragraph to Article 2, to read as follows:

“ For this purpose the High Contracting Parties will introduce State monopoly for manufacture and distribution, as well as for exports and imports of all narcotic drugs to which this Convention will apply.”

The Polish delegation's amendment, the first paragraph of which referred also to the question of State monopolies, read as follows:

“ Add at the end of Article 2 of the draft :

“ ‘ It is recommended that a State monopoly be established over the traffic in narcotic drugs or even, if necessary, a State monopoly over the manufacture of the narcotic drugs coming under the present Convention.

“ ‘ If the State monopoly over traffic in narcotic drugs is found, for constitutional or other reasons, not to be practicable, traders who may have received from a Government a licence to trade in the narcotic drugs covered by the present Convention should be required to furnish adequate security in kind to serve as a really effective guarantee which would prevent them from engaging in any illicit transactions in narcotic drugs.’ ”

M. Bogomoloff (Union of Soviet Socialist Republics) observed that the Soviet proposal was a radical one. If the majority of the delegates were in favour of a State monopoly, measures would have to be taken to introduce it. The expression of a mere recommendation would effect nothing.

During the general discussion he had submitted information concerning the results of the introduction in the Soviet Union of a State monopoly for the production, manufacture and distribution of dangerous drugs. Those results were very satisfactory, and he would later ask the Secretariat to distribute certain documents concerning the control and organisation of the Soviet State monopoly.

For the moment, he merely wished to answer a possible argument which might be put forward against a State monopoly. He had been informed that, in some countries, there were constitutional obstacles to the introduction of a State monopoly; would it not be possible for those countries to make some reservation to the relevant article? In many of the countries represented at the Conference, however, various forms of State monopoly already existed for certain commodities—for instance, tobacco or petrol—so that in their case there could be no real difficulty from the practical point of view.

M. Contoumas (Greece) submitted the following proposal :

“ That the Conference should consider the possibility of binding the contracting parties to appoint Government officials to supervise the drug factories situated in the respective territories of these parties and to render such officials jointly and severally responsible with the management of the said factories for any breach of the undertakings assumed in regard to the limitation of the manufacture of drugs.”

During the general discussion, M. Raphaël had announced that the Greek Government had established a State monopoly for the drugs trade. The experience acquired in the working of this system led it to think that the best means of ensuring success in the limitation of the manufacture of drugs would be to set up a manufacturing monopoly. As, however, there were constitutional and other reasons against the adoption of the monopoly system in more than one manufacturing country, the Greek Government considered that it would be highly desirable to prescribe in the Convention itself certain regulations for the national application of the system laid down in the Convention—at any rate, as regards the control which the contracting parties would undertake to exercise over their manufacturers.

The Greek proposal would involve in this connection a derogation from the principle

in Article 2, which left the parties free to select the methods for the application of the Convention. The Greek delegation had not submitted its proposal in the strict form of an amendment, because Greece was not a manufacturing country, and his Government did not wish to give the impression that it was attempting to take the initiative in regard to international restrictions to which Greece would probably never have to submit. It therefore merely threw out the idea of a permanent control of manufacture by public officials, conjointly responsible with the manufacturers, and would ask the Conference to consider the possibilities of that suggestion, if necessary.

The President proposed that the Greek delegation's text, which was not strictly speaking an amendment, might be examined during the discussion.

M. Contoumas (Greece) agreed, but asked that his proposal might be referred for examination to the Committee for Limitation.

The President pointed out that the proposal could only be sent to the Committee for Limitation if the Conference decided to refer Article 2 to that Committee, instead of examining it in plenary session.

The continuation of the discussion was adjourned to the next meeting.

TWELFTH MEETING (PUBLIC).

Thursday, June 4th, 1931, at 3 p.m.

President : M. DE BROUCKÈRE.

31.—EXAMINATION OF THE DRAFT CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS (continuation).

ARTICLE 2 (continuation).

M. van Wettum (Netherlands), referring to the amendments proposed by the Polish and Soviet delegations, pointed out that the system of licences worked, on the whole, satisfactorily in some countries, and that for many it would be quite impossible to set up monopolies. He saw no advantage in creating a monopoly in his own country, even if it were possible to do so.

There were two kinds of State monopolies—first, those whereby the State, under various conditions, delegated its powers to a grantee; and, secondly, those wholly in the hands of officials. He did not know which kind of monopoly was contemplated in either

of the two amendments, but would emphasise that the first, which had at one time existed in the Far East for prepared opium, had since been abandoned owing to the unsatisfactory results.

M. van Wettum thought that each country must be entirely free to give effect to the stipulations of the Convention by whatever methods it preferred. If it wished to create a monopoly, let it do so; but, if it considered a system of licences adequate, it ought to be entitled to adopt that system. He was therefore opposed to the Soviet amendment and even to a recommendation concerning monopolies, as proposed by the Polish delegation. The Netherlands Government considered that the withdrawal of the licence, and, if need be, prosecution, afforded sufficient guarantees against fraud on the part of manufacturers or traders, and that to require sureties, which in order to be effective would have to be for very considerable amounts, would be a useless immobilisation of capital.

M. van Wettum would, however, have no objection to a reiteration in the Final Act of the recommendation contained in Point IV of the Final Act of the 1925 Geneva Conference, which read :

“ The Conference draws attention to the advisability in certain cases of requiring dealers who are licensed by the Government to trade in the substances covered by the Convention to deposit or give sureties for a sum of money sufficient to serve as an effective guarantee against their engaging in the illicit traffic.”

M. von Rheinbaben (Germany), on a point of order, feared that the Conference would be unable to reach agreement on the Soviet and Greek proposals if it continued the general discussion of the advantages or disadvantages of State monopolies. Part of the Polish amendment referred to a different matter. He therefore endorsed the Netherlands delegates remarks and moved that the question of State monopolies be referred to the Business Committee. When the latter had reported, the Conference might possibly adopt a recommendation, as in the case of opium production.

M. de Vasconcellos (Portugal) said that the aim of the Conference was to frame a Convention which could be ratified with as little difficulty as possible ; the fewer the obstacles to ratification, therefore, the more effective would be its application. Personally, he was in favour of State monopoly ; but there were, it was said, countries in which the system could not easily be applied and others in which it would not be applied at all for constitutional reasons. If the Soviet proposal, therefore, were adopted as an article of the Convention, some Governments would have to make reservations, a procedure which always complicated the enforcement of a Convention.

M. de Vasconcellos had, on the previous day, made a similar proposal to that put forward by M. von Rheinbaben for the insertion of a recommendation in the Final Act. He thought a good many delegates would support him in voting for that recommendation and thus meet the requirements of the Soviet and, as far as the first part of its proposal was concerned, the Polish delegation. The second part of the Polish proposal dealing with regulation should be referred to the Business or Legal Committee. He thought that a solution for this problem of regulation could be found which would satisfy the Greek delegation.

The President, summing up, observed that the Soviet delegation definitely advocated a State monopoly. M. von

Rheinbaben, supported by two other speakers, had stated that he could hardly accept the proposal of the Soviet delegation for a State monopoly, but would be willing to consider a recommendation to that end, it being left to the Business Committee to determine the wording and the place in the Final Act where such a recommendation should be inserted. The German delegate also proposed to deal similarly with the Greek amendment, leaving the Polish amendment only for discussion.

The President pointed out that, in these circumstances, and provided M. von Rheinbaben's proposal were accepted, the Polish amendment would have to be altered in form. Clearly, paragraph 1 would have to be referred to the Business Committee, as it provided for a State monopoly, which was exactly what it was proposed to adopt as a recommendation. The opening lines of paragraph 2, on the other hand, should be changed, and, in order to diverge as little as possible from the Polish delegation's text, he proposed the following wording :

“ If in any country a State monopoly for traffic in narcotic drugs is not found to be practicable”

That would be quite different from the idea of a State monopoly in the strict sense of the term, and the Conference could continue the discussion.

In order to keep the discussion to the point, the President ruled that the Conference would first consider M. von Rheinbaben's proposal to refer the Soviet amendment, converted into the form of a recommendation, to the Business Committee.

M. Bogomoloff (Union of Soviet Socialist Republics) referred to M. de Vasconcellos' remark that it was desirable to obtain as many signatures as possible to the Convention. He would emphasise, rather, that the first aim of the Conference must be to devise means for giving practical effect to limitation.

In reply to M. de Vasconcellos' other suggestion—that the Soviet delegation might be satisfied if its proposal took the form of a recommendation—M. Bogomoloff could only repeat that there had already been too many recommendations, and that one more would do nothing to further the campaign against dangerous drugs. Some really concrete measure was indispensable.

M. Contoumas (Greece) accepted the German delegate's proposal. He had no objection to the Greek recommendation being referred to the Business Committee.

Dr. Paranjpye (India) congratulated those delegates who had arrived at the conclusion that Government monopoly, which was the policy practised by the Government of India for many years past in connection with the manufacture of dangerous drugs, and, incidentally, with the production of the raw material as well, was the simplest and most effective method of limiting manufacture.

In some countries, however, there were constitutional difficulties in the way of the monopoly system, and he thought that no satisfactory measure of agreement would be obtained if the matter were pushed to a vote.

On the other hand, this question was eminently suitable for a recommendation asking Governments to examine the practicability of establishing State monopolies and to consider whether they were desirable in respect of manufacture, distribution, sale, export and import, or only in respect of some of those operations. His own Government, for instance, though strictly controlling sale by means of licences, had not hitherto considered it necessary to establish a monopoly for sales or exports and imports, the last two of which were held to be sufficiently controlled by the system of export and import licences under the Geneva Convention, and Dr. Paranjpye had no instructions enabling him to vote for a clause in the Convention binding Governments to establish a comprehensive monopoly for the trade in narcotic drugs.

M. de Vasconcellos (Portugal) entirely agreed that limitation was essential, and, if that involved a State monopoly, he would be the first to support it. It was not so, however. A theoretically perfect Convention which could not be applied in practice was to be avoided.

A recommendation on the lines suggested included in the Final Act would have its value, particularly if supported by a number of countries, and would be more effective than a provision in the Convention which would be the subject of numerous reservations. As Portugal had a State monopoly in the part of its territories affected, he would support the recommendation.

The President asked whether the Conference agreed that the Soviet amendment, the first paragraph of the Polish amendment and the Greek suggestion should be referred to the Business Committee, which would consider the possibility of a recommendation in favour of State monopolies.

M. van Wettum (Netherlands) asked whether the Conference would be free to accept or reject the recommendation of the Business Committee.

The President replied in the affirmative.

The Conference decided by thirty-three votes to refer the matter of State monopolies to the Business Committee.

The President opened the discussion on the second paragraph of the Polish amendment to Article 2, the first three lines of which had been modified to read as follows :

"If in any country a State monopoly for traffic in narcotic drugs is not found to be practicable, it would be advisable that . . ."

Sir Malcolm Delevingne (Great Britain) thought it had been decided that the whole of the Polish proposal should be considered when the Conference came to discuss the Final Act, as it was in the nature of a recommendation.

The President had understood that the Conference desired merely to refer to the Business Committee the Soviet and Greek proposals, and the first part of the Polish proposal, the second part of the Polish proposal being of a somewhat different character. He had not, therefore, considered that the latter had been referred to the Business Committee.

Dr. Chodzko (Poland) withdrew the second part of his proposal, and would submit it again when the question of control was under discussion.

Article 2 was approved.

ARTICLE 3.

Paragraph 1.

The President said that an amendment to this paragraph had been submitted by the Argentine delegation. The text of the paragraph as amended would read as follows :

"I. Each High Contracting Party shall furnish annually to the Permanent Central Opium Board, constituted under Chapter VI of the Geneva Convention, at a date to be fixed by that Board, estimates of the requirements of his territories in the matter of narcotic drugs for use as such for domestic consumption and for conversion.

"It is understood that full liberty is reserved to each country to purchase its supplies of narcotic drugs, and it may, when giving its estimates, mention the country or the countries, and, in that country or those countries, the name of the manufacturer or manufacturers, from which it intends to purchase its supplies for a minimum period of three years."

M. Perez (Argentine) explained that his amendment was very simple ; it was intended to complete the first paragraph by inserting the date, to be fixed by the Permanent Central Opium Board, on which the contracting parties were to send in their estimates of requirements ; it also stipulated that they should intimate the name of the manufacturers from whom they intended to purchase their supplies over a period of not less than three years. He thought these data were very useful—in fact, necessary—for manufacturers.

The President pointed out that there were three ideas in the Argentine amendment—namely : (1) the date on which the information should be sent in ; (2) the name of the manufacturer or manufacturers selected by the country ; (3) the period of three years during which it would be understood that the country would obtain its supplies from the same suppliers.

On the first point, he would remind M. Perez that Article 3, paragraph 2, also referred to a date and stated that this date would be given in the Annex. As the Argentine amendment did not mention a

specific date, the difference between the draft Convention and the Argentine amendment was not great.

M. Perez (Argentine) suggested substituting for the words "at a date to be fixed by that Board" the words "during the month of January".

M. de Vasconcellos (Portugal) hoped that **M. Perez**, who, like all the rest of the delegates, had complete confidence in the authority to which estimates were to be sent, would leave it to that authority to fix the date, as it might have administrative reasons for not adopting the month of January.

M. Perez (Argentine) thought it would be very useful to have such an important date definitely fixed, seeing that it was really the starting-point of limitation. There could be no objection to doing so.

Sir Malcolm Delevingne (Great Britain) pointed out that a date had already been fixed in the Annex, where, under No. 4 of Chapter I, it was provided that "every estimate shall reach the Permanent Central Board not later than August 1st in the year preceding that in respect of which the estimate is made". If the Central Board had to examine the estimates, make a calculation of the world total and inform the different countries of the results, those estimates must reach it at least some months before the end of the year. If they reached the Central Board on January 1st, they could not take effect until the following year, because it had to be decided what amount was to be manufactured in a given calendar year.

M. Perez (Argentine) suggested that the discussion should be postponed until the Annex was under consideration.

The President pointed out that the stipulations of the Annex were quite definite. The desired results therefore would doubtless be achieved if **M. Perez**' suggestion were accepted. The Conference could adopt the text of paragraph 1 as it appeared in the draft Convention, paragraph 2 and the following paragraphs of which showed very clearly that a date would have to be fixed under the rules in the Annex to the Convention. The question therefore should be examined when the Annex was under discussion.

He would therefore open the debate on the addition in Article 3, paragraph 1, of the words "and in that country or those countries, the name of the manufacturer or manufacturers".

M. Perez (Argentine) stressed the importance of specifying the manufacturers' names.

Sir Malcolm Delevingne (Great Britain) observed, with regard to **M. Perez**' proposal, that it would not be open to the individual manufacturer to say whether or not he would execute the orders of a given country. He could not do so under the Geneva Convention without the permission of his Government, as it was the Government which decided whether it would allow the export of any given quantity of drugs by a given manufacturer.

There was a further difficulty of much greater importance. **Sir Malcolm Delevingne** had been advised that there was a possibility that the proposal in question might run counter to the provisions of the most-favoured-nation clause in commercial treaties, and he would ask the Conference to hear his legal adviser on that point.

Mr. Fitzmaurice (Great Britain) said that the British delegation would propose that this matter should be referred to the Legal and Drafting Committee for consideration. His delegation would propose in due course that the last part of the second sentence of paragraph 1 should be deleted, so that the paragraph would read :

"It is understood that full liberty is reserved to each country to purchase its supplies of narcotic drugs in any country it wishes."

The difficulty lay in the danger of designating in advance the country in which it was proposed to purchase supplies for a period of one year or of three years, as the Argentine delegate had proposed. In that event, it might be that one country would give another country a monopoly of the trade in a particular drug. A third country which had a commercial treaty with the first might say that, owing to the most-favoured-nation clause in that treaty, or some other clause prohibiting discrimination between the products of different nationalities, it had no right to give a monopoly to any country. If the third country were also a party to the present Convention, it would have no right to complain, because the provisions of the present Convention would no doubt override commercial treaties in that respect; but it must be remembered that certain countries might not be parties to the present Convention.

M. de Vasconcellos (Portugal) thought there was no divergence of opinion as to the merits of the Argentine amendment, which was in line with the terms of the draft. It was not suggested that there should be any obligation to specify the supplying country or countries. Delegates were divided, therefore, on questions of detail only.

One point needed elucidation. The Argentine amendment referred to the name "of the manufacturer or manufacturers from whom it intends to purchase its supplies for a minimum period of three years". There would need to be an understanding about the word "manufacturer", since drugs could be obtained, not only from manufacturers, but also from wholesale dealers. These details would have to be borne in mind.

M. Martinez de Alva (Mexico) agreed that it was important not to overlook the difficulties which might arise from the application of the most-favoured-nation clause. A parallel example, from many points of view, was the traffic in arms. There would undoubtedly be a sort of monopoly when the purchasing country indicated the country of supply, just as there was to-day a kind of monopoly in the traffic in arms; but no law, national or

international, could oblige a country to allocate its purchases of drugs in one way or another. A purchasing country must be entitled to obtain supplies where it wished and even to indicate in advance when it intended to buy. Nevertheless, the argument of the legal adviser to the British delegation deserved fuller study.

M. Perez (Argentine) had no objection to the examination by the Legal Committee of the question whether the most-favoured-nation clause would or would not apply in such cases. Personally, he thought it would not. The Italian Government, for example, contracted with other countries for a whole year's supply of meat for the Army. It was just as possible to contract for two or three years as for one. A one-year contract could even be renewed tacitly, so that the most-favoured-nation clause would cease to apply.

The President thought that, while his position compelled him to refrain from engaging in the discussion, he could express his opinion on the meaning of a text. He would point out that the paragraph in question explicitly stated that any country "may, when giving its estimates . . ." It was thus quite clear that no country was compelled to violate its international obligations.

He was not certain that a country was in all cases bound to grant other countries the benefit of most-favoured-nation treatment; if that were so, that country was free to act as it liked. Moreover, in an increasing number of cases, the most-favoured-nation clause was not absolute. In particular, it did not apply to advantages arising out of a collective convention between States, and the present Convention would be such. There would, therefore, be many cases in which a country would be free to make such a declaration. The Conference would, however, be better able to judge the consequences of the proposal under discussion when it had received a legal opinion, and he entirely endorsed the British delegation's proposal to refer it to the Legal Committee.

M. Perez (Argentine) said that he had suggested a three-year period because the manufacturer would then know the quantity he had to supply in that period. After mature reflection, and in order to shorten the discussion, he thought it would be better to change it to one year.

The President said that, if he had correctly understood the British delegation's proposal, the difficulty which it foresaw and on which it would like to have the Legal Committee's opinion did not refer to the duration of the period, but to the fact that the suppliers were to be indicated beforehand. However slight, there might possibly

be a certain clash between the most-favoured-nation clause and the application of such a provision. The Legal Committee might be asked to give its opinion urgently, so that the Conference might be able shortly to resume the discussion of Article 3, paragraph 1, second sentence and M. Perez' amendment.

M. Perez (Argentine) could understand the most-favoured-nation clause being invoked if a three- or four-year period were involved, but thought it quite unlikely in the case of a one-year contract. Many instances might be cited. Italy, for example, made one-year contracts for Army supplies, as did several other great Powers. England, for instance, had a one-year contract with the Argentine.

The President asked if M. Perez would object to the adjournment of the discussion pending an opinion from the Legal Committee.

M. Perez (Argentine) had no objection.

The Conference agreed to adjourn the discussion on the second sentence of paragraph 1 of Article 3, pending the receipt of an opinion from the Legal Committee.

Paragraph 2.

Paragraph 2 was adopted without observations.

Paragraph 3.

The President said that the following proposals had been received from the Soviet delegation :

"(1) That paragraph 3 of Article 3 should be omitted, as any provision within the body of the Convention relating to States not parties thereto has no adequate juridical basis ;

"(2) That a recommendation should be embodied either in the Final Act or in some other annexed text inviting States not parties to the Convention to provide their *estimates*, being guided, as far as possible, by the provisions of Article 6 of the Convention."

M. Bogomoloff (Union of Soviet Socialist Republics) said that his delegation objected to paragraph 3 on the ground that any provision within the body of the Convention relating to States not parties thereto had no adequate juridical basis. There might, however, be no objection to the subject-matter of the paragraph, and he would propose that it should take the form of a recommendation either in the Final Act or in some other text, inviting States non-parties to the Convention to send in estimates, based as far as possible on the terms of Article 6.

M. Cavazzoni (Italy) thought that there was very good reason for retaining paragraph 3. To say that the competent authority would furnish an estimate for any country not a party to the Convention would not affect the rights of such a country. The great value of the provision was that, if a country not a party to the 1931 Convention

wished to buy narcotics from a manufacturing country which had accepted and ratified it, the latter country could only supply the goods provided the central authority approved. In any case, the framing of an estimate by a central authority would not detract from the authority of countries which held aloof from the 1931 Convention. Indeed, the clause might be definitely valuable to them in connection with the distribution of drugs.

He agreed with paragraph 2 of the Soviet proposal, that countries not parties to the Convention should be asked to supply all the necessary data to enable the amount of their legitimate requirements to be calculated.

He saw no reason why the Conference should decide to suppress paragraph 3. If the Soviet delegate had other reasons for his proposal, perhaps he would be good enough to state them.

M. de Vasconcellos (Portugal) would not vote for the deletion of paragraph 3 of Article 3, because it was absolutely essential to limitation. How could manufacture be limited unless the needs of all countries were known? He failed to see how the paragraph could be in conflict with any country's rights. Suppose it were desired to have a census of the world's population and Portugal sent in no return, her rights would not be infringed because her population was estimated at six millions.

The total world needs must be ascertained before manufacture could be limited. If a country sent in no estimates, they would be fixed at an approximate figure by the competent authority.

He was glad to see from the second part of the amendment that the Soviet delegation was not so hostile, in principle, to recommendations, as might have been assumed from previous statements. He hoped, however, that there would be no need for one in this case, and that paragraph 3 would be retained for the reasons he had given.

M. Bourgois (France) agreed with the two previous speakers that the provision in question was essential to the working of the plan. To the excellent reasons already given, he would add another: A non-signatory country might at any time order supplies from a signatory country; the latter would then ask the central authority whether it could deliver the quantities ordered, and the authority's reply would depend on whether those amounts exceeded the legitimate requirements of the country making the application.

The President referred to the wording of Article 7 as embodying in his view the fundamental principle of the whole Convention. It read:

"The total amount of any narcotic drug to be manufactured in any one year shall not exceed the amount of the world total for that drug for that year."

Article 1 showed that the words "world total" were very strictly defined. If the Soviet amendment were adopted, the world total would have to be determined on quite a different basis, or the whole mechanism of the Convention would have to be altered.

M. Bogomoloff (Union of Soviet Socialist Republics) said that his delegation had no objection to Article 7. On the contrary, it agreed to it. His objections to Article 3, paragraph 3, did not mean that he wished to raise any obstacles to the furnishing of estimates of the world total of drugs necessary for medical and scientific purposes. The point to which he took exception was that, as it stood, paragraph 3 could be legally interpreted as an obligation imposed by certain countries, the parties to the Convention, on others which were not parties.

Dr. Carrière (Switzerland) agreed with the President that the deletion of paragraph 3 would upset the whole system of the Convention. Even if the world's total requirements could be ascertained by another method, there would still be the question of the position of the central organ, which was to supervise the distribution of narcotics, in dealing with countries which had supplied no estimates. It was provided that, when a country furnished an estimate, it could not receive one gramme more than the amount indicated. But, if paragraph 3 were deleted, the position of the central organ in regard to countries which had made no returns would be very embarrassing. The paragraph accordingly was indispensable.

M. Sjöstrand (Sweden) did not think that the last paragraph in Article 3 constituted an obligation for the contracting parties. It was rather an instruction to the central organ or competent authority, and the same applied to Article 4, paragraph 2. Perhaps the Legal Committee could find a form for these two paragraphs which would overcome the legal objections to them.

Sir Malcolm Delevingne (Great Britain), with a view to meeting the objections of the Soviet delegation, suggested the insertion in paragraph 3 of words to the same effect as those contained in paragraph 2 of the Soviet amendment, providing that countries not parties to the Convention should be invited by the competent authority to furnish annual estimates in accordance with the provisions of the Convention; if they did not do so, the competent authority should fix the estimates in question.

M. Mattinez de Alva (Mexico) supported the British proposal.

The President stressed the inconvenience of not having in the Convention itself precise rules for determining beyond all doubt the

world total referred to in Article 7—a definition without which the Convention would be unworkable. To consign the matter to an Annex or to adopt an ambiguous form of words would force the Conference to make radical alterations in the text of the draft. He felt, therefore, that the question should be referred to the Legal Committee, which would doubtless find a satisfactory formula and thus allay all the legal scruples expressed.

The Conference decided to refer the matter to the Legal Committee.

ARTICLE 4.

Paragraph 1.

Paragraph 1 was adopted without observations.

Paragraph 2.

At the request of the Swedish delegate, the Conference decided to refer paragraph 2 to the Legal Committee.

ARTICLE 5.

Article 5 was adopted without observations.

ARTICLE 6.

The President said two amendments had been submitted—a Japanese amendment requesting "that it should be clearly understood that the term 'medical and scientific requirements' applies to the requirements of narcotic drugs necessary for the medical treatment of addicts", and a Soviet amendment asking for the inclusion in Article 6 of the following note:

"Every estimate of the quantity of narcotic drugs required for domestic consumption is based on the number of berths in hospitals and on the number of patients which had received treatment during the preceding year."

If accepted, the Japanese proposal would appear as an additional paragraph.

Paragraph 1.

M. Sawada (Japan) said that his delegation's intention was to alter the text of the article in such a way that medical and scientific requirements would also include the quantity of drugs necessary for the medical treatment of addicts. The President's suggestion to include the amendment as an additional paragraph to the article would meet with his approval.

M. Contoumas (Greece) thought the Japanese amendment merely supplied an interpretation of the words "medical requirements", and it would probably be sufficient if this interpretation were recorded in the Minutes. That would avoid overloading the text of the Convention.

M. Sawada (Japan) said that he was prepared to withdraw his amendment provided that it were clearly stated in the Minutes that it was the unanimous view of the Conference that the term "medical and scientific requirements" applied also to the requirements of narcotic drugs necessary for the medical treatment of addicts.

The President said that M. Sawada's declaration would appear in the Minutes. Moreover, the matter might perhaps be recorded in an even more formal manner at the time of signature.

Dr. Wu Lien-Teh (China) asked whether the Japanese delegate could give any information as to the extent to which narcotic drugs were used in the medical treatment of addicts. As a physician, he could say that it was desirable to use such substances as little as possible. He did not know whether this matter was within the competence of the Conference, but it would be useful to have some idea of the proportion of a country's total consumption that should be earmarked for the treatment of addicts.

The President, though not an expert in the matter, thought it was clear that the term drugs for medical needs meant drugs supplied on medical prescriptions. The Convention could hardly indicate to the medical profession the specific quantity of narcotics to be given in specific cases. When a doctor took the responsibility of declaring that a narcotic was necessary, it only remained to acquiesce.

He believed there was no need to insert the Japanese amendment in the body of the Convention, seeing that it referred to the medical treatment of addicts, and such treatment would, of course, be given on the responsibility of a doctor.

Dr. Wu Lien-Teh (China) said that he was satisfied with the President's explanation.

Paragraph 1 of Article 6 was approved.

Paragraph 2.

M. Schultz (Austria) drew special attention to the fact that the stocks referred to in paragraph 2 of Article 6 were not the same as those referred to in paragraphs 6 and 7 of Article 1.

The President said it would be enough for the moment to note the Austrian delegate's statement. The point would, of course, be reconsidered when the Conference came to discuss paragraphs 6 and 7 of Article 1, which had not yet been adopted.

Paragraph 2 of Article 6 was approved.

The President opened the discussion on the Soviet amendment.

M. Bogomoloff (Union of Soviet Socialist Republics) explained that the object of his amendment was to create some basis for estimating the internal consumption of narcotic drugs, in order to prevent increase or over-production in any country. The method proposed was that in force in the Soviet

Union, but he was quite ready to accept the methods used in other countries if they were considered more effective.

Dr. Hrdlicka (Czechoslovakia) could not agree to the Soviet proposal. Czechoslovakia had a large number of hospitals, but many patients were treated at home also, so that the proposed control would be very complicated.

Dr. Carrière (Switzerland) agreed. The problem raised by the Soviet amendment was a very complicated one, and it would clearly be desirable if it could be settled by as simple a method as that proposed in the Soviet amendment. That method might be applicable in the Soviet Union, but it would give purely illusory results in most of the other countries. As had already been observed, patients were not treated solely in hospitals. In Switzerland, for example, doctors had large private practices which had to be taken into account. An estimate based entirely on the requirements of hospitals would be quite inaccurate.

A Convention like that which the Conference was endeavouring to frame could not go into such details. Each country must be left to devise a method of estimating based on its own particular circumstances. The matter had already been considered by the Health Committee, which had failed to devise a uniform method and had been forced to the conclusion that this was even impossible.

M. de Vasconcellos (Portugal) agreed. Each country might, however, be asked to state on what basis it had framed its estimates. In that way sufficiently reliable data would be obtained. With reference to the Soviet proposal, it might be possible to ascertain the number of patients treated in hospitals during the previous year; but, as so many patients received treatment at home, an estimate based on the number of hospital beds occupied would be absolutely incorrect. Countries should therefore be allowed to make their own estimates and inform the Central Office what method they had used.

In Portugal, the estimates were compiled from the consumption statistics returned by pharmacists and other dealers licensed to sell drugs; these statistics were very carefully checked, so that the estimate was very close to the facts.

M. Perez (Argentine) also thought the Soviet proposal unacceptable. In Berlin, for example, there were two forms of public welfare service—one given in hospitals and the other at home. The latter was much more extensive than the former, and it would clearly be difficult to calculate the number of beds occupied by patients treated at home.

In Buenos Aires, treatment in the home was spreading very considerably. The system had the merit of not breaking up the family circle, and there were economic reasons for it as well.

He hoped, in conclusion, that the Soviet delegation would withdraw its amendment.

The President drew the attention of the Conference to two provisions in the Annex to the draft Convention. Chapter I of this Annex contained regulations dealing with this very question of the various declarations and estimates. Paragraph 3 read as follows:

"Every estimate shall be accompanied by a statement explaining the method by which the several amounts shown in it have been calculated. If these amounts are calculated so as to include a margin allowing for possible fluctuations in demand, the estimates should indicate the extent of the margin so included."

There was a further paragraph 6 reading:

"Every estimate shall be examined by a competent authority constituted in the following manner . . . The competent authority may require any further details or explanations, except as regards requirements for Government purposes, which it may consider necessary in respect of any country on behalf of which an estimate has been furnished in order to make the estimate complete or to explain any statement made therein and may, with the consent of the Government concerned, amend any estimate in accordance with any explanations so given."

The President asked the Soviet delegate whether it would not be better to discuss his amendment when the Conference came to examine these regulations.

M. Bogomoloff (Union of Soviet Socialist Republics) accepted this proposal.

ARTICLE 7.

The President pointed out that, if the Conference adopted Article 7, such adoption would only be final after it had adopted paragraphs 5 to 9 of Article 1, which gave the various definitions involved in the idea of "world total".

Article 7 was approved, subject to the President's observation.

ARTICLE 8.

The President informed the Conference that amendments to Article 8 had been received from the Japanese, Argentine and Austrian delegations (Annex).

Amendment proposed by the Japanese delegation.

"Any High Contracting Party may manufacture, within the limit of the annual estimate of its domestic requirements, the quantity of narcotic drugs necessary

for medical, scientific and conversion purposes.

"The High Contracting Parties shall not manufacture narcotic drugs for export unless they receive actual orders for import accompanied by an import certificate issued in accordance with the procedure provided by Chapter V of the Geneva Convention.

"Subject to the article above, any High Contracting Party may manufacture the quantity of narcotic drugs necessary to meet the actual order or the quantity necessary to fill the shortage of the domestic requirements caused by the export.

"Any High Contracting Party having manufactured narcotic drugs for export may manufacture 50 per cent of the quantity of the previous year's export (excluding re-export) before receiving an actual order, provided that, if the said quantity exceeds that of the actual export (excluding re-export), the excess shall be carried forward to the stock, and reduction is accordingly made from the quantity to be manufactured in the ensuing year."

Amendment proposed by the Argentine delegation.

"Replace the first paragraph of the article by the following text :

"Subject to the provisions of Article 10, the world total of narcotic drugs, less (a) that part of it destined for domestic consumption manufactured in countries which manufacture only for their own requirements; (b) that part retained for conversion in the manufacturing countries; and (c) the quantities formally declared for the purpose of their domestic consumption by non-manufacturing countries, in application of Article 3, section 1, second paragraph, shall be manufactured by the following countries (which shall be known as 'exporting countries') in the proportions indicated."

Amendment proposed by the Austrian delegation.

"In the table of quotas, column 2, for 'diacetylmorphine . . . morphine', read 'esters of morphine (other than diacetylmorphine)'."

M. Sawada (Japan) said that, as he had previously stated, the Japanese delegation, very regretfully, could not accept the quota system embodied in Article 8 of the draft Convention. If that system were to be adopted at all, his delegation adhered to the idea of an equal distribution of quotas among countries desiring to manufacture for export. If, however, that suggestion failed to commend itself, he proposed the alternative which he had just submitted.

It was laid down in the draft Convention that the total world requirements should be established on the basis of the aggregate of the annual estimates of all countries, and that the manufacture of narcotic drugs should

be limited to that world total. The scheme now proposed by M. Sawada also contemplated the limitation of manufacture to a world total based upon the annual estimates of all countries, but differed from that in the draft Convention in regard to the method of limitation.

According to the Japanese proposal, no country would be allowed to import drugs over and above its home total. Within the limits of this home total, it might place orders for the import of drugs with any of the manufacturing countries. On the basis of actual orders thus received from abroad, the manufacturing country would be authorised to manufacture drugs up to the limit of those orders. Needless to say, such orders must be legitimate and concrete, and in conformity with the existing Conventions.

Under this arrangement, the quantities of narcotic drugs manufactured for export would in no case exceed the world total requirements. Nevertheless, to facilitate the trade in drugs, the Japanese scheme provided that any country which had had an export trade in the previous year might manufacture up to a certain percentage, say 50 per cent, of the quantities exported in that year, even before receiving actual orders; and, when there was any surplus over and above the quantities exported during the year, that quantity should be carried forward to the next year, the quantities then to be manufactured being reduced accordingly.

In the Japanese delegation's opinion, there were certain inherent difficulties in the quota system embodied in the draft Convention. The estimate of the legitimate requirements to be framed by each country might sometimes be excessive. In that case, over-production was sure to follow, since the quota system implied the manufacture of drugs up to the quantities estimated for world requirements during the year; the purpose of direct limitation might thus be defeated. According to the Japanese plan, on the contrary, the estimate of domestic requirements to be furnished by each country was to indicate only the maximum quantity which it could import; but, in actual practice, the amount of concrete orders for drugs would be limited to the actual consumption, and, as the exporting countries were not to be allowed to manufacture in excess of such orders, there would be no danger of over-production, even if the estimates of importing countries were exaggerated.

Next, under the quota system, the world total requirements were to be manufactured entirely by a limited number of countries. If the countries not adopting such a system were to start manufacturing drugs for export, this would be certain to end in over-production. With the Japanese scheme, manufacture for export to countries outside the Convention was restricted to actual and legitimate orders made within the limit of the estimate for the countries concerned, as framed by the competent authority; and, even if countries outside the Convention

took part in the manufacture, there would be little danger of over-production.

Lastly, the quota system, as M. Sawada had already pointed out, was hardly reconcilable with the principle of equal opportunity in industry and the freedom of commerce. The object of the Conference was to limit the world's total manufacture of drugs, but the solution to be found must interfere as little as possible with the above principle. Under the quota system, the manufacture of drugs would be restricted to a few countries, and the consuming countries would be forced to import narcotic drugs manufactured in those countries only. It was true that the draft Convention provided that the quota could be adjusted after a period of two years, by negotiation upon the basis either of the export trade during that period or of any other considerations. But how could there be any export trade from countries which had not been allowed to manufacture for export?

Some critics might say that the Japanese delegation's proposal was prompted chiefly by economic considerations. M. Sawada hoped there would be no such misgivings among members of the Conference, since this was not the case. As he had said in an earlier statement, his country was foremost in the belief that any scheme for limitation to be adopted by the Conference should be governed by humanitarian motives. The Japanese delegation could not accept the quota system in the draft Convention, not because Japan was not to be given a quota equal to that of other countries, but only because she saw irreconcilable difficulties in it.

Japan was already in a position to manufacture drugs, not only for domestic consumption, but for export. In spite of this, she had, for the past eight years, consistently followed the policy of self-supply by limiting the manufacture of drugs to the quantity necessary for home consumption. Needless to say, the adoption of that policy was animated by the desire to conform to the provisions of the existing conventions. Unless and until circumstances arose leading Japan to embark upon the export trade, his Government would make no departure from that policy. He hoped that his Government's attitude in regard to the manufacture of drugs would itself explain how far it was from its intention to seek economic advantage in that particular field of commerce.

Whatever limitation scheme might be adopted by the Conference, it should be governed by the considerations of simplicity and universality. Ideal as the scheme might be, it might fail to achieve its end if it involved complicated methods, impossible of universal application. The scheme proposed by the Japanese delegation had been framed with those views in mind. It was simple in conception and was believed to be capable of being applied to any country which desired to achieve limitation. In that belief, M. Sawada ventured to express

the hope that it would be accepted by the Conference in the spirit in which it was proposed, and as a basis of agreement on the most important question with which the delegates were confronted.

M. Perez (Argentine) thought that the discussion of Article 8 should be postponed until the Legal Committee had reported on paragraph 1 of Article 3. The two questions were closely connected—if, for instance, the Argentine amendment to Article 3 were accepted, Article 8 would have to be deleted.

M. Schultz (Austria) pointed out that the Austrian amendment to Article 8 was closely bound up with Article 2(a). He would therefore suggest postponing the discussion of that amendment until the question raised in Article 2(a) had been settled.

The President said he had received from the Persian delegation an amendment to Article 8, which read as follows:

“The quantity of raw opium estimated to be necessary during the current year for the manufacture of narcotics derived from opium shall be supplied in equal parts by each of the producing countries.”

M. Sépahbodi (Persia) said that he would have preferred to submit his proposal at another point in the debate, but, as other amendments had been put forward, it might be well to consider his also.

If the Conference accepted the quota system for manufacture, it was right and just to adopt the same principle for production.

The President felt that the question was whether the Conference should open a discussion on the proposals that had been made or whether, as M. Perez requested, it should await the Legal Committee's report.

He had not quite followed the Argentine delegate's argument that Article 8 would become superfluous if his amendment were accepted. In the President's opinion, the article would be worded quite differently, but, however drafted, a Convention should specify the rights of manufacturers in producing countries.

He could not help thinking that the Conference was making a mistake by continuing to refer to various Committees articles which would return to the plenary meeting and be again referred to other Committees, thus making progress impossible. If the discussion of Article 8 were adjourned, it would be impossible to take Articles 9, 10, etc. If M. Perez' suggestion were adopted, he would have to adjourn the plenary meetings until the Legal Committee had submitted its report. The Conference had been implored by the public, the Press, and even by speakers on the platform, to make haste,

and he would beg the members to devise some means of doing so.

Naturally, no decision could be taken on Article 8 until the Legal Committee had reported. Otherwise, certain members would be deprived of their legitimate rights. As during the general discussion the question had been debated at some length—in appropriately general terms—perhaps those supporting the various points of view could talk matters over in greater detail and pave the way for discussion in the Committee. Otherwise, the Conference would appear to be marking time. That would be disappointing for the extremely busy persons attending the Conference and adverse to the cause at stake, since the Convention must be ready in good time to be of service to those who were victims of drug addiction.

M. Perez (Argentine) agreed that it was very disagreeable to leave gaps in the Convention while continuing the discussion. To obviate this he had reduced the three-year period in his amendment first to two years and then to one year, thus hoping to make reference to the Legal Committee unnecessary, but that was apparently inevitable.

The President fully appreciated the spirit of accommodation which M. Perez had always shown. It would be best to re-open the discussion on the question on the

following day. Without in any way wishing to predict how M. Perez' amendment would be received, he thought there should be an exchange of views on Article 8, which would facilitate its solution. That solution would be found all the more easily because all delegates were animated by the spirit which guided M. Perez. They were all convinced of each other's sincerity and knew that their only object in ever asking for a question to be referred to a committee was to enhance the value of the discussion.

M. Perez (Argentine) pointed out that the Austrian delegation had also asked for an adjournment of the discussion on his amendment.

M. Schultz (Austria), replying to the President, said that his amendment merely dealt with a point of drafting. If the manufacture of diacetylmorphine were prohibited, the word "diacetylmorphine" should be suppressed; if not, it should be retained. The solution of this question would depend on the decision taken regarding Article 2(a). His opinion was that the discussion of Article 8 need not be postponed until the report of the Legal Committee had been received.

The continuation of the discussion was adjourned to the next meeting.

THIRTEENTH MEETING (PUBLIC).

Friday June 5th, 1931, at 10.30 a.m.

President : M. DE BROUCKÈRE.

32.—EXAMINATION OF THE DRAFT CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS (continuation).

ARTICLES 8 TO 17.

The President recalled that various amendments had been proposed to Article 8. Articles 9 to 17, however, were closely related to Article 8, so that, if the Japanese amendment to Article 8 were accepted, all these articles, except 14 and 17, would be automatically dropped, while Articles 14 and 17 would have to be radically changed.

He therefore asked the Conference to deal with the problem covered by Articles 8 to 17 as a whole.

M. Cavazzoni (Italy) thought a long discussion unnecessary, as the quota system was quite clear. It was only necessary to consider the counter-proposals submitted by members of the Conference. He would submit the following text in place of Article 8 of the draft Convention :

" The distribution of the world total of each narcotic manufactured among exporting countries shall be fixed by the Permanent Central Board on the basis of the statistics, official information and estimates which it possesses or may receive from each country.

" After deducting from the total of each narcotic that part which represents the quantities manufactured by each country for domestic consumption, the Central Board shall furnish the exporting countries as soon as possible with an estimate of the quantities they will be authorised to manufacture for export.

" The exporting countries shall notify their acceptance within a period not exceeding three months. If no acceptance is received within that period, the Central Board's estimates shall become final.

" During the same period, however, the exporting countries shall be entitled to send counter-proposals to the Central Board. If the Central Board does not consider these counter-proposals justified, and if no agreement can be reached between the Board and any interested

party, the question shall, in the last resort, be referred to one or more arbitrators appointed by the President of the Permanent Court of International Justice.

"The quantities thus fixed with a view to the enforcement of the present Convention may not be revised until two years have elapsed. They may then be revised annually by the Central Board on the basis of orders duly approved in accordance with the provisions of the present Convention."

M. Cavazzoni attached importance only to the substance or spirit of his proposal; he was prepared to accept any changes of form or detail which were compatible with the ideas underlying the new article. Articles 10 and 11, in particular Article 10, would have to be revised and brought into line with the new Article 8. Other clauses in the Convention would have to be revised or dropped for the same reason; he would make the necessary proposals to this effect in the course of the discussion.

He was prepared to consider a modification in the constitution of the Central Board to enable it to undertake the new duties incumbent upon it.

M. de Vasconcellos (Portugal) stated that, as Chairman of the Committee for Limitation, he must necessarily be somewhat reserved in expressing his opinion on matters of substance. He would merely ask the Conference, in order to expedite the proceedings, to refer all the amendments to Articles 8 to 17 to the Committee for Limitation, which would consider them and report in due course.

Although the Conference had taken a decision upon Article 3, this was so closely connected with Article 8 and the amendments thereto that it would be better to refer it to the Committee for Limitation rather than to the Legal Committee.

M. Casares (Spain) submitted the following amendment to Article 10 :

" 1. (i) If a country not mentioned in Article 8 desires to manufacture a certain quantity of any drug for export ; or

" (ii) If a country mentioned in Article 8 desires a revision of the quantities that it has been authorised to manufacture during the current year, that country shall notify the competent body.

" 2. The notice shall give as full particulars as possible of the considerations which the Government of that country desires should be taken into account in the allocation of the quantities to be manufactured.

" 3. After the legitimacy of the request has been admitted, the competent body shall communicate it to the Governments of the exporting countries, informing them of the changes, if any, in allocations which will be made necessary by this request.

" 4. Should the country making the request or an exporting country consider that it cannot accept the decision of the

competent body, the question shall be submitted to an arbitrator or arbitrators appointed by the President of the Permanent Court of International Justice at The Hague, from whose decision there shall be no appeal.

" 5. In any case, the competent body may authorise a country making such a request to carry on the manufacture of drugs temporarily for export, account being only taken of orders which have been duly certified in accordance with the provisions of the present Convention.

" 6. In the event of any High Contracting Party desiring that any of its territories should cease to be an exporting country in respect of any narcotic drugs, it shall give notice to that effect to the competent body, which shall communicate the same to all States parties to the present Convention.

" Paragraphs 7 and 8 to remain as in the draft."

The President said that the Spanish amendment would be referred to the Committee for Limitation with the other amendments.

Sir Malcolm Delevingne (Great Britain) thought it would clarify the discussion and facilitate the procedure if the various amendments were taken separately, and he would suggest that the Conference should begin with the discussion of the Japanese amendment. This part of its work was the most important, and it appeared to him most desirable that there should be a full discussion in plenary session.

The President had understood that the Conference did not wish to continue the debate in plenary session. If, however, that was not so, he would open a discussion on each separate amendment, beginning with that submitted by the Japanese delegation.

Mr. Caldwell (United States of America) suggested that, before the amendments were discussed, the Conference should consider the method by which it proposed to deal with the blanks in Article 8.

M. Cavazzoni (Italy) thought that, before considering the amendments, there should be a general discussion on Article 8, in regard to which there were two very different schools of opinion. Some supported the quota system, others opposed it and were in favour of greater freedom for each country in both manufacture and supply. The object of the latter system was to prevent any form of monopoly being set up by an international convention. The Japanese and Italian amendments discarded the quota system.

The Japanese delegation had clearly explained the reasons for its amendment, and it would be well to hear those of the advocates of the quota system. It would be helpful if some member of the Advisory Committee who was conversant with the issue would explain why the majority of that Committee recommended it.

The President pointed out that the Conference was discussing Articles 8 to 17. It might either refer the matter immediately to a Committee or continue the discussion in plenary session. If the latter procedure were adopted, the Conference would have to consider separately the various amendments to Article 8, and afterwards to study the original text in the draft with a view to its completion. In any case, the question would probably have to be referred, sooner or later, to a Committee to decide points of detail.

To meet M. Cavazzoni's point, the President would, of course, be pleased to ask one of the members of the Advisory Committee to explain the quota system.

M. von Rheinbaben (Germany) agreed with M. Cavazzoni and hoped that Sir Malcolm Delevingne would explain the system put forward by the Advisory Committee. It would be advisable not to embark upon a detailed consideration of any amendment in plenary session. A debate of that sort would be more in place in the Committee for Limitation. A discussion, however, on the general principles upon which Articles 8 to 17 and the amendments thereto were based might with advantage be held in plenary meeting.

Sir Malcolm Delevingne (Great Britain) said that, if the Conference desired to continue the general discussion, he would wish to offer some observations on this part of the Advisory Committee's scheme and to compare it with the schemes put forward by way of amendment.

He was glad that the Conference had decided to continue the general discussion, because this was the most important part of its work, as well as the most critical. On the decision which the Conference took with regard to this section of the Advisory Committee's scheme would depend the whole of the rest of its work.

The Conference had before it the scheme of the Advisory Committee; it also had before it a scheme proposed by the Japanese delegation, and, if he had understood M. Cavazzoni aright, a further scheme had been put forward by the Italian delegation. The task of deciding between the different schemes, and possibly of elaborating a further scheme, different from all three, would be very difficult. He would remind the Conference that it had been convened to agree upon a scheme of direct limitation, not limitation merely, but the direct limitation of the manufacture of narcotic drugs to the medical and scientific requirements of the world. What did the Conference understand by direct limitation? What did the Assembly mean? What did the Council mean? He would refer to the terms of the Assembly resolution:

"The Assembly,

"Recalling the proposals made in connection with the Geneva Conference of 1924-25 for the direct limitation by agreement between the Governments of the manufacturing countries of the amount of such drugs manufactured;

"Taking note of the important declaration made in the course of the present meeting of the Assembly by the representative of France that his Government has decided to impose such limitation on its manufacturers"

Sir Malcolm Delevingne would also refer to the following passage, in which M. Fotitch, the Rapporteur, had summed up the general results of the discussions in the Fifth Committee in 1929.

"The greater part of the debate in the Fifth Committee was concentrated upon the question of the limitation of manufacture. The result of his discussion was the emergence for the first time in the history of the League of an agreement amongst the manufacturing countries as to the desirability of the limitation of manufacture, to be secured by means of an international conference which would determine the total amount of narcotic drugs required to meet the legitimate medical and scientific needs of the world as well as the quota to be allocated amongst the various manufacturing countries."

That was what the 1929 Assembly had in mind, and what the Council had in mind.

There was general agreement—whatever the scheme for limitation adopted—that direct limitation implied two things—first, that the world's requirements would have to be determined, and certain articles of the draft Convention had already been passed, in principle, providing for this object; secondly, that the production of each factory was to be limited; a limit was to be fixed for each manufacturer or group of manufacturers. "So much and no more." It was here that the real problem arose, and the Advisory Committee's scheme suggested a way by which, for each manufacturer or group of manufacturers, that question was answered, that condition fulfilled. A definite figure was laid down for each manufacturer or group of manufacturers for their annual production, and that figure was not allowed to be exceeded.

Factories were under the control of the Government of the country in which they were situated, and the responsibility for determining and enforcing the limit of production therefore rested with the Governments. The question before the Governments was: By what means were they to fix the limits for their factories? Hitherto, the method of the Hague and Geneva Conventions had been the indirect method. If that method had been universally and rigorously applied, in the spirit as well as in the letter, the delegates would not be meeting to-day. Without an undue amount of national pride, Sir Malcolm Delevingne thought he could say that in England, where the provisions of the Geneva Convention had been strictly and consistently applied, there was no problem of over-production of drugs. That was also true of other countries; but it was because the universal and strict application of those Conventions had not been secured that the proposal for direct limitation had been revived by the 1929 Assembly.

Schemes which did not provide for a definite limit of production for each individual factory or group of factories fell short, in his Government's opinion, of direct limitation. They might be in advance of the Geneva Convention, but they did not carry out the purpose for which the Conference had been summoned. He ventured to suggest that the Advisory Committee's scheme met all the requirements, and it was for that reason that he supported it.

After the foregoing observations, he would like to examine the Japanese proposal which had been submitted to the Conference on the previous day. He selected the Japanese proposal, because it was the only one which had so far been submitted in a definite and detailed form. In the course of the discussion, he would probably have something to say with regard to the other amendments submitted; but, as they were not yet before the Conference in writing, he would not deal with them for the moment.

The Japanese proposal assumed an alternative form. The first proposal was that the quotas should be fixed by the method of equal division, that any country which at present manufactured drugs, or might desire in the future to manufacture drugs, should have an equal share with the rest in the world's total. Sir Malcolm Delevingne did not think the Japanese delegation entertained great hopes that that proposal would be accepted. He thought it would be generally agreed that a proposal for equal division would be so unfair, and lead to so many demands from countries which did not at present manufacture drugs, that it would have little chance of acceptance by the Conference.

What were the elements of the second proposal, which he took to be the real proposal of the Japanese delegation? They were three-fold. Limitation was to be applied by reference to the orders received, the safeguard proposed being the safeguard of the import certificate provided for by the Geneva Convention, with a modification. The third element was that any contracting party which manufactured narcotic drugs for export might manufacture 50 per cent of the quantity of the previous year's export before the receipt of any definite orders.

With regard to the first point, he would venture to suggest to the Japanese delegation that limitation by reference to orders actually received was not commercially practicable. A manufacturer did not produce his drugs as and when orders came in. Drugs were not like a steamship, which was only put in hand when the order for its construction had been received; they had to be manufactured in advance, in anticipation of orders that would be received; otherwise, a very serious state of things would arise in the medical practice of the world. Therefore, in the absence of any direct limit, the manufacturer must produce according to the normal volume of his trade or in quantities sufficient to meet the orders which he thought he was likely to receive. Here there was obviously

an indefinite element; there was no direct or definite figure up to which he was to be allowed to manufacture. The method proposed by the Japanese delegation was therefore simply another method of indirect limitation. It would equally be impossible for a Government to enforce such a method of limitation. Government officials would know no more than the manufacturer how many orders, or the extent of the orders, were likely to be received before the end of the year.

Sir Malcolm Delevingne would refer again, in this connection, to a point which was too often overlooked and to which the Chairman of the Advisory Committee had referred. The trade in drugs was not carried on solely by the manufacturers or solely in the form of alkaloids and salts. If it were, the problem would be very much simplified, but it was because the trade was not carried on in this way that so many of the plans which seemed simple on paper would fail to work in practice. Was the wholesale chemist or druggist to wait to give his order to the manufacturer until he himself received an order for his tablets or preparations? The state of things which would follow if that system were introduced would be lamentable to the highest degree. It seemed to him that a system of direct limitation would not be secured under the Japanese proposal, and, unless that direct limitation were secured, the Conference would have failed in the chief object for which it had been convened.

As regards the second element in the Japanese proposal, Sir Malcolm Delevingne would observe that the Japanese delegate assumed that the import certificate scheme would be universally and carefully applied. Everyone knew that that was not the case at present, and, until that happy consummation was reached, the safeguard of the import certificate system would not be the complete safeguard which the Japanese scheme required.

He might point out to the Japanese delegation, and to the Conference in general, that the Japanese proposal provided for the omission of the chapters in the Annex which related to the establishment of the Central Narcotics Office. The Conference was aware that those chapters embodied an important part of the Committee's scheme and provided that, before an export could be effected by the exporter, the export order had to be referred to the Central Narcotics Office; that office would then say whether the amount desired would cause an excess or not on the importing country's estimate, and, until the certificate had been issued by the Central Narcotics Office, the export could not be effected. Clearly, this was an important guarantee against over-export by any individual exporting country; but that safeguard disappeared entirely under the proposals of the Japanese delegate, and all the latter substituted for it was that the import certificate was to bear a note or statement

of the amount of the drugs for which export authorisations had already been issued during the current year. Sir Malcolm Delevingne had had some experience of dangerous drugs administration, and he would be very much surprised if a system of that sort would work satisfactorily. He would expect a number of cases to arise in which the figures of the previous exports of the year were either not stated at all or stated incorrectly.

Turning to the third element in the Japanese proposal, that a manufacturing country should be allowed to manufacture up to 50 per cent of the quantity exported in the previous year, Sir Malcolm Delevingne thought the proposal showed that the Japanese delegate recognised a difficulty in his scheme. He would point out that, although this third element might meet the particular case of Japan, it would be of very small assistance to a new country which desired to start manufacture, because there would be no previous figures on which to base the 50 per cent.

The Japanese delegation objected to the quota system, first, because it interfered with liberty of trade—Sir Malcolm Delevingne would refer to this point later—secondly, because it would lead to over-production, and, thirdly, because it would force countries to buy in certain other countries. In that third criticism, the Japanese delegation lost sight of the fact that the draft Convention contained provisions which allowed countries to buy their supplies where they liked. If one of the manufacturing countries became so popular with the consuming countries that it received more orders than the quota allowed to it, it could have the excess amount transferred to it from other manufacturing countries, and, as the quality of the manufactured drugs was much the same all over the world, no harm would be done to anybody by the system, and a manufacturing country could manufacture the preparations it needed to meet the orders received.

In reply to the second criticism, concerning over-production, it was true that the estimate system—which, in principle, had been adopted by the Conference—might result in a margin over the total amount of the world's requirements for medical and scientific purposes, but that was not necessarily over-production. If there was an excess in any year over the requirements of the individual countries, it would be deducted at the end of the year from the following year's total, so that, in effect, there would be no over-production. If he understood the Japanese scheme rightly, it was equally based on the world's estimates, and, if an importing country had

estimated its requirements with a liberal margin, there would be nothing to prevent it from importing the full amount of its estimate from the manufacturing countries under the Japanese scheme.

The Japanese delegate's first and most important objection was one that might be raised in connection with other amendments which would be before the Conference—namely, that the quota system interfered with liberty of trade. That was a very important point and one which had been very carefully considered by those members who had taken part in framing the scheme. There was no desire, as Sir Malcolm Delevingne had already said, to erect a monopoly or give an unfair advantage to the existing manufacturing countries. Under the Advisory Committee's scheme, every country was at liberty to start the manufacture of drugs and to claim a quota in accordance with its position in the market. He recognised that the provisions contained in Article 10 of the draft Convention were not altogether satisfactory and were capable of improvement. They were certainly cumbrous and laid down no definite basis on which quotas could be allocated to new countries or the position with regard to existing manufacturing countries revised. He asked the Conference to be indulgent to the deficiencies in the scheme. It was not given to everyone to attain perfection at a single bound.

The scheme proposed by the Advisory Committee had been the result of much work and successive alterations to meet difficulties as they arose. Sir Malcolm agreed that Article 10 could be simplified to meet the Japanese case and the case of any new country which might desire to start manufacture. He had not handed in a definite amendment to that effect, because he had not wished to multiply the papers before the Conference, but he was prepared to do so.

His proposal was that any country which did not export at present should be at liberty to do so up to the extent of the orders received. That, in the case of Japan, which was already a manufacturing country so far as domestic requirements were concerned, would give the Government full liberty to allow the present manufacture to be increased so as to enable manufacturers to meet any orders they might receive. At the end of the year, if, as a result, manufacture had exceeded the total world's requirements, that fact would be reported to the competent organ of the League and the excess deducted from the world total for the following year. This arrangement might go on for a period of two or three years, so as to enable a new manufacturing country to establish its position in the world market, and at the end of three years, or at the next revision period under Article 9, the quota would be fixed for Japan or the new manufacturing country, as the case might be. That had always seemed to Sir Malcolm Delevingne a very

fair offer ; it would leave Japan completely free to obtain what share it could in the world trade by legitimate methods, and, at the end of a sufficiently long period, its quota would be fixed on the basis of the trade it had secured.

Sir Malcolm Delevingne would extend the principle of that offer. The provisions of Article 10 had also been criticised in respect of the revision of quotas of existing manufacturing countries. No definite basis had been laid down for the revision, or, rather, it had been laid down in a somewhat complicated manner. He suggested that, if the quota system were adopted, the quotas should be revised at the end of every three years, in accordance with the actual trade—that was to say, normal trade—done by each manufacturing country, during the previous three years. He emphasised "normal", because disturbing elements, such as epidemics or war, would call for abnormal requirements. His Government was prepared to agree to a revision of the quotas on the basis of the actual normal trade done by each manufacturing country during a period of years. He thought that a just, fair and workable proposal, and it had been a great disappointment to him that the Japanese Government had not seen its way to accepting it.

He had said something about the defects of the Japanese proposal, and perhaps the Conference would think he had not said enough about the advantages of the Advisory Committee's proposal. He had spoken on that subject on the preceding Saturday and did not wish to repeat himself. The quota system secured all that the Assembly resolution desired—direct limitation, provision for a definite figure to be fixed for each manufacturing country. No other scheme propounded so far did that. Unless there was a definitely fixed figure, the danger would continue of hidden reserves going into the illicit traffic. Further, the Advisory Committee's proposal was complete. It covered the whole world and provided for the world's needs. It would be intelligible to the manufacturers ; more so than any other scheme so far proposed. Lastly, it was immediately practicable ; if the Governments would agree to it, it would not be necessary for the Convention to have been previously accepted by all Governments. If the majority of the consuming countries accepted it, it could be put into force at once. The only difficulty was the position of the new manufacturing countries, and a very fair offer had been made to meet that.

M. Casares (Spain) acknowledged that the quota system would be perfect if the purpose were to limit the production of raw materials ; their production, in fact, depended on climatic conditions, so that there was no

fear that a new State might at any moment ask to become a producer. Unfortunately, this was not the case where manufactured products were concerned. If the number of manufacturing countries had been fixed, and if these countries had already agreed to limit their production to a given amount, the system would be excellent and the limitation would then be direct. That was, however, not the case, and M. Casares had already expressed doubts as to whether the manufacturing countries could reach agreement.

In this connection, Mr. Caldwell had drawn attention to the blanks in Article 8 of the draft. Though agreement might be in sight between certain of the manufacturing countries, it would apparently be very difficult to reach one with others of great importance. Further, some States which manufactured only small quantities at present wished to reserve the right to produce for the world market in future. If these various problems could be solved, the quota system might be tried. Again, the Convention was not final, and if the quota system did not succeed, some other system could always be sought. But if agreement could not be reached, and if the blanks in Article 8 could not be filled in, another method must be considered at once.

To this end the Japanese and Italian delegations had submitted amendments ; the Spanish delegation had also submitted an amendment to Article 10, very similar to the Italian amendment. Would it not perhaps be better to attempt, either in Committee or by private conversation, to reach some agreement which would form the basis for the draft Convention ?

To meet the possibility that the quota system would be found impracticable, M. Casares would remind the Conference that, in the Advisory Committee, he had proposed certain amendments which would equally well establish direct limitation, since limitation was always direct and in the circumstances it mattered little whether a manufacturer was told that he could manufacture only, say, 100 kilogrammes, or whether, by arrangement with his competitors, he himself promised to manufacture only 100 kilogrammes. In the Advisory Committee, Sir Malcolm Delevingne had been willing to accept part of the Spanish amendment, though now he apparently regretted his former goodwill ; he was now proposing to delete part of Article 3. The Spanish delegation had presented an amendment to Article 10 as well, regarding the revision of quotas. The report to the Council stated that, "in connection with Article 10 of the draft Convention, after discussion a new text was agreed between M. Casares and Sir Malcolm Delevingne". M. Casares considered that this text should be dropped if the Governments were not even to be entitled to choose the countries from which to obtain their supplies.

Finally, was it better to study two possible systems or should the Conference work on the assumption that a single method only could lead to satisfactory results ? He would be glad to hear the Japanese delegation's

reply to Sir Malcolm Delevingne's objections, after which he would explain the Spanish view on the Japanese amendment.

Sir Malcolm Delevingne (Great Britain), in reply to M. Casares' suggestion that he had gone back on the agreement made in January, said that he had not gone back on that agreement. He hoped he would never go back on any agreement he had made. He had, however, been advised in the interval that there might be legal difficulties in the way of giving effect to that agreement, and he had thought it right to inform the Conference that those difficulties had been put to him, and that it would be necessary to consider them before a definite decision was taken.

M. Kahler (Germany) agreed with Sir Malcolm Delevingne. The German delegation considered that the quota system was the best possible means of direct limitation and was thus preferable to any other. M. von Rheinbaben had stated that a strict and rigorous system of control exercised by all countries in accordance with the provisions of the Geneva Convention was an excellent and adequate method of preventing the illicit traffic. Here, also, M. Kahler agreed with the British delegate.

Various speakers had pointed out that large quantities of narcotic drugs had of recent years found their way into the illicit traffic. The efficacy of the Geneva Convention could not be judged fairly by the figures for the period 1925-1929; the Geneva Convention had not come into force until 1929 and had been applied in Germany from January 1st, 1930 only. Thus, its true value could not be estimated except upon a study of the figures for 1930 and after. The German figures for manufacture and export of narcotic drugs since that date seemed to prove the utility of the Geneva Convention.

Notwithstanding this success, the German Government had no objection to the introduction of the direct limitation of manufacture, and its representatives had co-operated by every means in their power in the solution of the problem. He had himself been present at the London discussions and at the Advisory Committee's meetings in January 1931. He had examined all the proposals submitted and was more and more convinced that the quota system was the best that could be adopted. Unfortunately, several delegations were against the introduction of this system; the Japanese delegation's opposition was especially regrettable. The conversations which had taken place with the Japanese delegation in January 1931 had given reason to hope that the proposals made to it would pave the way to agreement.

In M. Kahler's view, it was the Conference's duty to seek some common ground on which the problem could be solved.

The German delegation could not in any case accept the Japanese delegation's first proposal for a system of equal quotas. He was not sure that the second proposal, which might be called the proposal for freedom of trade, could be considered a system of direct limitation.

M. Obradovitch (Yugoslavia) had listened with great interest to Sir Malcolm Delevingne and M. Kahler. Some points in their speeches his delegation could accept almost unreservedly; other points called for very definite reservations.

Both the British and the German delegates had laid stress on the advantages of the quota system. These were undeniable, but he must emphasise that it raised very difficult and complex issues which the Conference itself would have to solve. The question was whether the delegates were prepared to work out these problems.

At the Advisory Committee's last session in January, his delegation had developed its point of view so fully that there was no need for him to repeat the arguments advanced, but as some of the delegates had not been present in January, he would like to draw attention to a few facts.

The Yugoslav delegation had not opposed the quota system for the limitation of manufacture, but had accepted it as a *pis aller* with certain reservations and on two conditions. The first was that the allocation of quotas in the Convention must not be on the basis of the existing situation, which might easily change in two or three years' time, during which period the Convention might come into force. The existing situation must not be given the force of law; that would inevitably lead to a world monopoly for the manufacture of narcotic drugs, a serious danger to consumers and, above all, to producers.

The second condition referred to the re-adjustment of quotas (Article 10). His delegation was against the re-adjustment of quotas by negotiation with countries which already possessed them—that was to say, with the existing cartel. It would mean that other countries which desired to become exporters would never be able to obtain quotas, since the countries to which the privilege of exclusive manufacture had been assigned by international convention would not, in all likelihood, be willing to share that privilege.

Though he would have an opportunity of emphasising and amplifying these points in the Committee for Limitation, M. Obradovitch had thought it right to set forth the view which he had expounded in January. Although the Yugoslav delegation still held that view in principle, it realised that out and out resistance could not lead to the desired

result—the framing of an international convention for the limitation of manufacture. It was therefore ready to discuss, by way of compromise, the fundamental questions at issue, if necessary on the basis of the draft Convention which had been drawn up, not by the Advisory Committee, but by the majority of that Committee.

Yugoslavia had been represented at the Advisory Committee's session in January solely as a country producing raw materials. Since March it had become a manufacturing country. The Yugoslav Government had authorised the setting up of a large factory for the production of opiates at Hrastnik in Slovenia. The factory had already been constructed by the well-known firm of Westen at Cilje (Cilli). It had not been set up to meet the needs of internal consumption, which was constantly falling, but because Yugoslavia wished to take part in the world trade.

It might seem surprising that the moment when the limitation of world manufacture was being discussed should be chosen for the establishment of a large factory by a country like Yugoslavia, which had always co-operated with the League, and strongly supported its work in the campaign against narcotic drugs, even though such action was somewhat contrary to its material interests. There were very good reasons for the establishment of this factory, which was authorised by the Government and under its direct control. He would explain the reasons in the Committee for Limitation.

For the moment, M. Obradovitch would confine himself to stressing the fact that his country had every intention of taking part in the world trade and in the export of opiates, irrespective of the system of limitation adopted. That was decided definitely. He had no objection to a discussion based on Articles 8, 9 and 10 of the Advisory Committee's draft, but he could not accept the system of limitation set forth in that document, unless Yugoslavia obtained a fair quota, adequate to safeguard the interests of the Hrastnik factory. For this reason it was necessary, as the United States delegate had already stated, that the blanks in Article 8 should be filled in.

M. Perez (Argentine), after listening to the Yugoslav delegate, was afraid that the question of the limitation of drug manufacture would go the way of the disarmament problem. The more disarmament was discussed, the more the nations armed; apparently, the more the limitation of drug

manufacture was discussed, the greater was the desire to manufacture.

What was the point under discussion? Was it limitation? Obviously not, for there was general agreement that manufacture must be limited; nor was it direct limitation, since there was general agreement that this, too, must be accepted.

The point at issue was, whether the quota system affected the freedom of trade. If not, the discussion might be closed; the quota system could be accepted. If it did, the question to be considered was whether it was absolutely necessary to violate the principle of freedom of trade in order to achieve direct limitation.

Did the quota system affect the freedom of trade of countries which manufactured and sold narcotic drugs? It appeared that it did. He would leave this question on one side, however, as it did not at present concern the Argentine.

Did the quota system affect the freedom of trade of consuming countries which did not manufacture? In reply to this he would put a question to the first delegate for Great Britain: If the Argentine were to state tomorrow that it required 100 kilogrammes of narcotic drugs for its internal consumption, and wished to purchase this quantity in England, would it be possible to do so?

The President observed that the discussion would not be furthered if questions were addressed directly to members of the Conference. They should be addressed either to the President or to the Conference as a whole. If a member desired to answer a question, he had only to ask permission to speak.

M. Perez (Argentine) considered his question so important that it ought to be settled publicly.

The President said that he had never intended to avoid public discussion; any member who wished to speak would be given leave to do so.

Sir Malcolm Delevingne (Great Britain) asked permission to reserve his reply until he had had the actual words of M. Perez' question before him.

The continuation of the discussion was adjourned to the next meeting.

In reply to a question from M. Cavazzoni (Italy) the President said that the proposers of amendments were at liberty to defend them in the Committees to which they were referred.

FOURTEENTH MEETING (PUBLIC).

Saturday, June 6th, 1931, at 10.30 a.m.

President : M. DE BROUCKÈRE.

33.—EXAMINATION OF THE DRAFT CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS (continuation).

ARTICLES 8 TO 17 (continuation).

M. Martinez de Alva (Mexico) had not been altogether surprised to notice some hesitation on the part of the delegates in connection with the problem now under discussion, as it was one of the most difficult with which the Conference was faced.

The Spanish delegate had supported the proposal made by the United States delegate to fill in the blanks in Article 8. Mexico, upon receiving an invitation to attend the Conference, had been informed that one of the greatest obstacles to a satisfactory solution was the difficulty experienced by the producing countries in agreeing on the quota question.

M. de Alva had been instructed by his Government to support the Crane scheme, but he would admit that other States which favoured some other scheme were, of course, perfectly entitled to take the Advisory Committee's draft Convention as a basis. Possibly the information which the Mexican Government had received, to the effect that no agreement had been reached between the producing countries, was incorrect. If so, the Conference should waste no time in ascertaining whether agreement were possible on the lines proposed in the draft Convention. If the answer was in the affirmative, those supporting other plans must change their policy and fall into line with the draft Convention. If, on the contrary, no agreement were possible on that basis, the Conference must seek a compromise so as to produce a Convention which would satisfy the demands and desires of public opinion.

In conclusion, the first step should be the filling in of the blanks in Article 8.

Dr. Wu Lien-Teh (China) was sure that all the delegates had been greatly impressed by Sir Malcolm Delevingne's able exposition of the quota system. Ever since the opening of the Conference, they had waited for enlightenment on that very difficult problem. It had been expected that after eight months' deliberations some concrete plan might have been placed before the Conference, but it had been learned only the other day that no further communication could as yet be made on the subject.

As all the members knew, the manufacture of narcotics had, for a great many years, been in the hands of practically five nations. These five nations, strange to say, were not,

with the possible exception of Great Britain, opium-producing countries. They had had to import their opium for the manufacture of the drugs. A further difficulty had arisen—Turkey, a very large opium-producing country, and Japan, had presented demands for the allocation of quotas, and, so far, no agreement had been reached. Matters were still more complicated at the present juncture, for, since the opening of the Conference, Belgium, Hungary and Yugoslavia had applied for a share in the production of narcotics. Those countries might be followed by others; but, in any case, the subject was becoming increasingly difficult if the quota system were insisted on.

For over ten years it had been the custom of the Chinese authorities to burn any narcotic drugs smuggled into the country; but, unfortunately, the greater the quantity destroyed, the greater the supplies smuggled in. That situation was untenable from an economic point of view. China, with her vast territory, was capable of growing opium at any time. In the past she had produced no narcotics, but that did not mean that she would stay in that position for ever. The great extent of the country, its favourable situation and the cheapness of labour would certainly enable China to produce, not only what she needed for her own consumption, but even for export, if she so desired.

He hoped that the members of the cartel would remember that other countries wanted their share of the trade. At a recent meeting, the Japanese delegate had given a very able survey of the situation in his country. Dr. Wu Lien-Teh did not, of course, know the views of other members, but, speaking from the Chinese standpoint, he believed that the Japanese proposals offered a more reasonable prospect of agreement. Meanwhile, though he had no desire to prejudice the quota system, he trusted that the Conference would reach a speedy and impartial solution of a very difficult problem. A combination of the various schemes propounded might possibly be found practicable.

M. Bogomoloff (Union of Soviet Socialist Republics) had expected that a detailed proposal would be presented regarding the distribution of quotas amongst the main manufacturing countries, and he had not intended to express the Soviet delegation's opinion on this matter until that had been done. In the absence, however, of concrete figures, it seemed that there was to be a new general discussion.

Article 8 must inevitably be regarded as the key article in the whole plan, and some delegations had considered, and rightly so, that it ought to be discussed first. At the beginning of the general discussion, when he had introduced the Soviet delegation's basic proposal, M. Bogomoloff had pointed out that no real limitation of the manufacture of narcotic drugs could be achieved without a limitation of the production of raw materials. The Conference now had before it two plans, one submitted by the Advisory Committee and the other by the Argentine delegation. The Italian and Japanese amendments seemed to be framed on the same lines as the Argentine proposals.

He would take first the Advisory Committee's draft. All the articles presented seemed to have been very well drawn up, more especially from the juridical point of view. Everything had been provided for, from the most complicated chemical formula to the arbitral tribunal which would have to deal with differences amongst probable parties to the Convention; but there was one fatal defect—namely, Article 8. The whole plan had no value at all if there were no agreement beforehand amongst the manufacturing countries.

If the consuming countries had been represented at the London Conference, they would have seen that the intention of the principal manufacturing countries was to divide the world market between them and to exclude any possible newcomer by means of an international agreement. It was very easy to speak of humanitarian questions, but very difficult to reach agreement when economic interests were involved. Being in agreement that it was necessary to prevent new competitors entering the world market, the main manufacturing countries had failed to reach agreement on their quotas.

M. Bogomoloff did not, however, think that, even if the manufacturing countries had come to an agreement, that result would have helped the cause for which the Conference had met. In the first place, he doubted very much whether other manufacturing countries would agree not to export, in favour of an international cartel which would dominate the world market and prices. Secondly, he was convinced that the consuming countries would not agree to buy where they were told to buy and to pay the prices they were told to pay. He was prepared to go even further and to say that, if the world market had been divided amongst the few manufacturing countries, and if export from other manufacturing countries had been prohibited by means of an international agreement, the illicit traffic would still increase. The official figures for exports of morphine would, perhaps, be smaller, but he was sure that large quantities of drugs, the names of which were not yet known, would be exported without difficulty, and, after a simple process of conversion, turned into habit-forming drugs. It would be small consolation to those who were fighting the illicit traffic and illicit consumption to know

that the drugs were coming from one country instead of another. No plan which provided for the creation of an international cartel could, he thought, lead to any fruitful result, and, in his view, it would be inadvisable for the Conference to accept that plan.

The Soviet delegation was of opinion that neither the alternative plan nor the amendments submitted to Article 8 could be held to afford a solid basis for the limitation of the manufacture of narcotic drugs, for the simple reason that no such limitation was feasible without the previous limitation of the production of raw materials.

At the same time, there were some sound features in the Argentine plan and the amendments proposed by the Japanese and Italian delegations. First, it was clear that a country which was a manufacturing or exporting country—however large or small its manufactures or exports—had the same right to a share in the world's legal trade as any other country. M. Bogomoloff was unable to support the Japanese amendment as it stood, but he saw no reason why Japan should be called upon to sign an obligation not to have the right to export legally in order to favour a group of European manufacturers. He did not see why other countries, especially those which produced their own raw materials—for instance, Turkey and Persia—should take upon themselves an obligation not to use their own raw materials for manufacture merely because other countries were already manufacturing drugs. The world was moving and changing, and countries which were backward ten or twenty years ago had developed sufficiently to be able to demand equal treatment with the great Powers.

The Soviet delegation's position regarding the subject dealt with in Article 8 might be described as follows: The Soviet Union was a producing, manufacturing and exporting country; it did not import drugs, but manufactured enough to cover the growing medical requirements of its 160 million inhabitants. The Soviet Government paid great attention to the development of the medical services, and, during the past two years, the number of doctors had increased from 53,000 to 63,000.

At the same time, the Soviet Union's exports of narcotic drugs were small, not because it could not develop that branch of exports, but because that was not its policy. It would be seen that, if it were able, during the past two years, to increase the production of steel from 3 million to 5 million tons, and of coal from 35 million to 80 million tons, it would have been very easy for the Union to have manufactured large quantities of narcotic drugs.

The exports of the Union were developing in accordance with the increase in its external trade in general, and particularly with the increase in its trade with neighbouring countries; but, if its exports were compared with the exports of other manufacturing countries, they would be seen to be very small indeed. That was the result of very strict

control over the trade in narcotic drugs. No quantity of narcotic drugs could be exported from the Soviet Union without the production, not only of the import certificate of the country to which the drugs were to be sent, but also of the export certificate of the Soviet authorities, who had to be satisfied that the drugs were required for medical and scientific purposes only.

At the London Conference, M. Bogomoloff, as Soviet representative, had said that his Government was ready to make any economic sacrifices provided it could thereby help to fight the evil of the illicit traffic and illicit consumption. He could only repeat that statement, but if he were faced by a group of international manufacturers whose only aim and interest was to increase profits, and if he saw that the result of his concession might lead to an increase in the illicit traffic, he must say "No".

The proposed scheme was contrary to the interests of the consuming countries as a whole, and, therefore, if it were accepted by the Conference, those countries would be obliged to develop their own manufacture. Consequently, unless there was efficient control over manufacture and production, there would inevitably be an increase in the illicit traffic. Personally, M. Bogomoloff believed that the Yugoslav factory, of which mention had been made on the previous day, was a new-born child of the draft Convention drawn up by the Advisory Committee.

In conclusion, he would urge the Conference to consider the situation with all the seriousness it deserved, and to try to find some real means to stop the development of the illicit traffic. Was it not an irony of fate that at the moment when fifty-two countries were represented at the Conference with the avowed purpose of fighting the illicit traffic, *The Times* of a few days previously should contain a report that 77 lb. of heroin had been officially seized in a single illegal transaction? Only the day before he had read in an official publication that, in one of the great manufacturing countries, a single lot of seized heroin proposed for sale at a public auction had amounted to 200 kilogrammes.

Mr. Anslinger (United States of America) requested that, at the next plenary meeting, the Secretariat should make a short statement summarising its analyses of the international trade in narcotic drugs, with particular reference to (1) the amounts of narcotic drugs in the international legitimate trade; (2) the world's needs of those various narcotic drugs; and (3) the amounts of such narcotic drugs which had been diverted into the illicit traffic.

M. Dinichert (Switzerland) said that, as a general discussion was in progress, he would confine himself to a few general remarks.

In order to explain the principle upon which Article 8 was based, he would recall the origin of this article, as he understood it. The delegates, and more especially the Governments they represented, were agreed upon the principle of the direct limitation of the manufacture of narcotic drugs. That principle would be put into practice if the

Governments undertook to estimate exactly their annual needs in narcotic drugs, since this would result in limiting to the figures given both consumption and manufacture.

This general system, supplemented by a system of control which was as perfect as possible, would suffice. The various bodies which had considered the matter were, however, of opinion that such direct limitation, being somewhat summary, might well be supplemented by limitation which, while still direct, was made more definite by the fact that the countries in which the narcotic drugs were to be manufactured and the quantities allocated to each should be fixed in advance. This secondary but important consideration had given birth to various systems; yet others might be forthcoming.

The Conference had before it the method advocated by the Advisory Committee in the draft Convention. The Advisory Committee, after reviewing the principles underlying various systems, had decided in favour of the method contained in the draft. As everyone knew, prior to the present Conference, whose task was to reach a final solution, effect had been given to the proposals in the draft by the convocation—as an intermediate stage—of a preparatory technical Conference, composed largely of representatives of the manufacturing countries, and which had worked in more or less direct co-operation with the manufacturers themselves. There was no reason for not stating the truth with regard to the facts, since the London Conference had been recommended by the Advisory Committee and had received the formal approval of various League organs—and of the Council in particular. All the representatives at this Conference had considered it as a preparatory and purely technical stage. The Governments which had sent representatives had had no idea of entering into definite undertakings. The Conference had, moreover, taken no action which could in any way bind or commit the Governments not represented. Hence the members of the present Conference were entirely free to discuss the problem.

Thus, it went without saying that all the delegates had a perfect right to ask the representatives of the States which had taken part in the preparatory work why they favoured the scheme advocated by the Advisory Committee, and these representatives were no doubt ready to reply to that question.

The draft before the Conference had two advantages. In the first place it facilitated the control of the movements of narcotic drugs; the second advantage related to certain necessities which were technical in character.

The starting-point of the idea under discussion must be borne in mind. It was well known that the result of the freedom of trade at the time when the idea of limitation was first taken up had been that there were in actual fact four or five countries manufacturing and exporting narcotic drugs. That was a *de facto* situation created by circumstances due to the free decision of all concerned.

It was not unfavourable to the solution of the problem of limitation. The few manufacturing countries which were parties to the existing Conventions all applied those Conventions actively. This was proved by the statistics which all the manufacturing countries had been in a position to supply. These countries, then, had experience of the type of control desired; they had shown their ability to deal with the problem and were prepared to continue on the same lines.

M. Dinichert emphasised the fact that the manufacturing countries were fully conscious of the very special responsibility incumbent upon them. They were, beyond all doubt, ready to accept a thoroughly comprehensive regime laying down their responsibilities in international law; that was tantamount to saying that they held themselves, and would continue to hold themselves, responsible, as Governments, for any breach of treaty undertakings that might be proved against them.

M. Dinichert turned to the technical aspect of the question. The industry under consideration was of a very special character; it worked under extremely difficult conditions. It did not merely manufacture special products for which strict control was necessary; but, speaking generally, its raw materials were not available within the national frontiers, it did not produce solely for the consumption of the country in which it was situated. Four or five countries supplied the whole world. The industry was thus both technically and economically in a particularly difficult position. It was desirable that each country concerned should know in advance the needs it had to meet, and that was a question which concerned, not only the manufacturing countries, but all other countries also.

The consuming countries, on the other hand, must have a guarantee that they would be able to obtain, in sufficient quantities and whenever desired, narcotic drugs of a suitable quality.

Such were the reasons for which Switzerland preferred the quota system. Certain criticisms had been levelled against it; the Conference must examine these objections, some of which were well founded.

It had been stated that the Advisory Committee's system involved monopoly. If Article 8 alone were considered, this criticism was justified. If, on the other hand, Article 8 were taken in conjunction with Article 10, to which the competent organs had given special attention, no monopoly existed.

This did not mean that Article 10 could not be improved. It was, indeed, a complicated clause and its machinery somewhat difficult to grasp. It must not, however, be modified in such a way that the quota or rationing system might lead in one way or another to the creation of new industries. Any change made should merely grant a certain latitude to countries having special reasons for setting up the industry to meet special needs. While the effect of the quota system must not be the multiplication of industries, it must, neverthe-

less, make allowance for legitimate interests. Article 10, adapted to meet all circumstances, should give general satisfaction and allay all anxieties, especially because, in the event of the prescribed negotiations falling through, the last word would rest with the impartial and independent body, as in all matters left to international arbitration where the issue was the safeguarding of the rights and sovereignty of States.

Admittedly, the quota system could be considerably improved. Additional guarantees, especially as to prices, could be embodied in it, if that were necessary.

If the premises taken as the point of departure were false; if the advantages which he had described were not convincing; or if, in particular, other schemes, presenting greater safeguards for the interests of all States, and especially consuming States, were submitted, the Swiss delegation would not offer a die-hard resistance. The Conference had met to give broad-minded consideration to all desires, preferences, and criticisms, with the sole purpose of solving the problem with which it was faced.

M. Sawada (Japan) asked permission to reply to the various objections that had been made to his delegation's proposals. The British and other delegates had argued that the proposal to manufacture upon orders was incompatible with the practice of the trade—in other words, it might result in a certain shortage of stocks at a given moment. M. Sawada said that it was precisely to meet that possibility that the Japanese delegation had included a provision that any country might manufacture up to 50 per cent of the quantity of its exports of the previous year. That figure, of course, was not intended to be final, and could be modified in accordance with circumstances. Further, a manufacturing country would be authorised, even before receiving actual orders, to manufacture up to the quantity of its own consumption, together with a certain portion of the previous year's exports. Should an order for a fairly large quantity be received, for example, in the early part of the year, some inconvenience might be caused, but that inconvenience would also occur under the Advisory Committee's scheme.

Next, the British delegate had contended that the only safeguard in the Japanese plan was the import certificate, and that this safeguard was inadequate because all the countries present were not parties to the Geneva Convention, and even those which had signed that Convention were not fulfilling their engagements in the letter and the spirit. While that might be so—and, if it were the case, it was regrettable—there was no need to shed tears over past failures; it was rather for the Conference to make the Convention a success. If the Conventions were

to fail, there would be no hope for a solution of this important problem. It was the duty of all delegations to make the Geneva Convention a success, whether they were parties to it or not.

According to Article 13, paragraph 2, of that Convention, a contracting party, before issuing an export authorisation, must require an import certificate. If orders not accompanied by an import certificate were rejected by the exporting countries, under that clause, this would be a safeguard against the diversion into the illicit traffic of drugs in the legitimate international trade.

The Japanese delegation had grave doubts as to the wisdom of establishing a Central Narcotics Office. It considered that the system would be simplified by the substitution of the import certificate system provided for in the Japanese proposal. M. Sawada would, however, defer detailed comment on this point to a later stage.

Sir Malcolm Delevingne had said that the quota system did not necessarily require universal application. As, however, M. Sawada had pointed out on the previous Thursday—and as had been emphasised by the Spanish delegate, the contrary would appear to be the case; the quota system would be paralysed unless applied universally.

Further, with reference to the manufacture, before actual orders were received, of a certain percentage of drugs based upon the previous year's exports, the British delegate had observed that this would provide no advantage over the quota system for new manufacturing countries. M. Sawada would reply that the Japanese plan would allow any country to manufacture drugs on the basis of an actual order, and, as soon as a country had exported a quantity of drugs, that country would be allowed to manufacture a certain percentage of the amount exported in the previous year. As the Conference was aware, Japan was not an exporting country, so that no advantage would accrue to it from the adoption of its proposal; it was put forward purely and simply for the sake of achieving effective limitation. Japan would be quite pleased if this end could be realised.

The British delegate had admitted a certain weakness in the quota system, particularly in regard to the adjustment of the quota to countries which might desire to manufacture for export; he had also admitted that the very important principle of the liberty of commerce was involved. To meet this, he had suggested that Article 10 might be so amended as to make the adjustment of the quotas to various manufacturing countries less difficult, and he was prepared to draw up an additional clause with the object of giving new manufacturing countries an opportunity of establishing an export trade by the method of allowing the manufacture of drugs on the basis of legitimate orders. If, however, that exception were admitted, an increasing number of countries would start manufacturing

for export under this additional clause, and M. Sawada very much doubted whether effective limitation would be achieved. If this exceptional principle were to be accepted at all in order to avoid difficulty in the quota system, why not adopt at once the system proposed by the Japanese delegation?

In conclusion, M. Sawada said that his conviction was becoming steadily stronger that the Japanese proposal provided a far better solution than any other for meeting the present situation. It safeguarded the interests of countries which were already manufacturing countries as well as those of newcomers.

The President said that M. Perez had submitted in writing the question he had put at the previous day's meeting. It read as follows:

"If, to-morrow, the Argentine were to say, 'For our lawful internal consumption we require 100 kilogrammes of narcotic drugs, and we desire to purchase this quantity in England, assuming of course that England is in a position to supply it', would that be possible?"

Sir Malcolm Delevingne (Great Britain) had some difficulty in understanding the exact point of M. Perez' question. On the face of it, the question seemed so simple that he could not help suspecting that M. Perez had something else in mind, and, if that were the case, he hoped that M. Perez would state the question in a form which would make his point quite precise. Sir Malcolm must, however, confine himself to the question as it stood. The answer was, of course, in the affirmative, provided the Argentine Government supplied an import certificate stating that the drugs were required for medical or scientific purposes and provided the British Government, on the production of that import certificate, was prepared to grant an export authorisation. As Sir Malcolm Delevingne himself would have to deal with an application for the export, he could assure M. Perez that, if the order came that day, accompanied by the Argentine Government's import certificate, he would be quite prepared to authorise the export from England of that amount.

M. Perez (Argentine) thanked Sir Malcolm Delevingne for his courteous reply, and assured him in all sincerity that there was no "catch" in the question. If the British delegate's answer were correct, the question was settled. M. Perez thought, however, that that was not so, because Sir Malcolm's reply was contrary to the terms of the draft Convention. Article 3 of the Convention read:

"It is understood that full liberty is reserved to each country to purchase its supplies of narcotic drugs in any country it wishes and it may, when giving its estimates, mention the country or the countries from which it intends to purchase its supplies."

According to that paragraph, Sir Malcolm Delevingne was quite correct; provided the Argentine fulfilled all the formalities, it might place its order in England. This was not the case however, under the terms of Article 8, which read:

"Subject to the provisions of Article 10, the world total of narcotic drugs shall be manufactured by the following countries (which shall be known as 'exporting countries') in the proportions indicated."

Hence, the order for 100 kilogrammes would be distributed among the exporting countries, less (1) that part of it destined for domestic consumption manufactured in countries which only manufactured for their own requirements (this clause did not concern the Argentine, as she did not manufacture for her own requirements); and (2) that part retained for conversion (this clause too did not concern the Argentine, because she did not convert). The deductions therefore did not cover the case of the Argentine. For this reason, M. Perez had suggested to Sir Malcolm Delevingne an amendment to Article 8 which the British delegate had been unable to accept because it did not embody the quota system.

M. Perez wished to make it clear that there was no catch in his question. It had been intended to prove that there was in the draft Convention a discrepancy which must be removed. To this end he had framed the following amendment which might form the second paragraph of Article 8:

"The Narcotics Office shall bring these estimates to the knowledge of the manufacturers whose names appear in an *ad hoc* list. The manufacturers must state whether they can undertake to execute orders placed with them wholly or in part. Should it be impossible for them to enter into any undertaking, the Geneva Narcotics Office shall ask the Government concerned whether it is willing to accept delivery of its order in pursuance of the system of quotas laid down in Articles 8 *et seqq.* of this Convention. In no case may a factory manufacture narcotic drugs for export unless so requested by the national narcotics offices or the national authority acting in lieu thereof, and, further, after authorisation by the International Narcotics Office.

"Any factory of any country may take part in such exports, if it applies to be included in the *ad hoc* list of the Geneva Narcotics Office.

"The quotas shall be distributed among the factories whose names appear in that list by the Geneva Narcotics Office, with due reference to the number of years which have elapsed since the foundation of the factory and the amount of its capital. Should decisions of the Geneva office be disputed, an arbitrator appointed by the President of the Permanent Court of International Justice at The Hague shall make an award, against which there shall be no appeal, concerning the final entry."

In reply to the President, M. Perez stated that this new amendment should be substituted for the amendment to Article 3 previously submitted by the Argentine delegation¹.

Sir Malcolm Delevingne (Great Britain) said that, from the explanation given by M. Perez, it was plain that his question had had a different meaning from that appearing on the face of it. What M. Perez was asking in effect was whether, not to-morrow nor to-day, but under the draft Convention which the Conference was considering and which would not be in force in the immediate future, it would be possible for the Argentine to buy a hundred kilogrammes of morphine from Great Britain if she wished to do so. The answer was in the affirmative, subject to the conditions laid down in the Geneva Convention and in the draft Convention under consideration.

M. Perez' argument that, under Article 8, the hundred kilogrammes would have to be divided among the manufacturing countries, was incorrect. Under the draft Convention, Great Britain would be free to comply with the Argentine Government's order, provided that the order complied with the conditions of the Geneva Convention and the draft Convention. M. Perez, he took it, supposed that the order of one hundred kilogrammes of morphine might cause an excess over Great Britain's quota for the year, and the question therefore resolved itself into this: Might Great Britain execute orders which would cause an excess in her manufacture quota for the year? The answer was equally plain. She had the right to do so, and there was no inconsistency between the provision in Article 3 to the effect that full liberty was reserved to each country to purchase its supplies of narcotic drugs in any country it wished, and the rest of the Convention. M. Perez' attention should be drawn to Article 15, paragraph 1, of the draft Convention.

M. Contoumas (Greece) pointed out that, even though the Argentine's order might be executed in Great Britain, the products themselves would not be manufactured there. There would first be a transfer from another country. The Argentine delegate's concern was to have a guarantee that the order would be executed and the drugs manufactured in Great Britain.

M. Perez (Argentine) confirmed this.

The President ruled that the question was outside the scope of the general discussion; the delegates would have an opportunity

¹ The text of the amendment previously submitted read as follows:

"The Narcotics Office shall bring these estimates to the knowledge of the manufacturers whose names appear in an *ad hoc* list. The manufacturers must state whether they will undertake to execute orders placed with them wholly or in part.

"In the latter case, the whole of the deficit to be made up shall be distributed equally among such manufacturers as may declare themselves prepared to produce it."

of expressing their views upon it when the amendments were examined, either in committee or in plenary session.

On the motion of the President, the Conference adopted M. de Vasconcellos' proposal to refer the text of Articles 8 to 17, together with the various amendments, to the Committee for Limitation.

ARTICLES 18, 19 AND 20.

The President proposed that Articles 18 and 20 be referred to the Business Committee for completion. Article 19 could be adjourned for the moment.

The President's proposals were adopted.

34.—QUESTION OF THE POSSIBLE CONFLICT BETWEEN THE SECOND SUB-PARAGRAPH OF PARAGRAPH 1 OF ARTICLE 3 OF THE DRAFT CONVENTION AND THE PRINCIPLE OF THE MOST-FAVoured-NATION CLAUSE : REPORT OF THE LEGAL AND DRAFTING COMMITTEE.

Mr. Caldwell (United States of America), Chairman of the Legal and Drafting Committee, reported that, after discussion, the Committee had voted on the following resolution, presented by the British delegation, on the question whether the second sub-paragraph of paragraph 1 of Article 3 involved any conflict with the principle of the most-favoured-nation clause.

" Part I.—The Committee, having considered the question whether the second sub-paragraph of paragraph 1 of Article 3 involves any conflict with the principle of the most-favoured-nation clause in commercial treaties, has come to the conclusion that this depends on the provisions of the treaties in question. It is possible that a country which, in conformity with the paragraph, indicates in

advance where it will purchase its supplies may find itself involved in a violation of the most-favoured-nation clause in its commercial treaties with countries not parties to the Convention.

" Since, however, the paragraph imposes no obligation upon countries, but merely gives them an option which they can exercise or not as they please, the Committee considers that there is no legal objection to the paragraph as at present drafted.

" Part II.—In order, however, to make it quite clear that countries are not expected to conform with the provisions of the paragraph unless they are in a position to do so, having regard to their commercial treaties, the Committee recommends that the paragraph be redrafted as follows :

" It is understood that full liberty is reserved to each country to purchase its supplies of narcotic drugs in any country it wishes, and it may, with due regard to its existing international obligations, when giving its estimates, mention the country or the countries from which it intends to purchase its supplies."

The first part of the resolution had been agreed to by the delegates of Denmark, Egypt, France, Germany, Great Britain, Irish Free State, Italy, Japan, Mexico, the Netherlands, Norway, Poland, Siam, Switzerland, Turkey, the United States of America. No delegation had voted against this part.

Part II of the resolution had been agreed to by the delegates of Germany, Egypt, France, Great Britain, Irish Free State, Japan, Mexico, the Netherlands, Norway, Siam, Turkey, Switzerland, the United States of America. The delegates of Denmark, Italy and Poland had voted against.

The Conference decided to refer the above report to the Committee for Limitation.

FIFTEENTH MEETING (PUBLIC).

Thursday, June 11th, 1931, at 10.30 a.m.

President : M. DE BROUCKÈRE.

35.—REPRESENTATION OF BOLIVIA AT THE CONFERENCE.

The President informed the Conference that, from June 12th, Dr. Cuellar would represent Bolivia. This would bring the number of States represented up to fifty-six.

36.—ANALYSES OF THE INTERNATIONAL TRADE IN MORPHINE, DIACETYLMORPHINE AND COCAINE FOR THE YEARS 1925-1930 : SUMMARY MADE BY THE SECRETARIAT.

Mr. Duncan Hall (Secretary of the Conference), in response to a request by the United States delegation, made the following state-

ment, summarising the Secretariat's analysis of the international trade in narcotic drugs :

A document which is before the members of the Conference gives, in outline, the statistical tables discussed in the following brief statement (Annex 21).

The Secretariat has been asked to answer the following three questions :

- (1) What is the total of the world requirements of morphine, diacetylmorphine and cocaine ?
- (2) What is the amount of these drugs in the international legitimate trade ?
- (3) What is the amount of these drugs which has passed into the illicit trade during recent years ?

The first question has an important bearing upon the figure at which the League will arrive as a result of the estimates of requirements sent in under the Convention.

The second question has an important bearing upon the question of quotas, or whatever other method is adopted for dividing amongst the manufacturing countries the trade in morphine, diacetylmorphine and cocaine.

The third question is related, to some extent, to the amount of excess manufacture of these three drugs in recent years.

The conclusions at which the Secretariat has arrived are given in full detail in the documents forming the three parts of the Analysis of the International Trade in Morphine, Diacetylmorphine and Cocaine during 1925-1930 (document C.718.M.306.1930.XI). Part I of this document and the introduction to Part II, containing the principal conclusions reached in the study, are in the hands of the Conference, and the full text of Part II is expected from the printers at any moment. Part II was circulated in provisional form to the Advisory Committee in January.

The third part, that concerning cocaine, is with the printers, but the introduction to it containing the principal conclusions will be distributed shortly. The Conference also has before it the document Conf.L.F.S.8, which contains the import and export figures for 1929 and 1930, and the document Conf.L.F.S.16, containing codeine statistics, while a further document, shortly to be circulated (Conf.L.F.S.60) contains statistics of raw opium, and an analytical study of these statistics.

The compilation of these documents has involved an immense amount of work, and the time available for their preparation has been extremely short. The staff has also been limited, so that it has not been possible to finish all the necessary documentation in advance of the Conference.

In the following statement an attempt is made to set before the Conference the main conclusions of the documents in question, including those which are not yet in the hands of the members of the Conference.

The work described above is in part the outcome of a request by the Advisory Committee at its thirteenth session—that the Secretariat should make an exhaustive analysis of the international trade in drugs of the manufacturing countries for the purpose of discovering, if possible, how much of the trade of each country has passed into the illicit traffic. In the documents forming the Analysis will be found a series of statistical tables with an analysis of the figures, and a separate analysis is given in Parts II and III of the trade of each country. The introduction to each of the three parts of the Analysis give the general conclusions to which the Secretariat has been led as a result of its studies. The conclusions which will be laid before the Conference in this brief statement are given subject to the qualifi-

cations and explanations in the documents themselves.

METHOD OF ASCERTAINING MAXIMUM WORLD NEEDS.

In reply to the first question put to the Secretariat,—the amount of world needs, for legitimate purposes, of morphine, diacetylmorphine and cocaine—it should be observed that the draft Convention proposes to arrive at this figure by asking Governments to send estimates of their requirements to the League, or to the Central Board. This appears to be the only sound method. The system followed hitherto has been to generalise from limited consumption figures. These figures hardly cover half the world's population, if as much, and for a number of countries the figures available are open to serious question. By generalising from these limited consumption figures, the Health Section of the League arrived at a series of tables of world needs which were of considerable interest at the time when they were compiled and are still of considerable interest and value.

The totals reached by the Health Section are summed up at the end of the document Conf.L.F.S.61, which is before the Conference. The figures for morphine and codeine are 10.4 tons respectively, that for heroin 870 kilogrammes, and that for cocaine, 6.8 tons. An estimate is given for medicinal opium as well.

The method which the Secretariat has now been able to adopt as a result of the analysis has given a much surer and more concrete and satisfactory result than was possible in the case of the earlier study; it has given uniformly lower world requirement figures, which is a matter of some interest.

In explanation of the method followed by the Secretariat, it should be stated that the world has been divided into two definite statistical categories; on the one hand, the manufacturing countries, on the other hand, the consuming countries—that is, to say, countries which import their drugs from the manufacturing countries. In order to arrive at the figure of the manufacturing countries' requirements, their consumption figures have been added together; in order to arrive at the figure for the importing countries, the Secretariat has taken, not their import figures, because these are incomplete, but the export figures to the non-manufacturing countries. The export figures are obviously the maximum amounts which have been received in the legitimate trade in the consuming countries; the latter cannot have consumed more than they imported. True, they may have imported illicitly, but that is another matter; the amount which entered the legitimate trade is limited to the exports to those countries. The figures therefore give, in a very real sense, the maximum figure of requirements as regards the greater part of the world—that part of it which comprises the non-manufacturing countries.

From the total arrived at in this way, two factors have been deducted; first, the re-export trade back from the consuming countries to the manufacturing countries, and, second, the element of known illicit traffic—that is to say, the known leakage from official exports into the illicit traffic. Only seizures which can be definitely traced to the statistically recorded export trade have been deducted, since the aim is to ascertain the maximum licit element in the export trade. The Secretariat has taken the three last years of the period in order to arrive at its conclusions.

The year 1928 is not a very satisfactory basis, because the Geneva Convention was not really fully in force that year, and there still remained in the export figures—the consumption figures are more or less constant—a very large illicit traffic element. The Secretariat has had to deduct over 2 tons of known illicit traffic from the heroin figure for 1928 in order to arrive at a maximum figure of the licit element in the export trade for that year as regards heroin.

For the year 1929, the situation is very different. By that time, the Geneva Convention, or the essential feature of that Convention—the import certificate system—had come into force in the chief exporting countries, and on that account the figures for 1929 are much more satisfactory as a guide to the maximum requirements of the importing countries. The situation for 1930 is still clearer, and the figures for 1929 and 1930 (as they appear for 1929 in the Central Board's report to the Council and for both these years in the Analysis, Parts I, II and III, and in Conf.L.F.S.8, where the figures are analysed in considerable detail) make plain a remarkable fact. In the earlier years, colossal discrepancies existed between the export and import figures, discrepancies that, in some cases, show that over 50 per cent of the entire export trade of some of the chief manufacturing countries was never acknowledged by the importing countries, but disappeared into the void. For the years 1929 and 1930, particularly 1930, as a result of the coming into force of the Geneva Convention and the operation of the certificate system, checked up quarter by quarter by the statistics furnished to the Central Board, discrepancies have virtually disappeared.

In the document Conf.L.F.S.3, Part I, great masses of discrepancies will be found for the years 1925 to 1928, with summaries of correspondence with Governments showing that, in a very large number of cases, the discrepancy investigations revealed illicit traffic. For the year 1929, and, above all, for the year 1930, there are no discrepancy notes. The reason is simple; with the exporting countries parties to the Geneva Convention discrepancies have practically disappeared, and it may be said that this is due to the operation of the import certificate system and the basing of statistics upon these certificates. The examination by the Central

Board of the figures, made available by Governments quarter by quarter, of imports balanced against exports—the sum of the export authorisations balanced against the sum of the import certificates—shows that practically the entire quantities of drugs going into the export trade at the present time appear to arrive at their destination—that is to say, they pass as legitimate imports into the trade of the importing countries.

World Needs of Morphine.

With reference to individual drugs, Table I of the document Conf.L.F.S.61 (Annex 21) indicates the maximum world requirements of morphine, as estimated by the Secretariat. The table shows the maximum world requirements of morphine remaining as such, classified according to (1) the consumption figure of the manufacturing countries and (2) the figure for exports to the non-manufacturing countries. These figures show that 7 tons of morphine were consumed in the manufacturing countries in each of the years 1928, 1929 and 1930. The figure for consumption is thus practically uniform in the manufacturing countries. Exports to the non-manufacturing countries were 2½ tons in 1928 and in 1929, and 1½ tons in 1930. The latter figure may perhaps be taken as the maximum figure, as it is probably more reliable than that given in the tables for 1928 and 1929. It appears, therefore, that the world total needs of morphine were 9½ tons in the two earlier years and 8½ tons in the last year of the period. This figure should be compared with that of 10.4 tons, which was that arrived at by the Health Section early in 1930. The lower figure is undoubtedly more reliable than the earlier higher one, a more trustworthy statistical method having been made possible as a result of the Secretariat's analysis.

As regards world requirements of morphine for all purposes—that was to say, morphine as such and morphine for conversion into various drugs—so far as the Secretariat has been able to arrive at a figure (and this has been the most difficult part of its task, as there are no adequate statistics of codeine), the figure is 16½ tons of morphine for codeine requirements, 4½ tons of morphine for conversion into dionine and apomorphine, and 2 tons of morphine for conversion into heroin, giving a total in 1930 of 31½ tons for all purposes. The figure for the actual manufacture of morphine as such, which in 1930 should have been 8½ tons, was 13½ tons in 1928, 14 tons in 1929, and 9½ tons in 1930.

If the figures for the total manufacture of morphine are studied, the discrepancy between apparent maximum world needs and the real manufacture, as far as it is known, will be found to be very much more considerable. The figure at which the Secretariat has arrived (using 1930 as a basis) is 31½ tons

for world needs; actual manufacture in 1928 reached a figure of 45½ tons; in 1929, 59½ tons; and in 1930, 38 tons. The greater part of the excess manufacture is represented by morphine converted into morphine esters or morphine ethers, which were not manufactured for legitimate purposes but for the illicit traffic.

World Needs of Codeine.

It is interesting to note that the Health Section, in making its estimates for world requirements based on the known consumption data and the assumed equivalence of morphine with codeine, arrived at a figure of 10.4 tons for codeine, as well as for morphine. This is obviously an under-estimate, because the manufacture of codeine, for the countries in which the figure of manufacture is known, is at least 11½ tons, and to this must be added the figure for the manufacture of codeine in Germany and France, and, in the two earlier years, in Switzerland—three countries which undoubtedly supply the greater part of the international trade in codeine. The final result is a figure of not less than 16½ tons for codeine. This does not necessarily mean codeine for legitimate needs; it is conceivable that the figure may contain an element representing diversion into the illicit traffic. But there is no real evidence available to justify such a conclusion.

World Needs of Diacetylmorphine.

Turning to diacetylmorphine, and taking again the consumption of the manufacturing countries, we find that about a ton and a half of diacetylmorphine was consumed in the manufacturing countries in each of the years 1928, 1929 and 1930, and it must be stated that of this ton and a half, or roughly 1,600 kilogrammes, 1,384 kilogrammes were consumed in Japan alone. The exports to non-manufacturing countries (less known illicit traffic and re-export) were 487 kilogrammes in 1928, 481 kilogrammes in 1929 and only 271 kilogrammes in 1930.

The low figure for 1930 is an indication of the effectiveness of the Geneva Convention in the control of the export trade. A table in the introduction to Part II of the Analysis, page 18, shows the exports to fourteen countries which are well-known centres in connection with illicit export. In 1926, the export to these fourteen countries reached the colossal figure of 3,055 kilogrammes, or 3 tons, of diacetylmorphine. In 1930, exports to these fourteen countries had practically disappeared, the figure being only 11 kilogrammes. This may be taken as an indication of the effect of the coming into force of the Geneva Convention and of the efficiency of the import certificate system for the control of exports and the elimination of their illicit traffic element.

The figure for the maximum world needs of heroin is round about 2 tons, including 1,384 kilogrammes for Japan. This last figure may be left aside, as Japan is a closed market, and it will then appear that the maximum world need of heroin is a little over half a ton (582 kilogrammes)—if the 1930 figures are taken as a basis—which may be compared with the figure of 870 kilogrammes reached by the Health Section before the high consumption figure by Japan was known.

The actual figures for the manufacture of diacetylmorphine are 7½ tons in 1928, 3½ tons in 1929 and 4 tons in 1930. It is assumed that this last figure is represented in the manufacturing countries chiefly by stocks. Seizures are not included in this total.

World Needs of Cocaine.

As to cocaine, the figure for total consumption in the manufacturing countries is less than 4 tons a year. In 1929, 1.8 ton was exported to non-manufacturing countries, and 1.4 ton in 1930. Maximum world needs were 5.7 tons in 1929 and 5.2 tons in 1930. The consumption figures for cocaine are not altogether reliable and complete in certain cases. When fuller figures for consumption are available, it will probably be possible to reduce the world total to less than 5 tons. The Health Section's figure was 6.8 tons. The amount manufactured in 1929 was 6.4 tons and, in 1930, 6 tons.

EXTENT OF THE INTERNATIONAL LEGITIMATE TRADE.

We now come to the second question, the amount of the drugs in the international legitimate trade.

Tables 4, 5 and 6, in Section II of the document Conf.L.F.S.61 (Annex 21) indicate the amounts of drugs in the international legitimate trade. The figures are of interest in connection with the question of quotas (or whatever method of allocation may be adopted), which mainly concerns the drugs in the export or international trade. The world trade is divided into three parts. The first part shows the home market of three of the great manufacturing countries—Japan, the United States of America and Soviet Russia. These markets are self-contained; in the cases of Soviet Russia and the United States, no import is allowed, while in Japan imports are practically non-existent, except for codeine. The second group covers the domestic market of the other manufacturing countries—Great Britain, Switzerland, Germany and France. Presumably, under the operation of a limitation scheme, the home market in these countries will not be accessible to international trade in the main, but will more probably constitute a self-contained unit from which competition will be largely eliminated. The third cate-

gory is that of the real international market to be divided up in accordance with some system of allocation—namely, the markets of the non-manufacturing countries.

Morphine.

For morphine, 4 tons represent the amount in the three closed markets—Japan, the United States of America and Soviet Russia—in 1930. The figure for the home market of the other manufacturing countries in the same year is $2\frac{1}{2}$ tons, while for the real international market it is only a ton and a half of morphine as such.

Diacetylmorphine.

For diacetylmorphine, the figure is 1.7 ton for the home market in Japan and Soviet Russia (there being no heroin market in the United States of America), while, for the home market of the other manufacturing countries, it is 0.2 ton and for the rest of the world 0.3 ton.

Cocaine.

The figure for cocaine in the home market for Japan, the United States and Soviet Russia is 2.8 tons; for the other manufacturing countries it is 1 ton, while the export to the non-manufacturing countries is 1.4 ton.

These figures show how limited the real international market is—namely, for morphine (apart from codeine) $1\frac{1}{2}$ ton; for heroin 0.3 ton; for cocaine 1.4 ton.

EXTENT OF THE ILLICIT TRAFFIC.

With regard to the third question, subject to the qualifications in the published documents—as is the case with all the figures given in this statement—the figure at which the Secretariat arrives for the amount of morphine in all its forms (as morphine esters, including diacetylmorphine, and the ethers of morphine) and from all sources, including all the manufacturing countries, which was diverted into the illicit traffic is not less than 100 tons. It is possible that, if the real facts were known, that figure would be considerably exceeded. It includes 40 tons of morphine which, according to the Secretariat's calculations, appear to have passed into the illicit traffic in the form of morphine esters or morphine ethers. It includes a very considerable part of the exports of some of the manufacturing countries which have disappeared completely into the void, which were exported but never imported by anybody. It is assumed that these drugs arrived somewhere, but not in a legitimate market. It also includes the very large quantity of drugs which disappeared from statistical reckoning during the course of the period, drugs which were present in a country at one time but which were neither consumed nor exported nor present at the end of the period,

as they should have been, in the form of stocks. In addition, the figure includes various other elements, such as the known illicit element in exports.

With regard to cocaine, the Secretariat finds it rather more difficult to come to a reasonably satisfactory conclusion. The figure at which it arrives is about six tons of cocaine as the minimum leakage from statistically recorded manufacture and exports.

There is another point closely allied to the points dealt with above—that is, the relation of these figures to the raw materials. The Secretariat has prepared a document, (Conf.L.F.S.60), which will be available shortly, giving raw opium statistics and an analysis of these statistics. The document draws certain important conclusions as to the real world needs of raw opium for legitimate purposes, for manufacturing drugs and for medicinal opium. The figure of maximum world needs arrived at by the Secretariat is between 320 and 375 tons of raw opium. The difference between these two figures depends upon the variable morphine content which may be extracted from opium. The figure is only tentative, but will probably be found to be reasonably close to the mark; and it is a maximum rather than a minimum figure.

The second element of the legitimate trade in opium is the exports to the opium-smoking monopoly countries. The Secretariat arrives at a maximum figure for these exports of 609 tons per year, which is about twice the amount necessary for legitimate manufacture and medicinal opium.

To those figures must be added the domestic consumption in the producing countries for which production figures exist, such as India. The figure of consumption for British India is given by the Government of India as about 250 or 260 tons a year.

If these various factors which appear to have a legitimate basis are added, we arrive at a figure of, say, 1,300 tons of opium. The production figures which are available indicate a minimum—very much a minimum—production of 1,800 tons of opium a year. There thus appears to be a difference of some 500 tons between maximum needs and minimum production. The figure of 1,800 tons does not include production in Soviet Russia, China or some other countries.

The export trade of the producing countries, as shown in these tables, is divided between the manufacturing countries (opium which has gone for manufacturing purposes or medicinal opium) and the opium-smoking countries in the following way: Turkey, throughout the period of six years from 1925-1930, exported an average of 61 per cent, Yugoslavia 19 per cent, India 9 per cent, and Persia 6 per cent of the imports of the manufacturing countries.

On the other hand, with regard to the supplies to the opium-smoking countries, India supplied 66 per cent, Persia 31 per cent and Turkey only 3 per cent of the needs for that purpose.

Mr. Caldwell (United States of America) thanked the Secretariat for its extremely interesting and valuable statement. Referring to the amount of drugs entering the illicit traffic, he observed that it was stated that the figure given in Table III, page 5, included morphine from all known sources. If it were based on seizures, and seizures the source of which was unknown had been excluded, it was obviously not a reliable figure. If it were based on the output of factories, which had, as Mr. Duncan Hall had said, disappeared into the void, did the factories in certain countries—Turkey, in particular—constitute a known or an unknown source?

Mr. Duncan Hall (Secretary of the Conference) said it would be somewhat difficult to answer that question briefly, because it had formed the subject of some five hundred pages of statistical analysis. The methods by which the figures had been reached were given in full in the documents, however, and a study of those documents would show that the figures could be taken as reasonably reliable.

In the first place, the figure of 100 tons included the amount of morphine which appeared to have passed into the illicit traffic in the form of morphine esters and morphine ethers. Mr. Duncan Hall would not give in detail the arguments on which the figure was based. It was known, however, that, in one year, at least half the production of three countries, which up to that time had not given separate statistics of drugs not covered by the Convention, apparently passed into the illicit traffic in the form of morphine esters. About six and a half tons had been seized in one single case in Dairen. The figure of 40 tons was not, he thought, an unreasonable deduction from the facts which would be found in the introduction to Part II of the Analysis.

In addition, at least 15 to 18 tons of morphine and heroin were not accounted for statistically—*i.e.*, had disappeared completely out of the statistical reckoning. Further, very large quantities of morphine and heroin had also been exported from manufacturing countries but not acknowledged by any importing country, quantities where there were absolute discrepancies—*e.g.*, 600 kilogrammes exported and no import acknowledged. It had been assumed that this morphine and heroin had reached some destination, but not a licit one.

The figures also included drugs which had gone to well-known markets for illicit export, such as China and Turkey, whose medicinal requirements were known to be exceedingly small. As those countries had shown no export figures and nobody had imported drugs licitly from those countries, it had been assumed that there was no re-export trade, and that the drugs had, in fact, passed into

the illicit traffic. The Naarden case and other information given to the Advisory Committee had revealed that at least half the drugs in question had passed into the illicit traffic. In addition, the figure of 100 tons included exports from Turkey which were known not to have arrived in the legitimate trade of the alleged importing countries.

M. Bogomoloff (Union of Soviet Socialist Republics), referring to the figures given in Table 4 of the document Conf.L.F.S.61 (Annex 21), for the manufacture of morphine and other drugs in the Union of Soviet Socialist Republics, explained that, whereas the figures for 1928 and 1929 were based on the fiscal year, starting on October 1st, those for 1930 were calculated on the basis of the civil year.

The great difference between the figures for diacetylmorphine manufacture for 1928, 1929 and 1930 was probably due to the fact that, in 1930, the medical profession had reached the conclusion that heroin might be more widely employed for medical requirements. In Soviet Russia, these were determined one year ahead, at the Conference of Health Commissars of the whole Soviet Union.

In 1928, the morphine manufactured in the Soviet Union amounted to 424 kilogrammes; in 1929, to 470 kilogrammes; and, in 1930, to 928 kilogrammes.

In 1928, 65 kilogrammes; in 1929, 31 kilogrammes; and, in 1930, 118 kilogrammes of heroin were manufactured.

The cocaine produced amounted, in 1928, to 446 kilogrammes; in 1929, to 734 kilogrammes; and, in 1930, to 1,120 kilogrammes.

These figures should help considerably in giving a correct impression of the tables published in the document Conf.L.F.S.61.

Dr. Chodzko (Poland) thanked the Opium Section for the work done in the preparation of the very valuable document before the Conference.

He pointed out that the very striking figures for heroin given in document Conf.L.F.S.61 did not include exports from Turkey, and were therefore incomplete. According to documents circulated, Turkey had, in 1929, exported to the Free City of Danzig 766 kilogrammes of heroin, which Danzig did not admit having received. The drugs had obviously entered the illicit traffic. The inference was that large stocks of heroin had been formed during the last three years. The Conference should bear that in mind when it came to consider the abolition of heroin manufacture.

The figure of 10.43 tons for the consumption of codeine given in document Conf.L.F.S.61 threw considerable light on the very controversial problem of codeine manufacture.

Dr. Chodzko asked that Mr. Duncan Hall's speech should be circulated to the members of the Conference, as it contained a very clear and useful explanation of the figures before the Conference.

The President asked whether members wished to comment on Mr. Duncan Hall's remarkable report. To do so would mean departing from the decision not to discuss questions in the abstract, but only as they affected specific texts in the draft Convention. Speakers might confine themselves to statements of fact and explanations of the position in their respective countries.

M. van Wettum (Netherlands), referring to the estimates of narcotic drugs passing into the illicit traffic from 1925 to 1930, asked whether it would be possible for the Secretariat to give a separate estimate for 1930.

Mr. Duncan Hall replied that, during 1930, the Secretariat had been preparing the analyses, and was therefore in a peculiarly fortunate position to reach a conclusion regarding that year, for which, moreover, it had at its disposal the quarterly statements made available by the Central Board.

It was of opinion that, in 1930, the illicit traffic element in the export of morphine, heroin and cocaine by the manufacturing countries which participated in the international legitimate trade was practically nil, and that the figure could not be more than a score or two kilogrammes. That was undoubtedly due to the import certificate system, which ensured that exports were not officially made except for legitimate purposes, and that these exports, although diversion into the illicit traffic might take place after the arrival of the exports in the importing country arrived at their destinations. Discrepancies had practically disappeared. There remained the possibility of illicit export, but this was not in the export figures.

The only important illicit traffic element appearing in the 1930 figures was the morphine diverted into the traffic in the form of esters or ethers of morphine. The amount of esters passing into the illicit traffic in 1930 was small, as they were under control in all countries in the early part of the year. But the amount of peronine made available for illicit purposes appeared to be considerable.

The difference between the 1930 world requirements of 31½ tons and the total manufacture of 38½ tons probably represented more or less the extent of the illicit traffic element in the total manufacture of morphine for 1930. The illicit traffic element in cocaine and heroin exports appeared to be very small. Large amounts of heroin had been manufactured in 1930, but it was assumed that they remained in stocks in the manufacturing countries, as they had not been exported or consumed.

M. Bogomoloff (Union of Soviet Socialist Republics) thought it important to know the approximate amount of the seizures of the various kinds of drugs for 1930. Could the Secretariat supply separate figures for each drug for the past year?

Mr. Duncan Hall (Secretary of the Conference) said he could not answer that question without investigation. He had inserted the proviso relating to seizures, because he did not want to give the impression that only 4 tons of heroin had been available for legitimate trade in 1930. To that would have to be added considerable quantities of heroin, most of which was known to be of Turkish origin. He could not give the exact amount of seizures of heroin which had been added to stocks in the various countries. The figure for France alone, however, was 1 ton.

M. Bogomoloff (Union of Soviet Socialist Republics) thought it would be useful to have at least approximate statistics for 1930, not only for diacetylmorphine, but also for all the other drugs. The list of seizures published by the Secretariat was satisfactory, but it gave no quantities. Time might perhaps be needed to prepare the required information, but separate figures for 1930 would enable the Conference to obtain a better impression of the amounts passing into the illicit traffic.

The President said that the Secretariat would deal with M. Bogomoloff's question at a later meeting.

It was decided, on the request of the Costa Rica delegation, that a table should be prepared summarising the average prices of narcotic drugs.

M. Cavazzoni (Italy) had observed, from the document which had been circulated (Annex 21), a statement that no less than 100 tons of morphine and 6 tons of cocaine had passed into the illicit traffic during the years 1925-1930. He asked whether the Secretariat had been able to discover in what parts of the world these colossal quantities of poison had been manufactured.

It might be well to add to such documents two notes—first, one giving an idea, if possible, of the total value of the enormous quantities of narcotics in the illicit traffic. Documents existed in which reference was made to the prices obtained by illicit traffickers. In the second place, a note admitting that the Secretariat was unable to give information as to the identity of the manufacturers who had produced those tremendous quantities, and including a statement that the 100,000 kilogrammes of morphine and 6,000 kilogrammes of cocaine had been produced by manufacturers who ought officially to be classified as "unknown manufacturers".

Mr. Duncan Hall said that the reply to M. Cavazzoni's question had already been given in the documents published by the Secretariat. In the Introduction to Part II (pages 20 and 21) of the Analysis of the International Trade there was a table giving, country by country, the amounts of morphine and diacetylmorphine known to have passed into the illicit traffic from the export trade of the manufacturing countries in 1928-29. The same document also contained, in the

analysis of the trade in morphine and diacetylmorphine given for each individual country (Part II), indications as to the amounts known to have passed into the illicit traffic from each individual country for each of the years 1925-1930. The object of the document was to show how much of the export trade of each of the manufacturing countries had been diverted into the illicit traffic. The volume dealing with cocaine also gave an analysis of the trade of each individual manufacturing country.

The question of price was one upon which the Secretariat would prefer to make no pronouncement, at any rate in the present state of its knowledge. The prices were not known, as were the prices in the licit trade. Indications had been given by certain countries, but they varied considerably. There was no basic price upon which to make any really reliable estimate.

Mr. Caldwell (United States of America) said that Mr. Duncan Hall's reply to the question put by M. van Wettum appeared to give the impression that there had been almost no illicit traffic in 1930. Seizures, however, made in the United States during 1930 and the first six months of 1931 ran into tons.

Mr. Duncan Hall said that his reply had not been complete, since it dealt only with the normal exporting countries. The answer to Mr. Caldwell's remark was, he thought, indicated in the Advisory Committee's report to the Council on the work of the fourteenth session, in which the Committee drew attention to the remarkable improvement in the situation with regard to the existing manufacturing countries which had ratified the Geneva Convention by 1930, but went on to state that a fresh factor had come into the situation in the years 1929 and 1930, when an additional manufacturing country not a party to the Geneva Convention had entered the field. That, in the Advisory Committee's judgment, was an explanation of the enormous seizures effected in some countries.

Mr. Duncan Hall would qualify his statement further and point out that he had not mentioned the position of Japan in his estimate of the situation in respect of the Geneva Convention and its effect in diminishing the illicit element in export during the year 1930.

The President closed the discussion. Though he did not propose to draw any conclusions himself, he was quite sure that the members had seen that morning that statistics were not necessarily dry. The figures which had been put before the Conference would touch the heart and conscience of all members and incite them to fresh efforts for the success of their work.

37.—DISCREPANCY BETWEEN THE FRENCH AND ENGLISH TEXTS OF ARTICLE 24 OF THE GENEVA CONVENTION OF 1925 ; REPORT OF THE LEGAL AND DRAFTING COMMITTEE.

Mr. Caldwell (United States of America),

Chairman of the Legal and Drafting Committee, submitted the following report :

" At its meetings on June 8th and 9th, 1931, the Legal and Drafting Committee considered and discussed at great length the discrepancy between the French and English texts of Article 24 of the Geneva Convention of February 19th, 1925. On Tuesday, June 9th, the Committee adopted the two following resolutions :

I.

" An examination of the documents of the Second International Opium Conference of 1924-25 has shown that it is the French text of Article 24, paragraph 1, of the 1925 Convention which answers to the negotiators' intentions, this being corroborated by the logical meaning of the text.

" Furthermore, the competence conferred by this clause on the Permanent Central Board according to the French text is in any case included in the competence provided for in the English text.

II.

" As to the question of procedure, the Committee considers that this Conference should, when discussing the respective articles of the new Convention, exclude from the text of that Convention any doubt as to the scope of the Permanent Central Board's powers resulting from Article 24 of the Geneva Convention.

" The first part of the resolution was adopted by fourteen votes to two, there being two abstentions. The second part of the resolution was adopted by twelve votes to one, with two abstentions."

On the proposal of the President, the Conference decided to transmit the above report to the Business Committee.

38.—ARTICLE 3, PARAGRAPH 3, AND ARTICLE 4, PARAGRAPH 2, OF THE DRAFT CONVENTION PREPARED BY THE ADVISORY COMMITTEE ; REPORT OF THE LEGAL AND DRAFTING COMMITTEE.

Mr. Caldwell (United States of America), Chairman of the Legal and Drafting Committee, read the following report :

" The Committee discussed Article 3, paragraph 3, and Article 4, paragraph 2, of the draft Convention with the amendment submitted by the Soviet Union delegation (document Conf.L.F.S.30(c), as amended during the meeting) and adopted unanimously the following texts of these paragraphs :

" Article 3, paragraph 3.—The competent authority shall invite countries to which this Convention does not apply to furnish estimates in accordance with the first paragraph of this article, being guided by the provisions of Article 6 of the Convention. In the event of no estimate being furnished on behalf of any such country, the competent authority shall itself make the estimate.

"Article 4, paragraph 2.—The competent authority will similarly, if necessary, invite any country to which this Convention does not apply to furnish a supplementary estimate and, in the event of no such estimate being furnished, the competent authority shall itself make the estimate."

The Conference accepted the above texts to replace those proposed by the Advisory Committee and agreed to discuss them later.

39.—CONTROL OF PRICES : REPORT OF THE BUSINESS COMMITTEE REGARDING ARTICLE 20 OF THE DRAFT CONVENTION DRAWN UP BY THE ADVISORY COMMITTEE.

The President informed the Conference that the Business Committee had decided that the solution of the question raised regarding Article 20 would depend on the way in which the limitation problem itself was solved, as prices were likely to vary according to the method adopted. It therefore proposed that Article 20 should be referred to the Committee for Limitation for consideration.

The Conference approved the proposal of the Business Committee.

40.—ARTICLE 22 OF THE DRAFT CONVENTION DRAWN UP BY THE ADVISORY COMMITTEE AND ARTICLE 22(a) PROPOSED BY THE AUSTRIAN DELEGATION.

The President proposed that, in view of the close connection between Articles 20 and 22 of the draft Convention, the latter article should also be referred to the Committee for Limitation.

He recalled that the Austrian delegation had proposed the addition of an Article 22(a), which he suggested should also be referred to the Committee for Limitation.

The President's proposals were approved.

41.—ARTICLE 1; PARAGRAPH 3, OF THE DRAFT CONVENTION DRAWN UP BY THE ADVISORY COMMITTEE : REPORT OF THE TECHNICAL COMMITTEE.

The President stated that the Chairman of the Technical Committee, Dr. Chodzko, had notified him that the Committee was of opinion that the amendment to paragraph 3 of Article 1 of the draft Convention proposed by the Soviet delegation should be referred to the Legal and Drafting Committee for examination.

This proposal was adopted.

42.—RECOGNITION OF THE PRINCIPLE THAT IN CALCULATING THE QUANTITIES OF NARCOTIC DRUGS REQUIRED FOR LEGITIMATE PURPOSES, ACCOUNT SHOULD BE TAKEN OF THE QUANTITIES REQUIRED FOR THE TREATMENT OF ADDICTS.

At the request of the Japanese delegation, the Conference formally recognised that, in calculating the quantities of narcotic drugs regarded as serving a legitimate purpose, the quantities required for the medical treatment of drug addicts should be included.

43.—LAWS AND REGULATIONS IN FORCE IN ROUMANIA FOR SUPPRESSING THE DRUG TRAFFIC.

The President said that a certain number of copies of the laws and regulations in force in Roumania for the suppression of narcotics had been received from the Roumanian delegation and could be consulted by delegates.

SIXTEENTH MEETING (PUBLIC).

Saturday, June 20th, 1931, at 10.30 a.m.

President : M. DE BROUCKÈRE.

44.—REPRESENTATION OF CHINA AT THE CONFERENCE.

The President announced that Dr. Wu Lien-Teh having been urgently recalled to China, his place would be taken by Dr. Woo Kaiseng.

45.—DECLARATION BY THE BOLIVIAN DELEGATE.

Dr. Cuellar (Bolivia) regretted that he had missed the earlier meetings of a Conference in which his Government was deeply interested.

The present situation demanded the enthusiastic and altruistic co-operation of all countries in giving practical effect, so far as national circumstances permitted, to the resolutions adopted. The more general the agreement, the more effective the resolutions would be.

The Bolivian Government accepted the principle of limitation of the manufacture of narcotic drugs. Dr. Cuellar would comment in detail on the method to be applied during the discussion.

46.—ARTICLES 8 TO 17 OF THE DRAFT CONVENTION DRAWN UP BY THE ADVISORY COMMITTEE : NEW TEXT PROPOSED BY THE COMMITTEE FOR LIMITATION.

M. de Vasconcellos (Portugal), Chairman of the Committee for Limitation, read the following report of the Committee for Limitation :

" At its meeting on June 19th, 1931, the Limitation Committee adopted as the basis for its discussions the revised draft of the Franco-Japanese limitation plan (document Conf.L.F.S./C.L.1(b)) by fourteen votes to two, with six abstentions; four members were absent.

" The Committee decided to refer this general decision to the plenary Conference for any further decisions that might be necessary."

Revised draft of the Franco-Japanese Plan proposed by the Committee for Limitation.¹

I.

" No country may manufacture during one year a quantity greater than the total of the quantities mentioned below :

" (1) The quantity of narcotic drugs necessary for its medical and scientific needs within the limits of its estimates ;

" (2) A reserve equal to one-half the preceding quantity, also intended for domestic requirements ;

" (3) The quantity intended for conversion either for domestic consumption or for export ;

" (4) The quantity necessary for export, based on firm orders received by the country for execution against import certificates delivered in accordance with the procedure provided for in Chapter V of the Geneva Convention and under the supervision of the central authority provided for in Article . . .

" (5) The quantity necessary to maintain, in the factories under Government control, a special stock which may be replaced as deliveries are effected and which shall be limited in accordance with paragraph II.

" Any quantity in excess, whatever its origin may be—imports, seizures, cancelled orders, under-deliveries or returned deliveries, etc.—shall be deducted from the quantity to be manufactured during the following year.²

II.

" The special stocks provided for above may not in any country and at any time exceed one-half its total exports during the period of twelve months from July 1st to June 30th inclusive of the year preceding the current year.

¹ Document Conf.L.F.S./C.L.1(b).

² Special measures must be provided for in the Convention to deal with the situation resulting from the existence in certain countries of important quantities of narcotic drugs of varying origin (particularly seizures).

III.

" The manufacturing countries agree to take within their territories the necessary steps to supervise the distribution to the trade of the quantities of narcotic drugs intended for domestic consumption."

The President pointed out, in order to clarify the discussion, that the Conference had before it a second document (Conf. L.F.S./C.L.1(c), prepared by the Japanese and French delegations, in which the proposals of the Committee for Limitation had been put into the form of Articles of the Convention (see page 124).

Dr. Woo Kaiseng (China) said that, though he had not been present at previous meetings, he had followed the work of the Conference, and in the Committee for Limitation would certainly have supported the Franco-Japanese amendment, which was based on the principle of free and open markets. He was glad to have the opportunity to state his Government's views on the manufacture of narcotic drugs, the abuse of unlimited manufacture and the methods by which such manufacture might be reduced to the level of world medical and scientific needs. The Chinese Government had always been in favour of the principle of free markets, and considered that the manufacture of narcotic drugs could be limited to the legitimate orders received.

He was glad that the Committee for Limitation, composed mainly of representatives of countries well qualified to judge, had accepted the Franco-Japanese amendment, which was in line with his Government's views. It provided that each manufacturing country should have the right to manufacture, under Government control, a special stock not exceeding one-half of its total exports during the preceding year. He was sorry, however, that, at the time when the revised Franco-Japanese draft was submitted, no proposal was made to insert in the Convention special provisions to meet the awkward situation due to certain countries having larger quantities of narcotic drugs derived from various sources—mostly from seizures.

China had always believed that drugs seized should be destroyed, unless the Governments of the countries in which they were held undertook to keep them for strictly legitimate purposes specified by the Government itself, and prevent them returning into private legitimate commerce. As a compromise, the Chinese Government would agree to such dangerous drugs being converted into harmless, or at least less dangerous, drugs.

Sir Malcolm Delevingne (Great Britain) said he had hoped the authors of the Franco-Japanese proposal would have made some statement in explanation of their scheme and of the grounds on which they preferred it to

the Advisory Committee's scheme. As, however, they were apparently not willing to do so at the moment, he would state his own position.

The Conference had to decide between two schemes. The first was the Advisory Committee's scheme, which had been carefully studied during the past two years and worked out in almost complete detail, and to which, up to the time of the Conference, no serious objection had been raised, either in the Assembly or by the Governments to whom it had been referred. The second was a scheme which had been improvised—or was being improvised—during the present Conference. It had not yet been fully worked out and in several respects was still vague and indefinite.

Sir Malcolm Delevingne thought he was correct in saying that, until the Conference met, the only reference to it had been at a meeting of the Advisory Committee in January last, when M. Bourgois had suggested it but had promptly withdrawn it, in view of M. Cavazzoni's opposition.

Sir Malcolm was somewhat surprised that the authors of the Franco-Japanese scheme had done so little up to the present to work it out in detail. A scheme depended very largely on its detailed provisions. The case of countries outside the future Convention, for instance, had not yet been dealt with. Were they to receive supplies of drugs from the manufacturing countries or not? Again, the functions of the central authority were still not fixed. The words used in the text before the Conference, "under the supervision of the central authority", gave no indication as to what the authors of the proposal had in mind. They might mean much or little. What was meant by the words "against import certificates delivered in accordance with the procedure provided for in Chapter V of the Geneva Convention"? Did they mean that the importing country must be a party to the Geneva Convention?

Lastly, there was the perennial question of stocks. Except for one alteration in Article 1, paragraph 2, the provisions in regard to stocks were substantially the same as when the proposal was first put to the Conference, in spite of criticisms which M. Bourgois had admitted were to a very large extent justified. Would not the provisions of the new draft result in large stocks of drugs being held at any one time in the manufacturing countries? Further, was it intended that the stocks provided for in Article 1, paragraph 2, of the revised draft of the Franco-Japanese plan should be capable of being drawn upon for export? These points were left vague and indefinite.

The question to ask about the present or any other scheme was how it would work. Would it lead to definite limitation of the manufacture of drugs? Would it do anything to stop the illicit traffic? Could it be enforced? In Sir Malcolm's view, those

questions had not been sufficiently studied in connection with the Franco-Japanese proposal. There were serious loopholes in the scheme, and it would not be difficult for a country which was disposed to do so to evade its obligations.

For instance, if a country manufactured in excess, it could cover that excess (or part of it) by the very simple process of making a supplementary estimate of its requirements for domestic consumption and conversion. The position was different under the Advisory Committee's scheme as, under that scheme a manufacturing country would not benefit by the whole of the supplementary estimate, but only to the extent of its proportion or quota.

Again, under the text now before the Conference, imports were not to be deducted until the following year. A manufacturing country might—and often did—import a large quantity of its requirements for domestic consumption from outside; this was not to be deducted from manufacture in the current year but in the succeeding year.

The above were only instances of the loopholes in the scheme. It might be argued that cases of this sort could be dealt with by means of representations or requests for explanations, either from Geneva or from individual Governments. Sir Malcolm had had a good deal of experience of representations and requests for explanations during the last ten years. He would not, however, refer to his own experience, but would ask his United States colleagues whether they always received satisfaction with regard to their representations and requests for explanations in cases of illicit traffic.

There was another point of great importance which was very seldom mentioned—How would the scheme affect Turkey and Yugoslavia? Were they satisfied with Article 8, paragraphs 4 and 5, and Article 9? Would they accept such restrictions upon their manufacture for export, and what would happen if they would not?

One of the tragedies of the Conference was that so little effort was being made to meet the case of Turkey and Yugoslavia. If the Franco-Japanese proposal were adopted, Turkey and Yugoslavia, with an abundance of cheap opium and of labour, might enter the world markets with abundant supplies of dangerous drugs.

To turn for a moment to the system submitted by the Opium Advisory Committee, three objections had been put forward: firstly, that it tended to create a monopoly and destroyed what Dr. Woo Kaiseng had described as a free and open market; secondly, it had been criticised because it provided no firm basis for the allocation and revision

of quotas ; and, thirdly, it was stated that it would lead to the establishment of factories in new countries.

He thought it would be acknowledged that the first two criticisms had been met by the British delegation's amendments. As regards the third—the danger that factories would be established in new countries—he doubted whether that danger would occur. The quantities of morphine required for the legitimate trade were not large, and the profits would be small. Manufacture on a small scale for the legitimate market was not likely to attract adventurers. One objection to the British delegation's amendments—on the part, he believed, of the French and German delegations—was that their Governments could never agree to give the central authority at Geneva *carte blanche* for fixing quotas. But the central authority would fix the quotas, not on a hypothetical or arbitrary basis, but on the basis of the legitimate trade done by the countries in question during the three preceding years. What more could a manufacturing country desire than to have its quota in the world market based on its legitimate trade ? What other considerations could fairly and reasonably be taken into account ?

Another—and very natural—question was, How could the quota system be introduced when some of the manufacturing countries refused to accept it ? As the members of the Committee for Limitation were well aware, he had tried to meet that question by a compromise suggested during conversations with the Japanese and French delegates. He had been prepared to postpone the operation of the quota system until it had been accepted by all the countries manufacturing for export, and to contemplate a system starting on the lines of the Franco-Japanese proposal. Only when the consent of the countries manufacturing for export had been obtained would the quota system as provided for in the British amendment come into force. That seemed fair ; it could not come into operation until every country manufacturing for export had consented.

The compromise had not been accepted, but he was anxious that the Conference should know that he had been prepared, on behalf of the British Government, to agree to a scheme under which the system of quotas would be kept in the background ready for use when all the manufacturing countries were prepared to accept it. He had been willing to accept such a compromise because he believed the manufacturing countries would come to see that the quota system was, from every point of view, the most workable, simple and effective arrangement. It would eliminate the price-cutting wars which had upset the manufacturing trade for years, and would provide ample safeguards for every country engaged in manufacture for export.

If the Conference decided in favour of the Franco-Japanese scheme, it would be deciding in favour of a scheme which had never been adequately studied, and the results of which could not be foreseen.

M. Gajardo (Chile) said the Chilian delegation was prepared to accept the report from the Committee for Limitation and the revised Franco-Japanese plan, reserving its views with regard to points of detail.

M. Bogomoloff (Union of Soviet Socialist Republics) said the objections of the Soviet Union delegation to the Franco-Japanese plan were somewhat different from those of the British delegation. Its chief objection was that the plan did not provide any real measures which would lead to the diminution of the illicit traffic and the illicit consumption of narcotic drugs, the supreme aims of the Conference. Frankly, he saw in the proposal nothing more than a few measures of control. Furthermore, as a system of control it was very unsatisfactory. The criticism of the Advisory Committee's plan—that there were no figures—applied also to the Franco-Japanese plan. Before the Conference could discuss that plan, it must not only be given an explanation of the system of control, but must also see the figures.

In his opinion, there were three factors in the Franco-Japanese plan : (1) the existing stocks ; (2) the quantity of drugs necessary for the legal needs of the world ; and (3) the amount of drugs seized in the illicit traffic. If the Conference were to discuss the Franco-Japanese proposal, those three factors must be expressed in figures. Otherwise, the plan would be baseless.

He had asked the Secretariat to give separate figures for the seizures of each drug during the past years. If the Conference accepted the Franco-Japanese proposal as the basis of the new Convention, that was indispensable. The figures were known to be very large. It was quite possible that they were greater than the legal needs of the whole world. Mr. Duncan Hall had declared on June 11th that the world requirements, for example, of heroin, were about half a ton, excluding Japan. In the same statement, he had said that the legal manufacture of heroin in 1928 was 7½ tons ; in 1929, 3½ tons ; and, in 1930, 4 tons, the total for the three years being 15 tons. Taking 4 tons as the consumption in Japan, there still remained 11 tons which must either be consumed illegally or held in stock. Clearly, therefore, in order to discuss the Franco-Japanese proposal, the Conference must know the exact amounts in stock. What he had said about heroin applied to all narcotic drugs.

There was another very important gap. No provision was made for control over crude morphine, crude cocaine and ecgonine. The

experts had stated that crude morphine could very easily be used for many purposes and must not be omitted from any plan.

The Soviet Union delegation's chief objection, however, was, as he had already said, that the Franco-Japanese proposal did not contain any clear measures for limitation, but only measures of control. It was very easy to understand why it had been a comparatively simple matter to obtain a majority in the Committee for Limitation. The reason was that there was no limitation in the plan, and no economic interests were involved. He was very much afraid that, if the Conference accepted the Franco-Japanese proposal as the basis of the new Convention, it would, during the next few years, see the same development and growth of the illicit traffic in narcotic drugs as before.

The unhappy end of the Advisory Committee's plan showed that its basis was not sound. The Franco-Japanese plan contained the same defect; it did not touch the root of the question—the limitation of raw materials. The transformation of a plan for the limitation of the manufacture of narcotic drugs into a plan containing no limitation but only measures of control showed once more that real limitation of the manufacture of narcotic drugs and a limitation of the illicit traffic could not be achieved unless the root of the evil were attacked.

M. Bourgois (France) said that he had given a precise and detailed reply to Sir Malcolm Delevingne's comments in the Committee for Limitation. With the exception of two members, the Committee had decided unanimously in favour of the Franco-Japanese proposal, which had thus passed out of its control into that of the Conference itself. There were, to be sure, certain loopholes and defects in the plan, which would have to be remedied. This would not, M. Bourgois felt, take much time. Accordingly, approval of the Franco-Japanese proposal in principle would enable the Conference to emerge from the deadlock that had continued for the last three weeks.

M. Sawada (Japan), as one of the authors of the proposal adopted by the Committee for Limitation, said he had replied to most of the criticisms both at the plenary Conference and in the Committee for Limitation and would not repeat his observations.

As M. Bourgois had said, the plan might contain defects; no plan could be entirely

free from them. Apart from those defects common to all plans, however, he did not think it had many loopholes. If loopholes existed, however, he was ready to accept such substantial modifications as might be found necessary.

He suggested that the Conference should take the proposal as a basis for a Convention, it being understood that amendments could be made, if necessary. In his view, the discussion on the merits and demerits of the proposal was exhausted.

The President asked the Conference to decide whether it accepted the Franco-Japanese proposal as a basis for the discussion of Articles 8 to 17.

The following delegations voted for the proposal: Argentine, Austria, Belgium, Bolivia, Canada, Chile, China, Costa Rica, Czechoslovakia, Egypt, Finland, France, Germany, Greece, Hungary, Italy, Japan, Panama, Persia, Poland, San Marino, Spain, Sweden, Switzerland, Turkey, United States of America, Uruguay.

The following delegations voted against the proposal: Denmark, Great Britain, Union of Soviet Socialist Republics.

The following delegations abstained: India, Irish Free State, Netherlands, Portugal, Siam, Yugoslavia.

The Franco-Japanese proposal was adopted as a basis for the discussion of Articles 8 to 17 by twenty-seven votes to three, with six abstentions.

The President expressed satisfaction that the Conference had now a basis for discussion. Even though the voting had not been unanimous, it would be the wish of all to use the proposal as a basis for a real Convention. He felt he was speaking for the whole Conference in expressing his great admiration of Sir Malcolm Delevingne's support of the Advisory Committee's draft. The Conference counted upon his assistance in securing success in its future work.

M. Sawada (Japan) expressed his appreciation of the support given to the Franco-Japanese proposal by the majority of the countries represented at the Conference.

Now that it had been accepted he would ask, if M. Bourgois agreed, that it no longer be referred to as the Franco-Japanese proposal.

Sir Malcolm Delevingne (Great Britain) thanked the President for his observations and said he would certainly not refuse his collaboration.

SEVENTEENTH MEETING (PUBLIC).

Monday, June 22nd, 1931, at 10.30 a.m.

President : M. DE BROUCKÈRE.

47.—ARTICLE 3, PARAGRAPH 3, AND ARTICLE 4, PARAGRAPH 2, OF THE DRAFT CONVENTION DRAWN UP BY THE ADVISORY COMMITTEE : TEXTS PROPOSED BY THE LEGAL AND DRAFTING COMMITTEE (continuation).

The following revised texts of Article 3, paragraph 3, and Article 4, paragraph 2, of the draft Convention, proposed by the Legal and Drafting Committee, were adopted unanimously :

" Article 3, paragraph 3.—The competent authority shall invite countries to which this Convention does not apply to furnish estimates in accordance with the first paragraph of this article, being guided by the provisions of Article 6 of the Convention. In the event of no estimate being furnished on behalf of any such country, the competent authority shall itself make the estimate.

" Article 4, paragraph 2.—The competent authority will similarly, if necessary, invite any country to which this Convention does not apply to furnish a supplementary estimate and, in the event of no such estimate being furnished, the competent authority shall itself make the estimate."

48.—EXAMINATION OF THE REVISED TEXT OF ARTICLES 8 TO 17 AS PROPOSED BY THE JAPANESE AND FRENCH DELEGATIONS.

The President opened the discussion on the following revised text of Articles 8 to 17, based on the proposals of the Committee for Limitation and prepared by the Japanese and French delegations (Conf.L.F.S./C.L.I(c) :

" Article 8.

" No country may manufacture during one year a quantity greater than the total of the quantities mentioned below :

" (1) The quantity of narcotic drugs necessary for its medical and scientific needs within the limits of its estimates ;

" (2) The quantity necessary to replenish the reserve maintained for its medical and scientific needs ; this stock shall not exceed half of the quantity mentioned in the preceding paragraph ;

" (3) The quantity intended for conversion either for domestic consumption or for export ;

" (4) The quantity necessary for export, based on firm orders received by the country for execution against import certificates delivered in accordance with the procedure provided for in Chapter V of the Geneva Convention and under the supervision of the central authority provided for in Article . . . ;

" (5) The quantity necessary to maintain, in the factories under Government control, a special stock which may be replaced as exports are effected and which shall be limited in accordance with Article 9.

" Any quantity in excess, whatever its origin may be—imports, seizures, cancelled orders, under-deliveries or returned deliveries, etc.—shall be deducted from the quantity to be manufactured during the following year.¹

" Article 9.

" The special stocks provided for above may not in any country and at any time exceed one-half its total exports during the period of twelve months from July 1st to June 30th inclusive of the year preceding the current year.

" Article 10.

" The manufacturing countries agree to take within their territories the necessary steps to supervise the distribution to the trade of the quantities of narcotic drugs intended for domestic consumption.

" Article 11.

" (= Article 14 of the Draft Convention subject to necessary redrafting.)

" Article 12.

" (= Article 17 of the Draft Convention subject to necessary redrafting.)"

The President added that two amendments to Article 8 had been received—one from the Swiss delegation and the other from the Soviet delegation.

Amendment from the Swiss delegation.

" No country may manufacture during one year a quantity of narcotic drugs superior to the total of the following quantities, not including the quantities imported :

" (1) The quantity necessary for its medical and scientific needs, based on firm orders received and within the limits of its annual estimates ;

" (2) The quantity necessary to make up and maintain, under the control of the authorities and independently of the reserve stocks mentioned in Article 6 of the present Convention, a stock not exceeding half the quantity manufac-

¹ Special measures must be provided for in the Convention to deal with the situation resulting from the existence in certain countries of important quantities of narcotic drugs of varying origin (particularly seizures).

tured for home consumption, during the preceding year, in accordance with No. 1 above;

" (3) The quantity intended for conversion either for domestic consumption or for export;

" (4) The quantity necessary for export, based on firm orders received for execution against import certificates delivered in accordance with Chapter V of the Geneva Convention and under the control of the central body provided for in Article . . . of the present Convention;

" (5) The quantity necessary to make up and maintain, under the control of the authorities, a stock not exceeding half the quantity manufactured for export, during the preceding year, in accordance with No. 4 above.

" Any quantities in excess, other than the quantities imported (seizures, wholly or partly unexecuted orders, returned deliveries, etc.) shall be deducted from the quantity to be manufactured during the current year or during the following year as the case may be.

" Article 9 (cancelled)."

Amendment proposed by the Soviet delegation.

" The Soviet Union delegation proposes to amend paragraphs 1 and 2 by the following explanatory note :

" 'For the purpose of this convention 'transformation' shall be understood to include refining, and, more particularly, shall be so considered in the case of crude morphine, crude cocaine and ecgonine.' "

M. Dinichert (Switzerland) said that, apart from those in sub-paragraphs 1 and 2 which were really important, the changes suggested by the Swiss delegation were mostly matters of drafting. Article 8 was intended to become the basic article of the Convention, since it set forth in concrete terms, so to speak, the purpose of the Convention. It supplied a definition of the legitimate manufacture of narcotics.

It had been repeatedly stated that the object of the Franco-Japanese plan, adopted by the Conference, was to reduce the world manufacture of narcotics to a minimum corresponding to legitimate requirements, determined, not by the annual estimates, but by the amounts actually consumed. That was the idea which the Swiss delegation supported. In the Committee for Limitation, he had already pointed out that estimates were not necessarily synonymous with actual consumption. Even the most conscientious of estimates might, quite possibly, be much higher than the real consumption.

The preliminary draft which the Conference had approved in principle drew a distinction which seemed illogical. For manufacturing countries, production would be limited to their estimates; but, for the non-manufacturing, purely importing countries, imports would be limited to the actual consumption, since such countries could only

import what they had actually ordered in an exporting country. The idea underlying the Swiss amendment was that manufacture should be confined to the actual consumption in manufacturing as well as non-manufacturing countries. Estimates, of course, would always have their importance; they constituted the maximum limit which manufacture for domestic requirements might, in certain contingencies, reach. The importance of this observation lay in the fact that, under the new system, all countries might start manufacturing, and it was essential that the quantity manufactured by such countries for internal consumption should be confined to that consumption and not to the estimates.

Moreover, manufacturing countries which produced within the limits of their estimates would be treated differently from importing countries which only imported up to the amount of the orders passed. In theory, legitimate manufacture should keep pace with legitimate consumption and the 50 per cent stocks would no longer be based on the estimates but on the actual consumption, so as to avoid the accumulation of excessive reserves.

With regard to sub-paragraph 4, limiting manufacture for export to actual orders received, the Swiss delegation had not dealt with the question of orders from countries which were not parties to the prospective or to the 1925 Convention, and would consequently not recognise the import certificate system. It would revert to that point when the Conference had agreed on the principle of the international authority of control.

Dr. Paranjpye (India) said the phrase "not including the quantities imported" in the opening paragraph of the Swiss amendment did not appear in the Franco-Japanese draft. He did not think the Swiss delegate had explained its essential bearing.

M. Dinichert (Switzerland) explained that the addition of this phrase introduced no new idea in the revised draft of the Franco-Japanese plan. The last paragraph of Article 8 of that plan read :

" Any quantity in excess, whatever its origin may be—imports, seizures, cancelled orders, under-deliveries or returned deliveries, etc.—shall be deducted from the quantity to be manufactured during the following year."

As many countries would normally be importers, the Swiss delegation thought it advisable to put this provision at the beginning of the article and not to connect the idea of imports with that of "seizures, cancelled orders, under-deliveries or returned deliveries", which referred to points of detail or casual occurrences, whereas importation was the normal practice.

M. Ferri (Italy) thought that, simultaneously with Articles 8 to 17, providing for the creation of a central authority, the Conference should examine the principal duties of this authority. He even believed that the discussion of this question could not

well be adjourned. The Italian delegation therefore proposed that paragraph 4 of the revised draft of the Franco-Japanese plan should read as follows :

"The High Contracting Parties undertake to supply the Central Authority every three months with estimates for each three succeeding months of their imports and exports¹ of the substances covered by the present Convention, based on orders given or received.

"The High Contracting Parties also undertake to supply the Central Authority, at least every three months, with a list of the import certificates delivered and the export permits delivered and received by them, together with a statement of the imports and exports carried out.

"At the end of each term (six months or one year) the Central Authority shall compare the legitimate needs of each country with the world's legitimate needs and the quantities, manufactured, imported or exported, of the substances covered by the present Convention.

"Should this comparison lead to the conclusion that any one country is manufacturing, exporting or importing quantities of the substances covered by the present Convention in excess of its legitimate needs or the legitimate needs of the countries for which these exports are intended, the Central Authority shall have the right to ask for explanations from the country in question."

M. von Rheinbaben (Germany) proposed that discussion of the Italian amendment should be postponed until the Sub-Committee appointed to study the question of control had reported to the Conference.

M. Ferri (Italy) agreed, provided that the Sub-Committee's proceedings terminated before the discussion of the new Articles 8 to 17 was resumed.

M. Perez (Argentine) agreed with the substance of the Italian proposal, but thought that the principles of limitation should first be settled. Article 8 should refer solely to this question. The constitution and functions of the central authority might be dealt with in the subsequent articles.

M. Casares (Spain) proposed referring the question to the Business Committee.

The President observed that there was a clash between the two ideas which had been expressed. According to some, the Conference should give its opinion on everything connected with limitation before taking up the question of establishing an organ of control, whereas others wished, on the contrary, that the Conference should adopt a resolution regarding this body before finally settling the question of limitation.

¹ The term "export" signifies export, re-export, re-exportation.

He suggested that the Conference might await the report of the Sub-Committee dealing with the question of control, and, if it had not reported when the Conference resumed the discussion of Article 8, the Italian delegation could submit its amendment again and the Conference would vote on it.

M. Dinichert (Switzerland) believed that, at the present juncture, the Conference could agree on Article 8, the purpose of which was to determine the total amounts which would be legitimately manufactured for domestic consumption and export. There was obviously a connection between control and legitimate exports. Legitimate domestic consumption was subject to national, and legitimate exports to international, control. The total to be manufactured could therefore be fixed in principle at once.

The Swiss delegation would reserve its opinion on control of exports until the central authority had been decided on and its function defined.

Mr. Caldwell (United States of America) thought the delegates had reached sufficient agreement on the general nature of Article 8 and the plan on which to proceed. The work of the Conference might be expedited if a Sub-Committee composed of the authors of the plan and those familiar with the other plans were to prepare, with as little delay as possible, a rough draft for the Conference to consider, so that it might know exactly what was to be inserted in the various articles of the Convention. Many of the definitions had been changed, and he was not sure how that would affect the present proposal.

The President thought it would be better to appoint a Sub-Committee to draft a text. The Business Committee, which was to sit at the close of the plenary meeting, could consider the point.

He agreed with Mr. Caldwell on the need for a text, but pointed out that the definitions mentioned in Articles 8 to 17 were contained in Article 1, consideration of which had been adjourned.

M. Contoumas (Greece) observed that the Swiss amendment referred to two kinds of limits for manufacture—namely, the "firm orders received" and the annual estimates; the former implicitly included the latter. If the annual estimates were to be regarded as the topmost limit of all the manufacture referred to in Article 8, why was reference made to such a limit in the first paragraph of the article only? He suggested removing the reference from the paragraph to the heading of the article, so as to cover all the kinds of manufacture mentioned.

At the President's request, M. Contoumas agreed to submit his amendment in writing.

The Conference adopted the President's suggestion to refer the two new draft texts to the Business Committee.

EIGHTEENTH MEETING (PUBLIC).

Friday, June 26th, 1931, at 10.30 a.m.

President : M. DE BROUCKÈRE.

49.—SUBMISSION TO THE CONFERENCE OF A PRELIMINARY DRAFT CONVENTION DRAWN UP BY THE FRENCH, GERMAN, JAPANESE AND SPANISH DELEGATION, ASSISTED IN PART BY THE DELEGATION OF THE UNITED STATES OF AMERICA.

M. Casares (Spain) reminded his colleagues that, at the last meeting, the President had referred to certain conversations then being carried on, with the object of drafting, in the form of articles, the principles embodied in the Franco-Japanese proposal, which the Conference had decided to take as the basis for the system of limitation to be included in the Convention.

The two movers of the original proposal, the Japanese and French delegates, had invited the delegates of Germany, the United States of America and Spain and certain of the Secretariat officials to work with them, and the patient and arduous efforts of this band of volunteers had made it possible to submit to the Conference a text on which it was to be hoped that there would be a useful discussion (Annex 10).

The group of delegates referred to had chosen the Spanish delegate as Chairman, and in that capacity M. Casares ventured to present the results achieved. The delegates in question had confined themselves to working out the new articles which were to be substituted for Articles 8 to 17 of the Advisory Committee's draft. They had, however, been anxious to expedite the Conference's proceedings and to give members an opportunity of preparing immediately amendments to the other articles in the Convention. They had accordingly undertaken the completion of the text, making use, as far as possible, of the Advisory Committee's draft, while making such changes as were necessary to adapt the text as a whole to the new system. It was not claimed that the text distributed to the Conference was a draft Convention.

Its authors themselves considered somewhat too ambitious the title of Preliminary Draft, which had been given only for the purpose of easy reference. All the five delegations agreed that the main principle of the articles in the preliminary draft should be embodied in the final draft in one form or another, and the delegations which had signed the preliminary draft had only agreed to the text before the members of the Conference on that understanding. It must be made quite plain that their agreement went no further.

Many of the important points in the Convention had not been mentioned during the discussions. Among those dealt with in

the preliminary draft there was one which required careful study, and this had been impossible in the short time available. For that reason, all the members of the group had reserved their right to complete or improve the joint text during the later discussions.

M. Casares would ask the President's permission to add a few words in his personal capacity. Everyone was aware that the Conference had passed through a very serious crisis. The words "failure" and "adjournment" had been used among the delegates themselves as well as outside the Conference. M. Casares appealed earnestly to his colleagues to cast all pessimism aside. The crisis had been surmounted, mainly owing to the broadmindedness of certain opponents, who had risen above secondary considerations and lent their adversaries their cordial and enlightened assistance.

The discussion, therefore, must be taken up with enthusiasm and with a firm determination to succeed. Each member must collaborate in the common task to the utmost of his ability. Some would bring their technical knowledge to the work, others their administrative experience, and yet others their knowledge of the legal aspects. Those who had preferred to stroll in the streets of Geneva and breathe the pure mountain air while their colleagues were heroically bearing the burden of the day in the conservatory-like temperature of the Glass Room, could at least put in an appearance and follow the discussions with attention.

An historic event was about to take place. When, at some future date, which it was to be hoped was not remote, illicit traffic was talked of as a thing of the past, it would be said that once upon a time there had been men with the minds of devils who had used the marvels of science to despatch across sea and land subtle poisons for the insidious murder of their fellow men; and it would likewise be said that one day a few honest men had succeeded in freeing mankind from this shameful traffic, which was a disgrace to modern civilisation. Future generations would tell the names of these men with pride. But, if the Conference failed, it might be sure that, whatever the reason for its failure, its members would be tried before the tribunal of the conscience of mankind and condemned for a heinous offence.

50.—DRAFT PREAMBLE TO THE DRAFT CONVENTION PROPOSED BY THE DELEGATION OF URUGUAY.

M. de Castro (Uruguay) observed that the preamble must be in accordance with the text of the document which it prefaced, and, until the final text was ready, no decision

could be taken upon the exact terms of the preamble. He had, however, prepared a draft which, he suggested, could be substituted for the present preamble and he asked permission to submit it immediately.

The preamble to any convention might be of little importance, or of very great importance. In the present Convention, the preamble should form an important part of the work done. A preamble could indicate the main lines followed by the Convention and could be so drafted as to remove any doubts which might arise with regard to details in the Convention. He instanced as an example the preamble to Part XIII of the Treaty of Versailles.

With that idea in mind he had tried to draft an outline of the work which had been accomplished in recent years along the lines the present Conference was following, and expressed the hope that, in the future, that work would be recognised as valuable and important. His text read as follows :

.....

" CONSIDERING that neither the Hague Opium Convention of January 23rd, 1912, nor the Geneva Opium Convention of February 19th, 1925, provides for the limitation by international agreement of the manufacture of dangerous drugs, and that neither of these Conventions provides for the direct quantitative limitation of the world production of these drugs to the quantities required for medical and scientific needs ;

" CONSIDERING that the Assembly of the League of Nations, in its resolution of September 24th, 1929, accepted the principle of the limitation by international agreement of the manufacture of dangerous drugs ;

" CONSIDERING that the said resolution recommends that steps be immediately taken for completing the work of the Geneva Convention with a view to the direct quantitative limitation of the world production of dangerous drugs to the quantities required for medical and scientific needs ;

" BEING CONVINCED that, since this resolution was unanimously approved by the Assembly, which included representatives of all countries which do not manufacture dangerous drugs with the exception of a very small number and of all countries which manufacture these substances with the exception of the three countries which are not Members of the League of Nations, and the abuse of the said substances had been generally recognised as constituting an actual or virtual menace to the health of the peoples of all countries, a Convention concluded with a view to giving effect to the said resolution will be generally approved and will also ensure effective co-operation ;

" CONSIDERING that the elimination of the present excessive manufacture of dan-

gerous drugs can only be effectively brought about and realised by means of such co-operation, which is also the only means of definitely and effectively preventing excessive production in any factories which may be set up in the future ;

" DESIRING, therefore, to take any steps which may be considered appropriate to this end and which, together with the existing international agreements relating to dangerous drugs, will strengthen and supplement the provisions of the said agreements with regard to manufactured drugs :

" HAVE RESOLVED to conclude a Convention for that purpose and have consequently appointed as their plenipotentiaries :

.....
who, having communicated their full powers found in good and due form, have agreed as follows :"

51.—REVISED TEXT OF ARTICLE 1, PARAGRAPHS 2 AND 3, PROPOSED BY THE TECHNICAL COMMITTEE.

The President reminded the Conference that Article 1, paragraphs 2 and 3, had been referred to the Technical Committee owing to a technical difficulty which was not yet entirely solved. Some of the delegates who had taken part in the discussion had failed to recognise in the Technical Committee's report as distributed (document Conf.L.F.S./Com.Tech.8, Annex 18) the text for which they had thought they were voting ; others, on the contrary, said that the report as it stood was certainly that for which they had voted. The Minutes confirmed this latter opinion, but there might perhaps have been a mistake or some misunderstanding. It was not clear how this question could be settled formally, but agreement could probably be reached with a little goodwill. Moreover, it was for the Conference to take the final decision. There had already been placed before it an amendment by the United States delegation, and a number of other amendments to Article 1 had just been tabled.

Article 1 contained what might be called a dictionary of the terms used in the Convention ; it would therefore be logical to discuss it after the others, and he suggested that it should be postponed until the Conference arrived at Article 17. Members would thus have time to study all the amendments to Article 1.

The President's proposal was adopted.

52.—WELCOME TO THE REPRESENTATIVE OF AFGHANISTAN.

The President welcomed Abdul Hussein Aziz, who had just been appointed by the Afghanistan Government as an observer.

53.—CONTROL OF DIACETYLMORPHINE : REVISED TEXT OF ARTICLE 2(a) PROPOSED BY THE TECHNICAL COMMITTEE.

The following text of Article 2(a), proposed by the Technical Committee, was read :

"The High Contracting Parties undertake to prohibit the export from their territories of diacetylmorphine and its salts and of the preparations of diacetylmorphine and of its salts.

"Nevertheless, at the definite request of a non-manufacturing country, based on import certificates, as provided for in this Convention, a manufacturing country may export to the competent department of the Government designated by the non-manufacturing country in question in the above-mentioned import certificates such quantities of diacetylmorphine and its salts and preparations of diacetylmorphine and of its salts as are necessary for the medical and scientific needs of the said country.

"Any stocks which may thus accumulate shall be kept at the disposal of the Government and under strict Government control."

M. Schultz (Austria) summed up the discussions in the Technical Committee.

The reason for the Austrian amendment had been that diacetylmorphine was a very dangerous drug socially, while medically it could be superseded by other less dangerous remedies. With the object of having the problem properly thrashed out, six questions had been put to the experts (document Conf.L.F.S./Com.Tech.4, Annex 7. Vol. II). The replies had confirmed the Austrian delegation's argument. Nevertheless, the amendment had been defeated in the Technical Committee by nine votes to nine, seven members abstaining.

The delegates voting against the Austrian amendment had recognised the great dangers of diacetylmorphine, but had been afraid of depriving the medical profession of a useful drug. The Austrian delegation had not modified its view, but considered it necessary to find a compromise.

There were two alternatives. One was the course indicated by the British and German delegates, who had suggested a recommendation in the Final Act. The Austrian delegation reserved its right to submit a text later, but a recommendation of that sort, whatever its scope, could not be regarded as equivalent to taking action.

Effective measures to prevent the harm done by diacetylmorphine were absolutely essential. After the defeat of the Austrian amendment, the next most radical solution would have been to adopt the Polish amendment for the prohibition of exports. Here, again, however, objections based on the needs of the sick might have been raised, and, to meet this difficulty, the Austrian delegate had submitted to the Polish amendment a sub-amendment allowing certain exceptions. The Polish amendment with the Austrian sub-amendment had been adopted

by the Technical Committee (see Annex 19). That solution took into account both the necessity of meeting medical and scientific needs and that of rigorous control. It enhanced the responsibility on the importing country, because diacetylmorphine could not be despatched except to that country's competent authority. The phrase "competent authority" was understood in a strict sense, and that authority could not be superseded by any other organ, even one designated by itself. Needless to say, each country would nevertheless decide at its own discretion the way in which the competent authority would handle imported goods.

Consequently, as the needs of the sick were safeguarded, the Conference would have no difficulty in adopting the two amendments. The terrible damage done by heroin, more especially in Egypt, urged M. Schultz to make a pressing appeal to his colleagues to adopt the two amendments unanimously.

Russell Pasha (Egypt) announced that he was authorised by his Government to support the Austrian delegate's original motion on the prohibition of the manufacture of heroin. The medical and scientific needs of Egypt were 1 kilogramme per annum, whereas the illicit imports into Egypt amounted to tons per annum. Heroin—he might almost say heroin alone—was killing the country, and the Egyptian delegation was resolved to support the strongest measure that the Conference could be induced to accept for the abolition—or failing that the most strict control—of the manufacture of heroin.

M. Kahler (Germany) said that, in the Technical Committee, his delegation had voted against the Polish and Austrian amendments. The German delegation was not in favour of depriving the medical profession of a drug which was regarded as useful and necessary by some of its members. The Polish and Austrian amendments authorised the use of heroin in both manufacturing and non-manufacturing countries, but the latter were under certain disabilities owing to the requirement as to a special import certificate. M. Kahler considered a special measure of that sort neither necessary nor logical. Any consuming country could protect itself against imports which, in its view, were undesirable by prohibiting all importation and refusing every application for an import certificate. The introduction of a special import certificate for heroin would mean discrimination in the import certificate system, which had proved very valuable and was working satisfactorily.

The question of restricting by law the use of heroin concerned chiefly the consuming countries, and the medical profession and the sick in those countries. The German delegation had decided to leave the decision to

them, and would therefore abstain from voting.

Sir Malcolm Delevingne (Great Britain) pointed out a difficulty in connection with the wording of the last sentence of the proposal before the Conference :

" Any stocks which may thus accumulate shall be kept at the disposal of the Government and under strict Government control."

It had seemed to him, when the matter had been discussed in the Technical Committee, that some confusion or divergence of views as to the interpretation of these words had existed. The explanation, however, given that morning by M. Schultz seemed satisfactory and acceptable. The latter had stated that the manner in which the Government department importing the heroin would distribute it would be a matter for internal regulation. That appeared to Sir Malcolm to square with the view expressed by Dr. Carrière in the Technical Committee—that, once a Government had imported diacetylmorphine, it could choose the manner of distribution, and could arrange for doctors to obtain the drug through a distributing bureau or through controlled firms.

In all the circumstances, and in view of M. Schultz' explanation, he would not oppose the proposal before the Conference, but he pointed out that the wording of the amendment as it stood, especially the words " shall be kept at the disposal of the Government ", did not seem consistent with M. Schultz' explanation. However, the Drafting Committee could set that right.

Sir Malcolm could not go further at the moment, as he did not know what view his Government would take with regard to the proposal to prohibit the export of heroin except to Government departments. This would lead to no difficulty in the case of countries which were parties to the new Convention, as they would undertake not to ask for imports, except through a Government department. On the other hand, if a country not a party to the new Convention which had friendly relations with his Government issued an import certificate for heroin to be imported by a licensed druggist or hospital, he did not know whether his Government would be prepared to refuse to recognise such a certificate and to require that the export should be made to a Government department. That was a political rather than a technical question, and, until he knew his Government's views, he could not vote. However, in view of M. Schultz' explanation, he would abstain.

M. Cavazzoni (Italy) had already shown the need for abolishing the use of heroin altogether. He was glad to observe that the experts too held that opinion.

From a desire for compromise, the Italian delegation would approve the Polish amend-

ment with the Austrian sub-amendment. In default of the complete abolition of the use of heroin, it was absolutely essential that the State should have a direct part in the control of this drug. The Italian Government would probably make no objection on this point.

He could not agree with the German delegation's view that the Austrian amendment was neither logical nor necessary. He was pleased to see that it accepted his point of view with regard to the consuming countries; he hoped that the latter would accept the proposed clause. The manufacturing countries would be entitled to manufacture heroin for their legitimate needs.

He would express the hope that, in the near future, the medical profession in all countries would agree to the complete abolition of heroin, which might quite easily be replaced by other substances.

M. van Wettum (Netherlands) stated that he had voted against the proposal in the Technical Committee because he considered it constituted a question of principle. Under the proposed text, non-manufacturing countries which did not desire to start the manufacture of heroin themselves and which at the same time were countries in which the medical profession deemed the drug to be indispensable in certain cases, could fill their domestic requirements only by issuing special import certificates in which the competent department was mentioned as the consignee.

He thought all the members of the Conference would agree that the enforcement of the export and import certificate system and national control by way of a licence system had given appreciable results. One of the conclusions, however, to be drawn from the text before the Conference was that the efficiency, both of the import and export certificate system and of the licence system, was considered as doubtful. As a starting-point, the export of heroin was prohibited, although any country could prevent the importation of that drug by refusing to grant the required import certificate. Further, as an exception to that general standpoint, a Government might only allow importation on the strength of a special import certificate. The consignment would have to be addressed to a Government department and not to a licensee.

There would, moreover, be a further danger if attempts were made to control heroin more strictly than other narcotics. That would be sure to create the impression on the Government officials responsible for applying the measures of control that morphine and cocaine were not so dangerous, and the effect would be the opposite of the aims of the amendment, with which he was in sympathy. For these reasons, he could not agree to the proposal, but, in the circumstances and in a spirit of conciliation, he would abstain from voting.

M. Obradovitch (Yugoslavia) accepted the findings of the Technical Committee, which, notwithstanding the opinion of the

experts, had held that, not only the manufacture of heroin, but, under certain conditions, the international trade as well should be authorised. He would stress, however, the consequences of these conclusions.

In those countries which had a drug monopoly, the position as regarded heroin would be the same as that of all other narcotic drugs. In the case of the other countries, however, the Technical Committee's proposal would mean the institution of a State monopoly for heroin alone.

Was a special monopoly for heroin necessary? The certificate system enabled the Governments, not only to supervise closely the import and distribution of heroin, but to forbid its admission by refusing to issue import certificates, if they considered the drug unnecessary for medical needs.

That being so, the Yugoslav delegate saw no adequate reason for Article 2(a) as proposed, and he would move that it be dropped, seeing that the Technical Committee had decided in favour of allowing the international trade in heroin to continue.

M. de Vasconcellos (Portugal) thought that complete prohibition of heroin would be desirable, but there were medical objections to it. Physicians could not be deprived of a remedy they considered useful. The question should be placed before the medical profession in the different countries. If the unanimous reply was that heroin was unnecessary, its manufacture might be forbidden. Meanwhile, with the amendments proposed, it would be possible to have sufficiently strict control, and M. de Vasconcellos would vote for them.

Dr. Chodzko (Poland), like the Austrian delegate, was anxious that the Conference should recognise the importance of the heroin problem, by introducing a clause in the body of the Convention instead of in the Final Act.

In reply to the Netherlands delegate, neither the Austrian nor the Polish delegate had had the least intention of weakening the force of the import certificate. On the contrary, they both desired to strengthen it in the case of heroin. If M. van Wettum feared that the effect on the minds of officials might be unfortunate, especially as regards the importation of morphine and cocaine, Dr. Chodzko was ready to accept any proposal that would reinforce the import certificate system for those two drugs as well. Some countries had already done so by setting up a monopoly.

He had been unable to follow the Yugoslav delegate's arguments. The Polish motion would take the heroin trade out of private hands and enable Governments to exercise adequate supervision. The Yugoslav delegate had probably failed to notice that, with the proposed text, there would be no

possibility of re-export whatever. It could not therefore be argued that it confirmed the existing state of affairs.

Dr. Chodzko was in the rather peculiar position of having to make a reservation to the Austrian sub-amendment. The Polish Government was, at the moment, in the act of instituting measures to prohibit imports of heroin into Poland, and even its use in medical prescriptions. He therefore supported the Austrian sub-amendment, but must reserve his Government's attitude, as it was intending to go a good deal further than the rule contained in the sub-amendment.

The President desired to remove a misunderstanding. Certain delegations apparently supposed that Article 2(a) set up a State monopoly, and that the State would have to buy the drug and resell it to retailers. The President, speaking personally, took the clause to mean that the State would be responsible for designating a competent authority to receive supplies of the drug and distribute them, but that it would not necessarily undertake the commercial operations of selling and buying. If that interpretation were agreed, Article 2(a) might be improved in its drafting so as to remove any possible doubt.

M. Bourgois (France) said that, after the Austrian delegate's explanations, he would vote for his proposal.

Mr. Caldwell (United States of America) said his delegation would have preferred to support the original Austrian proposal for the complete prohibition of the manufacture of heroin, since it felt there was no justification for its manufacture in view of its dangerous character. His delegation believed and hoped that, in the not very distant future, the manufacture of heroin would be prohibited.

In the meantime, since the Technical Committee had not approved the original Austrian proposal, the United States delegation was prepared to support the Polish proposal with the Austrian amendment.

As regards the point raised by the Polish delegation, Mr. Caldwell observed that the United States Government had gone much further than the present proposal with regard to the control of heroin and other aspects of control and limitation covered by the Convention. His Government would therefore have to make clear, possibly by a reservation, that it did not propose, on account of the provisions of the Convention, to weaken or lessen the control which already existed under United States legislation.

The President observed that there was nothing in the text of Article 2(a) to compel any Government either to export or to import heroin. The word used was "may", not "must".

M. Sjöstrand (Sweden) said the Swedish Government could support the Polish amendment, with the Austrian sub-amendment on

condition that the necessary administrative measures were not too difficult and complicated.

According to a speech by the Swiss delegate in the Technical Committee, when a Government had imported diacetylmorphine it could choose a method of distribution which would give the necessary facilities to doctors. The heroin might, for instance, be transmitted to a distributing bureau or to one or several firms, always under strict control. This was, he thought, also in conformity with the President's interpretation.

The Swedish Government desired that the text should be interpreted in the way suggested by the President and the Swiss delegation, and on that condition was prepared to agree to the proposal under discussion.

Dr. Carrière (Switzerland) reminded the Conference that the Swiss delegation's attitude towards the problem of diacetylmorphine had been dictated by the fact that, although this drug was held by some to be superfluous, others considered it indispensable for the treatment of certain diseases—in particular, for certain cases of tuberculosis. That was the opinion of part of the Swiss medical profession. The Swiss delegation therefore had said that it could not rob doctors of a remedy which they claimed to be necessary, and could not, in consequence, agree to the prohibition of its manufacture.

On much the same grounds, it could not accept the Polish delegation's proposal to forbid all exports of diacetylmorphine. The effects would be paradoxical, since a country would be entitled to manufacture and use diacetylmorphine, but would not be able to supply it to a non-manufacturing country which needed it. Nevertheless, and although the Swiss delegation still held that the control afforded by the certificate system certainly offered the safeguards it considered necessary for preventing the abuse of diacetylmorphine, it would make no objection to the tightening up of the measures applying to this drug, and would, in consequence, support the Austrian proposal.

The effect of this latter proposal would be to institute in the importing country an authority occupying an intermediate position between export and import. Such a measure, which mainly concerned the importing countries, might undoubtedly be found valuable. It must, however, be quite clear that after the goods had been imported on the direct responsibility of the State, the authority in charge of the imported goods must have full discretion for the distribution of the drug in whatever manner it considered most suitable for meeting the needs of the medical profession's requirements. It might, for instance, allocate the supply to one or more trading firms, which would then distribute it under the direct control of the public authority.

The Swiss delegation considered that re-exports of imported heroin should be forbidden.

M. Bogomoloff (Union of Soviet Socialist Republics) said the Soviet delegation had already explained its views in the Technical Committee. The Soviet Union was an exporting and a manufacturing country. Soviet medical opinion was divided on the question of heroin; some medical authorities were against its use, but the majority thought it must be used, and the Soviet Union delegation was consequently unable to vote in favour of the prohibition of the manufacture of heroin. At the same time, taking into consideration its great danger and the very great increase in the illicit traffic in that drug, it would be reasonable for the importing and consuming countries to ask the exporting countries to introduce supplementary measures for limiting the export of heroin. The Soviet Union delegation was therefore prepared to support the Austro-Polish amendment. M. Bogomoloff's only regret was that such supplementary measures of control and restriction were not to be applied to other narcotic drugs.

Colonel Sharman (Canada) said that, both personally and from the police aspect, he favoured the complete abolition of heroin. At the same time, he was not prepared to take any action which would immediately deprive the Canadian medical profession of the right to prescribe it.

He entirely agreed, in principle, with the Austrian delegate's proposal that control should be stricter. The Austrian delegate's speech, however, referred to one or two points of detail which did not appear to be in complete accord with the wording of the proposed amendment. Assuming, therefore, that that was a matter of drafting which could be adjusted later, the Canadian delegation would vote in favour of the proposal.

Mr. Lester (Irish Free State) stated that Irish medical opinion considered that heroin had a certain medical and scientific value. A very small quantity was imported under very rigid control, and was used solely for legitimate purposes. There had been no misuse of the drug in Ireland, but the Irish Government would have voted in favour of the prohibition of the manufacture of heroin if that proposal had passed the Technical Committee, solely with a view to assisting those countries in which the use of heroin by addicts had caused so much harm, a case in point having been mentioned by the Egyptian delegate. As the Technical Committee had not adopted the proposal, he had instructions to vote for the form in which it appeared in Article 2(a). In doing so, he accepted the Austrian and British interpretation of the final paragraph which had been so authoritatively restated by the President.

M. Schultz (Austria), in reply to a question by the President, made it clear that he had had no idea of setting up a State monopoly.

He was merely anxious to have as strict control as possible.

In reply to Sir Malcolm Delevingne's remarks, he had no objection to the wording of his amendment being reconsidered.

M. Figueredo-Lora (Costa Rica) approved the Polish and Austrian amendments. They were in line with Article 3 of the Law of September 26th, 1930, at present in force in Costa Rica (document Conf.L.F.S.56). His position was the same as that of Dr. Chodzko and M. Schultz, and his approval was subject to the reservation made by them.

M. Obradovitch (Yugoslavia), in reply to the Polish delegate's statement that he had not fully understood his arguments, said that he did not propose to examine the reasons for which the Technical Committee had adopted Article 2(a). If, however, it were not agreed to abolish the manufacture of heroin or to prohibit the international trade in that drug, there was no need to have Article 2(a) in the Convention. The article would give the impression that the Conference had recognised that the existing system of control was not sufficiently effective. Why have a special system for heroin?

Again, in prescribing that heroin could only be imported by a public authority, Article 2(a) would, despite what had been said, be setting up a special monopoly for heroin.

Finally, Dr. Chodzko had said that the Yugoslav delegate had failed to observe that Article 2(a) precluded re-exports of heroin. If re-export, however, presented a danger, it presented one for all drugs. Why, here again, should there be special measures for heroin?

The Conference voted by roll-call on Article 2(a) (Annex 19).

The following delegations voted in favour : Albania, Argentine Republic, Austria, Belgium, Canada, China, Costa Rica, Cuba, Czechoslovakia, Egypt, France, Greece, Hungary, India, Irish Free State, Italy, Lithuania, Mexico, Panama, Persia, Poland, Portugal, Siam, Spain, Sweden, Switzerland, Turkey, United States of America, Union of Soviet Socialist Republics, Uruguay, Venezuela.

The following delegations abstained : Finland, Germany, Great Britain, Japan, Netherlands, Yugoslavia.

M. Martinez de Alva (Mexico) stated that he voted for the article with the following legal reservation :

The Mexican law forbids and penalises the manufacture, importation, sale, use and even possession of heroin. The Mexican delegation has, nevertheless, voted in favour of Article 2(a) of the proposed Convention for limiting the manufacture and regulating the distribution of narcotic drugs, which countenances, though restricted, the opposite view.

The Mexican delegation has been moved in this matter by a desire not to hinder the progress upon previous international agreements, which Article 2(a) indicates, and, while respecting the motives which have determined the attitudes of other delegations, the Mexican delegation regrets the inability of the Conference to go, in this particular instance, as far, both in principle and in fact, as the Mexican legislators themselves.

Should Mexico's vote in favour of Article 2(a) be cast in an unqualified form, the consequence would be that this Convention, once approved, would, according to our public law, become one of the supreme laws of the land, and thus the possibility might arise of Mexico's approval of Article 2(a) being interpreted as a relinquishment of her present legal position or an abandonment of her present technical outlook.

Under these circumstances, the Mexican delegation wishes to make the following reservation :

"Neither the whole of Article 2(a) (or whatever number it may receive hereafter) nor any part thereof shall be construed as annulling or abrogating, or in any way modifying, any laws, decrees, regulations or ordinances issued by the Mexican authorities which prohibit, or may hereafter prohibit, the manufacture, importation, exportation, use, possession and trade of diacetylmorphine and compounds containing diacetylmorphine."

Article 2(a) was adopted by thirty-one votes, one subject to a legal reservation, and six abstentions.

NINETEENTH MEETING (PUBLIC).

Saturday June 27th, 1931, at 10.30 a.m.

President : M. DE BROUCKÈRE.

54.—EXAMINATION OF THE PRELIMINARY DRAFT CONVENTION DRAWN UP BY SEVERAL DELEGATIONS.

The President opened the discussion on the new preliminary draft Convention prepared by the delegations of France, Germany, Japan, Spain and the United States of America (Annex 10).

ARTICLE 7.

The President reminded the Conference that Article 7 had been adopted provisionally in the form in which it had been drafted by the Advisory Committee. Should the Conference abandon that provisional form and discuss the text given in the draft now before it?

Sir Malcolm Delevingne (Great Britain) thought that, as the quota system had been abandoned, there was no necessity for Article 7 in its original form.

The Conference decided to discuss the new text of Article 7.

M. Bogomoloff (Union of Soviet Socialist Republics) explained that Article 7 imposed an obligation upon States signatories to the Convention to notify not only the Central Authority but also the Secretary-General of the League of Nations. The Soviet Union was not a Member of the League, consequently his delegation was not authorised to undertake any obligation towards the League, though it was ready to accept any obligation concerning the limitation of the manufacture of narcotic drugs. It therefore suggested that the words "shall notify the Secretary-General of the League of Nations" should be omitted.

M. Caldwell (United States of America) was not clear whether Article 7 was intended to apply to both non-manufacturing and manufacturing countries. Nor was he convinced that its present place in the Convention was the best one. In any case, it would need re-drafting. He proposed that further discussion of this article should be postponed until the other articles had been discussed, and that the text should subsequently be redrafted in accordance with the Soviet Union amendment.

M. Bogomoloff (Union of Soviet Socialist Republics) said he had no objection to the above proposal.

On the proposal of the President, *it was agreed that this article should be discussed by a Sub-Committee composed of M. BOGOMOLOFF, Mr. CALDWELL and a member of the Secretariat, with the PRESIDENT as Chairman.*

ARTICLE 8.

Introductory Paragraph.

M. Dinichert (Switzerland) proposed the following revised text for the introductory paragraph :

" Within the limits of its annual estimates, no country may manufacture, during one year, a quantity of narcotic drugs superior to the total of the following quantities, from which the imported quantities shall be deducted "

He explained that the final text of the Swiss amendment embodied the Greek delegation's suggestion that Article 8 should start with the words " Within the limits of its annual estimates ", which was an obvious improvement of the drafting.

The addition, on the other hand, of the words " from which the imported quantities shall be deducted ", was more than a mere point of drafting. Placed in the introductory paragraph to Article 8, the words in question clearly expressed the fundamental idea that a country's manufacture should include the quantities enumerated, less the amounts

imported, irrespective of the nature and the ultimate use made of those drugs—whether they were kept in the country or re-exported

The joint proposal of several delegations contained the same idea in another form and divided up, which seemed somewhat illogical. Articles 8 and 9, in point of fact, dealt with this question of deductions. A combination of the two references gave the clearer and more expressive wording of the Swiss proposal.

The President suggested that the discussion should centre on the question whether the words " from which the imported quantities shall be deducted " should be inserted in this particular position.

Sir Malcolm Delevingne (Great Britain) asked the Swiss delegate not to press his amendment for the moment, as it was one of drafting and not of substance. Imports were dealt with in the joint proposal of the delegations and in a British amendment. There were also other deductions to be made besides imports. The opening words of the new article stated a general rule. It would be better to leave them as they stood, and to deal with exceptions, modifications, and qualifications as they arose in the separate parts of Article 8 and in succeeding articles. When the substance of the articles had been settled, M. Dinichert's amendment could be dealt with in the Drafting Committee.

M. Dinichert (Switzerland) considered his amendment was more than a mere point of drafting and reserved the right to revert to it.

Paragraph I.

The President stated that amendments to paragraph I had been received from the Swiss and British delegations :

Amended text proposed by the Swiss delegation :

" The quantity necessary for its medical and scientific needs, based on firm orders received."

Amended text proposed by the British delegation :¹

" The quantity of each narcotic drug specified in its estimates for that year as necessary for its medical and scientific needs.

" (Note.—Under the amended definition of ' estimates ', this will cover supplementary estimates as well as original estimates.)"

M. Bourgois (France) thought Article 8, paragraph I was the correct place for the

¹ All the amendments to Article 8 proposed by the British delegation were subject to the consideration of the means which could be taken by the Government to apply the provisions of the article to the individual manufacturer.

words "within the limits of its annual estimates" proposed by M. Dinichert for the introductory paragraph. They could not be put at the head of the whole article, since a quantity exceeding the estimates might be manufactured if the reserves were exhausted and, *vice versa*, a smaller quantity, if at the beginning of the year stocks were high.

M. Dinichert (Switzerland) had already explained that the idea at the root of the Swiss proposal was that a country's manufacture should correspond with its actual consumption and not necessarily with the annual estimates. The latter represented the maximum limits of manufacture, provided actual consumption justified it.

His delegation considered this question essential as being based on the idea that, in all countries, the annual estimates would be higher than the actual consumption. Even if, in certain cases, the actual consumption exceeded the estimates, supplementary estimates would be produced. In every manufacturing country—and, under the system approved by the Conference, there would be several such—legitimate manufacture might considerably exceed the actual consumption.

He disapproved of setting up two different standards according to the countries: estimates for manufacturing countries, and actual consumption for consuming countries. The purpose of the Convention was rather to limit the manufacture of narcotics. This fundamental article should embody the provision that manufacture was to be determined by actual consumption; that was the principle advocated by public opinion in most countries, including his own.

He doubted whether the text proposed by the various delegations (Annex 10) had the same meaning and the same purpose—namely, to authorise manufacture only for the requirements of actual consumption. The British proposal, on the other hand, did not meet the views of the Swiss delegation and therefore could not secure his support.

M. Bourgois (France) understood that M. Dinichert's object was to prevent the factories accumulating stocks, which although they came within the limits of the estimates had not been absorbed by the country's annual consumption. In that case he had no objections and was prepared to add at the end of paragraph 1 "on the basis of orders received". The words "within the limits of its estimates" should in any case be kept in the same paragraph; they could not be included in the introductory paragraph.

Sir Malcolm Delevingne (Great Britain) could not accept the Swiss proposal. The object of the article was to place a definite obligation on the Government of the manufacturing country: that Government had to see that the quantities manufactured did

not exceed a certain total. The question was therefore really one of administration—how to place the Government of the manufacturing country in a position to carry out the obligations undertaken in the article. Administration of Article 8 in its present form would be difficult in any case, but it would be more difficult if M. Dinichert's proposal were accepted. The amount of the quantities actually used in a country for medical and scientific purposes in the course of the year would not be known until after December 31st, but Governments were invited in the Swiss proposal to see that the manufacturers did not manufacture in the course of the year more than an amount which would not be known until the end of the year.

M. Dinichert had raised the point that the estimates furnished by a country might exceed its actual requirements in the course of the year. That was true, but the situation could easily be met by requiring—as in the Advisory Committee's draft—that the excess be deducted from the amount to be manufactured in the following year. The excess would cause the stocks in the country to rise above the normal limit, and this would be taken into account when the manufacture for the following year was regulated.

The meaning of the words "on the basis of orders received" was also not clear to Sir Malcolm Delevingne.

His main point was that the Governments' difficulties would be increased by the Swiss amendment, whereas the aim ought to be to help them to carry out their obligations. With this in mind, he proposed that paragraph 1 should read:

"The quantity of each narcotic drug specified in its estimates for that year as necessary for its scientific and medical needs."

M. Bourgois (France) thought the Swiss proposal might create difficulties. Many orders might well be received in December when the year's manufacture was more or less finished. To say that manufacture must be confined to the orders received would be rather awkward. Moreover, no fears need be entertained, as under the provisions of Article 9, excess stocks would be absorbed in the following year.

M. Sawada (Japan) could not accept the Swiss proposal. With regard to orders received, in as far as they concerned the home trade, the text, viewed in the light of M. Dinichert's explanation, would not work. If such an amendment were inserted, the Convention would become impracticable.

The British amendment expressed the idea contained in the paragraph more precisely and fairly than the original text, and he was prepared to accept it.

M. Dinichert (Switzerland) did not feel that the objections raised to his proposal would justify his withdrawing it. Incidentally, when submitting the Japanese proposal,

M. Sawada had explained that the object of the Convention should be to limit manufacture not only to the estimates of the world's needs but to the actual consumption. The root principle was, therefore, the same.

Sir Malcolm Delevingne's objections could easily be refuted. Sir Malcolm did not deny that there might be grave discrepancies between the estimates and the actual consumption, but thought this would be put right during the following year. M. Dini-chert agreed, but next year there would again be a difference and so on every year.

It would certainly not be easy for Governments to control manufacture but the difficulties were not insurmountable, and the 1925 Convention contained exact provisions on the point.

He quite agreed that many orders might be received in December, and, for that very reason, had advocated creating a working stock of 50 per cent which some delegations proposed—and he agreed—might be reduced to 25 per cent.

He could see no real reason for rejecting the Swiss proposal; certainly the objections raised would not justify him in withdrawing it.

The Swiss proposal was rejected by eighteen votes to thirteen.

The Conference decided to adopt the text proposed by the British delegation which was clearer than that in document L.F.S.73 (Annex 10).

Mr. Caldwell (United States of America) said he had abstained from voting because he considered that the most acceptable text was that included in document L.F.S.73.

M. Bogomoloff (Union of Soviet Socialist Republics) and M. Sépahbodi (Persia) announced that they also had abstained from voting.

Paragraph 2.

The President informed the Conference that amendments to paragraph 2 of Article 8 had been received from British, Swiss and Turkish delegations.

Proposal by the British delegation:

The British delegation proposed to omit the paragraph.

Amended text proposed by the Swiss delegation:

"The quantity necessary to make up and maintain in the factories, under the control of the authorities and independently of the reserve stocks mentioned in Article 6, a stock not exceeding one quarter of the quantity manufactured for home consumption, during the preceding year. . ."

Amendment proposed by the Turkish delegation:

"Modify the last sentence of Article 8, paragraph 2, as follows:

"No part of this reserve may leave the factory without the previous consent of the Government authorities, who shall advise the central authority."

Sir Malcolm Delevingne (Great Britain) pointed out that the text of paragraph 2 was new. It had not appeared in the original Franco-Japanese proposal, and he had considerable difficulty in understanding its object. It was apparently intended to provide a special reserve stock, amounting to 25 per cent of the total estimated home consumption, in case an emergency arose which necessitated the presentation of a supplementary estimate. He had the following criticisms to make on this point.

In the first place, it dealt only with the reserve stock in the factories themselves. The reserve stock in a country at any given time, however, included not only the reserve stock in the factories, but also stocks in the hands of the wholesalers, as well as those in the hands of retail dealers. Secondly, there would appear to be no necessity for the creation of this special stock. When a country perceived that its stocks were running short or were likely to run short, it would as a matter of course prepare and submit to the central authority a supplementary estimate covering the additional supplies required.

Sir Malcolm Delevingne failed to understand the purpose of the last sentence. What was the object of making the use of this reserve or any part of it subject to a prior notification to the central authority at Geneva? What could the central authority do when it received the notification?

Apart from the above criticisms, Sir Malcolm Delevingne raised the whole question of stocks. Article 8 apparently contemplated the creation of several kinds of stocks which were to be held in water-tight compartments. That was an impossible way of doing business: there could only be one general stock at one time in a country—whether in the hands of the manufacturers or of the wholesalers, and the question should be dealt with as a whole. That was the main reason—though the other reasons were sufficient—why he proposed to omit paragraph 2 and to deal with reserve stocks in a separate paragraph of the article.

Sir Malcolm hoped that the authors of the text before the Conference would agree to this: the discussion of the question of stocks would be more fruitful and lucid if, instead of discussing paragraphs 2 and 4 (b) separately, the Conference dealt with the whole matter at one time.

The British amendments had been proposed in no hostile or destructive spirit, but in a constructive spirit and with the intention of collaborating as far as possible in the

preparation of the new proposal. He had examined the new draft Convention with the sole idea of finding out how it could be made to work. From the administrative point of view it was full of difficulties, but he had endeavoured to propose amendments which would make the scheme administratively possible.

M. Bourgois (France) also felt it would be better to deal with the question as a whole; he would even be in favour of combining the two paragraphs.

The Conference decided to omit paragraph 2 and to discuss stocks under paragraph 5 of the British proposal.

Paragraph 3.

The President informed the Conference that amendments had been received from the British and Swiss delegations.

Amended text proposed by the British delegation:

"The quantity of each narcotic drug specified in its estimates for that year as being required for conversion in the course of the year, whether for domestic consumption or for export."

Amended text proposed by the Swiss delegation:

"The quantity intended for conversion either for domestic consumption or for export."

Sir Malcolm Delevingne (Great Britain) pointed out that his amendment remedied what appeared to be an omission in the text of paragraph 3, which did not show clearly whether the quantity was for conversion in the current year or at any other time. He had inserted the words "in the course of the year".

M. Bourgois (France), having intimated his agreement with Sir Malcolm Delevingne, said that a question of principle arose. The joint text proposed by the delegations referred to "the quantity intended for conversion . . . for export", whereas Sir Malcolm's proposal mentioned "estimates" and not actual exports. He therefore suggested dealing with paragraph 4 before paragraph 3.

M. Kahler (Germany) preferred the British delegate's draft, as it was clearer than the joint text of the delegations.

Sir Malcolm Delevingne (Great Britain) did not think there was any difference of opinion between M. Bourgois and himself. The paragraph related to quantities for conversion. It was true that morphine might be converted into another drug covered by the Convention. The exports of that drug

would be dealt with in paragraph 4. There was no real difficulty, as when the morphine was converted it would be another drug, and would come under a separate heading.

If this were a matter of drafting, it could be dealt with later.

M. Bourgois (France) withdrew his proposal.

M. Dinichert (Switzerland) accepted the British proposal provisionally, subject to the wording being finally settled when it was known exactly what would be the provision in the Convention regarding conversion.

The President observed that all the texts were adopted provisionally, subject to the definition which would be given to the term "narcotic drugs".

M. Sawada (Japan) accepted the British text.

The British proposal was adopted.

Paragraph 4.

The President stated that amendments had been received from the British and Swiss delegations.

Amendment proposed by the British delegation:

"Such quantities of each narcotic drug as may be required for the execution during the year of orders for export subject to the provisions of the Geneva Convention and of this Convention.

"(N.B.—An additional amendment will be required to deal with the case of countries not parties to the Geneva Convention or to the new Convention.)"

"Paragraph (b) : Omit."

Amended text proposed by the Swiss delegation:

"The quantity necessary for export, based on firm orders received for execution against import certificates delivered in accordance with Chapter V of the Geneva Convention and under the control of the central body provided for in Article . . . of the present Convention."

Sir Malcolm Delevingne (Great Britain) did not think there was any difference of substance between his amendment, the joint text and the Swiss amendment, so far as paragraph (a) was concerned. Paragraph (a) of the joint text contained two blanks, but he thought it better to draft a text with no blanks, one which met the object of the authors and made the execution of orders subject to the observance both of the Geneva Convention and of the new Convention, whatever the provisions of the latter might be.

He proposed to omit paragraph (b) for the same reason that he had proposed to omit paragraph 2. Stocks would then be discussed in connection with paragraph 5.

M. Bourgois (France) agreed that the question of stocks should be left until paragraph 5 was discussed, and accepted the British text.

M. Sawada (Japan) did not think the British amendment expressed the idea he had in mind, though the second part of the text was satisfactory. The original idea was to allow each country to manufacture the quantities of drugs necessary for export upon receipt of orders, but that was not brought out clearly. He had no objection to the paragraph being re-drafted.

Sir Malcolm Delevingne (Great Britain) emphasised that the British text did give effect to M. Sawada's desire: it related to the execution of orders received. That was quite clear to him, but if the point could be made clearer he was willing to refer it to the Drafting Committee.

Mr. Caldwell (United States of America) thought a slight drafting change might make the meaning clearer. He suggested that no distinction should be made in the new draft between countries which were parties to the Geneva Convention and those which were not. The necessity for reservations would thus be avoided.

M. Dinichert (Switzerland) preferred the wording of the Swiss proposal, but the question of drafting was still open.

With regard to the reservation to be made concerning orders from countries parties neither to the 1925 Convention nor the new Convention, he had already said that a provision should be inserted to cover this point.

M. Bourgois (France) thought the Swiss amendment was not specific enough; even firm orders were constantly being cancelled, with the consent of both parties. It would be better to say "execution".

M. Perez (Argentine) could not accept the British text, because, unlike the Swiss and joint texts, it did not definitely say that the quantities should also be fixed under the control of the central authority at Geneva.

The President said that the question of control would be submitted to the relevant Committee.

M. Sawada (Japan) was glad to note that Sir Malcolm shared his point of view. According to the British text, however, M. Sawada thought the result contemplated might be brought about in the case of countries which had stocks, but a different result might occur in countries which had no stocks. The Swiss text expressed the original idea more clearly, and he proposed that it should serve as the basis for the final draft.

M. Kahler (Germany) thought the essential point was that manufacture for export should be based on firm orders received.

The misunderstanding due to the ambiguity of the French translation of the British amendment having now been removed it only remained to draft a text which would give general satisfaction.

M. Bourgois (France) had already voted in favour of one text subject to the proviso that the central authority would exercise control. If that control were not instituted he would have to reverse his vote on the second reading.

Sir Malcolm Delevingne (Great Britain), replying to M. Sawada, explained that his proposal made no distinction between countries which started with stocks and those which had none. Under paragraph 5, which should give M. Sawada satisfaction, every manufacturing country would be in a position to create a stock for itself.

M. Dinichert (Switzerland) was under the impression that there was no substantial difference between the two texts proposed by the British and Swiss delegations, and that it was now only a matter of drafting. He could not withdraw his text which he considered clearer but would not object to certain changes of form. The best solution would be to record agreement on the principle involved and leave the drafting until the second reading.

The President thought the Conference should decide on a text, and not merely record agreement on the principle involved.

Sir Malcolm Delevingne (Great Britain) suggested that his own text, which was complete, should be accepted, subject to drafting.

M. Bourgois (France) and **Mr. Caldwell** (United States of America) supported Sir Malcolm Delevingne's proposal.

M. Sawada (Japan) proposed that the British and Swiss texts should be combined, as follows:

"The quantity necessary for export, based on firm orders received for execution during the year, subject to the provisions of the Geneva Convention and of the present Convention".

Sir Malcolm Delevingne (Great Britain) deprecated the submission of drafting amendments at plenary meetings. This procedure could only lead to confusion, and he begged M. Sawada to reserve his suggestions for the Drafting Committee.

M. Sawada (Japan) agreed.

The British text was adopted by twenty-one votes to three.

M. Bogomoloff (Union of Soviet Socialist Republics) asked that the following declaration be recorded in the Minutes:

"The Soviet Union delegation has abstained from discussing and voting on all

the paragraphs of Article 8 for the same considerations as those explained when it voted against the adoption of the Franco-Japanese proposal as a basis for the new Convention—namely, because the Soviet Union delegation does not see in the proposed scheme for control of the stocks

of narcotic drugs any effective measure for the diminution of the illicit traffic and illicit consumption ”.

The continuation of the discussion was adjourned to the next meeting.

TWENTIETH MEETING (PUBLIC).
Monday, June 29th, 1931, at 10 a.m.

President : M. DE BROUCKÈRE.

55.—EXAMINATION OF THE PRELIMINARY DRAFT CONVENTION DRAWN UP BY SEVERAL DELEGATIONS (continuation).

ARTICLE 8 (continuation).

New Paragraph 5.

The President informed the Conference that an additional paragraph to Article 8 had been proposed by the British and Swiss delegations.

Text proposed by the British delegation :

“ The quantities, if any, of each narcotic drug required for the purpose of maintaining reserve stocks of that drug as specified in its estimates for that year ”.

Text proposed by the Swiss delegation :

“ The quantity necessary to make up and maintain in the factories, under the control of the authorities, a stock not exceeding half the quantity manufactured for export, during the preceding year ”.

Sir Malcolm Delevingne (Great Britain) said the Conference had agreed that, apart from Government stocks, there would be only one stock, a general stock for all purposes, whether in the hands of the wholesalers or the manufacturers. That stock would cover all requirements, whether for domestic consumption, conversion or export.

The British amendment embodied that principle. Consequential amendments would be necessary in the annex which at present allowed stocks only for consumption and conversion. It was necessary also to provide for export, and he had handed in amendments to the annex adapting the requirements in regard to stocks to the situation created by the Franco-Japanese scheme. No provision was necessary in regard to stocks for export under the old quota scheme, but the abandonment of that scheme and the adoption of the new scheme rendered such a provision necessary.

The British amendment to the annex was to the effect that every estimate should show separately for the year in respect of which it was made the estimated requirements of the

country for home consumption and conversion, and the estimated amount of the reserve stock of each narcotic drug which it was desired to maintain for all purposes.

How was that stock to be fixed? He proposed that the amount of the normal stock to be kept in a country should be fixed in the same way as the estimates for consumption and conversion—that was to say, by the Government of the country on its own responsibility. The estimates should be subject to examination, criticism and requests for explanation from the central authority constituted under the new Convention. He could see no other method which was administratively possible and workable.

The safeguards against the maintenance in any country of excessive stocks would be the same as those provided in the convention against excessive estimates. The figures would be examined by the competent central authority at Geneva, which would make its report. Finally, if the Government persisted in maintaining excessive stocks notwithstanding the criticisms of the competent central authority, there would be the criticism of the Council and the Assembly of the League.

It had been suggested that some upper limit should be fixed to the amount of the stocks which Governments might maintain. He believed it was impossible to fix a limit suited to all circumstances and at the same time effective. Any acceptable figure would almost certainly be too high, and that would constitute a very great danger in that it would permit the accumulation of excessive stocks.

In support of this contention, he referred to Article 10 of the new text which indicated the limit to which the excess stocks in a country at the time when the Convention came into force were to be reduced. The limit was fixed at a figure which in Great Britain—and he believed in other countries—would be absurdly high. The only safe way of securing the maintenance of a stock corresponding to the reasonable requirements of any individual country was to leave the Government to fix the amount.

The proportion which the stocks bore to the actual manufacture would vary from year to year according to the state of business.

For instance, 1930 was a year of great business depression in Great Britain, whereas, in 1929, trade was more normal. The stocks at the beginning of 1929 and 1930 were about the same, but the amount manufactured in the two years was very different. Therefore, the proportion which the stock bore to the amount manufactured was very much higher in one case than in the other. That was one of the difficulties in fixing a general proportion for all countries in all circumstances. If an average of stocks were taken, the figure would be too low in some cases and too high in others. If a maximum were fixed, the figure would be very much higher than it need be in some years.

M. Bourgois (France) agreed that it was impossible to have a precise rule fixing an upper limit. He supported Sir Malcolm Delevingne's formula; the Governments would determine the amount of the stocks. Further, the three stocks—conversion, consumption, and export—should be combined. This alone would make it possible to have a lower total than would be necessary if the amount of each were fixed separately and the whole then totalled.

He dissented, however, from Sir Malcolm Delevingne on one point. It appeared from the text circulated that the stock over and above the estimates might be held, not by manufacturers only, but by wholesalers as well. M. Bourgois had no objection in principle, but desired that this very important point be cleared up. According to the method which had been proposed by a large number of countries and on which the main lines of the Franco-Japanese proposal were based, the stock was placed under a very complete system of control. M. Bourgois read the following note on this point:

" The system may be properly described as a reservoir, the capacity of which is fixed by Geneva, and controlled at its lower part by a distribution valve.

" The factories may (if they desire) keep this reservoir constantly filled. But the distribution valve may not be opened except to let out orders based on certificates of orders authorised by Geneva and is only within the limit of the world estimates.

" Thus, only the world needs pass every year through the valve.

" Each year, the factories will manufacture only the quantity corresponding to the world needs, increased or decreased by the capacity of these reservoirs (increased by this quantity, if the reservoirs were empty on January 1st and are full on December 31st, or decreased by this quantity in the opposite case).

" No system can claim to limit the manufacture to the estimates for the year; each system must in fact provide a certain surplus destined to meet unforeseen circumstances and the supplies for the first month of the following year.

" The system proposed has the advantage of fixing the upper limit of the supply 'in advance of the manufacture on the receipt of orders' and to place this supply under a national and international control; in fact, it furnishes double control, both national and international—one, on the reservoir itself; the other, on the outlet valve.

" It has been said that the valve only released orders based on certificates within the limits of the estimates; this, however, is practically what the 1925 Convention, with its certificate system, brings about.

" The new system, however, has much more effect. It provides a direct and precise limitation of the manufacture, the maximum of which is fixed by the estimates, increased by the capacity of the reservoir.

" Still further: the argument put forward by the promoters of the direct limitation of manufacture was that any quantity manufactured in excess of the medical needs will always, sooner or later, find its way into the illicit traffic. The system proposed dispels this fear entirely. Manufacture in advance is: (1) kept in the reservoir; (2) limited; (3) nationally and internationally controlled.

" This advance manufacture is no longer, as heretofore, put on the market in the streets, distributed through numerous hands, thus constituting a dangerous surplus".

In conclusion, M. Bourgois favoured the control and limitation of stocks in the hands of wholesalers, but thought that that point should be taken separately after the Conference had come to a decision concerning the stocks in the hands of manufacturers.

M. Kahler (Germany) said that his delegation was prepared to accept the system proposed by the British delegation, as it would apparently be very much simpler than that proposed by the group of delegations. The former suggested that there should be only one stock which would cover the needs of internal consumption, conversion and export alike. The requirements of domestic consumption would be estimated by the Governments, and the latter would have to calculate as well the stocks needed by the manufacturers to execute all orders they might receive.

The system proposed by the group of delegations might be dangerous, because the stocks might be too high and not in accord with normal requirements. It was, however, perfectly natural that, as the manufacturing countries would be assuming very strict obligations, they should be given a certain latitude so as to meet exceptional demands.

Should the Conference adopt the scheme embodied in document Conf.L.F.S.73 (Annex 10), M. Kahler would have to say that he regarded the figures and percentages proposed in it as the lowest possible figure for the stocks required to meet an emergency. If, however, it were desired that the stocks be as low as possible, M. Kahler would prefer the British

plan; figures suggested in it did not represent quantities which might induce certain manufacturers to increase their manufacture and stocks. Nevertheless, M. Kahler did not consider that there was any very serious danger of excessive stocks. The goods in question were costly, and hence no manufacturer would accumulate stocks in excess of his needs. That at any rate was the view of German manufacturers and wholesalers. The latter kept practically no stocks on hand, but merely passed on orders to manufacturers according to their requirements.

In conclusion, whatever the system adopted for stocks, very strict Government control would have to be established.

M. Cavazzoni (Italy) suggested the addition at the end of the British proposal of the words "such stocks to be controlled by the Government".

M. Bourgois (France) suggested the following formula as a compromise:

"Factories shall not issue any quantity in excess of the normal estimates—that is to say, for the supplementary estimates—except on a special official Government permit".

M. Sawada (Japan) supported the British proposal, but, seeing that control over internal stocks was desirable, he accepted the Italian amendment.

Sir Malcolm Delevingne (Great Britain), in reply to M. Bourgois, said the British proposal covered stocks held by manufacturers and wholesalers.

M. Kahler had stated that, in Germany, the wholesalers held very small stocks. That was not the case in Great Britain. Large wholesale houses such as Allen & Hanburys, Burroughs Wellcome and Parke Davis did a large trade in narcotic drugs, their alkaloids and salts and preparations containing them, and therefore the general stock in the country should include the amounts in the hands of both wholesalers and manufacturers. He referred to the stipulation in Article 22 of the Geneva Convention that statistics of such stocks should be sent to the Permanent Central Board, and in Great Britain the manufacturers and wholesalers had to make returns of their stocks—which were carefully examined.

He suggested that the question of control be kept separate from that of limitation of manufacture as provided for in Article 8. Control, which was being considered by a Sub-Committee, could be dealt with in a separate clause. National and international control on the lines suggested by M. Bourgois would cause great difficulties: the scheme was not workable.

Sir Malcolm would be glad of an opportunity to think over the suggestion that previous authority should be required for every sale from the factory above the amount of the normal estimates. He hoped M. Bourgois would not press his amendment but would allow it to be considered in connection with the general question of control.

M. de Vasconcellos (Portugal) supported Sir Malcolm Delevingne's proposal. The Convention would be clearer if the problem of control were settled apart.

M. Bourgois (France) thought the only outstanding point was the administrative measures for the application of the Convention. He too therefore concurred in the British proposal.

M. Casares (Spain) accepted Sir Malcolm Delevingne's scheme, on the understanding that the measures of control would be specified separately.

M. Dinichert (Switzerland) had no objection to the British delegation's system, but only accepted it on condition that a reservation was introduced in the rules concerning estimates. The items for which estimates would be framed would differ very widely. They were domestic consumption, conversion, reserve stocks for home use, and reserve or working stocks for export. The authority examining the estimates must take these very different items into account. In some countries, domestic consumption was low and export very high. Others had a high domestic consumption and very low exports. Stocks, therefore, must be considered particularly carefully.

The total estimates would represent, not world consumption, but a higher figure, because they would include the stock authorised for export, which was already included in the estimates of the importing countries. This position must be remembered when the Conference drew up the clauses concerning the estimates.

The President noted that all the members were in favour of the British amendment, subject to two reservations: (1) Chapter I of the Annex should be revised so as to contain detailed regulations for the calculation of stocks by the Governments; and (2) the measures of control would not be settled definitely until the Sub-Committee on Control had reported and Chapter III of the Annex, or Article 12 of the Convention, were under discussion.

M. Cavazzoni (Italy) would accept the British proposal provided it was made quite clear that the stocks would be under Government control.

The President replied that the voting would be provisional, and that, if M. Cavazzoni were not satisfied with the Conference's decision as to control, this point in Article 8 would be reopened.

The new paragraph 5 proposed by the British delegation was unanimously adopted with the foregoing reservations.

Article 8 as a whole was adopted at a first reading.

ARTICLE 8(a).

The following new Article, 8(a), proposed by the British delegation, was read :

" The full amount of any narcotic drug imported into or manufactured in any country for the purpose of conversion in accordance with the estimates for that country shall be utilised for that purpose within the period for which the estimate applies ".

Sir Malcolm Delevingne (Great Britain) said the British proposal contained a provision which had appeared in the Advisory Committee's draft Convention. He thought the need of it was perfectly obvious to everybody and therefore moved its adoption.

Mr. Caldwell (United States of America) asked in what sense Sir Malcolm Delevingne had used the word "conversion". Did it apply to the conversion of morphine into heroin?

Sir Malcolm Delevingne (Great Britain) said that if a country stated in its estimate that it desired to manufacture or import so many kilogrammes of morphine for conversion into some other drug, it should be under an obligation to use the morphine for that purpose.

The President wondered whether Article 8(a) would have the effect of obliging a country which had imported morphine for purposes of conversion into heroin to carry out the conversion. If the morphine were not so converted, could not the country continue to hold the supply and deduct the quantity from its later estimates?

Sir Malcolm Delevingne (Great Britain) thought that as the article stood, a country would be under an obligation to use the imported morphine for the purpose stated in its estimate, but it could, if it desired, alter its estimate so far as the use of the morphine was concerned, by submitting a supplementary estimate stating for what purpose it desired to use the morphine. As long as the original estimate held good, some provision such as the British proposal was necessary in order to safeguard control over the morphine manufactured in or imported into a country.

M. Casares (Spain) wondered whether the British amendment covered the case of a country in which there was a large quantity of drugs and which stated in its estimates that it proposed to convert the quantity in question into a specified drug. That amount would appear neither in the figures for imports nor manufacture.

Sir Malcolm Delevingne (Great Britain) thought M. Casares' point referred to the stocks existing in a country at the time of the coming into force of the Convention. This

question was specially dealt with in Article 10 of the original draft and of his amended proposal. In the case of a country which imported or manufactured morphine for conversion, and for some reason or other failed to use it during the current year, the solution might be that the morphine should be deducted from the estimates for the following year. He would be prepared to add a provision to that effect.

M. Cavazzoni (Italy) asked what would happen in the case of seizures.

Sir Malcolm Delevingne (Great Britain) replied that seizures were dealt with in Articles 9 and 19.

The President asked whether the Conference adopted the principle contained in Sir Malcolm Delevingne's amendment to Article 8(a). The amendment prescribed that amounts not utilised in accordance with the conditions laid down in Article 8(a) would be deducted from the estimates for the following year. The amendment would be drafted in writing by Sir Malcolm Delevingne and submitted to the Conference at the next meeting.

M. Dinichert (Switzerland) thought that it would be very useful to have an exact definition of the term "conversion".

The President pointed out that Article 1 would contain all the definitions. By a decision by the Conference that article had not yet been examined. It was therefore understood that all articles were adopted subject to the definition approved later for each term used in them.

M. Bogomoloff (Union of Soviet Socialist Republics) asked whether it would be necessary, if Article 8(a) were adopted, to make estimates for such drugs as codeine. If "conversion" meant conversion into any drug, such as codeine, that would be necessary.

Sir Malcolm Delevingne (Great Britain) replied in the affirmative. The estimates furnished for morphine would include the amounts required for conversion into codeine.

The President pointed out that Sir Malcolm Delevingne's reply was strictly in accordance with Chapter I of the annex.

M. Bogomoloff (Union of Soviet Socialist Republics) accepted this interpretation.

Article 8(a) was adopted, subject to the definition of the word "conversion", and subject to the discussion of the addition to be proposed by the British delegation.

ARTICLE 9.

The President stated that amendments to Article 9 had been received from the British, Swiss, Yugoslav and Turkish delegations.

Amended text proposed by the British delegation :

"There shall be deducted from the quantity of each narcotic drug to be manufactured during the year (1) any amounts of the drug imported, (2) any amounts of the drug seized and utilised as such for domestic consumption or export, and (3) returned deliveries of the drug".

Amended text proposed by the Swiss delegation :

"From the total quantities of drugs to be manufactured in conformity with Article 8 shall be deducted—if possible during the current year or, in any case, during the following year—any quantities in excess other than the quantities imported (undestroyed seizures, orders executed and subsequently cancelled, orders executed and not delivered, returned deliveries, etc.)".

Amendment proposed by the Yugoslav delegation :

"Omit the expression 'seizures which have not been destroyed' and the letters 'etc.'".

Explanatory Note.—The above proposal arises out of the Yugoslav amendment to Article 19 of the draft Convention (treatment of narcotic drugs when seized)."

Amendment proposed by the Turkish delegation :

"Delete the words 'seizures which have not been destroyed'".

M. de Vasconcellos (Portugal) observed that the British proposal tallied most closely with Articles 8 and 8(a) which had already been adopted. He therefore proposed that it be taken as the basic text.

M. Cavazzoni (Italy) agreed. He had, however, two questions to ask.

(1) Supposing seizures exceeded the legitimate needs specified in Article 8, should they be destroyed ?

(2) The British proposal made no definite provision for the possible conversion of a seized drug, and he would be glad to know Sir Malcolm Delevingne's view on this point. The possibility of seized drugs being converted otherwise than under the control of the central authority must be avoided.

M. Bourgois (France) could accept the British proposal as a basis of discussion, but asked why the last words of the text proposed by the group of delegations had been deleted. As regards this point, he would prefer the Swiss delegation's text, reading : "If possible during the current year or, in any case, during the following year", because consignments might be imported in the last days of December.

Sir Malcolm Delevingne (Great Britain) said that by an oversight conversion was not

dealt with in the British proposal. He proposed to insert the words :

" . . . any quantities seized and utilised either as such for domestic consumption, or for conversion or for exportation".

With regard to M. Bourgois' point, he desired, if it were practicable, that deduction should be made in the course of the current year. He admitted the difficulty to which M. Bourgois had called attention and was prepared to modify his text. If there were any difficulty in giving effect to the provisions of Article 9, the excess quantities might be taken into account in fixing the estimates for the following year.

With regard to M. Cavazzoni's second point, if the deduction indicated in the article could not be made, the excess should be retained in the hands of the Government in much the same way as the excess stocks in the hands of the Government at the time of the coming into force of the Convention would be held under the new Article 10. If there were large seizures, manufacture might be stopped altogether for a year. The Government ought therefore to be free to release such quantities as could be used without dislocating the trade. The remainder would be in the hands of the Government itself. That appeared to be a perfect safeguard, and he was willing to draft an amendment on those lines.

There was one other point. After the words "any amounts of the drug imported", the words "less quantities to be re-exported" should be inserted.

M. Casares (Spain) pointed out that the question would cease to exist if the Conference decided on the destruction of seized drugs. He therefore proposed that the question of seizures to which Article 19 referred should be settled first.

Mr. Caldwell (United States of America) agreed with M. Casares. The United States delegation was prepared to vote for the Turkish amendment to destroy all seizures.

The President agreed with M. Casares and Mr. Caldwell. The Conference might first choose a basic text—that of the British delegation, for instance. It would then have to consider the Turkish and Yugoslav amendments, but could not do so until it had taken a decision on Article 19.

The Conference agreed to take the British text as a basis of discussion and to adjourn its decision on the Turkish and Yugoslav amendments until Article 19 had been discussed.

ARTICLE 19.

The President observed that amendments had been received from the Turkish and Yugoslav delegations.

Amendment proposed by the Turkish delegation :

" 1. Delete Article 19 and replace it by the following text :

" 'The High Contracting Parties undertake to destroy all narcotics seized in their respective territories' "

" 2. Delete the words ' seizures which have not been destroyed ' in the text of Article 9."

Amended text proposed by the Yugoslav delegation :

" (1) Narcotic drugs entering into the illicit traffic shall be destroyed by the State which seizes them, within a period of not more than one month from the date of seizure. A report on the destruction of the said narcotic drugs shall be communicated as soon as possible by the State concerned to the Permanent Central Board.

" (2) Stocks of narcotic drugs derived from seizures and stored under Government control at the time of signature of the present Convention shall also be destroyed within a period of not more than one month from the date of signature of the present Convention. A *communiqué* specifying the quantities of narcotic drugs destroyed shall be sent to the Permanent Central Board."

" *Explanatory Note.*—The discussions which have taken place in the Committee for Limitation have brought to light the danger caused by the existence of enormous stocks of confiscated narcotic drugs in certain industrial countries. Moreover, if the narcotic drugs derived from seizures are to be stored for legitimate consumption, the application of the scheme for the limitation of manufacture would meet with sometimes insurmountable difficulties. For instance, if the narcotic drugs seized exceed the amount of stocks which any country is authorised to retain, the said country would be obliged to suspend its manufacture of narcotic drugs during a longer or shorter period. Manufacturing countries will undoubtedly not wish to suspend their factories' work in such cases ; ingenious pretexts will be found to justify over-production, which, as is well-known, is likely to lead to illicit traffic.

" In these conditions there is but one solution to the question of confiscated narcotic drugs : they must be destroyed. Two further arguments can be produced in favour of this solution :

" (1) From the *moral* standpoint it is inadmissible that Governments should derive *material profit* from seizures at the cost of over-production of narcotic drugs while giving *humanitarian* reasons for limiting manufacture.

" (2) From the point of view of a proper proportion between the production of raw materials and their use in manufacture, the use of confiscated narcotic drugs might involve serious results. By reducing the demand for

raw materials *produced for medical needs*, the use of confiscated narcotic drugs would lead to an increase in the surplus of raw materials, and would thus stimulate the efforts of traffickers, who have small regard for international Conventions and national laws.

The President proposed that, as the two amendments were somewhat similar, the question of principle should be discussed on the basis of the Turkish amendment.

M. Schultz (Austria) recalled that the Austrian delegation had submitted the following amendment to Article 21 of the Advisory Committee's draft, which corresponded with Article 19 of the draft now under discussion :

" Preface the proposed text with the following clause :

" ' All diacetylmorphine seized shall be destroyed '.

" Between the words ' any ' and ' drugs ' insert ' other '."

The Austrian delegation maintained the proposal, though modifying it as follows :

" Add to the proposed stipulation ' All diacetylmorphine seized shall be destroyed ' ; after the word ' diacetylmorphine ' ; the following :

" . . . and its salts as well as preparations containing diacetylmorphine and its salts ' "

" Add to the sentence quoted the following :

" . . . except when such seized drugs are converted into codeine under Government control ' "

His delegation considered that a distinction must be made between heroin and the other narcotic drugs. It could not, however, go further.

The President pointed out that the Austrian amendment was a subsidiary one and should therefore be taken after the Turkish amendment.

Subhi Ziya Bey (Turkey) said that the object of his amendment was to prevent seized drugs going into the illicit traffic. Seized drugs were of inferior quality, so that they could not be used for medical and scientific purposes except after the removal of impurities. Drugs were not seized in manufacturing countries alone. It was just as likely that they would be seized in countries which were exclusively consumers, and which therefore could not carry out the necessary process.

In many countries, the law required that seized drugs should be sold by public auction. Unless it were decided that seized drugs should be simply destroyed, there would be difficulty in squaring the requirements of the Convention with the various national laws.

M. Sawada (Japan) stated that the Japanese delegation could not accept the Turkish amendment. He said that drugs seized and

kept in the hands of the Government will hardly find their way into the illicit traffic and need not be destroyed. Their destruction would only increase the demands for raw materials and might defeat the purpose of limitation.

M. Perez (Argentina) thought it impossible that a product intended for the illicit traffic should be used for legitimate purposes. Clandestine manufacture would be encouraged and might even compete with lawful manufacture. He was therefore in favour of immediate, complete and total destruction of all drugs seized.

M. Martinez de Alva (Mexico) considered that, if Governments were authorised to use seized drugs for their scientific or medical needs, there would be less demand for drugs for legitimate purposes. The Governments would thus have the assistance of legitimate manufacturers in eliminating the competition of illicit manufacture. It should be left to the discretion of Governments to decide whether seized drugs should be destroyed or not.

M. Contoumas (Greece) agreed with **M. Perez**.

M. Kahler (Germany) thought that the decision as to the destruction of seized drugs should be left to the Government of the country where the seizure was effected.

There were certain economic objections to the destruction of a commodity which had a fairly high value, and could be used by the Government of the country in which it had been seized.

M. Schultz (Austria) drew a distinction between diacetylmorphine and the other drugs. The former was so dangerous that it should be given exceptional treatment. The Austrian amendment provided for the total destruction of diacetylmorphine. He had some hesitation, however, in suggesting the same measure for other drugs. It might perhaps be easier to enforce limitation if seized drugs were allowed to be used to meet the legitimate needs of the various countries, more especially of the country where the seizure had been effected, on condition that the quantity seized should be deducted from the estimates.

M. Casares (Spain), during the discussion in the Advisory Committee, had argued in favour of destruction. It had been contended that the goods were sometimes of great value and that their destruction was not absolutely essential in certain countries. The question was exactly the same for all countries, both manufacturers and consumers. So far, the manufacturing countries had been asked to make sacrifices. The consuming countries might now be asked to do the same. Spain was prepared to set an example, and she hoped that it would be followed.

If the Conference were against a really radical measure, **M. Casares** would support the Austrian proposal.

M. Bourgois (France) said that it was natural that, if a country was not equipped for the conversion of seized drugs into a non-narcotic substance, it should order them to be destroyed.

Considerable quantities of heroin had been seized in France. **M. Bourgois** had proposed that such heroin should be sold only to authorised manufacturers. The regulations governing auctions were very strict. Only manufacturers who were in possession of a special permit and were prepared to give a formal undertaking to convert the seized drug into codeine could bid. The drug must be converted immediately and under special supervision.

This system afforded a perfect safeguard. The manufacturers in question were authorised to make morphine and to convert it into codeine. It would surely be illogical to refuse them the right to buy seized heroin and convert it into codeine. If such heroin were sold to them, there would be exactly the same security as existed when they were authorised to buy opium or morphine for conversion into codeine.

M. Bourgois, however, agreed to destruction, since the conversion of a seized drug into another substance was tantamount to destroying it. Conversion offered even greater safeguards than destruction, since anyone could be instructed to throw their seized goods into the water, whereas conversion was a chemical process which had to be carried out by manufacturers who possessed the Government's confidence, as was shown by the fact that they had a licence for the conversion of morphine into codeine.

M. Cavazzoni (Italy) asked how **M. Bourgois** contemplated controlling codeine.

M. Bourgois (France) replied that that was another question and would have to be dealt with separately in the Convention.

M. de Vasconcellos (Portugal) thought that seized drugs should be placed at the disposal of the Governments. Whereas, from the moral standpoint, there was no doubt of the Government's right to effect seizures under the law, no such question arose as to the method of handling those drugs.

The main argument for destruction had not been dealt with by the Conference. It was that advanced by the Turkish delegation, that, in most cases, the substances seized would have to be destroyed because they were almost invariably mixed with other products, such as talc or bone powder, which made them useless for medical purposes.

M. Obradovitch (Yugoslavia), referring to his explanatory note on this question, laid stress on the fact that the utilisation of seized drugs would cause over-production, since Governments would be unwilling to suspend all their factories from working. They would find pretexts for allowing factories to continue to manufacture, and, as a result, there might be a danger of illicit traffic.

Failure to destroy seized drugs would almost certainly upset the balance between the production of the raw material and its utilisation in the factory. If seized drugs were to be utilised in the legitimate trade, there would be a decline in the demand for the raw material and consequently a surplus which might find its way into the illicit traffic.

Lastly, there was the moral aspect. It was inadmissible that Governments which were prepared to limit manufacture on humanitarian grounds should endeavour to earn revenue from seizures, with over-manufacture as the probable outcome.

The reasons he had advanced for destruction had not been answered. The Japanese delegate had urged that, if drugs were destroyed, there would be reason to fear increased production of raw materials. That argument was easy to refute. The object of the Convention was to limit the manufacture of narcotic drugs to the exact amount of the medical requirements of the world. The production of raw materials therefore must necessarily be reduced by half, since, until last year, over 600,000 kilogrammes of opium had been produced, whereas the world's legitimate needs amounted to about 320,000 kilogrammes. There was, therefore, no reason for apprehending an increased output of raw materials.

M. Bourgois had suggested that there would be no danger in utilising seized drugs if they could be converted into harmless substances. It should, however, be pointed out that, after being converted into such substances, the drugs might be converted back into dangerous substances.

Hence, the only real solution was the complete and immediate destruction of all seized drugs.

Sir Malcolm Delevingne (Great Britain) said the proposal was contrary to the British Government's policy in regard to the treatment of confiscated drugs. That policy had been adopted for two reasons: (1) the British Government had not felt justified in ordering the destruction of valuable material and (2) it was of opinion that the destruction of confiscated drugs encouraged rather than discouraged the illicit traffic. The British Government had carried out its policy for a number of years and would not, he thought, be prepared to alter it.

In Great Britain, seizures were not sold by public auction, as in France, but to licensed manufacturers, who used them in place of an equivalent amount of raw material.

He saw no reason for drawing a distinction between heroin and other narcotic drugs. As a matter of fact, it was usually impossible to use confiscated heroin as such. In most cases, it deteriorated by the time it was ready for use and had to be converted into morphine or some other substance. If the Conference

thought it useful, he would have no objection to stating that confiscated heroin should in all cases be converted.

He did not propose to deal at length with the Turkish and Yugoslav amendments, but pointed out that the use of confiscated drugs decreased the amount of raw opium that would otherwise be required for the manufacture of the world's medical and scientific requirements. That did not injure the interests of Turkey or Yugoslavia. The same amount of opium would be required for the world's legitimate supplies as if the confiscated drugs had not been manufactured.

Sir Malcolm hoped the point would not be pressed. It would be unfortunate to adopt a proposal which divided the delegations, and which, in the British Government's opinion, was contrary to public policy.

The President asked whether the Conference wished to adjourn the question and explore the possibility of a compromise or whether it would vote immediately.

Subhi Ziya Bey (Turkey) desired to remove a misunderstanding. In reply to M. Bourgois, he had never intended to refer to the position of any specific country. He had had in mind the law in force in several countries—among others, Turkey.

The question of substance had been dealt with in its economic aspect by many speakers. The Turkish delegate personally was prepared to agree that, apart from the moral problem, on which he had laid stress, there was an economic problem. Sir Malcolm Delevingne's argument did not seem to him to be conclusive. The conversion of seized drugs into other products was bound to have some effect on the production of raw materials.

Obviously, the Conference could not succeed unless certain economic sacrifices were made, and no real result could be obtained unless the sacrifices were shared fairly among all countries. He therefore regretted that he must dissent from Sir Malcolm Delevingne's opinion.

The various proposals whereby each State would be left free to operate in its own territory the system it thought most suitable, were not likely to prove successful.

In conclusion, he would request the President to put the matter to the vote.

M. Schultz (Austria) modified his original amendment to read as follows:

"Seized drugs, if not destroyed, may be sold only to manufacturers for conversion into another non-narcotic substance under Government control."

Sir Malcolm Delevingne (Great Britain) asked that the Austrian amendment be discussed before the vote was taken.

The continuation of the discussion was adjourned to the next meeting.

TWENTY-FIRST MEETING (PUBLIC).

Tuesday, June 30th, 1931, at 10 a.m.

President : M. DE BROUCKÈRE.

56.—PREVENTION AND TREATMENT OF DRUG ADDICTION : DRAFT RESOLUTION PROPOSED BY THE ARGENTINE DELEGATION.

The President announced that the Argentine delegation had submitted the following draft resolution and suggested that it should be referred to the Business Committee :

“ The Conference,

“ (1) Recognising that, in the campaign against the spread of drug addiction, a reduction in the number of drug addicts is of the first importance ;

“ (2) That this reduction can only be obtained by the medical treatment, moral regeneration and social assistance of the addicts ;

“ (3) That this treatment, regeneration and social assistance can only be effectively carried out in special institutions situated in country districts and not coming under the prison authorities ;

“ (4) Considering that, as drug addiction deprives a man of the normal use of his mental faculties and makes him a danger to himself and to society, addicts should not be allowed to retain their civil and political rights or engage in a liberal profession or in teaching :

“ Recommends the High Contracting Parties to incorporate in their legislation, if they have not already done so, provisions based on the principles set forth above and to encourage the founding of aid societies to prevent drug addiction by the exercise of moral pressure, ensure the reclamation of the addicts and organise the social assistance to be granted to them.”

The President's proposal was adopted.

57.—EXAMINATION OF THE PRELIMINARY DRAFT CONVENTION DRAWN UP BY SEVERAL DELEGATIONS (continuation).

ARTICLE 8 (continuation) :
ADDITIONAL PARAGRAPH PROPOSED BY THE
BRITISH DELEGATION.

The President proposed that the Conference should discuss the following additional paragraph to Article 8 proposed by the British delegation :

“ At the end of Article 8, add a new paragraph in the following terms :

“ No High Contracting Party shall be deemed to have violated its obligations under this article if the total amount

of any drug manufactured in any year should exceed the total of the amounts specified above by a margin not exceeding 10 per cent of that total. Any such excess shall be deducted from the total of the estimates for the following year ’.”

Sir Malcolm Delevingne (Great Britain) said he had already pointed out, in the general discussion on the Franco-Japanese scheme, that the Governments would find considerable difficulty in seeing that the amount actually manufactured did not exceed the total of the estimates for home consumption and conversion and for export. The Governments of the exporting countries would not know until the close of the year exactly what amounts had been exported.

He thought some provision should be inserted to make it clear that Governments would not be violating their obligations under Article 8, provided the amount manufactured did not exceed the total of the amounts specified by more than a certain margin. He suggested 10 per cent, but this was only an approximation, and he would like to hear the views of the Conference.

M. Cavazzoni (Italy) asked whether 5 per cent would not be a suitable margin and whether it would not be well to consider conversion.

M. van Wettum (Netherlands) did not think a margin of 10 per cent would be sufficient. He proposed that, on special permission from the Government, that margin could be exceeded.

Mr. Caldwell (United States of America) asked Sir Malcolm Delevingne whether it would not be possible to arrange for supplementary estimates in the section regarding estimates. This would render the article proposed by the British delegation unnecessary.

Sir Malcolm Delevingne (Great Britain) did not think this would be possible, as the Governments would not know the total of manufactures or exports until the end of the year. After December 31st, a Government might find that 1,050 kilogrammes had been manufactured, whereas the total allowed under Article 8 was 1,000 kilogrammes. This question was quite different from that of supplementary estimates which had to be made during the course of the year. Nor was it a question of stock,

but one of balancing exactly the quantity manufactured and the quantity allowed under Article 8. The Conference would notice that at the end of his amendment he had provided that any excess should be deducted from the following year. This was an ample safeguard.

With regard to the margin, he thought 10 per cent was about right, but perhaps 5 per cent would be acceptable. The best course might be to leave the matter undecided for the moment and to examine the figures with the Secretariat in order to see which was the most appropriate.

M. Cavazzoni (Italy) pointed out that the difference in the morphine content of opium frequently exceeded the margin suggested. Should not that factor be taken into account?

Sir Malcolm Delevingne (Great Britain), though he did not altogether follow M. Cavazzoni's question, thought the point an additional reason for the amendment. The manufacturers might find that the raw opium produced more morphine than was expected and there would be a slight excess; but 10 per cent would cover any such excess.

M. Cavazzoni (Italy) asked whether the Governments were able to check the morphine content of opium. If so, did they habitually do it?

Sir Malcolm Delevingne (Great Britain) replied that the morphine content could be ascertained by analysis, but the amount of morphine actually extracted in the process of manufacture was not always the same.

M. van Wettum (Netherlands) said that in the case of factories with a small output there must be some means for making the margin larger. The quantity which could be manufactured at one time depended on the capacity of the factory. For example, a factory might be unable to manufacture less than 50 kilogrammes at a time, and if the quantity allowed to it were 30 kilogrammes, there should be a margin of more than 10 per cent. The best way to deal with the matter was to fix the percentage and stipulate that the Government might permit it to be exceeded.

M. Sawada (Japan) thought the question of stocks had been definitely decided when Article 8 was adopted. He was afraid the British amendment might encourage rather than limit the manufacture of drugs.

The President, in reply to M. van Wettum, thought it hardly admissible that a Government which had given a strict undertaking might take it upon itself to exceed the prescribed quantity. Such authorisation should be given by some other authority.

M. van Wettum (Netherlands) referred by way of comparison to the last paragraph of Article 12, which authorised Governments to exceed the stocks necessary for six months' requirements.

The President suggested that M. van Wettum should raise his proposal again in connection with Article 12.

M. Cavazzoni had submitted an amendment to the British proposal, to the effect that the margin should be 5 per cent instead of 10 per cent, it being understood that the 5 per cent included both manufacture and conversion. Perhaps, however, M. Cavazzoni would not press for a change in the text, since the British proposal referred to the total quantity of a drug, including internal consumption, exports, conversion and stocks.

M. Cavazzoni (Italy) could accept the British proposal if he were assured that it covered the conversion of codeine.

Sir Malcolm Delevingne (Great Britain) replied that if the Conference decided that the limitation provisions should apply to codeine, his text would cover this drug. If M. Cavazzoni was referring only to the amount of morphine to be manufactured for the purpose of conversion into codeine, that was covered by Article 8.

M. Cavazzoni (Italy) was prepared to vote for the British amendment if the British delegation satisfied him that it covered the conversion of codeine. Otherwise, he would vote against it.

Mr. Caldwell (United States of America) considered that the provisions of Article 8 allowed sufficient latitude for manufacture.

M. Sawada (Japan) shared the views of the delegation of the United States of America, but was not entirely satisfied with the wording of the amendment.

Sir Malcolm Delevingne (Great Britain) pointed out that Article 8 imposed the condition that the total drugs manufactured during the year should not exceed a total of the four items: (1) the amount specified in the estimates as required for home consumption, (2) the amount specified in the estimates as required for conversion, (3) the amount required for the execution of export orders received during the year, and (4) the amount required to maintain the stock at the normal level. Neither the Japanese nor any other delegation had attempted to explain how their Governments intended to square those four items with manufacture during the year.

M. Dinichert (Switzerland) said that his delegation failed to understand the amendment and would therefore abstain. If the amendment conflicted with what had been voted at the previous meeting in paragraph 4 of Article 8, he would have to revert to the matter later.

The President put the principle of the British amendment to the vote.

The British amendment was adopted in principle by fifteen votes to eleven.

The President opened the debate on the first part of the Italian sub-amendment, to add "or converted" after "manufactured" in the British amendment.

Sir Malcolm Delevingne (Great Britain) appealed to M. Cavazzoni not to insist on this sub-amendment, which did not fit in with the British amendment.

M. Cavazzoni (Italy) maintained his amendment and explained that in doing so he was thinking almost exclusively of codeine.

M. Bogomoloff (Union of Soviet Socialist Republics) supported the Italian amendment.

The President was anxious that it should be clear that the Conference was voting on the Italian sub-amendment and not on the comments that had been made.

The Italian sub-amendment to the British amendment was adopted by seventeen votes to ten.

Sir Malcolm Delevingne (Great Britain) stated that, as the Italian amendment made the British amendment unintelligible, he did not desire to take further part in the discussion.

The President said that the Conference now had before it the Italian amendment that the margin should be 5 per cent, and one by the British delegation that the figure should be left blank.

M. Bourgois (France) asked that the vote might be taken by roll call.

The Italian amendment was adopted by seventeen votes to four with twenty abstentions.

M. Dinichert (Switzerland) said he had abstained in conformity with his attitude at the time of the first vote.

M. Contoumas (Greece) had abstained for the same reason.

Mr. Caldwell (United States of America) and M. de Castro (Uruguay) explained that their delegations had voted against the proposal because they saw no reason for including any percentage.

The President put to the vote the whole of the British proposal, as amended.

The British proposal as amended was adopted by eleven votes to eight.

ARTICLE 8 (a) (continuation).

The President recalled that, at the last meeting, Sir Malcolm Delevingne had been invited to prepare an additional text to be added to Article 8 (a). The article as now proposed by Sir Malcolm Delevingne read as follows :

"The existing paragraph should be numbered '1'.

"New paragraph 2 :

" 'In the event, however, of it being impossible to utilise the full amount for that purpose within the period in question, the portion remaining unused at the end of the year shall be deducted from the estimates for that country for the following year.' "

Article 8 (a) was adopted.

ARTICLE 19 (continuation).

The President reopened the discussion on the question of the destruction of seized drugs and reminded the Conference that it had before it amendments proposed by the Turkish and Yugoslav delegations.¹

M. Chen Ting (China) supported the amendment of the Turkish delegation, which provided for the destruction of seized narcotics. He explained that this method had been in force in China for a considerable time and had assisted in suppressing the illicit traffic. The Conference might be aware that enormous quantities of narcotic drugs were seized in China every year, and they were often many times larger than those needed for medical and scientific purposes. If China had utilised them to meet its legitimate requirements it would never have required to import narcotics, but the Chinese Government, in spite of the economic sacrifice involved and for humanitarian reasons, had not adopted such a measure but had destroyed all seized drugs by fire.

M. Chen Ting recalled that, at the last session of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs, the Chinese delegate had put forward the same suggestion during the discussion of the question of the disposal of seized drugs. Unfortunately, it had been rejected by that Committee. He was glad to see, therefore, that the Turkish delegate had submitted an amendment to this effect and that many delegates had already supported it. It would be one of the greatest achievements of the conference if the Turkish amendment were adopted for inclusion in the Convention.

M. Bogomoloff (Union of Soviet Socialist Republics) said the Soviet Union delegation was in favour of the total destruction of all narcotic drugs seized in the illicit traffic. As the Conference had accepted the control of stocks as the method of limitation of the manufacture of narcotic drugs, this procedure was essential, otherwise the world stocks would automatically increase every year. He therefore supported the Turkish proposal.

The President put the Turkish proposal to the vote by roll call.

The delegations voted as follows :

For the proposal : Albania, Argentina, Canada, China, Costa Rica, Cuba, Greece, Guatemala, Hungary, Italy, Latvia, Persia, Spain, Turkey, Union of Soviet Socialist

¹ See previous meeting.

Republics, United States of America, Uruguay, Venezuela, Yugoslavia.

Against the proposal : Austria, Belgium, Denmark, Egypt, France, Germany, Great Britain, India, Irish Free State, Japan, Lithuania, Mexico, Netherlands, Portugal, Siam, Sweden.

Abstained : Czechoslovakia, Switzerland.

The Turkish proposal was adopted by nineteen votes to sixteen with two abstentions.

M. Dinichert (Switzerland) explained that he had abstained because, although Switzerland could agree in principle to the destruction of seized drugs, it was hardly possible to impose direct action on a Government by a majority vote.

The President asked whether the Conference wished to adhere to the Turkish amendment which had just been adopted or whether it would adopt, in whole or in part, the wording proposed at the previous meeting by the Yugoslav delegation.

M. Obradovitch (Yugoslavia) observed that there were two parts to the Yugoslav amendment. The first set forth the principle that seized drugs should be destroyed and was practically identical with the Turkish amendment which had been adopted; he would therefore withdraw it. The second part dealt with the destruction of existing stocks of seized drugs. The reasons for this proposal were given in the explanatory note by the Yugoslav delegation. He would ask for a decision on this second point.

Mr. Riddell (Canada) thought the period of one month proposed in the Yugoslav amendment as the time-limit within which drugs seized should be destroyed was too short. Such drugs had frequently to be kept as exhibits for a considerable period for the purposes of prosecution.

Mr. Anslinger (United States of America) supported Mr. Riddell's observations. The United States delegation preferred the text proposed by the Turkish delegation.

M. Obradovitch (Yugoslavia) thought that this was a question of form which could be settled later or referred to the Drafting Committee.

M. Rasmussen (Denmark) proposed that, in the second paragraph, the words "from the date of signature of the present Convention" should be amended to read, "from the date of the entry into force of the present Convention".

The President pointed out that Governments were under no legal obligation if they had signed, but not ratified, a Convention. The time-limit for the destruction of drugs began to run only from the time when the Convention came into force for each Government. A form of words would therefore have to be found prescribing that this clause applied to all stocks existing at the time of signature, but that the time-limit for their destruction began from the date of the entry into force of the Convention.

M. Perez (Argentine) proposed, in order to meet the Canadian delegate's point, that the words used in the first line of the second paragraph should be, "stocks derived from definitive seizures".

M. Obradovitch (Yugoslavia) was prepared to accept an amendment on the lines suggested by the President, and asked the Conference to decide first on the principle that existing stocks derived from seizures should be destroyed.

M. Martinez de Alva (Mexico) had voted against the destruction of seized drugs, because it would encourage fraudulent manufacture. As, however, the Conference had adopted the Turkish amendment, the drugs should, in his view, be destroyed with all possible despatch and as soon as the prosecution of the offenders permitted.

Mr. Lester (Irish Free State) said that the Irish delegation associated itself with M. Martinez de Alva's remarks.

M. Bogomoloff (Union of Soviet Socialist Republics) thought that the Conference should decide whether it was in favour of the principle. The time-limit could be dealt with by the Drafting Committee.

The President replied that the Drafting Committee had no jurisdiction over matters of substance, and the time-limit must be fixed by the Conference itself.

Subhi Ziya Bey (Turkey) agreed and proposed a time-limit of three months after the entry into force of the Convention.

M. Bogomoloff (Union of Soviet Socialist Republics) proposed that the Conference should decide on the principle of the Yugoslav proposal and should then ask the delegates of the United States of America, Canada and the Argentine, who had raised certain objections, to form a small Sub-Committee to decide upon the time-limit.

The President announced that he had received a proposal from the Mexican delegate that drugs seized should be destroyed immediately after the close of the legal proceedings.

M. Casares (Spain) thought agreement might be possible on a formula on the lines suggested by the Mexican delegate. The time-limit would be a number of months after the close of criminal proceedings.

Mr. Caldwell (United States of America) said the United States delegation was prepared to accept provisionally the Mexican proposal that seized drugs in the hands of Governments when the Convention came into force should be destroyed as soon as the legal proceedings relating to them had been completed.

The President said the Mexican delegate was prepared to accept the Turkish amendment that the time-limit for the destruction of existing stocks of seized drugs should be three months.

Mr. Riddell (Canada) thought the time-limit should not be left blank unless there were some guarantee that the Convention would not interfere with prosecutions. He was prepared to accept the Mexican amendment, as it would meet the position. In Canada, exhibits had sometimes been kept as long as four years. Three months would not, therefore, be adequate unless special provision were made in the case of exhibits, as proposed by the Mexican delegate.

The President thought time would be saved by voting first on the principle of the Yugoslav amendment. If that were adopted, the Conference could decide the time-limit later.

The Yugoslav amendment was adopted by twenty-three votes to six.

M. Martinez de Alva (Mexico) suggested, as regards the time-limit, that a distinction must be made between seizures in respect of which the courts had not yet passed judgment and those in regard to which a verdict had been given. In the latter case, the drugs should be destroyed immediately.

The President thought that, to meet M. Martinez de Alva's point, the most suitable drafting would be the following :

" They shall be destroyed within a period of . . . days or months as from the entry into force of the Convention for the party concerned, and, at latest, within a period of . . . days or months after the final decision of the courts."

This text was adopted.

The President proposed that the time-limit should be three months.

The President's proposal was adopted.

ARTICLE 9 (continuation).

The President reminded the Conference that, at the last meeting, this article had been held over pending a decision on Article 19, and that the British amendment had been taken as a basis of discussion. It would, however, have to be modified to bring it into line with the Turkish proposal which had been adopted.

The Conference adopted Article 9 in the form proposed by the British delegation, subject to the amendments necessitated by the adoption of Article 19.

ARTICLE 10.

The President observed that amendments had been received from the British and Yugoslav delegations, and added that, if the text proposed by the group of delegations (Annex 10) were adopted, it would have to be revised to bring it into conformity with the new Article 8.

Amended Text proposed by the British Delegation.

" If at the time of the entry into force of the present Convention, or at the beginning of any subsequent year, the then existing stock of any narcotic drug in any country exceeds the amount of the reserve stock of that drug which, according to the estimates of that country, it is desired to maintain in that country, such excess shall :

" (a) In the case of a manufacturing country, be deducted from the total quantity of that drug to be manufactured during the current year ;

" (b) In the case of a non-manufacturing country, be deducted from the amount of that drug to be imported into that country during the year.

" Alternatively, the excess stocks mentioned in the preceding paragraph existing at the time of the entry into force of the present Convention shall be taken possession of by the Government, and released from time to time in such quantities only as may be in conformity with the present Convention. Any quantities so released during any year shall be deducted from the total amount to be manufactured or imported as the case may be during that year."

Amended Text proposed by the Yugoslav Delegation.

" All quantities of narcotic drugs existing in a manufacturing country at the time of the entry into force of the present Convention in excess of the total quantities defined in paragraphs 1, 2, 3(a) and 4(b) of Article 8, plus the normal supplies in the country, shall be destroyed under State supervision within a period of one month.

" *Explanatory Note.*—The stocks of narcotic drugs over and above the quantities to be manufactured in the ordinary way, the maintenance of which is permitted by the Franco-Japanese plan, include :

" (1) Reserve stocks placed under Government control (Article 6, paragraph 2) ;

" (2) Factory reserves not exceeding 25 per cent of the estimated requirements of the said country ;

" (3) Special factory stocks not exceeding 50 per cent of the total exports of the said country.

" If to these fairly large stocks were to be added the surpluses, which in certain countries are perhaps very considerable, the objections raised to the Franco-Japanese plan, based on the contention that this plan would not lead to a genuine limitation of manufacture, would be to some extent justified."

M. Obradovitch (Yugoslavia) observed that Article 8 prescribed the maximum amount of stock a country was authorised to hold. The figure was fairly large, because it had not only to cover the normal needs of a country, but to suffice for emergencies as well. The Yugoslav delegation therefore had considered that it might be useful to stipulate that existing quantities in excess of the total

of the amounts defined in Article 8 should be destroyed.

M. Casares (Spain) urged the Yugoslav delegation to withdraw its amendment and to acquiesce in the British amendment being taken as a basis of discussion.

M. Bourgois (France) asked whether the Yugoslav delegation's proposal meant that excess stocks of opium to which the same conditions applied should also be destroyed, or whether it was intending to propose a parallel clause on that point.

M. Obradovitch (Yugoslavia) replied that the Conference's terms of reference were to deal with the limitation of the manufacture of narcotic drugs only, and that it could not consider the reduction of raw materials. The latter question was entirely different in aspect and would be discussed by the Advisory Committee next year. He hoped even that it would be possible to convene a Conference next year on the limitation of the production of raw materials. M. Bourgois' question was therefore somewhat out of place, as it had no connection with the object of the present Conference.

In reply to M. Casares, M. Obradovitch agreed to accept as a basis of discussion the British amendment, which he had only seen after tabling his own.

M. Cavazzoni (Italy) enquired the meaning of the word "*eventuellement*" at the beginning of the second paragraph of the British proposal (French text).

The President replied that this word did not correspond to the term in the English text, "alternatively", which meant alternative methods.

Mr. Caldwell (United States of America) asked whether the existing stock in any country included stocks in the hands of manufacturers, wholesalers and retailers, and whether the reserve stock referred to in Article 10 was the same as the reserve stock referred to in Articles 6 and 8.

The President replied that the words "reserve stock" had certainly the same meaning in the British proposal and in Article 8. They meant the total reserve which a country considered necessary. Each country was to indicate the composition of the reserve in accordance with the methods to be defined in Chapter I of the Annex.

M. Cavazzoni (Italy) proposed that the word "alternatively" should be deleted.

The amendment did not provide for different methods and there was no contradiction between the two paragraphs.

The President replied that the British proposal had the following meaning: If, at the time of the coming into force of the Convention, there was an excess in a particular country, the latter could attempt to dispose of it for general consumption in two ways. If it were a manufacturing country, the excess could be deducted from the total quantity of the drug in question authorised for manufacture in the course of the year. This procedure, however, might be impossible, if, for instance, the excess stock were larger than the authorised manufacture for one year. It was also possible that a country might not wish to adopt this method, owing to the fact that the excess stocks were dangerously near to the quantity to be manufactured, and it might therefore have to suspend manufacture for a year.

If the country could not or did not wish to apply the above method, it would, under the British proposal, be allowed to choose the second—that was to say, to keep the stocks under strict control and not allow them to be disposed of except in accordance with the proposed rules. The British proposal, therefore, did undoubtedly provide two possibilities, and either one of the two parts forming the text must be deleted or the proposal revised so as to preclude any misunderstanding.

M. Casares (Spain) thought there was no contradiction between the two parts of Article 10 in the form proposed by the British delegation. In point of fact, the stocks were to be handled in the same way under paragraphs (a) and (b). The question was merely one of drafting which could be settled quite easily.

Sir Malcolm Delevingne (Great Britain) thought the word "alternatively" should be retained.

M. Cavazzoni (Italy) said that provided the French translation, which did not correspond to the English version, were amended, he would have no objection to the British proposal.

The British proposal was adopted unanimously.

M. Dinichert (Switzerland) said that, in addition to the manufacturing and consuming countries, there were certain countries which were both manufacturers and consumers. The wording in the British amendment should be modified accordingly.

The President took note of M. Dinichert's suggestion.

TWENTY-SECOND MEETING (PUBLIC).

Wednesday, July 1st, 1931, at 10 a.m.

President : M. DE BROUCKÈRE.

58.—QUESTION OF THE INTRODUCTION OF DIRECT QUANTITATIVE LIMITATION OF THE MANUFACTURE OF NARCOTIC DRUGS : PROPOSAL BY THE PANAMA DELEGATION.

Dr. Hoffmann (Panama) said that, if he understood the position clearly, the Conference had been convened, in pursuance of a resolution adopted by the 1929 Assembly, with a view to limiting the manufacture of the derivatives of opium and the coca leaf. This limitation was to be direct and quantitative. Up to the present, the measures adopted by the Conference, its Committees and Sub-Committees were purely measures of control or "super-control", and not direct quantitative limitation, and he therefore suggested that the Conference should seriously consider the advisability of introducing into the Convention an article or articles providing for such limitation, even though the margin for the quantities to be manufactured was liberal.

He remembered that the Conference had approved the Secretariat's statement relating, among other matters, to world requirements. The total of the world requirements then mentioned was no doubt made up of component parts representing the requirements of the individual countries, and the statement relating to manufacture for legitimate requirements was undoubtedly composed of figures representing the average manufacture in the various manufacturing countries for meeting the world's legitimate requirements.

In those circumstances, he was of opinion that two sets of figures could be established and included in the text of the Annex to the Convention—one representing the medical and scientific requirements of each country, and the other representing the average annual manufacture for legitimate purposes of each of the actual manufacturing countries. This second figure would constitute a provisional limit beyond which no narcotic drugs should be manufactured unless such excess quantity were justified by the presentation of import certificates issued in conformity with the stipulations of the Convention, as provided in the text of an article which he would have distributed to the Conference.¹

¹ The text of the new article proposed by the Panama delegation reads as follows :

" *New Article to be included in the Annex to the Draft Convention.*

" The High Contracting Parties undertake not to issue import certificates for substances covered by the Convention for quantities which together would exceed a quantity of morphine base or cocaine mentioned in Article . . . of the Annex as representing the

At the same time, he requested the Secretariat to establish and distribute to the Conference the estimates relating to requirements by countries, as well as the average quantities manufactured by manufacturing countries.

The President asked Dr. Hoffmann to put his suggestion into a form which did not conflict with the decisions already adopted and to indicate where he would like it to be inserted.

59.—REPORT OF THE SUB-COMMITTEE ON CONTROL : STATEMENT BY M. DE VASCONCELLOS.

M. de Vasconcellos (Portugal), Chairman of the Sub-Committee, recalled that the Sub-Committee had been requested to revise Chapters III and IV of the Annex dealing with control, the original text of which had been drawn up on the basis of the quota system now discarded. The Sub-Committee had adopted a text which would be circulated, and was of opinion that the proposed controlling authority was unnecessary and that its duties could be entrusted to the present Permanent Central Opium Board.

The President, replying to a question by Mr. Caldwell (United States of America), said the Sub-Committee's proposals would be duly discussed and if necessary amended.

legitimate requirements of the individual High Contracting Parties to this Convention. The High Contracting Parties manufacturing narcotic drugs to which this Convention applies undertake not to release from their factories, for sale in their respective territories, to meet the legitimate medical and scientific requirements of these territories, quantities of narcotic drugs in excess of the equivalent mentioned in Article . . . of the Annex, after deduction of imports, re-importations, stocks, etc.

" The High Contracting Parties manufacturing narcotic drugs covered by the Convention undertake not to manufacture, during the year which will follow the entry into force of the present Convention, narcotic drugs in excess of quantities equivalent to the amount stipulated in Article . . . of the Annex, unless the said High Contracting Parties have received firm orders for such excess quantities, duly supported by import certificates issued in conformity with the terms of this Convention.

" The High Contracting Parties undertake to limit their importations in the succeeding years in conformity with the terms of the present article, and those High Contracting Parties who manufacture narcotic drugs covered by this Convention undertake not to manufacture in the ensuing years narcotic drugs in quantities exceeding those which may legitimately be manufactured in conformity with the terms of the present Convention."

60.—EXAMINATION OF THE PRELIMINARY DRAFT CONVENTION DRAWN UP BY SEVERAL DELEGATIONS (Annex 10) (continuation).

ARTICLE 9 (a).

The President recalled that a new Article 9 (a) had been proposed by the group of delegations who had drawn up the preliminary draft Convention now under discussion (Annex 10) and that an alternative proposal had been put forward by the Swiss delegation.

Text proposed by the Group of Delegations :

"As regards the substances referred to in group II (b) of paragraph 2 of Article 1,¹ the quantities relating either to the reserve or to the special stock mentioned in Article 8 shall be fixed by taking as a basis the quantity of morphine, intended to be used as such, maintained in the reserve or in the stock referred to above.

"The High Contracting Parties undertake not to maintain, either in the reserve or in the stock, any quantity of the above-mentioned substances exceeding (150 %) per cent of the quantity of morphine fixed above."

Text proposed by the Swiss Delegation, and Explanatory Note :

"*Explanatory Note.*—Article 1 divides the products covered by the Convention into three groups which should, by reason of their definitions, be subject to different regimes. Two articles should therefore be inserted in the Convention, reading somewhat as follows :

"Article"

"The products included in group I (narcotic drugs) shall be liable to limitation in the sense of the present Convention, subject to the provisions of Article 2 (a), which lays down a special procedure for diacetylmorphine. The same shall apply to the substances which can be converted into narcotic drugs, comprised in sub-group (a) of group II.

"The substances in sub-group (b) of group II shall be dealt with in the manner described in Article . . . hereunder.

"The products contained in group III shall be liable, where necessary and depending on their nature and effects, to the regime of absolute limitation or that of relative limitation with control defined in Article"

"Article"

"The High Contracting Parties shall not be bound to furnish estimates in the sense of Article 3 on the quantities of codeine and ethylmorphine required by them for domestic consumption, since the

¹ See the report of the Technical Committee (Annex 18).

² Subject of course to the decision taken regarding the May proposal and its possible substitution for the regime established by Article 10 of the Geneva Convention.

use of such drugs, particularly codeine, may vary, according to circumstances, to a considerable degree, making any prior estimate impossible.

"The countries parties to the Convention, whether they themselves manufacture (manufacturing countries) or import the morphine used for manufacturing codeine and ethylmorphine (converting countries) shall, for purposes of general information, show in their estimates the quantities of morphine necessary, as they anticipate, for such manufacture or conversion. These amounts may, however, be increased if the manufacturers submit a request based on the orders received, the need for forming and maintaining sufficient stocks or any other reason. Such modifications shall be notified to the Permanent Central Board (and to the Central Authorities) for its (their) information.

"The High Contracting Parties shall see that the quantities of morphine required by manufacturers for conversion into codeine and ethylmorphine are actually used for that purpose; they shall be informed by manufacturers of any conversion of codeine into a narcotic drug. Any sale of codeine and ethylmorphine to a wholesale dealer shall be reported to the competent authority of the country.

"Morphine imported for conversion into codeine and ethylmorphine shall be definitely shown as such on the import permit.

"The High Contracting Parties furthermore undertake to apply to the manufacture of and trade in codeine and ethylmorphine the following provisions of the Geneva Convention :

"(1) The provisions of Article 6 regarding manufacture, import, export and wholesale trade ;

"(2) The provisions of Articles 12 and 13 (import and export certificates), with the reservation that the exporting country shall not be bound in the case of exports to demand the import certificate of the importing country ;

"(3) The provisions of Article 22, paragraph 1 (b) (statistics of manufacture), with the reservation that such statistics shall only be furnished annually.

"The provisions of sub-paragraphs 2 and 3 shall not apply to preparations containing codeine and ethylmorphine.

"The home trade in codeine and ethylmorphine shall not be subject to any restriction or measure of control other than those applying to conversion and wholesale trade and those laid down in national legislations regarding the profession of chemist."

Dr. Carrière (Switzerland) pointed out that the task now was to determine the regime to which the various products covered by the Convention would be subject. The Swiss delegation thought that there should be a general article stating that the various products covered by the Convention should not all be subject to the same regime.

In view of its more and more frequent use, codeine, as the Swiss delegation held, should not be subject to the strict regime of the Convention but to more elastic regulations. Strict regulations could not be applied because no exact estimates regarding its use would be available; consumption varied from year to year in accordance with various circumstances.

On the other hand, the Swiss delegation thought that countries parties to the Convention should, in their estimates, show the quantities of morphine required for conversion into codeine. Such estimates, of course, would not be absolutely rigid as they would be based on the quantities of codeine manufactured in previous years. For that reason, paragraph 2 of the second article proposed in the Swiss amendment provided that these quantities might be increased on a request by the manufacturers, based on the need for forming and maintaining sufficient stocks, or for any other reason. Naturally, these reasons would have to be deemed adequate by the Governments to which they were made and the ensuing modifications notified to the central authority for its information. He wished to stress the grave responsibility incurred by a Government which authorised an increase in the quantities of morphine for conversion into codeine, since it would be bound to see that the raw material was really used for that purpose. The Governments, however, might be trusted to do this.

It had been stated that codeine could be converted into a narcotic which at present was being manufactured from thebaine, another opium alkaloid. The narcotic in question was dicodide, a comparatively recent discovery, which now came under the Convention. This was clearly a possibility which must be taken into account, and it was for this reason that the Swiss delegation had prepared a text on the subject.

As regards the question of domestic and international control over codeine, the Swiss delegation held that codeine should be subject to control and had included in its amendment a paragraph to that effect, providing that Articles 12 and 13 of the Geneva Convention would apply to codeine, with the reservation that the exporting country would not be bound in the case of exports to demand the import certificate of the importing country.

The home trade would be controlled from the beginning—that was to say, the raw material, opium, until the finished product, codeine, was produced; such control was already being exercised and it would not be difficult to increase it.

Codeine should also be controlled when it left the works; delivery should be subject to the manufacturing country giving the necessary authorisation or receiving a delivery certificate.

Doctors and pharmacists were anxious that the retail trade should not be subject to any restriction. They would not agree that

there should be any limitation whatever on the sale of an article which, once it had passed into the retail trade, became harmless and could not be used for illicit purposes. The Swiss proposal therefore provided that the home trade in codeine should not be subject to any restriction or measure of control other than those applying to conversion and wholesale trade, and those laid down in national legislations regarding the profession of pharmacist.

What he had said about codeine applied, of course, to ethylmorphine also, which, however, was very little used. Dionine could not, so far as he knew, be converted into a narcotic drug. Both dionine and codeine might be treated alike.

M. Casares (Spain), on behalf of the group of delegations, explained that the draft Article 9 (*bis*) it had proposed had been drafted before Article 8 had been changed. As the latter in its new form made no reference to reservations or special stocks, the old Article 9 (*bis*) could not be maintained *tel quel* and would be withdrawn.

Speaking as Spanish delegate, he thought codeine manufacture might temporarily be limited on the basis of the limit fixed for morphine. This system could be used until codeine estimates supplied the data necessary to enable limitation to be effected in the same way as for other products.

He did not agree that no estimates could be framed for codeine. The Health Committee had supplied data showing that a certain proportion existed between the normal consumption of codeine and that of morphine, namely 15 to 10. Moreover, the reports on this subject published in the United States of America proved that this proportion had never been exceeded in practice. Even in 1930, when influenza was exceptionally prevalent, the consumption of codeine in the United States had not exceeded 150 per cent of morphine consumption.

As codeine was less harmful than the other drugs, the Spanish delegation thought that a higher margin might be fixed for it than for other products, say 50 or even 100 per cent; but there should be estimates for codeine requirements.

M. Cavazzoni (Italy) was sorry to have to enter an energetic objection to the Swiss proposal. In his opinion, codeine should be controlled. When every allowance had been made for the opinion of the medical profession and the legitimate requirements of the sick, it should not be overlooked that for many years past huge quantities of morphine had escaped control because codeine manufacture was uncontrolled, and it was sufficient for there to be one dishonest manufacturer, who took advantage of the manufacture of

codeine, for large quantities of morphine to pass into the illicit traffic.

He urged the Conference to remember it had a moral and social duty and not to hesitate before minor difficulties of an administrative nature.

The Swiss delegation had said that codeine requirements could not be estimated, though it had also agreed that estimates might be submitted of the morphine required for codeine manufacture, which he thought would amount to the same thing. Manufacturing countries could always ask for an increase in the quantities of morphine needed for codeine manufacture in exceptional circumstances. Even though the margin fixed for codeine was rather high, it would always be one step forward.

Importing countries were prepared to issue import certificates, and M. Cavazzoni could not see why the manufacturing countries should refuse to accept them.

In conclusion, the Italian delegate stated that codeine should be controlled like all other narcotic drugs. He appealed to the Conference to try and find common ground for agreement on this question.

M. Bourgois (France) thought the regime applied to all narcotic drugs should also apply to codeine except as regards quantities dispensed to patients and export in the form of preparations—that was to say, not in bulk. In view, however, of the considerable variations in consumption, he suggested that general satisfaction might be given if an article of the Convention were to provide that special facilities would be given to countries for presenting during the year duly authenticated supplementary estimates.

Mr. Caldwell (United States of America) said he was unable to accept all the details of the Swiss proposal. He considered that it should be possible to submit estimates for codeine, to be followed by a supplementary estimate when necessary. He could not accept the suggestion that an exporting country should not be bound to demand a certificate from the importing country, and was prepared to submit a written amendment on this point.

The President thought M. Bourgois' proposal was somewhat similar to a provision in the Regulations attached to the draft Convention proposed by the Advisory Committee (Annex 7) providing that countries might, if necessary, furnish supplementary estimates with an explanation of the circumstances justifying them. To make the latter less frequent, it might perhaps be possible to modify slightly a passage which the draft Convention already contained (Chapter I (3) of the Regulations). The fixing of a wider margin for codeine might make it possible to avoid supplementary estimates to some extent.

Subhi Ziya Bey (Turkey) pointed out that codeine—in itself a harmless product—only

came under discussion in so far as there was a presumption that it might be converted into a harmful product. He thought, therefore, that there should be a system of control for codeine, though it need not be the same as that applied to other narcotic drugs.

Turkey had, without waiting for the conclusion of international agreements, already instituted a system of control for codeine by means of a law which provided that the manufacture of codeine should be under Government control; that a special Government authorisation should be required for exports of codeine and that the home trade in codeine should be subject to the rules governing pharmaceutical transactions in poisonous substances. The Turkish system gave entire satisfaction and should prove equally satisfactory in other countries. The Swiss proposal resembled the Turkish law. The Turkish delegation would therefore support it and be glad to see it adopted by all the delegates.

Colonel Sharman (Canada) said the Canadian delegation thought it essential that import and export licences should be required for codeine. It would like to see codeine controlled up to the time when it reached the wholesaler.

The difficulty of preparing estimates was not insuperable, but a wide margin was necessary. In Canada, the importation of morphine in 1928, 1929 and 1930 had remained constant, whereas the importation of codeine had increased by practically 100 per cent. A wide margin should therefore be allowed.

M. Bourgois (France) thought it might give general satisfaction if the Conference reverted to the text adopted on the previous day for Article 8, expanding it a little and increasing the margin above the 5 per cent mentioned there.¹

M. Kahler (Germany) reminded the Conference that the use of codeine in Germany was increasing. He therefore supported the Swiss proposal. The German medical profession could not agree to any control whatever being exercised over the internal consumption of codeine, and, if his impression were correct, the Conference recognised that medical men were free to prescribe codeine for their patients.

He agreed, on the other hand, that the manufacture of codeine and its distribution to wholesalers should be controlled, and would also accept limitation by means of estimates, allowance being made for a wider margin. It should, however, be understood that pharmaceutical specialities containing codeine were not to be controlled.

In conclusion, he believed no import certificate was necessary, and pointed out that otherwise administrative complications would arise.

¹ See Minutes of the twenty-first meeting, pages 158 and 159.

Sir Malcolm Delevingne (Great Britain) thought it would help the Conference if M. Bourgois, in preparing his text, would make clear whether he intended the control of exports and imports to apply to preparations containing codeine. The Conference would remember that the new scheme of limitation depended on, among other things, the amount of exports of the drugs to which the Convention applied. If the scheme were to apply to codeine, the Government, in order to ascertain the total amount that might be manufactured in any one year, would have to ascertain the amount of codeine exported in any form whatsoever. A considerable amount of drugs of all kinds, including codeine, was used for making preparations, and if export and import control did not apply to such preparations, there would be a very big loophole.

Moreover, as the amount of codeine to be manufactured would be limited to the amounts exported on the receipt of import certificates under the provisions of the Geneva Convention, he thought it would not be permissible to manufacture any codeine for making preparations for export if the import and export control did not apply to them.

Dr. Carrière (Switzerland), replying to the various objections raised to the Swiss proposal, said that M. Cavazzoni had appealed to the Conference's feelings of humanity. Might he emphasise once and for all that the Swiss delegation was quite as susceptible as any other to such sentiments? it had never defended the standpoint of the manufacturer.

The Technical Committee had divided the products which were to come under the Convention into two groups: The group of narcotic drugs, with an annex referring to products convertible into narcotics, and the group of products which could not be considered as narcotic drugs. The logical inference was that the articles contained in the two groups should be treated differently.

On the question of codeine he would say that his statement regarding the impossibility of supplying estimates referred to domestic consumption. All medical men would agree that it was impossible to estimate the amount of codeine needed for a country's home consumption, and the figures given by the Canadian representative proved that such consumption might vary considerably in a single country. Furthermore, Article 3, which the Conference had adopted, stipulated that each contracting party should furnish annually to the Permanent Central Opium Board estimates of the requirements of their territories in the matter of narcotic drugs for use as such for domestic consumption and for conversion, and that codeine was one of

the few drugs which could be converted in the sense hitherto attached to that term.

He believed, on the other hand, that estimates of manufacture could be prepared, either by giving the quantities of morphine needed for producing codeine or by giving estimates in terms of codeine itself. The main point was to control the morphine used for such conversion, and that should be done just as strictly in the case of morphine intended for conversion into codeine as for other morphine. In other words, it should apply to the factory books, to deliveries, exports, imports and wholesale sales. On that point he felt he was in entire agreement with M. Cavazzoni, but it should be clearly understood that the estimates of manufacturing countries might be followed by supplementary estimates, prepared either in accordance with the usual system or by the manufacturing country itself which would notify them to the central authority. Incidentally, the latter would never be able to say whether such estimates exceeded the requirements or not, since it did not definitely know the codeine requirements of any given year.

The Swiss delegation held that, starting with the wholesale or semi-wholesale dealer, the home trade should not be subject to any restrictions other than those imposed by the national legislation.

As regards exports, an export certificate should be required, since States undertook to see that the quantities of morphine required for conversion into codeine were actually used for that purpose.

On the question of imports, his delegation conceived that, to simplify transactions, the exporting country should not be bound in the case of exports to demand the import certificate of the importing country, seeing that all exports were reported to that country. If the reservation on this point which the Swiss proposal contained, and which was dictated by practical considerations, proved an obstacle to an agreement, his delegation would be prepared to abandon it.

M. de Vasconcellos (Portugal) hoped the Conference would adopt the Swiss amendment, in view of the concession Dr. Carrière had made. There was another side to the humanitarian aspect of the question—the need of giving patients the remedies they required. It should be remembered that Switzerland received annually a large number of sick people, which might vary by hundreds or thousands, so that the competent authorities could not possibly estimate the amount of codeine needed for a particular year. Without doubt, adoption of the Swiss proposal would mean an improvement on the present state of affairs.

Dr. Hrdlicka (Czechoslovakia), speaking as a medical man, agreed with Dr. Carrière and supported the Swiss proposal. His delegation was prepared to accept control

over the manufacture of codeine, but did not think it possible to contemplate the institution of control over the consumption of codeine.

M. Casares (Spain) felt that Dr. Carrière's statement gave grounds for hoping that an agreement could be reached, and proposed that a small sub-committee composed of members of the delegations chiefly concerned should be appointed for this purpose.

Replying to M. de Vasconcellos, he would like to say that the advocates of control had never dreamt of depriving the sick of a useful medicine, seeing that a very wide margin had been proposed for the estimates of requirements in codeine. It was merely a case of filling a gap which the Convention would otherwise have left.

M. Sjöstrand (Sweden) said that control over narcotic drugs had recently been introduced in Sweden. If control were extended to non-narcotic drugs, certain difficulties would arise with regard to the ratification of the Convention.

Dr. Carrière (Switzerland) said the Swiss delegation would be glad if a common measure of agreement could be achieved, and was therefore prepared, not merely to accept M. Casares' suggestion, but also to collaborate with any delegates appointed to the sub-committee proposed.

The President asked the Conference to authorise him to consult the authors of the proposals and prepare a compromise text for submission to the Conference.

Mr. Caldwell (United States of America) approved the President's suggestion, but pointed out that the United States delegation could not accept the last paragraph of the Swiss proposal. The United States had already done more than was required in this paragraph, and did not propose to alter its legislation.

The procedure suggested by the President was adopted.

ARTICLE II.

The President recalled that amendments had been received from the British, United States, German and Soviet Union delegations.

Amended Text proposed by the British Delegation:

"No manufacture of any product obtained from any of the phenanthrene alkaloids of opium or from the alkaloids of coca leaf, not at present used for medical or scientific purposes, shall take place in any country except in small quantities and for the purpose of scientific research unless and until the Health Committee of the League of Nations, after having submitted the question for advice and report to the Permanent Committee of the Office international d'Hygiène publique in Paris, shall pronounce it to be useful for medical treatment.

"If the Health Committee, after such consultation as aforesaid, decides that the

product in question is capable of producing addiction, or is convertible into a product capable of producing addiction, that decision shall be communicated to the High Contracting Parties, and thereupon the provisions of the present Convention in respect of narcotic drugs shall apply to such product."

Amended Text proposed by the United States Delegation:

"Excepting apomorphine and apocodeine, no manufacture of any product obtained from any of the phenanthrene alkaloids of opium or from the alkaloids of the coca leaf, not specified in groups I and II (Section 1, Article 1, paragraph 2(a), Document L.F.S.52(a), June 25th, 1931), shall take place in any country except in small quantities for the purpose of scientific research unless and until the Health Committee of the League of Nations, after having submitted the question for advice and report to the Permanent Committee of the Office international d'Hygiène publique in Paris, shall pronounce it to be useful for medical treatment.

"If the Health Committee, after such consultation as aforesaid, decide that the product in question is capable of producing addiction, or is convertible into a product capable of producing addiction, that decision shall be communicated to the High Contracting Parties, and thereupon the provisions of the present Convention in respect of narcotic drugs shall apply to such product."

Amended Text proposed by the German Delegation:

"The High Contracting Parties agree not to allow trade in any product originating from any of the alkaloids (phenanthrene) of opium or the alkaloids of the coca leaf which may fall under group III of paragraph 2 of Article 1, without previous investigation of the medical value of the new product. Further, they undertake to inform immediately the Secretary-General of the League of Nations of the admittance to trade of such new product. The Secretary-General shall communicate the information thus received to the Health Committee of the League of Nations, which, after having submitted the question to the Comité permanent de l'Office international d'Hygiène publique, of Paris, shall decide if the product in question may cause drug addiction or may be converted into a product having this characteristic."

"This decision shall be communicated to the High Contracting Parties, after which the stipulations of this Convention referring to narcotic drugs shall become applicable to this product."

Amendment proposed by the Soviet Union Delegation:

"The Soviet Union delegation proposes to read the first paragraph of Article II as follows:

"Any High Contracting Party may notify the Secretary-General of the

International Narcotics Office of the existence on the market of any product which should be included in group III of Article 1, paragraph 2. The Secretary-General will communicate the information thus received to the Comité permanent de l'Office international d'Hygiène publique, of Paris, which Committee shall decide whether the product in question should come under the scope of the present Convention."

Sir Malcolm Delevingne (Great Britain) said the British amendment was much more drastic than the original text. It was substantially the same as the United States amendment, but differed considerably from that proposed by the German delegation.

He thought the British proposal was justified and would cause no serious interference with the manufacture of drugs for medical purposes; but he admitted it would delay the placing on the market of a drug which had been pronounced by the medical profession of any given country to be useful. On this point, the German amendment differed from the British.

The German proposal was a substantial advance on the present situation, and he was prepared to accept a text based on it, provided it received the general support of the Conference.

M. Casares (Spain), speaking as the Rapporteur for the preliminary draft Convention now before the Conference, explained that in a spirit of compromise he had agreed that the text of the preliminary draft should replace the second paragraph of the Spanish amendment to Article 1. As, however, several delegations had submitted amendments, he would withdraw the basic text in favour of either the British or the United States amendment, which were substantially the same.

Mr. Caldwell (United States of America) remarked that the United States amendment was the same as the British amendment, with

the exception that in the former amendment the drugs were defined. His delegation thought there would be less dispute if its phraseology were adopted. He agreed with Sir Malcolm Delevingne that this method of procedure was better than leaving manufacturers to devise new drugs and put them on the market before control had been introduced.

M. Kahler (Germany) had no objection to the text proposed by the group of delegations. The British and United States amendments, on the other hand, were, in the view of the German Government, too far-reaching since his Government would not be prepared to await until the Office internationale d'Hygiène publique had decided whether a product was useful before putting it on the market. The text proposed by the group of delegations was an improvement on the present situation, and the German amendment strengthened it further by stipulating that the Government of the manufacturing country should immediately inform the Secretary-General of the League of Nations that a new product, recognised as useful, was going to be put on the market. Hitherto, Governments had not accepted any obligation in this respect and manufacturing countries had had entire freedom of action. If, however, before putting a new article on the market, the opinion of the Health Committee and of the Office internationale d'Hygiène publique had to be ascertained, scientific research might be hampered. In Germany, moreover, fresh medical products were very carefully investigated in a hospital or clinic and could only be put on the market after they had been proved to give good results.

In M. Kahler's view this should be sufficient; there seemed to be no point in introducing another international body. He would ask the Conference, in conclusion, to acquiesce in his Government's point of view and adopt the proposal which the German delegation had submitted.

The continuation of the discussion was adjourned to the next meeting.

TWENTY-THIRD MEETING (PUBLIC).

Wednesday, July 1st, 1931, at 3 p.m.

President : M. DE BROUCKÈRE.

61.—EXAMINATION OF THE PRELIMINARY DRAFT CONVENTION DRAWN UP BY SEVERAL DELEGATIONS (Annex 10) (continuation).

ARTICLE II (continuation).

Dr. Carrière (Switzerland) pointed out that there were three suggestions for the form of control to be exercised over products

discovered after the entry into force of the Convention : (1) the system adopted in the 1925 Convention ; (2) the May proposal ; (3) the proposals under discussion.

The Swiss delegation could not accept the British or United States proposal. The medical profession should not be deprived of a medicament which had been found to be

useful, but which could only be manufactured and sold in small quantities for scientific purposes until the protracted procedure, suggested in both proposals, had been completed.

The President pointed out that under all the proposals made the manufacture of new drugs was prohibited, except under certain conditions. Under the United States and British amendments their use would be subject to international, and under the German proposal to national, authorisation.

M. Perez (Argentine) cited the case of a German factory which had discovered a new product. After successful tests on animals, the drug was tried on hospital patients. Had Geneva to be asked for permission to manufacture when it possessed no information of value on the drug? National authorisation should be sufficient for carrying on scientific research.

The President pointed out that, under two of the amendments submitted, only small quantities of drugs for the purpose of scientific research were exempt from the embargo on manufacture.

M. de Vasconcellos (Portugal) believed that, if the medical profession's interests were disregarded, Governments would be unable to ratify the Convention. In the case in point, national authorisation was sufficient. If the drug were to be marketed all over the world, international authorisation would be given later—say, by the Health Committee. A new drug could not be introduced into the illicit trade at once; some time must elapse before a market was created.

M. Kahler (Germany) took the case of dicodide invented by a German firm, which was only marketed after it had been investigated for not less than two years in a clinic under medical supervision. Such a procedure afforded the best guarantee. Germany would certainly be quite willing to undertake to report immediately the introduction of a new product. In his opinion, the competent national authorities could take any necessary precautions immediately.

The President asked the Conference to decide whether, in certain circumstances at least, national authorisation as defined in the German proposal was sufficient for the introduction of new drugs.

The German proposal was adopted by twenty-five votes to four.

The President asked the Conference to vote on two further questions of principle. The first was whether, as the German delegation suggested, the national authorisation should be considered void when the international authority arrived at a contrary conclusion.

Sir Malcolm Delevingne (Great Britain) thought the international authority should not decide whether a drug which the national Government had decided to be useful for medical purposes were useful or not. The German proposal was that the national authority should decide that question. The function of the international authority would be to decide whether a new drug was capable of producing addiction or of being converted into drugs which produced addiction, and should come under the terms of the Geneva Convention and the new Convention. He suggested that the second question should be put to the vote.

Dr. de Myttenaere (Belgium) agreed. One authority could not be set against the other.

M. Kahler (Germany) suggested that the discussion be adjourned in order that the British and German delegations could agree on a draft text.

The President thought the Conference should decide forthwith which should be the competent international authority. All the proposals, except that of the Soviet Union, suggested the Health Committee of the League of Nations subject to its consulting the Paris Office international d'Hygiène publique.

M. Weinberg (Union of Soviet Socialist Republics) said that the central authority should be a body quite independent of the League of Nations, such as the International Narcotics Office. The Soviet delegation would not object to the central authority consulting the Permanent Committee of the Office international d'Hygiène publique.

M. Figueredo-Lora (Costa Rica) said that although Costa Rica was not a Member of the League of Nations it was prepared to accept the two international authorities mentioned. It would be helpful to the Conference to have the opinion on this question of the delegations of other League countries which did not belong to the League of Nations.

The President replied that he could not put questions to particular delegations, but they were all free to give their opinion. The United States proposal, moreover, mentioned the Health Committee of the League of Nations and the Permanent Committee of the Office international d'Hygiène publique, as did also the German amendment.

M. Martinez de Alva (Mexico) said the Mexican Government would be prepared to accept the two organisations in question.

The Conference agreed by thirty-one votes to one that decisions should be taken by the Health Committee of the League, after ascertaining the views of the Permanent Committee of the Office international d'Hygiène publique.

The President said the Conference had still to decide whether a communication

should be made by the Government which had granted the authorisation. That communication might take one of two forms : Either a formal diplomatic application to the League of Nations, resulting in formal proceedings being opened for modifying group III and consequently the Convention itself ; or it might take the form of a simple communication to the Health Committee for its information. In the latter case, the Health Committee could decide whether the new product was likely to induce addiction and therefore came under the Convention.

Sir Malcolm Delevingne (Great Britain) asked whether a Government which authorised the manufacture of a new product for sale ought not to give notice to the other High Contracting Parties and the Secretary-General of the League of Nations simultaneously. The latter would communicate the information to the Advisory Committee and the Permanent Central Opium Board.

The discussion was adjourned to enable the British and German delegations to draw up a text.

ARTICLE 12.

Paragraph 1.

Sub-Paragraph (a) :

The President recalled that the British delegation had proposed to replace the words " available to " by the words " in the possession of ".

The British amendment was adopted.

Sub-Paragraph (b) :

The President observed that the British delegation had proposed the following amendments :

" After ' preparations ' insert the words ' containing the drugs ' ; for the words ' in those factories ' substitute the words ' by each manufacturer ' ."

The first British amendment was adopted.

M. von Rheinbaben (Germany) thought the words " by each manufacturer " in the British amendment were too vague and that it would be better to retain the expression " in those factories " which was that used in other articles of the Convention and was, moreover, in harmony with the German national law.

Sir Malcolm Delevingne (Great Britain) said the intention was to make paragraph (b) correspond to paragraph (a).

The President wondered whether the licence would be issued to the manufacturer or the factory.

He proposed that the original text should be adopted subject to revision at the second reading, by which time Sir Malcolm Delevingne would have found a final draft.

The President's proposal was adopted.

Sub-Paragraph (c) :

The President recalled that the British delegation proposed to omit the words : " and more especially the distribution of narcotic drugs to the trade at the time of delivery from the factories " .

M. Perez (Argentine) could not accept the British amendment.

Sir Malcolm Delevingne (Great Britain) objected to the original text, because it implied that the Government would have to control each delivery of drugs from the factory. The British Government could not undertake that obligation ; it would involve a system of control which was quite alien to the British administration.

The British amendment was rejected by nineteen votes to fourteen.

Additional Paragraph to be inserted between Paragraphs 1 and 2.

M. Contoumas (Greece) proposed the following additional paragraph to be inserted between the first and second paragraphs of the original text :

" For this purpose, the High Contracting Parties agree to take under serious consideration the possibility, especially through their respective legislative measures, of making the Government officials charged with this supervision, jointly and severally with the manufacturers, responsible for all violations of the stipulations of this Convention."

He explained that his Government believed that, in countries where no State monopoly existed, control could be made effective by holding officials and manufacturers jointly responsible. Even without the amendment, States signing the Convention would assume responsibility for infringements of it. The object of the Greek amendment was to minimise the risk that the Government responsibility would be involved. There was no idea of imposing a formal obligation, but merely of urgently recommending Governments to consider, and ultimately to adopt, the principle of joint responsibility. It might be urged that the most appropriate place for the Greek amendment, as worded, would be in the Final Act, but to produce the maximum effect it should be inserted in the present article dealing with the supervision of manufacture.

M. Dinichert (Switzerland) said that, as a matter of principle, he could not accept the Greek amendment. The responsibility of officials towards their own Government was a question of purely national law, and in an international convention a Government could hardly bind itself in this respect. The question of the international responsibility of officials raised the highly intricate problem of the international responsibility of States for offences committed by their officials, a problem which it would be better not to discuss at the present Conference. The Greek amendment, moreover, was so worded that it did not form a treaty obligation and could therefore not appear in the body of the Convention.

M. Contoumas (Greece) had foreseen the legal objections which might be raised and

had therefore given his amendment an optional form.

M. de Vasconcellos (Portugal) approved of the Greek delegation's idea to make guilty Government officials responsible, but thought that Governments would never agree to hold them jointly and severally responsible with the manufacturers.

Dr. de Myttenaere (Belgium) could not support M. Contoumas' suggestion. As an official he realised how odious it would be to be held responsible for an offence which he had helped to suppress.

M. von Rheinbaben (Germany) urged the Greek delegation to withdraw its amendment and so save superfluous voting.

Mr. Lester (Irish Free State) could not accept the Greek amendment. A policeman was not hanged because a murder had been committed in his district, nor were Customs officers imprisoned because contraband goods had been discovered.

M. Contoumas (Greece) withdrew his amendment.

Paragraph 2.

The President observed that amendments had been received from the Yugoslav and British delegations.

Amendment proposed by the Yugoslav Delegation:

" Omit the last paragraph of Article 12 beginning ' The High Contracting Parties agree not to allow . . . '

" *Explanatory Note.*—The motives which prompted the drafting of this paragraph are sufficiently covered by Article 12, paragraph (a), by which the Governments undertake to exercise ' a strict supervision over the amounts of raw material . . . available to each manufacturer for the purpose of manufacture or conversion. . . . '

" The question of the amounts of raw materials which shall be placed at the disposal of manufacturers is one which must be settled by the Governments in accordance with the respective sizes of the factories, the need for stocks of manufactured narcotic drugs, and market conditions. In most cases, the Governments will not allow factories to hold the stocks of raw materials authorised in the last paragraph of Article 12 (one year's supplies), but, in exceptional circumstances, it is conceivable that this authorisation might lead to the holding of stocks in excess of the *normal* supplies for one year. In any case, the solution of this question of fact must be left to the discretion of the Governments. For the purposes of the Convention, it will suffice to introduce a provision binding the States to exercise strict supervision over the stocks of raw materials held by manufacturers."

Amendments proposed by the British Delegation:

" (a) For the words ' in the factories ' substitute the words ' in the hands of each manufacturer '.

" (b) The sentence beginning ' The stocks of raw materials . . . ' should read as follows :

" ' The amounts of raw materials in the hands of any manufacturer at any one time shall not exceed the amounts required by that manufacturer for manufacture during the ensuing six months.' "

M. Obradovitch (Yugoslavia) said it had been stated that the object of the Yugoslav amendment was to ensure an outlet for raw opium. That was untrue; the amendment had nothing to do with the question. It was practically immaterial to producing countries whether factory supplies were limited or not. They were, in fact, automatically limited because raw opium was such a costly material. The Yugoslav delegation thought it sufficient for the Convention to provide for strict supervision of the supplies of raw materials to factories, leaving it to Governments to fix the maximum limit of the stocks which factories might hold.

If the Conference, however, preferred to retain the last paragraph, the Yugoslav delegation would not press its amendment.

M. Anslinger (United States of America) questioned the logic of the amendment. If factories were allowed to accumulate excessive stocks of raw materials, there would be a temptation to manufacture excess stocks, which might then find their way into the illicit traffic. He asked for a vote to be taken on the amendment immediately.

M. Obradovitch (Yugoslavia) withdrew his amendment as the United States delegation considered the last paragraph of Article 12 necessary.

The President said that there remained the British amendments. As the proposal in the first amendment to substitute the words " by each manufacturer " for the words " in those factories " had already been raised under paragraph 1 and adjourned, the same procedure should apply in the present case. The second amendment proposed to alter the sentence beginning " The stocks of raw materials " and to strike out the concluding words in the paragraph, starting from " unless the respective Governments ".

M. Cavazzoni (Italy) supported the second part of the British amendment.

M. Dinichert (Switzerland) objected to omitting the last part of the paragraph and was surprised that the authors of the joint text so readily agreed to its amputation. The Swiss delegation felt the idea embodied in the conclusion of the paragraph was really valuable.

Mr. Caldwell (United States of America) pointed out that the authors of the original text had adopted it as providing the most practical and strict control. His delegation would not, however, object to even stricter control.

M. von Rheinbaben (Germany) reminded the Conference that there had been a long discussion on whether raw materials should be included in the Convention, and the German delegation had stated that they should not be mentioned. In the meantime, in a spirit of conciliation it had agreed to the text before the Conference.

The idea was that there should be no limitation of raw materials, but if limitation should be necessary in exceptional cases, the Governments should be in a position to intervene and to allow factories to have a special stock in excess of the normal six months' supply. It should even be possible to have a year's supply. He reserved his right to return to the matter during the second reading.

Dr. Paranjpye (India) thought there had been some misunderstanding. He considered that stocks in the hands of manufacturers should be limited to six months' supply, but had not thought there was any intention of preventing a larger stock from being kept in bond under Government supervision.

M. Bourgois (France) and M. Sawada (Japan) endorsed M. von Rheinbaben's remarks.

On a show of hands, the British amendment was rejected by twelve votes to ten.

ARTICLE 7 (continuation).

The President submitted the following new text for Article 7 which he had drawn up in consultation with the United States and Soviet Union delegations :

" Every High Contracting Party desiring to manufacture or convert narcotic drugs shall notify the central authority, indicating if it intends to manufacture for its domestic needs only or also for export, and at the period at which it will begin this manufacture or conversion, specifying the substances to be manufactured or converted.

" In case any High Contracting Party desires that one of his territories ceases to manufacture or convert narcotic drugs he shall notify the central authority of this intention."

The new text of Article 7 was adopted.

ARTICLE 13.

The President observed that the Soviet Union delegation had submitted a proposal to draft Article 13 as follows :

" The following provisions shall apply to the import of any narcotic drug for the purpose of the export after conversion into another narcotic or non-narcotic substance and of the export of any such drug so imported and converted :

" (1) The import certificate issued in respect of any such import shall state that the drug is intended for export after conversion ;

" (2) The conversion for purposes of export and the export of drugs so converted shall not exceed the home total assigned to the country concerned in accordance with Articles 8, 9 and 10 of the present Convention."

M. van Wettum (Netherlands) asked the reason for the Soviet amendment.

M. Weinberg (Union of Soviet Socialist Republics) explained that the Soviet delegation considered that re-export should only be permitted if the application to import could be justified by the conversion of the drug into another product. In all other cases, permission to re-export would encourage the illicit traffic.

M. van Wettum (Netherlands) replied that, in that case, he could not accept the Soviet proposal, and added that abuses would be prevented by the stipulations of Article 14.

The Soviet amendment was rejected by fourteen votes to one.

M. Schultz (Austria), reverting to the original text, pointed out that the words " any narcotic drug " should not include diacetylmorphine, in view of the terms of Article 2(a) already adopted.

The President said a form of words would be prepared for the second reading.

Mr. Caldwell (United States of America) pointed out that the United States delegation had just handed in an amendment to Article 13.

The President suggested postponing the discussion of Article 13 in view of the fact that the Conference had had no time to study the new amendment.

Sir Malcolm Delevingne (Great Britain) asked whether the article was necessary now that the Conference had adopted a different system of limitation, and suggested that it should be referred to the Drafting Committee.

The President replied that the question was more than one of drafting ; certain delegations desired special precautions to be taken in regard to re-export. There should accordingly be a discussion on the principle before referring the text to the Drafting Committee.

He thought, moreover, the Conference should give the United States delegation an opportunity of explaining its amendment at the next meeting, and that thereafter a decision could be taken on Sir Malcolm's suggestion.

The President's proposal was adopted.

ARTICLE 16 (previous Article 18).

The President reminded the Conference that the Business Committee on June 22nd had decided (Annex 16), after careful study, unanimously to recommend the deletion of the second paragraph. The original idea of permitting a Committee to revise the annex would, seeing that this annex was to be an integral part of the Convention, be tantamount to asking Governments to ratify in blank. Moreover, the second paragraph had been deemed absolutely useless, in fact dangerous.

Mr. Caldwell (United States of America) hoped that there would not be an annex.

The President, speaking as Rapporteur of the Business Committee, thought it preferable to delete the reference to the annex; it had not much significance in view of the statement in Article 16 that the annex would be deemed to be an integral part of the present Convention. The only object in using the word "annex" was that there had been an intention to revise occasionally the articles included in it.

M. de Vasconcellos (Portugal), as Rapporteur of the Committee which had dealt with the question, also agreed that it would be better for the provisions in question to appear as articles of the Convention.

It was finally agreed to delete Article 16.

ARTICLE 17.

The President pointed out that, as no text had been submitted, the discussion would have to be adjourned.

ARTICLE 18 (previous Article 19).

The President recalled that the Danish delegation had proposed the following new article in place of Article 18 of the preliminary draft Convention (old Article 19) (Annex 10) to be inserted before Article 22 (old Article 24).

" Article . . .

" The present Convention shall supplement the Geneva Convention in the relations between Powers parties to both Conventions."

" Explanatory Note.—As a result of this article :

" (1) Any provision of the 1925 Convention (including Article 31) remaining unaltered by the new Convention would be maintained as between the Powers party to both Conventions.

" (2) Preference would be given, in relations between the said Powers, to the provisions of the new Convention, wherever these modify or replace the provisions of the old Convention.

" (3) The position of Powers party to

the 1925 Convention but not to the new Convention would not be affected.

" (4) Powers party to the new Convention only would in no way be bound by the 1925 Convention."

M. Rasmussen (Denmark) explained that Article 18 in its present form might prevent the new Convention being ratified by countries not parties to the 1925 Convention. The Danish proposal, moreover, would eliminate all misunderstanding as to whether the new Convention replaced the 1925 Convention entirely or whether the 1925 Convention still bound the countries parties to it.

The President thought it inadvisable to open a discussion on such an extremely delicate legal question, and suggested adjourning it to the next meeting.

M. Weinberg (Union of Soviet Socialist Republics) read the following reservation made by the Soviet Union delegation :

" The Government of the Union of Soviet Socialist Republics is not in a position to undertake to apply the provisions of the Geneva Convention referred to in Article 18. The internal control of manufactured drugs and of the international traffic carried on in the Union of Soviet Socialist Republics is exercised in accordance with much more effective regulations, which practically preclude any possibility of fraud or any kind of abuse, a result which, up to the present, it has not been possible to achieve by means of the provisions of the Geneva Convention referred to above. The Union of Soviet Socialist Republics therefore proposes to maintain its own laws and regulations regarding the internal control of drugs as well as their import, export and transit."

He asked that the word "undertake" in the article should be replaced by "shall be invited to undertake". It was illogical that countries not parties to a Convention should be required to apply its provisions.

M. Entezam-Weziriy (Persia) said the position of countries which were not parties to the Geneva Convention would be difficult. He proposed that the matter should be referred to a Sub-Committee composed of the authors of the original text, the Danish delegate, and the Legal Adviser.

The President thought it better to discuss the question first in the plenary Conference, and, as in other cases, to refer it for drafting to a Sub-Committee which would be guided by the various opinions expressed.

The President's proposal was adopted.

TWENTY-FOURTH MEETING (PUBLIC).

Thursday, July 2nd, 1931, at 10 a.m.

President : M. DE BROUCKÈRE.

62.—EXAMINATION OF THE PRELIMINARY DRAFT CONVENTION DRAWN UP BY SEVERAL DELEGATIONS (Annex 10) (continuation).

ARTICLE 13 (continuation).

The President recalled that, at the last meeting, Article 13 had been adjourned to enable the United States delegation to submit its amendment in writing. The text was as follows :

“ Substitute for this article :

“ No narcotic drug may be imported for re-export except on an import permit stating that the importation is for purposes of re-export to fill orders already received.

“ Narcotic drugs may be imported to replace any drugs imported for domestic needs and subsequently re-exported, provided that the import permit issued in such case states that the drug is to be imported for such purpose.”

Meanwhile, the British delegation had submitted a proposal to omit the article.

Mr. Caldwell (United States of America) pointed out that, during the discussion on the general scheme for the limitation of manufacture, it had been repeatedly stated that efforts should be made to restrict the re-export trade, as this constituted a considerable danger. He would prefer not to accept the British proposal that the article should be eliminated, as some such provision could advantageously be retained. The United States proposal would fit in with the remainder of the scheme.

Sir Malcolm Delevingne (Great Britain) said Article 13 was taken from the Advisory Committee's scheme. It was closely bound up with and, in fact, dependent upon the provisions of the scheme which required previous notification of the Central Narcotics Office before an export order could be executed. Under that scheme some provision for re-export was necessary.

The Advisory Committee's scheme, however, had been abandoned, and under the new scheme a three-monthly return had to be made to the Permanent Central Opium Board. This return would record not only a country's imports but also its exports, and

would show exactly how much had been retained for home consumption. In the case of a country which imported a large quantity in excess of its estimates, a provision had been adopted in the Sub-Committee on Control under which the Central Board could take action. The whole ground was therefore covered, and Article 13 served no useful purpose.

M. Sawada (Japan) supported the United States amendment. The Japanese delegation felt that, if re-export were not controlled, there might be an accumulation of drugs in excess of the home total, and eventually in excess of the world total, which might find its way into the illicit traffic.

With regard to the British proposal, it thought that even under the new scheme some provision should be made for re-export, in order that control might be effective.

M. Bourgois (France) and M. Cavazzoni (Italy) supported the United States amendment.

M. van Wettum (Netherlands) proposed that, if the United States amendment were adopted, the words “ already received ” at the end of the first paragraph should be omitted. The wholesaler would not necessarily have received orders when he wanted stock for re-export.

A vote on the British proposal was taken by roll-call.

The following delegations voted for the British proposal : Austria, Egypt, Germany, Great Britain, India, Netherlands, Portugal, Siam, Switzerland and Turkey.

The following delegations voted against the British proposal : Albania, Argentine, Belgium, Canada, China, Costa Rica, Cuba, Czechoslovakia, France, Irish Free State, Italy, Japan, Lithuania, Mexico, Panama, Spain, Union of Soviet Socialist Republics, United States of America and Venezuela.

The following delegations abstained : Denmark, Dominican Republic, Greece, Persia, Sweden, Yugoslavia.

The British amendment was rejected by nineteen votes to ten with six abstentions.

M. Casares (Spain) withdrew, in favour of the United States proposal, the text drafted by the group of delegations.

The President said that, in that case, the Conference should first decide on the Netherlands amendment to the United States proposal.

Mr. Caldwell (United States of America) said that if M. van Wettum's amendment were adopted, the principle of the United States amendment would be affected. There were only two ways of doing re-export business: To obtain orders and import drugs in order to fill them, or to fill the orders from stocks existing in the country for domestic needs and to replace those stocks.

M. Cavazzoni (Italy) and M. Casares (Spain) were unable to support M. van Wettum's proposal.

The Netherlands amendment was rejected by twenty-one votes to two.

The United States amendment was adopted.

ARTICLE 14. ●

Paragraph 1 :

Paragraph 1 was adopted without discussion.

Paragraph 2(a) :

The President observed that the following amendment had been received from the Soviet Union delegation :

" That paragraph 2(a) be modified as follows :

" (a) The import of any narcotic drug for any purpose other than :

" (1) The satisfaction of the medical and scientific needs of the importing country.

" (2) Export after conversion into a narcotic or non-narcotic substance."

M. Weinberg (Union of Soviet Socialist Republics) said that the Soviet amendment was closely connected with his delegation's amendment to Article 13. Although the latter had been rejected, he still thought it essential not to permit re-exports unless the narcotic drugs were imported for re-export after conversion.

The Soviet Union amendment was rejected by nineteen votes to one.

Paragraph 2(a) was adopted.

Paragraph 2(b) :

The President observed that amendments to paragraph 2(b) had been received from the British, United States and Soviet Union delegations.

Amendment proposed by the British Delegation :

" At the end of paragraph 2(b) add the words :

" ' Less the quantities of that drug manufactured in that country '."

Amendment proposed by the United States Delegation :

" Add at the end of paragraph 2(b) the words :

" ' Less the quantity of that drug manufactured in that country for domestic consumption '."

Amendment proposed by the Soviet Union Delegation :

" The word ' re-export ' to be replaced by the words ' export after conversion '."

M. Weinberg (Union of Soviet Socialist Republics) withdrew the Soviet amendment.

Sir Malcolm Delevingne (Great Britain) thought the proposed addition to paragraph (b) was necessary, otherwise a country might import a quantity of drugs which, together with the quantities manufactured in the country, would exceed the estimates. The authors of the new text had suppressed paragraphs (e) and (f) of the old text (old Article 17), which provided for that point. The British delegation proposed that all quantities manufactured in a country, whether for conversion or not, should be deducted, whereas the United States proposal was to deduct the quantity necessary for domestic consumption.

Mr. Caldwell (United States of America) observed that his delegation did not intend the estimates to include drugs manufactured for export.

M. Bourgois (France) supported the British proposal.

Sir Malcolm Delevingne (Great Britain) thought sub-paragraphs (b), (c) and (d) should be redrafted. The general principle was to prevent a country from importing more than the amount of its estimates less the home manufacture.

M. Sawada (Japan) and M. Contoumas (Greece) concurred.

Sir Malcolm Delevingne, on the invitation of the President, undertook to redraft the sub-paragraphs in question.

Paragraph 3 :

The President observed that proposals had been received from the United States and Soviet Union delegations to omit paragraph 3.

The British delegation had proposed to omit the words " or re-export " at the end of the paragraph. In this connection, he pointed out that the French and English texts of the paragraph did not agree and that Sir Malcolm's proposal referred only to the English text.

Mr. Caldwell (United States of America) withdrew his amendment in favour of the British proposal.

The Soviet amendment was rejected.

The British proposal was adopted unanimously.

Paragraph 3 was adopted.

Paragraph 4 :

Paragraph 4 was adopted without discussion.

ARTICLE 15.

The President stated the British delegation had submitted a proposal to omit

Article 15, while the United States delegation wished to replace the words "the non-manufacturing countries undertake" by the words "each High Contracting Party undertakes".

M. Cavazzoni (Italy) proposed the following text: "The High Contracting Parties undertake".

Sir Malcolm Delevingne (Great Britain) urged the Conference to delete the first part of Article 15. Provisions which contained only vague indications and did not impose definite obligations were always unsatisfactory.

M. Bourgois (France) said the intention of the authors in inserting this article in the preliminary draft was to prevent the accumulation of large stocks in certain countries. The article would enable the Advisory Committee, which had to supervise all the agreements concluded regarding narcotic drugs, to make recommendations and exert a certain amount of pressure.

Dr. de Myttenaere (Belgium) and M. Casares (Spain) agreed with Sir Malcolm that a part of Article 15 was rather vague, though the last sentence contained a positive provision. The article might be retained after redrafting.

Sir Malcolm Delevingne (Great Britain) pointed out that the second part of Article 15 was already included in the Geneva Convention, Article 22 of which required the parties to send to the Central Board each year particulars of the stocks in the hands of wholesalers. The first sentence was intended to prevent the wholesale firms from cornering supplies. That was a national and not an international matter.

M. von Rheinbaben (Germany) said the German delegation agreed that the words "High Contracting Parties" should be substituted for "non-manufacturing countries".

He shared Sir Malcolm Delevingne's opinion with regard to national and international obligations. He did not know why there should be any discrimination between stocks in the hands of factories and stocks in the hands of wholesalers in consuming countries.

Sir Malcolm Delevingne (Great Britain) said there was a difference between factories and wholesalers. The drugs proceeded from the factories, whereas the wholesalers stocked the drugs already produced. The British delegation desired to limit the manufacture of drugs, but the accumulation of stocks in the consuming countries was dealt with in other articles.

A consuming country could only import quantities of drugs in accordance with its estimates, which were subject to examination and criticism by the competent central authority. The object of the article was to prevent the cornering of material by one or

more wholesalers in a country, so that other wholesalers went short and were unable to meet medical practitioners' legitimate needs. That was a matter which concerned the Government of the country.

M. de Vasconcellos (Portugal) thought that, being a recommendation, the more appropriate place for the article would be the Final Act and not the Convention itself.

The President believed that the obligations now in question were similar to those referred to in Article 12. If the Conference maintained the provisions of Article 15, it could insert them in the same place as those of Article 12.

M. Perez (Argentine) supported the deletion of the article, (1) because the wording was very vague and (2) because the question came within the sphere rather of national control, which would be dealt with when the Conference considered the organisation of national offices.

M. Rasmussen (Denmark) suggested the following wording:

"Each of the High Contracting Parties, while ensuring that stocks held by wholesalers do not exceed a reasonable limit in view of their legitimate requirements for medical and scientific purposes, shall communicate the figures relating to those stocks annually to the Central Authority."

M. von Rheinbaben (Germany) suggested that the decision on Article 15 should be postponed in view of its connection with Article 12, the adoption of which had been adjourned. The Drafting Committee might prepare a text correlated with that of Article 12 to be submitted to the Conference at the second reading. For the moment, the Conference need only adopt the principle of supervision by each contracting party of the stocks held by wholesalers, a principle which he could personally accept on behalf of Germany.

M. Dinichert (Switzerland) supported the proposal for adjournment.

He would point out that the first part of Article 15 was covered by other provisions in the Convention. Governments would have to indicate the reserve stocks which they proposed to hold, and undertake not to exceed their estimates. The Geneva Convention, however, contained express provisions regarding the control which Governments should exercise over the holders of narcotic drugs.

The second part of Article 15 referred to the communication of the amount of stocks, which was also expressly provided for in the Geneva Convention. Moreover, the contracting parties to the present Convention would undertake to apply the corresponding provisions of the Geneva Convention.

Article 15 would thus be a duplication of other provisions in both the preliminary draft and the Geneva Convention.

A vote by roll-call was taken on the British proposal.

The following delegations voted for the British proposal: Argentine, Bolivia, Cuba, Egypt, Great Britain, India, Irish Free State, Lithuania, Netherlands, Persia, Portugal, Siam, Sweden, Yugoslavia.

The following delegations voted against the British proposal: Austria, Belgium, Canada, Costa Rica, Czechoslovakia, Denmark, Dominican Republic, France, Germany, Greece, Hungary, Japan, Luxemburg, Mexico, Panama, Spain, Switzerland, Turkey, United States of America, Union of Soviet Socialist Republics, Venezuela.

The following delegations abstained: Albania, China, Finland.

The British proposal was rejected by twenty votes to fourteen, with three abstentions.

The President said that, the proposal to

delete the article having been rejected, the Conference would have to vote on the amendments. The Italian and the United States amendments were practically identical and proposed that the obligation should apply to all States.

M. von Rheinbaben (Germany) thought that, if these amendments were adopted, the correlation between Articles 12 and 15 would be still closer, and that it would be necessary to combine both articles for the second reading.

The President admitted there were good grounds for the remark, but asked the Conference for the time being to vote on the principle involved in Article 15 as at present drafted.

Article 15 was adopted subject to re-drafting.

TWENTY-FIFTH MEETING (PUBLIC).

Thursday, July 2nd, 1931, at 3 p.m.

President : M. DE BROUCKÈRE.

63.—EXAMINATION OF THE PRELIMINARY DRAFT CONVENTION DRAWN UP BY SEVERAL DELEGATIONS (Annex 9) (continuation).

ARTICLE I.

Paragraph 1.

The President observed that paragraph 1 had already been adopted.¹

He opened the discussion on the report of the Technical Committee (Annex 18), which contained the new text proposed for Article I, paragraphs 2 and 3.

Paragraph 2.

The President recalled that amendments to paragraph 2 had been received from the German and United States delegations.

Amendment proposed by the German Delegation :

" The German delegation proposes the following new text for Article I, paragraph 2 :

" ' Products covered by the present Convention :

" ' Group I.—Narcotics . . . ;

" ' Group II.—Substances convertible into narcotic drugs ;

" ' Group III.—Every other manufactured product capable of producing addiction or convertible into such a product, and obtained from opium or the coca leaf.' "

Amended Text proposed by the United States Delegation :

" Section I :

" The term ' narcotic drugs ' shall denote the following drugs in a manufactured state :

" Group I :

" (i) Crude morphine ; morphine and its salts, including preparations made directly from raw opium and containing more than 20 per cent of morphine or drugs derivable directly or indirectly therefrom ;

" (ii) Diacetylmorphine and the other esters of morphine and their salts, including preparations made directly from raw opium and containing any diacetylmorphine or other esters of morphine, or their salts ;

" (iii) Crude cocaine ; cocaine and its salts ; all the esters of ecgonine and their salts ;

" (iv) Dihydrooxycodone (the hydrochloride of which bears the registered trade name of ' eucodal '); dihydrocodeinone (the salt of which bears the registered trade name of ' dicodide '), dihydromorphinone (the hydrochloride of which bears the registered trade name of ' dilaudide '), acetyldihydrocodeinone or acetyldemethylodihydrothebaine (the hydrochloride of which bears the registered trade name of ' acedicone '), morphine-N-oxide (registered trade name ' genomorphine '), and dihydromorphine (the hydrochloride of which bears the registered trade name of ' paramorfan '), their esters and salts ; also the morphine-N-oxide derivatives, their salts, and the other pentavalent nitrogen morphine derivatives.

" Group II :

" Sub-group (a).—Ecgonine, thebaine, benzylmorphine and their salts ; all the ethers of morphine, and their salts, except codeine (methyilmorphine), ethylmorphine and their salts.

" Sub-group (b).—Codeine (methyilmorphine) and ethylmorphine (the hydrochloride of which bears the registered trade name ' dionine ') and their salts.

¹ See Minutes of the ninth meeting, page 80.

“ Group III :

Every other manufactured product capable of producing addiction or convertible into such a product, and obtained from opium or the coca leaf.

“ Section 2 :

“ Any of the drugs referred to in this article produced by a synthetic process shall be treated for the purposes of this Convention in the same way as if produced from opium or the coca leaf.”

M. Kahler (Germany) said that the experts had agreed that the substances mentioned in group II were not narcotics. The title chosen for this group was “ Substances convertible into Narcotic Drugs ”. It would be quite illogical to denote as narcotics substances which were not narcotic. He proposed that the following sentence be inserted at the beginning of paragraph 2 :

“ The products mentioned in groups I, II and III are covered by the present Convention.”

Dr. de Myttenaere (Belgium) supported the German proposal, but would prefer the term “ substance ” to the term “ product ”.

M. Kahler (Germany) accepted this amendment.

Dr. Carrière (Switzerland) thought that an introductory sentence was needed in paragraph 2. It must not, however, be so drafted as to include under the term “ narcotic ” a drug like codeine, which was not a narcotic, or ethylmorphine, which could not even be converted into a narcotic. The Swiss delegation could not accept a form of words having that effect. It therefore supported the German proposal.

Mr. Treadway (United States of America) said the United States and other delegations did not consider the Technical Committee's report as a wholly correct statement of the Committee's decisions. It contained several inconsistencies and omissions. The amendment proposed by the United States delegation aimed at remedying this state of affairs.

The report was not in keeping with the substance of the Spanish amendment to Article 1, paragraph 2(a) (document Conf. L.F.S.38), which stated that all the alkaloids of opium and the coca leaf and their derivatives should be covered by the Convention. The Technical Committee had adopted this amendment. As its form was not wholly satisfactory, however, its supporters agreed to discuss it with other delegations with a view to re-arranging it. The report of this Sub-Committee (document Conf.L.F.S./C. Tech.5, Annex 8.Vol. II) contained a statement to the effect that the term “ habit-forming narcotic drug ” could not correctly be defined, either on the basis of physiological properties or on that of chemical constitution. For

this reason, the Sub-Committee decided arbitrarily to limit the definition to “ the purposes of the Convention ”. The definition given in the report was as follows :

“ For the purposes of this Convention, the expression ‘ habit-forming narcotic drugs ’ shall denote the following drugs in a manufactured state.”

After that followed a list of substances falling in groups I, II and III. This expressed the Sub-Committee's views. The conclusion had afterwards been reached that the drugs covered by the Convention could be more conveniently referred to in the text if they were divided into three groups.

At a subsequent discussion in the Technical Committee, it had been proposed to strike out the words “ habit-forming ” in the heading of the definition, so that the text would read : “ For the purposes of this Convention, the expression ‘ narcotic drugs ’ shall denote the following drugs in a manufactured state ”. The United States delegation and other delegations had agreed to this proposal on the understanding that the drugs enumerated would fall under groups I, II and III, as agreed in the Sub-Committee (see document Conf.L.F.S./C.Tech.5). A report had been prepared and circulated on the basis of that understanding, but, through inadvertence, it was not submitted to the Technical Committee for the necessary action. Unfortunately, it was inconsistent with the principle of the Spanish amendment, in that group II no longer appeared under the heading “ narcotic drugs ”, but under that of “ substances convertible into narcotic drugs ”.

The report was also inconsistent with the statement that a perfect definition of the term “ narcotic drug ” could not be found. The text of the Committee's report might be interpreted to mean that the term “ narcotic drug ” applied only to group I, whereas it should apply to all three groups.

There were other inconsistencies in the report. Certain substances were enumerated as narcotic drugs in group I, whereas in reality they had no narcotic properties whatever. Reference was made specifically to cocaine and its salts. On the other hand, some of the substances enumerated in group II had all the properties of narcotic drugs—for example, codeine, which, in so far as its action in the body was concerned, exhibited all the properties of narcotic substances.

Obviously, it was desirable that the list of substances covered by the Convention should contain drugs which were, strictly speaking, non-narcotic as well as those which were true narcotics; but such drugs could not, for the purposes of the Convention, be referred to as true narcotics. Thus it was impossible to take a strictly literal view of the term “ narcotic drug ”, and, for the purposes of the Convention, the most convenient method would be to classify all the substances to be covered under one heading as “ narcotic drugs ”, and then to divide them without any further heading or classification into

three arbitrary groups. This would be convenient for reference in subsequent articles of the Convention.

Furthermore, certain crude drugs derivable directly or indirectly from raw opium and containing crude alkaloids other than morphine were not included as coming within the scope of the Convention. The danger of omitting them should be obvious. No provision was made in the report for preparations made directly from raw opium and containing diacetylmorphine or other esters of morphine and their salts. In this connection, special attention should be drawn to the known processes for preparing crude heroin and crude dihydromorphine (the trade name of the latter being "paramorfan") direct from raw opium.

M. Casares (Spain) strongly supported the United States delegate's statement. It was impossible at this stage to change the text of the Convention, the object of which was to "limit the manufacture of narcotic drugs"; hence, there must be brought under this heading the largest possible number of substances liable to engender addiction that were known at the present time or might be discovered hereafter.

For convenience' sake, a division into three groups had been adopted; but, to facilitate the application of the Convention, it must be agreed that the term "narcotic drugs" arbitrarily covered all three groups. If the Conference dissented from that view, the amendment submitted by the Spanish delegation would have to be reconsidered.

The President explained that the division into three groups had been made so as to allow of different treatment for the substances mentioned in them. This difference of treatment, however, had hardly been taken into account in the articles adopted up to the present.

M. de Vasconcellos (Portugal) thought that anything that might arouse the disapproval of the scientific authorities in the countries applying the Convention should be avoided; hence, substances which were not narcotics should not be termed "narcotics". He supported the German proposal because it reconciled, as far as was possible, the demands of the Convention with those of science.

M. Bougault (France), speaking as Chairman of the Sub-Committee in charge of this question, had been under the impression that M. Casares' amendment was contained in the report of the Sub-Committee (Annex 8. Vol. II).

M. Casares (Spain) said that that was the case, but the wording had been altered in the report of the Technical Committee (Annex 18).

M. Bougault (France) proposed that the words "narcotic drugs" should be deleted, as in the body of the Convention reference would be made to the substances in group I, group II or group III.

The President observed that the Minutes

of the Technical Committee's sixth meeting¹ showed that the findings set forth in the report of the Technical Committee were in conformity with the decisions that had been taken.

M. Casares (Spain) read a passage from the Minutes proving, to his mind, that, at the Technical Committee's meeting, he had advanced the same view as that which he had put forward at the present meeting.

The President replied that, if there had been a mistake, it could be corrected during the present discussion.

Dr. Carrière (Switzerland) thought it unfortunate that Articles 7 to 17 had been discussed before the definitions had been settled.

The effect of M. Casares' proposal was to apply the term "narcotic drugs" to products which, like codeine, had none of the special properties of a narcotic. That was inadmissible, not only scientifically, but from the common-sense point of view as well. He trusted that M. Casares would accept the Swiss proposal, which did not differ in any fundamental way from the Spanish proposal. In particular, it did not exclude from the operation of the Convention any of the products mentioned in the three groups.

It had been said with regard to group I that cocaine was not a narcotic drug. That was true scientifically, but cocaine was so dangerous that it was advisable to classify it under this category.

Dr. Carrière hoped that the conciliatory spirit M. Casares had always shown would make it possible to reach an agreement easily on M. Kahler's formula.

Dr. de Myttenaere (Belgium) asked whether it would not be simplest to word the heading of paragraph 2: "For the purposes of the present Convention, the following shall be considered to be narcotic drugs or substances convertible into narcotic drugs . . ." This definition would cover all the substances enumerated in groups I and II and as well those in group III, which would subsequently be assimilated, according to circumstances, to those in groups I or II.

Mr. Treadway (United States of America) thought it necessary to state what the Conference meant by the term "narcotic drugs", which already appeared in a certain number of articles. He proposed the following text for the first sentence of paragraph 2(a):

"For the purposes of this Convention, the following substances shall come within the scope of the limitation of manufacture . . ."

Then would follow the three groups, without any definition.

Dr. Carrière (Switzerland) thought that, even with the wording proposed by M. de Myttenaere, it would still be necessary to repeat the words "narcotic drugs" for group I and "convertible substances" for group II.

He approved the United States proposal, which was exactly the same as the Swiss proposal.

¹ See Volume II of the Proceedings of the Conference.

The President noted that the Conference agreed on the following points : all products specified in groups I, II and III should come under the Convention. A distinction, however, must be made between these three groups for purposes of easy reference.

The United States proposal would apparently be considered satisfactory. There was, he agreed, no need to have a sub-heading for each group.

As, however, it would be convenient to have a common expression to designate the substances falling under the three groups, the President suggested the following formula :

" The following substances are covered by the Convention. For convenience of reference in the following articles, all these substances will be described by the shortened term ' narcotic drugs '."

The substances would then be enumerated in three groups.

The President asked whether the movers of the proposal could not consider modifying the present division. In the actual articles in the Convention, the substances in group I and those in sub-group (a) of group II were invariably taken together. That being so, could not the following division be adopted ? There would be a first group consisting of group I and sub-group (a) of group II, a second group consisting of sub-group (b) of group II, while group III would remain as it stood.

M. Bougault (France) hoped that the President would not press his proposal. It was extremely likely that, for reasons which would become apparent at later discussions, the Conference would find it necessary to differentiate between group II, sub-group (a), and group I. Further, those responsible in each country for drawing up the Bill necessary to implement the Convention would be unable to classify ecgonine, thebaine and morphine in the same group. The present division would certainly facilitate the application of the Convention.

The President was prepared to withdraw his proposal if there were objections to it.

M. Kahler (Germany) regretted that he could not concur in the President's proposal.

He did not regard M. de Myttenaere's formula as satisfactory.

Dr. Carrière (Switzerland) asked that the present division of the groups should not be changed.

Sir Malcolm Delevingne (Great Britain) supported the President's proposal to rearrange the groups. To give satisfaction to the French delegation, group I might be divided into two, group I(a) containing the substances at present in group I, and group I (b) those in group II (a). Groups I (a) and I (b) would then be subject to complete limitation ; group II would be subject to elastic limitation ; and group III would include future drugs which might fall under either group I or II, according to the decision taken by the appropriate authority.

With regard to general references to the groups as a whole, he suggested the term " the drugs ".

Mr. Treadway (United States of America) accepted Sir Malcolm Delevingne's suggestions, and suggested the following text :

" For the purposes of the following articles, the substances included in groups I, II and III shall be referred to as ' the drugs '."

This text was adopted.

The Conference agreed that there should be no sub-headings to the groups.

Sir Malcolm Delevingne's proposed re-arrangement of the groups was adopted.

The President observed that the Conference must now take a decision regarding the substances to be included in the various groups.

Group I, Sub-paragraph (i) :

Dr. Small (United States of America) said the United States amendment was intended to deal with drugs which could be prepared directly from raw opium without passing through the intermediate stage of pure morphine. In particular, it referred to dihydromorphine, which was made by a patented process, and could be prepared directly from crude opium and sold or transported in a crude state. The words in italics in the amendment covered any crude drug made directly from raw opium and containing more than 20 per cent of any of the substances coming under group I. A crude drug which contained up to 20 per cent of crude heroin was far more dangerous, however, than one containing other morphine derivatives, and the sense of sub-paragraphs (i) and (ii) would be strengthened by the United States amendment.

Sir Malcolm Delevingne (Great Britain) found the text of the amendment a little obscure. The United States delegation had explained to him privately that it referred to preparations made directly from raw opium and containing more than 20 per cent of morphine or containing more than 20 per cent of drugs derivable directly or indirectly therefrom. This should be made clear in the text.

M. Sjöstrand (Sweden) recalled that he had submitted the following amendment to paragraph 3 of Article I, which covered the same ground as the United States amendment and which he proposed should be discussed with it :

" In addition to the alkaloids mentioned above, those which are in a more or less impure (crude) state should be included in the list given above whenever they are intended for consumption. Under this condition, such impure (crude) alkaloids are to be regarded as final rather than as intermediate products."

He pointed out that, when the question of defining crude morphine was being discussed in the Technical Committee, he had been informed by the experts that several other intermediate products were obtained in the manufacture of alkaloids from opium, and that those products could be brought into the market in a more or less pure state and used for illicit consumption. His amendment was intended to fill up a gap in the list of drugs contained in the Technical Committee's report (Annex 18). He understood that, when crude morphine was obtained from opium, a solution containing morphine was left. This morphine, which was not classed as crude morphine, could be converted into crude morphine by a simple process and put on the market in varying stages of purity.

The Convention should be made really water-tight, so that dangerous drugs were not excluded from its provisions on the ground that they could not be regarded as final products or pure alkaloids.

The President replied that the Conference would be asked to vote on group I, sub-paragraph (i), as proposed by the United States delegation. The members would, however, bear in mind the Swedish delegate's observations.

Dr. de Myttenaere (Belgium) thought that the Swedish and United States delegations might be asked to produce a joint text.

Dr. Carrière (Switzerland) asked what the United States delegation meant by the phrase "drugs derivable directly or indirectly therefrom". This might be understood as meaning the substances included in sub-group (b) in the original group II. In particular, was this amendment intended to cover codeine?

There was very sound reason for the Swedish amendment. If raw products which could be consumed illicitly could be put on the market, it must be laid down that they were subject to the same rules as those governing the corresponding finished products.

M. Kahler (Germany) thought that preparations derived directly or indirectly from opium and with a morphine content of over 20 per cent could not contain anything but what was contained in the opium itself. Such preparations were merely a concentrated form of the effective parts of the opium. The words in italics in the United States amendment (group I, sub-paragraph (ii)) were therefore superfluous.

Sir Malcolm Delevingne (Great Britain) understood that the United States delegation did not wish to include preparations containing codeine, and that the word "therefrom" did not refer to raw opium but to morphine. He suggested that they should substitute the words:

"Preparations made directly from raw opium and containing more than 20 per

cent of morphine or of any other drug falling within group I derivable directly or indirectly from morphine."

Dr. Small (United States of America) accepted Sir Malcolm Delevingne's suggestion.

Group I, sub-paragraph (i), as proposed by the United States delegation and amended by the British delegation, was adopted.

Group I, Sub-paragraph (ii):

Dr. de Myttenaere (Belgium) supported the United States amendment.

Dr. Carrière (Switzerland) asked what was meant by the word "preparations". Did it refer to substances such as heroin or the various esters of morphine, or to pharmaceutical preparations?

Dr. Small (United States of America) said the word "preparations" was used to mean substances obtained from a crude drug, not in the pharmaceutical sense.

The President proposed that the word "substances" should be substituted for "preparations".

Mr. Treadway (United States of America) agreed.

M. Kahler (Germany) pointed out that opium contained neither diacetylmorphine nor the other morphine esters and their salts. It should therefore be impossible for these substances to be contained in the preparations derived directly from opium. It would be useful to have an explanation on this point.

The President proposed that the form of words should be conditional. The phrase might be "drugs which may be derived directly . . ."

Dr. Small (United States of America) said the United States delegation considered preparations in which the total alkaloids of opium were assimilated—giving a mixture similar to pantopon, but containing diacetylmorphine instead of morphine—should be included in the category of direct preparations from raw opium.

Dr. de Myttenaere (Belgium), in reply to M. Kahler, said that, in the preparation of the opium alkaloids, it was possible to pass through certain intermediate stages—in particular, that of diacetylmorphine.

He did not think that the conditional form suggested by the President offered any advantage.

M. Bougault (France) confirmed M. Kahler's remark that diacetylmorphine did not exist in opium. He proposed the following wording:

"Diacetylmorphine and the other esters of morphine and their salts, including preparations made directly from opium."

Group I, sub-paragraph (ii) (document Conf.L.F.S.52a), was adopted in the form proposed by M. Bougault.

Group I, Sub-paragraphs (iii) and (iv) :

Sub-paragraphs (iii) and (iv) were adopted without discussion.

Group II, Sub-group (a) :

The President observed that sub-group (a) in group II would become sub-paragraph (b) of group I.

Subject to the President's observation, group II, sub-group (a), was adopted.

Group II, Sub-group (b) :

Sir Malcolm Delevingne (Great Britain) pointed out that the Sub-Committee (Annex 8, Vol. II) had agreed to omit the words : "the hydrochloride of which bears the registered trade name dionine".

Group II, sub-group (b), was adopted with the omission of the words between brackets.

Group III :

Group III was adopted without discussion.

Paragraph 2B :

Paragraph 2B was adopted without discussion.

Addition to Paragraph 2 of Article I, proposed by the Delegation of Panama :

The President pointed out that the following addition to paragraph 2 had been proposed by the delegation of Panama :

"Manufacturers who have given, or will give, trade or proprietary names to any recognised narcotic drugs dealt with by the Convention, before bringing them into the market, shall be required to state after the trade name the correct chemical name and the exact amount of the narcotic present."

He pointed out that conventions were inter-State treaties and could not give rise to obligations for individuals. The Panaman amendment might perhaps be reconsidered in another form.

M. Hoffmann (Panama) agreed to revise his amendment and submit it again later.

Sir Malcolm Delevingne (Great Britain) pointed out that some of the chemical names consisted of from 23 to 30 letters. Was it proposed that the full chemical names should appear on extremely small bottles ?

M. Hoffmann (Panama) replied that a simpler nomenclature would suffice, provided doctors could recognise the contents of the specialities in question.

The President said that the point would be reconsidered when M. Hoffmann had redrafted his amendment.

He added that the explanatory note included in the Technical Committee's report (Annex 18) was no longer needed and should therefore be suppressed.

The President's proposal was adopted.

Paragraph 3 :

The President recalled that amendments had been received from the United States and Soviet delegations. The amended text proposed by the former delegation was almost identical with that proposed by the Technical Committee. The Soviet delegation, however, had proposed a quite different method.

Amended Text proposed by the United States Delegation.

"For the purposes of this Convention the following definitions shall apply :

"A. 'Raw opium', 'coca leaf', 'morphine', 'diacetylmorphine', 'cocaine', 'crude cocaine' and 'ecgonine' are defined as in Article I of the Geneva Convention.

"B. The term 'medicinal opium' means raw opium which has undergone only the processes necessary to adapt it for medicinal use in accordance with the requirements of the national pharmacopœia, whether in powder form or granulated or otherwise or mixed with neutral materials.

"C. 'Crude morphine' is an intermediate product obtained from opium consisting principally of morphine or its salts and containing various impurities (such as resins, colouring matter, etc.) and sometimes other alkaloids. (This is the definition of crude morphine appearing in document Cor.f.L.F.S./C.Tech.8, Annex 18.)"

Proposal by the Soviet Delegation.

"The Soviet Union delegation proposes to include in paragraph 3 of Article I the definitions of narcotic drugs which are contained in Article I of the Geneva Convention of 1925."

M. Weinberg (Union of Soviet Socialist Republics) explained that his delegation would prefer the provisions mentioned to be produced *in extenso* instead of a reference being made to the Geneva Convention of 1925. By this means, it would be easier for countries, like the Soviet Union, which were not parties to the 1925 Convention, to adhere to the new Convention.

Dr. de Myttenaere (Belgium) supported the Soviet proposal.

M. de Vasconcellos (Portugal) thought that reference to the 1925 Convention was perfectly admissible.

Sir Malcolm Delevingne (Great Britain) pointed out that, on several occasions during the present Conference, it had been suggested that, when reference was made to provisions of the Geneva Convention, the provisions in question should be set out in full in the Convention or in an appendix. This matter had been referred to the Drafting Committee. He suggested that the same course should be followed in the present instance.

M. de Vasconcellos (Portugal) accepted this suggestion.

Dr. Carrière (Switzerland) had no objection to the Soviet amendment. Nevertheless, the Technical Committee's report contained certain definitions which did not exist in the Geneva Convention. The text of the Convention would therefore have to be completed.

The President proposed that the question be referred to the Drafting Committee, which would, however, be given a few general directions. He appreciated the position of countries which were not parties to the 1925 Convention, but would warn the Conference against the possible dangers of reproducing the text of one Convention in the body of another. The least error in transcription might cause awkward administrative difficulties for the countries which had signed the two Conventions.

M. Entezam-Weziry (Persia) suggested that the Drafting Committee might be asked to find a general solution covering all cases in which reference was made in the present Convention to the 1925 Convention in the new one.

The President replied that it would be better to consider each case separately.

M. Weinberg (Union of Soviet Socialist Republics) explained that the matter was one of principle for his delegation. He asked that his amendment might be put to the vote before the point was sent to the Drafting Committee.

The Soviet amendment was adopted by six votes to three.

The President observed that, in the United States amendment, raw opium and the coca leaf had been added to the substances enumerated in the text proposed by the Technical Committee. It likewise contained a paragraph B defining medicinal opium.

Mr. Caldwell (United States of America), in reply to a question from Sir Malcolm Delevingne whether the term "medicinal opium" appeared in the Convention, stated that he was not sure that it did, and agreed that, if it did not, the definition was useless.

M. van Wettum (Netherlands), referring to the United States amendment, asked whether some explanation could not be given of the difference between the definitions of medicinal opium in the 1925 Convention and the present Convention.

The President said that it was useless to discuss the definition of medicinal opium if this term were not included in the Convention.

Sir Malcolm Delevingne (Great Britain) suggested that wherever "etc." appeared in the Convention it should be struck out.

The President agreed that it would be better to use the phrase "such as".

This amendment was adopted.

The President recalled that the Swedish delegation had submitted an amendment to paragraph 3.¹

M. Sjöstrand (Sweden) withdrew his amendment.

Mr. Caldwell (United States of America) withdrew the United States amendment on the definition of manufacture.

Paragraph 3, as amended, was adopted.

The continuation of the discussion was adjourned to the next meeting.

¹ See page 181.

TWENTY-SIXTH MEETING (PUBLIC).

Friday, July 3rd, 1931, at 10 a.m.

President : M. DE BROUCKÈRE.

64.—EXAMINATION OF THE PRELIMINARY DRAFT CONVENTION DRAWN UP BY SEVERAL DELEGATIONS (Annex 10) (continuation).

ARTICLE I (continuation).

Paragraph 4, Sub-paragraph 1 :

The President recalled that the Soviet delegation proposed to add after the words "includes also any process of refining", the following words : "and more particularly shall be so considered in the case of crude morphine, crude cocaine and ecgonine".

The United States delegation had submitted the following proposal :

" For the purpose of this Convention,

the term ' manufacture ' means the application of any process which results in the concentration or separation of the physiologically active nitrogenous constituents of opium or of coca leaf ; the term shall be held to include the separation or purification of the opium alkaloids, of ecgonine, cocaine or any other alkaloids from coca leaf, and of all substances directly or indirectly prepared or preparable from any of them, and the transformation of alkaloids into their salts, but shall not include the preparation of medicinal opium."

M. Weinberg (Union of Soviet Socialist Republics) thought it very important that all the narcotics coming under paragraph 4 should be clearly defined.

Sir Malcolm Delevingne (Great Britain) thought the Soviet amendment was unnecessary and prejudicial, as it concentrated attention on the three drugs mentioned and would indicate that other substances which were not mentioned were of less importance. He suggested that the amendment did not carry out the object which the Soviet delegation had had in view in proposing it.

The Soviet amendment was rejected by fourteen votes to two.

Paragraph 4, sub-paragraph 1, was adopted.

Paragraph 4, Sub-paragraph 2 :

The President stated that the British delegation proposed to delete the word "non-narcotic".

Further, the United States delegation had proposed the following text :

"For the purposes of the Convention, the term 'conversion' means the chemical transformation of any narcotic drug obtained or obtainable from opium or coca leaf into any substance whatsoever except the transformation of alkaloids into their salts."

The British amendment was adopted by fifteen votes to four.

Sir Malcolm Delevingne (Great Britain) did not think there was any real difference of substance between the United States and British amendments. The United States amendment inserted the words "obtainable from opium or coca leaf". The term "the drugs" would now be used. The words "except the transformation of alkaloids into their salts", which the United States delegation proposed to insert at the end, could be added later by the Drafting Committee if necessary.

Mr. Caldwell (United States of America) said that, if it were understood that the term "narcotic drug" was to be replaced by the word "drug", upon which the Conference had agreed on the previous day, and the words "except the transformation of alkaloids into their salts" could be added, the United States amendment was identical with the British amendment.

Dr. Carrière (Switzerland) understood that the United States delegation was proposing an addition to the effect that the conversion of alkaloids and their salts into another substance should be regarded as manufacture and not as conversion within the meaning of Article I. If so, the Swiss delegation supported the proposal.

Mr. Caldwell (United States of America) thought it was quite clear from the phraseology of the amendment that the preparation of salts and alkaloids from alkaloids was a manufacturing process and not conversion.

M. Ferri (Italy) proposed to add to the text the words: "and also the transformation of a drug by a chemical process into another drug".

The President replied that, if M. Ferri was thinking of codeine, his point was met

by the text as it stood. Codeine was a drug, and its conversion into another substance was covered by the paragraph under discussion.

M. Ferri (Italy) withdrew his amendment.

Sub-paragraph 2 was adopted in the following form :

"The term 'conversion' shall denote the transformation by a chemical process of a drug, within the meaning of the Convention, into another substance, with the exception of the transformation of alkaloids into their salts."

Paragraph 4, Sub-paragraph 3 :

Paragraph 4, sub-paragraph 3, was adopted, subject to second reading.

Paragraph 5 :

The President pointed out that a formal change would have to be made at the second reading, in view of the decision to have no annex.

He recalled that the British delegation had submitted an amendment for the addition before the word "furnish" of the words "including supplementary estimates".

He observed that it would facilitate the drafting of certain articles if the words "estimates" and "supplementary estimates" were not repeated every time; the word "estimates" denoted the estimates properly so-called and the supplementary estimates.

The Conference agreed with the President.

Paragraph 5, as amended by the British delegation, was adopted.

NEW ARTICLE 1(a).

The President said that proposals for a new Article 1(a) had been submitted by the British and Swiss delegations.¹

Proposal by the British Delegation.

"1. The provisions of Articles . . . of this Convention shall apply to the substances mentioned in groups I and II(a) of paragraph 2(a) of Article I and to any substances falling under group III which have, in accordance with Article II, been declared to be substances capable of producing addiction, or convertible into such substances and falling under group II(a).

"2. The provisions of Articles . . . shall not apply to any substances other than those mentioned in the preceding paragraph.

"3. The substances mentioned in group II(b) of paragraph 2(a) of Article I, together with any substances falling under group III which have, in accordance with

¹ See Minutes of the twenty-second meeting, page 164, for the Swiss proposal, which, it was first suggested to discuss as a new Article 9 (a).

Article 11, been declared to be substances convertible into products capable of producing addiction and falling under group II(b), shall be subjected to the regime laid down in Article . . . of this Convention."

Sir Malcolm Delevingne (Great Britain) said the British proposal did not raise any new question of substance. He thought the Convention should start by saying that the drugs in group I would be dealt with in one way and the drugs in group II in another, and this was the effect of the British proposal.

Dr. Carrière (Switzerland) entirely agreed with Sir Malcolm Delevingne.

The President thought it impossible to draft this article in an absolutely precise form at the present stage. The Conference would first have to determine which articles were to apply to all drugs and which to specific drugs. That could not be done before the second reading, or quite at the end of the first reading.

Mr. Caldwell (United States of America) agreed with the President.

Sir Malcolm Delevingne (Great Britain) thought the Conference might adopt the principle contained in the British and Swiss proposals, leaving the final text of the combined proposal to be adopted later.

The President reminded the Conference that he had been requested to get into touch with certain delegations and devise a method to be followed for the drugs in group II. He would announce the result of his conversations during the discussion on Article 9(a), and the British and Swiss proposals relative to Article 1(a) might be discussed then.

The President's proposal was adopted.

NEW ARTICLES RELATING TO THE DISTRIBUTION AND CONTROL OF NARCOTIC SUBSTANCES: PROPOSAL BY THE ARGENTINE DELEGATION.

The President asked where the Argentine delegation desired to introduce the amendments it had submitted in document Conf. L.F.S.28(c) (Annex II).

M. Perez (Argentine) replied that he withdrew all the amendments in question.

ARTICLE 18 (OLD ARTICLE 19) (*continuation*).

M. Rasmussen (Denmark) drew particular attention to paragraph 4 in the explanatory note accompanying his proposal.¹ His object was to make it clear that countries not parties to the 1925 Convention would only be bound if there were an express stipulation to that effect in the new Convention.

M. Entezam-Wezir (Persia) said that Chapter V in the Geneva Convention dealt with both manufactured narcotic drugs and

raw materials. The present Conference had decided to consider only manufactured products. The reference in Article 18 to Chapter V of the Geneva Convention might therefore cause confusion.

Many of the delegations had pointed out that the efficacy of the Convention would depend on its universal adoption. Anything that might prevent its being adopted universally must therefore be avoided. The reference in question was one of the points which might prevent countries not parties to the Geneva Convention from signing the present Convention. To obviate that possibility, the new Convention should contain, not references to the Geneva Convention, but the actual text of all the articles in the latter which the Conference might decide should be included in it. The Persian delegation wished in any case to hear the Legal Adviser's opinion before taking a decision.

M. de Vasconcellos (Portugal) thought there was no danger of countries not parties to the 1925 Convention being bound to it by reason of any references to it contained in the present Convention. A reference could be made to an earlier convention just as a reference could be made to a heading in a dictionary or in Article 1, for instance, to a treatise on chemistry.

M. Ferri (Italy) thought the Conference should consider solely the point of view of countries which had not, for special reasons, ratified the Geneva Convention. He suggested that the representatives of those countries should be requested to draw up the text for Article 18 (formerly Article 19). In the Italian delegation's opinion, there was no difference between references to the Geneva Convention and the incorporation in the new Convention of the articles in the Geneva Convention to which reference was made. Both methods had the same effects legally.

M. Militchevitch (Yugoslavia) supported the Persian delegate.

M. Barandon (Legal Adviser) said that the Danish proposal was intended to take the place of Article 19 in the Advisory Committee's draft. It dealt exclusively with the Powers which were parties to the two Conventions, whereas Article 19 related to the contracting parties which had not ratified the Geneva Convention. The Conference desired unanimously that, in assenting to the present Convention, the contracting parties should undertake to accept certain of the provisions of the 1925 Convention.

There were two alternative courses. One was to refer in the new Convention to the chapters in the old Convention. That was done in Article 19 in the Advisory Committee's draft. The other was to repeat in substance the chapters in question without mentioning the earlier Convention.

M. Barandon thought this was merely a question of drafting, but a very important

¹ See Minutes of the twenty-third meeting, page 174.

one. If there were certain delegates who, for diplomatic reasons, had serious objections to mentioning the 1925 Convention, it would be necessary to repeat in the new Convention the substance of these provisions of the 1925 Convention to which reference was made, without mentioning the Convention itself.

If Article 18 (formerly Article 19) were superseded by the Danish proposal, there would be a gap, since the article would contain no provision covering contracting parties who were not parties to the Geneva Convention.

Nevertheless, the Danish proposal might be advantageously embodied in the Convention. In other circumstances, in the framing of a new convention which was to exist side by side with an earlier one dealing in part with the same subject, it had always been customary to insert in the new convention an article to remove any possibility of doubt in the future as to the relationship between the two conventions. M. Barandon cited various examples in this connection. Needless to say, the more recent and more special law invariably superseded the older and more general law. It was, however, usual to insert a clause making this quite clear.

In conclusion, Article 18 (formerly Article 19) should not be replaced by the Danish amendment, but should have a first paragraph containing a clause on the lines of that proposal. Thus, there would first be a paragraph dealing with the position of countries parties to the two Conventions and a second paragraph referring to contracting parties who were not parties to the Geneva Convention.

M. Entezam-Wezir (Persia) considered that, after the statement by the Legal Adviser, who had supported the Persian point of view, there was little for him to add. Nevertheless, if the Conference insisted on referring to the Geneva Convention, it should be made clear that the products in question were manufactured drugs.

He noted with satisfaction the statement of M. de Vasconcellos that there was no danger of countries which had not adhered to the 1925 Convention being bound to it in consequence of the reference to it.

M. Contoumas (Greece) pointed out that the Convention on the International Regime of Maritime Ports concluded at Geneva in 1923 contained a clause whereby the signatory States undertook to apply the provisions in another international convention, that dealing with the International Regime of Railways. The Convention did not merely refer to the articles mentioned in the text, but there were added between brackets the words "see Annex" and the articles in question had been reproduced as an annex. The same procedure might be followed in the present instance.

The Greek delegation agreed with the Legal Adviser's view with regard to the Danish amendment.

M. Dinichert (Switzerland) associated himself with M. Barandon's remarks. He

likewise concurred in the principle of the Danish amendment, but with the proviso that it should not take the place of Article 18.

With regard to Article 18 itself, a simple reference to the corresponding chapter in the 1925 Convention might give the impression that the contracting parties accepted outright all the provisions of those chapters in that Convention. It was possible, however, that some of the countries not parties to that Convention had been unable to adhere to it precisely because of one or other of those provisions. Consequently, a simple reference to the Geneva Convention might make it impossible for them to ratify the new one.

M. Dinichert was not sure of the desirability, even for the countries that were parties to the 1925 Convention, of transferring all the provisions of the chapters in question, as they stood. It followed that it would be necessary to consider whether those chapters were in accordance with the existing situation; if they were not, they would have to be redrafted.

M. Ferri (Italy) said that his delegation was prepared to agree to the Danish amendment on condition that it formed a paragraph in Article 18. Nevertheless, it did not consider it necessary to express a principle that was generally admitted in international law.

M. Bourgois (France) thought a reference to the relevant articles in the 1925 Convention would suffice. It was unfortunate that the Conference should object to following the customary diplomatic usage. The 1925 Convention had been signed, deposited and communicated in due form to all countries, and not to the contracting countries only. Those which had not signed it were not now being asked to recognise it, but merely to take note of it. It was perfectly usual to refer in another convention to an instrument which was as official in character as the 1925 Convention. The latter itself contained numerous references to earlier conventions.

M. Gajardo (Chile) agreed with M. Barandon and explained his country's position. Chile had signed the 1925 Convention, but had not yet ratified it. The executive power had however, on June 4th, 1930, sent a message to the Chambers recommending ratification. On receipt, however, of the invitation to the present Conference, the procedure had been suspended, as it was desired to take a decision on the two Conventions simultaneously.

Sir Malcolm Delevingne (Great Britain) agreed with M. Barandon. He thought the Greek delegate's suggestion the best way to meet the situation of both the countries which had political difficulties and the Conference as a whole. The insertion of the necessary provisions of the 1925 Convention in the new Convention would make it unwieldy and cumbrous. He suggested that the provisions which the Conference desired to include should be set out at length in an annex, with such adaptations or adjustments as might be necessary as a result of the provisions of the new Convention.

If the countries which felt political difficulties so desired, the provisions could be set out without any reference to the 1925 Convention with a statement to the effect that they would be carried out by the countries which were not parties to the Geneva Convention. The necessary adjustments and adaptations could not be settled until a decision had been taken as to group II of the drugs.

Sir Malcolm Delevingne agreed with the Persian delegate that Article 18 was at present too wide. He thought it was intended to apply only to manufactured drugs, not to raw materials. A form of words similar to the Persian proposal was necessary.

He agreed with M. Barandon that the Danish proposal was really superfluous, but that it would be wise to define the relations between the Geneva Convention and the new Convention in respect of countries which were parties to both. That relationship should be defined more precisely than in the Danish amendment and the text should show how far and in what respects the new Convention superseded or extended the provisions of the old Convention.

M. Rasmussen (Denmark) said that the object of his proposal was to enable the largest possible number of States to ratify the Convention.

Three cases might arise. A new convention might be intended to abrogate an earlier convention, and this it was usual to specify in the body of the new instrument. A new convention might also be intended to supersede an earlier convention, and this too was ordinarily stated in an article. If, however, it were intended to maintain an earlier convention in force, it was desirable to say that the new convention completed the old one. This last was the situation in the present case.

Various methods might be followed to establish the relationship between the two conventions, but, in M. Rasmussen's opinion, the transfer of certain portions of the old convention to the new one was the best. It might be dangerous to have merely references, as they were not always correctly understood. In both these cases the former Article 19 would become superfluous. There was a third method—namely, to summarise in an article, as had been done in Article 19 in the Advisory Committee's draft, the provisions in the old convention which the contracting parties to the new undertook to apply. If this last system were followed, M. Rasmussen could agree to his formula being inserted as the first paragraph in such an article.

His formula covered the position of all the countries in question. He supported M. Ferri's proposal that the representatives of countries not parties to the Geneva Convention should be consulted.

Mr. Caldwell (United States of America) was firmly convinced that States not parties to the Geneva Convention would find it less difficult to accept the new Convention if those principles of the Geneva Convention which were to be applied by the non-signatories of that Convention were incorporated bodily in the new Convention, with any necessary changes. He feared that non-signatories would have practical difficulties in carrying out certain selected chapters of the Geneva Convention. One reason was that the drugs referred to in the Geneva Convention were not the same as those referred to in the new Convention.

Sir Malcolm Delevingne's suggestion was the best. Mr. Caldwell saw no reason why a special committee should not study the question and produce a text for inclusion in an annex. There was one possible difficulty. If the annex had to be carried out only by countries not parties to the Geneva Convention but was drafted to cover drugs not included in that Convention, with alterations in the phraseology, the signatories to the new Convention would have certain obligations not binding on the parties to the Geneva Convention.

Subhi Ziya Bey (Turkey) made a reservation as to the substance of Article 18. Turkey could not accept the import certificate system for raw materials, as prescribed in Chapter V of the Geneva Convention. Turkey had not adhered to the Geneva Convention for that reason.

M. Figueredo-Lora (Costa Rica) announced that his Government had recently approved the 1925 Convention and had requested the Constitutional Congress to take all possible steps for its prompt ratification.

As the law in Costa Rica went much further than the Convention at present in force, the Costa Rican Government would plainly approve any new convention which would result in the quantitative and effective limitation of the manufacture of narcotic drugs.

M. Figueredo-Lora agreed with M. Barandon's proposals.

The President drew attention to the connection between Articles 19 and 22 of the Advisory Committee's draft. There was no question of applying the regime laid down in Chapters III, V and VI of the Geneva Convention to all the drugs covered by the present Convention. The point was merely that that regime should apply to the drugs specified in Article 4 of the Geneva Convention. The regime applicable to the drugs mentioned in the present Convention would be prescribed in Article 22.

From the various observations offered, it seemed plain that the legal notions by which the Conference should be guided in this issue were still somewhat vague. There were three separate questions which had not

been kept apart in the debate. The first was that of the relationship between the provisions of the two Conventions for the States which were parties to both. That point was covered by the Danish amendment. The second question was whether the signatories to the present Convention would agree to submit the drugs enumerated in Article 4 of the Geneva Convention to rules identical or similar to those laid down in Chapters III, V and VI of the Geneva Convention. The third question was that of the text to be adopted supposing there was agreement on the second.

The difficulty was to find a way whereby the Powers signing the present Convention would be bound *de facto* in regard to national and international control and the functions of the Central Board. The President agreed with Sir Malcolm Delevingne that this question could not be settled pending a decision on Article 9(a). He therefore proposed that the discussion should be adjourned to allow delegates to talk the matter over.

He would draw attention at once, however, to a possible administrative difficulty. Under the 1912 Convention there had been two groups of States—signatories and non-signatories. Under the 1912 and 1925 Conventions there were four groups of States—those which had signed neither Convention, those which had signed only the first, those which had signed only the second and those which had signed both. With the new Convention, there would be eight groups of States and if it were remembered that each of these groups included States Members and States non-Members of the League, it would be seen that there would be sixteen groups of States. These sixteen groups of States would be placed in very similar, though not identical, situations, because they would have assumed obligations that were complementary to earlier obligations. This might possibly cause complications which would make the whole system unworkable. If some way of avoiding this were not discovered, it might perhaps prove a very serious bar to the development of international law. He would therefore urgently appeal to all delegations to help in solving this difficulty. He would seek authorisation to get into touch with the various delegations to attempt to find some common ground, and proposed to postpone the decision until the end of the first reading.

The President's proposal was adopted.

ARTICLE 20 (OLD ARTICLE 22).

The President observed that proposals had been received from the Austrian and Netherlands delegations and a sub-amendment to the latter proposal by the Belgian delegation.

*Proposal by the Austrian Delegation.*¹

“ Insert an Article 22(a) as follows :

“ ‘ The High Contracting Parties undertake to apply to all preparations

containing narcotics such as morphine, its salts and derivatives, or cocaine, its salts and derivatives, whether such drugs are covered by the Geneva Convention or not, the measures of control provided for in Articles 6, 12, 13 and 18 of that Convention, irrespective of the percentage narcotic content of such preparations.

“ ‘ The Health Committee of the League of Nations shall have power to exempt from this control such of the aforesaid preparations as fulfil the conditions laid down in Article 8 of the Geneva Convention, provided that they are to be found in any national pharmacopœia ’.”

*Proposal by the Netherlands Delegation.*¹

“ To insert as clause 1 in Article 22 :

“ ‘ 1. The High Contracting Parties agree to apply the system of control provided for in the Geneva Convention to all preparations containing morphine or cocaine whatever may be the percentage of the drug contained in such preparations ’.”

*Proposal by the Belgian Delegation.*¹

“ Sub-amendment to the proposal of the Netherlands delegation (see above) :

“ ‘ The High Contracting Parties shall apply the provisions of the Geneva Convention to solutions or dilutions of morphine or cocaine or their respective salts in an inert, liquid or solid substance, whatever their degree of concentration ’.”

Dr. de Myttenaere (Belgium) observed that it was possible that drug addicts or dishonest traders might fraudulently mix drugs with products which did not modify the nature of the drugs, but made it possible to extract morphine or cocaine for illicit purposes, even when the morphine or cocaine content was below the limits fixed by the Geneva Convention. The Belgian sub-amendment was intended to prevent such fraud. These compounds must be regulated both for domestic and for international trade.

The Netherlands and Austrian amendments brought under the control laid down in the Geneva Convention all preparations containing morphine or cocaine irrespective of the content. The adoption of these amendments would revolutionise the established practice in many countries and it would cease to be possible to deliver absolutely harmless drugs without a medical prescription. The Netherlands and Austrian amendments would likewise make both internal and international control almost unworkable. The list of drugs and preparations coming under the

¹ These proposals were originally submitted in connection with Article 22 of the Advisory Committee's draft (Annex 7(a)).

Geneva Convention was very long as it was, and a list of preparations with a narcotic drug content less than that laid down in that Convention would be impracticable.

The wisest course would be to prevent addicts or traders carrying out their fell purpose by simply concentrating the solution or separating the alkaloids.

With the Netherlands and Austrian amendments doctors and pharmacists would be continually obstructed in the legitimate exercise of their professions.

M. van Wettum (Netherlands), in explanation of the Netherlands amendment, said that whatever the international obligations in the matter of narcotics might be, control of the trade would always remain the pivot of the system. The severer the restrictions on trade, the more strenuous would be the efforts of contraband traffickers to go beyond the measures of control, and loopholes in the present system which formerly were not used for illicit purposes, would now be so used.

According to Article 4, sub-paragraph (d), of the Geneva Convention, preparations containing 0.2 per cent or less of morphine, or 0.1 per cent or less of cocaine were exempted from the stipulations of the Convention. Those maximum percentages were more or less arbitrarily fixed. There were preparations of less than 0.2 per cent of morphine content, the use of which might lead to addiction. (A quantity of 0.2 per cent of morphine represented $2\frac{1}{2}$ grammes of morphine salts in a litre.) In this connection, he quoted a paragraph of the report of a committee consisting of Dr. Carrière (Chairman), Dr. Anselmino, Professor Burgi and Professor von Knaffl-Lenz (document O.C.1156, dated February 5th, 1930 (page 3, first paragraph)).

If the Conference wished to tighten up the system as a whole as far as possible, there should be no differentiation between preparations of greater or lesser drug content. The same provisions should apply to both. One case of contraband traffic in preparations of the kind to which he had referred had come to the knowledge of the Netherlands Government—the smuggling, under a fictitious name, of a solution of morphine in water from country A through the Netherlands in transit to country B. The Netherlands Government could have stopped the consignment, as the accompanying papers were not in conformity with the Netherlands regulations,

but let the consignment pass in order to become acquainted with the real consignee in country B, the Government of country B being at the same time informed of the consignment. The traffickers in country B were arrested, but were acquitted by the Court as not having acted in contravention of the stipulations of the Convention. As he already stated, the seizure consisted of a solution of morphine in water, which was evidently an inert substance.

He was convinced that if they did not already do so, smugglers would make preparations of substances which were apparently not inert, but from which the morphine could be extracted. Under the existing regulations, the quantities of morphine and cocaine used in the manufacture of such preparations were not fully known and, in the circumstances, exact control could not be exercised. He referred in this connection to the "Analysis of the International Trade in Morphine, Diacetylmorphine and Cocaine for the Years 1925-1929" (document Conf. L.F.S.3(1), Part II).

For all the reasons mentioned it had already appeared necessary, under the existing conditions, to apply the system of the Geneva Convention in the matter, at least the import and export certificate system, notwithstanding the fact that the total amount of morphine and cocaine to be used in a manufacturing country would be limited in future.

Further, the Conference had adopted Article 8 of the new draft Convention, under which exports had to be made on the basis of import certificates. That presupposed internal control, and the inclusion in the estimates of the preparations in question. It would be possible to make exceptions to that rule, but as soon as those exceptions were made, there would be a loophole for traffickers of which more advantage would be taken under a limitation system than at the present time.

M. Schultz (Austria) said that, to simplify matters, he was ready to agree to the deletion of the reference in his proposal to certain articles in the Geneva Convention. The first paragraph in the Austrian proposal was practically identical with the Netherlands proposal.

The continuation of the discussion was adjourned to the next meeting.

TWENTY-SEVENTH MEETING (PUBLIC).

Friday, July 3rd, 1931, at 3 p.m.

President : M. DE BROUCKÈRE.

65.—EXAMINATION OF THE PRELIMINARY DRAFT CONVENTION DRAWN UP BY SEVERAL DELEGATIONS (Annex 10) (continuation).

ARTICLE 20 (OLD ARTICLE 22) (continuation).

M. Sjöstrand (Sweden) did not think the Netherlands and Austrian amendments would be acceptable to the Swedish Government, which had already had difficulty in applying the provisions of the 1925 Convention.

He reserved his opinion on the Belgian sub-amendment.

M. van Wettum (Netherlands) pointed out that his amendment referred to international and not national control.

Dr. de Myttenaere (Belgium) observed that it would be impossible to put the Netherlands proposal into effect, seeing that an unlimited number of specialities and preparations, containing minute quantities of drugs, existed in the world market. Drug addiction had never been acquired through such preparations.

The Belgian sub-amendment would make fraud impossible by controlling preparations from which narcotics could easily be extracted.

M. Kahler (Germany) could not support the Netherlands and Austrian amendments. The German Government could not discontinue the manufacture of the products referred to in Article 1 and more particularly in Article 8 of the Geneva Convention. Only the most unavoidable restrictions should be imposed on the trade. The Health Committee itself had admitted that the preparations referred to in Article 8 of the Geneva Convention were not likely to pass into the illicit traffic. National control was quite sufficient, and in Germany, for instance, operated very satisfactorily.

M. van Wettum had stated that manufacture could not be carried on for export since no provision had been made for import certificates for such preparations. It would, however, be sufficient to ask the various countries to supply estimates for such preparations, as was done in the case of conversion into codeine, for example. In conclusion, he did not believe the Belgian sub-amendment would have any real value.

M. Sawada (Japan) said that, for administrative reasons, the Japanese delegation found difficulty in accepting the amendments proposed, and asked the Conference to maintain the original text. It would, however, be prepared to accept a system of international control, if the Conference accepted such a system.

M. Figueredo-Lora (Costa Rica) believed that, if the Conference did its duty, it would definitely fix the maximum amounts of narcotics to be manufactured. It would be sufficient to insert in the Convention an article to the effect that the exact quantity and the chemical formula of each narcotic contained in pharmaceutical preparations should be stated.

Sir Malcolm Delevingne (Great Britain) agreed with the Belgian sub-amendment so far as it went. It carried into effect a recommendation made by the Opium Advisory Committee at its January session. Had the quota system remained, nothing more than this amendment would have been required, but the whole basis of the scheme of limitation had been altered and now rested upon the provisions of Article 8. The amount of morphine, for example, was limited to the amounts required for domestic consumption as given in the estimates for conversion, for maintaining the necessary stock and for the execution of re-export orders. The amount of morphine exported which was contained in those preparations that were exempted from the Geneva Convention, either because they fell under the 0.2 per cent limit or had been exempted by decision of the Health Committee under Article 8, was not known; but if the Governments were to apply Article 8 and not allow more to be manufactured than the total of the items enumerated, they must know the amount of morphine contained in the exempted preparations exported to other countries.

Sir Malcolm Delevingne thought the Netherlands amendment was one way of obtaining the desired result. It would enable Governments to control the international trade in these preparations by means of the export and import licence system.

He agreed with M. Kahler and other speakers that this would add considerably to the administrative work of the Governments concerned. The question was whether there was any alternative system by which the Governments could ascertain the amount of morphine contained in the exempted preparations which were exported. He suggested that unless the Conference were prepared to support M. van Wettum's proposal the discussion should be adjourned.

in order that its opponents might endeavour to find an alternative solution.

Dr. Carrière (Switzerland) could not, for the reasons given by the German and Belgian delegates, accept the Netherlands and Austrian amendments.

He referred to Article 6, paragraph (c), of the 1925 Convention, permitting exceptions in the case of sales on medical prescriptions. He could not see how, in practice, a medical prescription could be required, for instance, for the sale of cough lozenges.

The Swiss delegation, however, was prepared to support the Belgian amendment, as it embodied substantially the practice obtaining in Switzerland.

Mr. Caldwell (United States of America) said the United States delegation strongly supported the Netherlands amendment or any alternative solution which might accomplish the same purpose. It did not think it possible adequately to estimate the amounts to be manufactured, unless information concerning the amounts used for the exempted preparations could be obtained through a system of international control. A similar system had been applied in the United States for over ten years in connection with preparations passing into the international trade. With regard to the suggestion that nothing should be done to interfere with present customs or trade practice, some interference was inevitable, although there should be as little as possible.

Dr. Chodzko (Poland) pointed out that the 1925 Conference had decided that heroin and cocaine solutions should be subject to control. The Office international d'Hygiène publique in Paris had decided that dicodide, for instance, should be put in the same category as heroin and that all the dilutions of salts of those substances should come under the Convention; this decision had been approved by the League Health Committee. Why should preparations containing morphine and cocaine be treated differently?

Some people were so hypersensitive to the action of certain narcotics that the smallest dose induced a condition of euphoria. Such persons required protection.

In conclusion, he thought that the only acceptable amendment was M. van Wettum's, provided international control was implied.

M. van Wettum (Netherlands) said that, in view of the difficulties raised, he accepted Sir Malcolm Delevingne's proposal that the various delegations should endeavour to come to an agreement. If they found no solution he would return to his amendment.

Dr. de Myttenaere (Belgium) concurred.

Colonel Sharman (Canada) said that for years Canada had controlled, by means of import certificates, the import of preparations containing any narcotic products, in whatever proportion. No serious administrative difficulties had been experienced, and the information had been of the greatest value in preparing the estimates for future needs. In addition, it had been found that, while some preparations had a very small narcotic content, others came just within the limits. Paregoric, in particular, had caused considerable trouble in Canada. Only by insisting upon control through import certificates had Canada been able to prevent large quantities of paregoric from entering the country without the knowledge and control of the Government. He therefore strongly supported M. van Wettum's proposal.

M. Bougault (France) observed that hitherto the restrictions proposed in the Convention had affected large quantities of narcotics and a small number of individuals—that was to say, the manufacturers—whereas the amendments now before the Conference extended to small amounts of narcotics only but to millions of individuals, as the preparations in question were very widely used. The centre of interest was thus changed and attention concentrated in the latter case on the users of small doses.

The provisions of the French law on the subject read as follows:

“ Chemists are forbidden to renew any prescription for the substances in table B,¹ either in the ordinary form or in that of solutions for subcutaneous injection.

“ The same prohibition applies to prescriptions for powders compounded from cocaine or its salts and containing those substances in a proportion exceeding 1/1,000, as well as to prescriptions for preparations to be absorbed through the stomach and containing the substances in table B in doses which bring them under paragraph 2 of the table in question.

“ As an exception to the foregoing provision, prescriptions may be renewed in the case of preparations for absorption through the stomach not containing more than 250 milligrammes of officinal opium nor more than 25 milligrammes of morphine, benzoylmorphine, hydrocodeinone, dihydroxycodeinone, cocaine and prescriptions for plain laudanum in doses not exceeding 5 grammes.”

The Netherlands amendment would compel customers to present a prescription even if they only wanted the five grammes of laudanum above mentioned. Yet he had been assured by M. von Knaffl-Lenz that such small doses might at the most induce a desire for

¹ Corresponding to group I in the Convention.

drug addiction. Personally, in the whole of his experience, he had never known a single case of that kind.

There should be no difficulty in preparing statistics, seeing that the chemist who received morphine or cocaine must state exactly how he used it. The same applied to exports and also to domestic consumption.

There was therefore no reason for altering the present system but rather fundamental reasons for maintaining it if the traditional domestic customs of millions of people were not to be disturbed. There was not a single family in France which did not keep a small stock of paregoric or laudanum (the latter for external use) which was renewed without a fresh prescription every time the bottle was emptied. The mother of a family could hardly be compelled to go out at night in search of a doctor and pay a consultation fee of 50 francs in order to get the five grammes of laudanum she urgently needed. Such an arrangement, moreover, would produce an effect contrary to what was intended—it would not decrease consumption. A doctor who was anxious to keep his patients would not hesitate to issue a prescription for 100 grammes at a time to save the patient the cost of fresh prescriptions, and 100 grammes of laudanum would imperil a whole family if a mistake were made.

If M. van Wettum's amendment were adopted, it would be impossible for the French Government to apply it in face of public opinion. In conclusion, he thought all the members were concerned in finding a compromise and he would therefore support Sir Malcolm Delevingne's suggestion.

M. Schultz (Austria) supported the Netherlands amendment.

Mr. Lester (Irish Free State) also supported the Netherlands proposal. The Irish Government required import certificates for all morphine preparations, no matter what proportion of the drug they contained. This had not involved any serious administrative difficulties. If preparations were not included, there would be a very serious gap in the Convention which might later lead to abuse.

Dr. Chodzko (Poland) thought that the French system of control as explained by M. Bougault was very effective. He might, however, point out that 12 c.c. of a 2 per cent solution of morphine was the maximum dose of morphine.

The President adjourned the discussion and expressed the hope that after the conversations between the delegations concerned it would be possible to agree on a text.

ARTICLE 22 (OLD ARTICLE 24).

The President pointed out that the position regarding Article 22 was the same as for Article 18¹ and should be dealt with in a similar way. He would consult the

¹ See Minutes of the twenty-sixth meeting, page 186.

various delegations and try to secure a compromise.

The President's proposal was adopted.

ARTICLE 20(a).

The President recalled that the group of delegations which had prepared the second draft of the Convention had later proposed the following additional article :

" The High Contracting Parties shall communicate to one another, through the Secretary-General of the League of Nations, the laws and regulations promulgated in order to give effect to the present Convention, and shall forward to the Secretary-General of the League of Nations an annual report on the working of the Convention in their territories, in accordance with a form drawn up by the Advisory Committee on Traffic in Opium and other Dangerous Drugs of the League of Nations and approved by the Council of the League of Nations ".

Subsequently, the Soviet delegation had proposed to amend the article in question to read as follows :

" The High Contracting Parties shall communicate to one another, through the Secretary-General of the International Narcotics Office, the laws and regulations promulgated in order to give effect to the present Convention, and shall forward to the Secretary-General of the International Narcotics Office an annual report on the working of the Convention in their territories ".

M. Weinberg (Union of Soviet Socialist Republics) said that the Soviet delegation would accept Article 20(a) so far as the mutual communication of the laws and regulations promulgated in the contracting countries in order to give effect to the Convention was concerned, but for reasons which it had frequently explained before the plenary Conference and the Committees, and of which he thought all the delegates were aware, he could not agree to the proposal that the Secretary-General of the League of Nations should act as intermediary in respect of countries which might accede to the Convention but were not Members of the League.

[M. de Vasconcellos (Portugal) pointed out that the Conference had been convened by the League of Nations which, under Article 23 of the Covenant, was entrusted with the general supervision of agreements with regard to the traffic in opium and other dangerous drugs. The various countries had been invited in virtue of a decision of the League Assembly, followed by a Council resolution which was transmitted by the Secretary-General to all the States Members and non-Members of the League. All the States concerned had corresponded with the latter on the question.

If, in the Convention which the Conference was now drawing up at the headquarters of the League of Nations itself, omission were made of the organs of the League which at the request of the Council and the Assembly had collected the enormous amount of documentation used as a basis for the

proceedings of the Conference, each Member of the League of Nations, as such, would feel its importance belittled.

The Soviet delegation reproached the League for the inadequacy of its efforts. There certainly had been shortcomings, but it was not the League organs nor the Secretariat but the Governments themselves which were to blame for not having complied with the recommendations of the Advisory Committee and the Assembly.

He formally objected to the name of the Secretary-General or any other League organisation being omitted from a provision which was essential to the proper operation of the Convention; it would be tantamount to nullifying the work of the Conference.

M. Perez (Argentine) stated that although the Argentine was not a Member of the League, he disagreed with the Soviet proposal.

M. Casares (Spain) endorsed **M. de Vasconcellos'** remarks. The League's efforts on behalf of limitation could not well be ignored, and the Advisory Committee had already achieved most remarkable results. Moreover, the fact that public opinion was forcing the States to make fresh efforts was due to the League having invested this problem with a degree of universality which it would otherwise not have had. If, at the present moment, the opium problem were engrossing the attention of the whole world, it was due to the League of Nations. In such circumstances, how could the machinery of the League organs possibly be ignored? The Permanent Central Board, moreover, was maintained by the budget of the League, a fact which could not be overlooked when considering the mechanism of the future Convention.

The President thought there were two questions to be decided: (1) Should the High Contracting Parties communicate their laws and regulations to one another and supply each other with information by means of annual reports? (2) Through what medium should such information be exchanged?

It was customary for States to communicate with one another through diplomatic channels only. It would thus be a departure from tradition to accept the Soviet proposal to exchange communications through an official.

It was for the Conference to decide what authority should be selected, but the President could not refrain from pointing out that the intermediary chosen by States which had met at a conference was invariably the authority which had convened that conference. Such a selection had never been considered as involving an engagement to that authority, but merely as an engagement undertaken in respect of all the other contracting parties. A body which received and circulated reports was merely acting as an intermediary. In the case in point, the selection of the Secretary-General of the League of Nations could not be interpreted as an engagement to the League or to the Secretary-General.

M. Bourgois (France) agreed with **M. de Vasconcellos** that, as the Conference had been convened by the Council and the Assembly, the Secretary-General should be the intermediary for exchanging the communications in question.

M. Sawada (Japan) was unable to accept the Soviet proposal.

M. Weinberg (Union of Soviet Socialist Republics) had not intended to raise the question of the competence or the merits of the League organs dealing with opium and narcotic drugs. The motive for the Soviet amendment was the following: The Soviet delegation did not feel authorised to deal with questions regarding the relations between the Union and the League of Nations, and therefore suggested that the intermediary chosen should be a central authority set up for the purposes of the Convention. He would add, however, that his delegation took quite a different view from **M. de Vasconcellos** of the work done by the League in the matter of opium.

The Soviet amendment was rejected by twenty-nine votes to one.

M. Contoumas (Greece) asked that it should be made clear that the parties to the 1925 Convention who had to send annual reports on its application should only have to submit one report on the working of both Conventions.

The President thought the Greek proposal was reasonable. As the new Convention went further than the 1925 Convention, an additional section might be added to the original form of report.

Article 20(a) was adopted.

Mr. Caldwell (United States of America) reserved his opinion with regard to Article 20(a).

ARTICLE 20(b).

The President recalled that the United States delegation had proposed the following new Article 20(b):

"Each High Contracting Party shall require the manufacturers within its territory to submit quarterly reports to the Government stating:

"(1) The amount of raw materials and of each narcotic drug purchased by such manufacturers and the quantities of narcotic drugs, or any other products whatsoever, produced from each of these substances. In reporting the amounts of raw materials purchased, the manufacturers shall state the morphine, cocaine or ecgonine content determined by an assay made according to a method prescribed by the Government of each manufacturing country.

"(2) The quantities of each of these substances including either the raw materials or products manufactured therefrom

which were sold, exported or otherwise disposed of.

"(3) The quantities remaining in stock at the end of the quarter."

Article 20(b) was adopted.

NEW ARTICLES TO BE INSERTED BETWEEN ARTICLES 20 AND 21 : PROPOSAL OF THE JAPANESE DELEGATION.

The President observed that the Japanese delegation had proposed the following new articles to be inserted between Articles 20 and 21 :

" Article

"The import certificate issued by the competent authorities of an importing country in accordance with the provisions of Article 13 of the Geneva Convention shall indicate the quantity of narcotic drugs previously authorised to import, together with the quantities which have been exported.

" Article

"In an export authorisation, or in the annual statistics of the export and import of opium, coca leaves and crude cocaine, which shall be furnished in pursuance of the provisions of Article 22 of the Geneva Convention, the High Contracting Parties shall indicate the rate of morphine content in case of opium and of cocaine or ecgonine content in case of coca leaves and crude cocaine."

Explanatory Note.—(1) This amendment has already been circulated as document Conf.L.F.S.26(a).

"(2) Although the Japanese delegation is not in favour of the previous authorisation by the Central Office, it is in favour of adopting a new regulation for the import certificate so that when a country receives an order accompanied by the certificate it is enabled to examine whether the certificate is issued within the limit of the estimate of an importing country.

"The present article has been proposed to meet with this necessity.

"(3) The second article concerns the annual report and export authorisation as provided for by the Geneva Convention. As the rate of morphine content in raw opium and of ecgonine content in coca leaves varies, it is hardly clear how much refined drug can be manufactured from a certain quantity of raw material if the definite rate of alkaloid contents is not specified.

"Without this due precaution, it may leave a loophole to the success of the limitation of manufacture."

Dr. Paranjpye (India) pointed out that morphine had been omitted from the second article proposed by the Japanese delegation, and suggested that it should be inserted between "opium" and "coca leaves".

M. Ferri (Italy) thought that steps should be taken to prepare model import and export certificates adapted to the requirements of the Convention.

M. van Wettum (Netherlands) remarked that, in Netherlands East Indies, two authorities had the right to issue import certificates, according to whether the import was required for Government or other purposes. In the second article of the Japanese proposal, the contracting parties were asked to indicate the rate of morphine content in the case of opium and the cocaine or ecgonine content in the case of coca leaves and crude cocaine. Such indication, in his opinion, would never give the desired results, for when the content was ascertained by various methods, the results varied considerably. So far as he knew, coca leaves never contained ecgonine as such.

M. Rasmussen (Denmark) supported the first part of the Japanese proposal, remarking that his own Government had, in a document circulated on January 5th, made a similar suggestion. It had asked that the importing country should be bound to state on the import certificate the balance which could still be imported to make up the amount of the estimates of its annual requirements.

Sir Malcolm Delevingne (Great Britain) drew attention to a number of defects in the Japanese proposal and suggested that it should be redrafted.

M. Sawada (Japan) explained that Article 1 had not been adopted when the amendment was drafted. With regard to the import certificate system, the idea was to ascertain whether the amount desired by the importing country was within the limit of the annual estimate of that country. If the present system of import certificates were sound, there would be no need for the Japanese proposal.

The Italian delegate had suggested that a model certificate should be drawn up. If that were done, the Japanese delegation would withdraw its first article. With regard to the second, the Japanese experts were of opinion that it was possible to indicate the rate of morphine content. Morphine had been omitted by an oversight and should be added.

The President suggested that the Japanese proposal should be discussed together with M. Ferri's suggestion when the Conference considered the report of the Committee on Control.

The President's proposal was adopted.

ARTICLE 21.

The President recalled that the British delegation had proposed to omit this article entirely. This proposal was accompanied by the following explanatory note :

"In view of the fact (1) that about two-thirds of the total number of States have signed the Optional Clause attached to the Statute of the Permanent Court of

International Justice at The Hague, accepting the principle of compulsory arbitration, (2) that other signatures may be expected in due course and (3) that an appreciable number of States have also signed or are contemplating signature of the General Act of Conciliation and Arbitration, the Government of the United Kingdom of Great Britain and Northern Ireland consider that arbitration clauses in particular treaties and conventions are largely unnecessary and tend to produce confusion”.

Further, the Swiss delegation had proposed the following amended text which was accompanied by an explanatory note :

“ If there should arise between the High Contracting Parties a dispute of any kind relating to the interpretation or application of the present Convention and if such dispute cannot be satisfactorily settled by diplomacy, it shall be settled in accordance with any applicable agreements in force between the parties providing for the settlement of international disputes.

“ In case there is no such agreement in force between the parties, the dispute shall be referred to arbitration or judicial settlement, in accordance with the constitutional procedure of each of the parties to the dispute. In the absence of agreement on the choice of another tribunal, the dispute shall be referred to the Permanent Court of International Justice, if all the parties to the dispute are parties to the Convention of December 16th, 1920, relating to the Statute of that Court, and if any of the parties to the dispute is not a party to the Protocol of December 16th, 1920, the dispute shall be referred to an arbitral tribunal constituted in accordance with the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Conflicts.”

“ *Explanatory Note.*—Article 21 of the preliminary draft submitted to the Conference does not take into account the fact that some of the States parties to the Convention on the Limitation of the Manufacture of Narcotic Drugs may not have recognised the Statute of the Permanent Court of International Justice. In this respect, it is less satisfactory than the similar articles embodied in other conventions concluded under the auspices of the League, and it would therefore be desirable to draft it differently.

“ For example, it would be sufficient to reproduce the terms of Article 14 of the Convention on the International Relief Union of July 12th, 1927, which distinguishes between States which are parties to the Statute of the Court and States which have not recognised it. It would, however, be preferable to take as a model Article 21 of the Hague Convention of April 12th, 1930, on certain questions relating to the conflict of nationality laws. This article was very carefully worked out by the first Codification Conference at the Hague, at which States that have not joined the League were represented. It also draws a distinction between the two classes of States, but it employs a formula which, in our view, is an improvement on all the

other arbitration clauses introduced into conventions so far concluded under the auspices of the League. It might, therefore, be inserted as it stands in the Convention on the Limitation of the Manufacture of Narcotic Drugs.”

Finally, the Soviet Union delegation had proposed to replace the words “ Permanent Court of International Justice ” in the original text (Annex 10) by the words “ International Narcotics Board ”.

M. Sawada (Japan) accepted the British proposal to omit Article 21.

M. Dinichert (Switzerland) explained that the draft submitted by the group of delegations for the arbitration clause was a repetition of the corresponding article in the Advisory Committee's draft, omitting only the parentheses referring to the questions dealt with in Article 10 of that draft. The Swiss delegation had submitted an amendment proposing the insertion in the new Convention of an arbitration clause worded differently from that contained in the plan. There were two reasons for this new wording. There was first the fact that the clause might have to be applied to two different categories of countries, those which were parties to the Protocol of the Statute of the Permanent Court of International Justice, and those which were not. The second reason was a desire to avoid creating complications for countries which had already entered into engagements for the settlement of disputes.

The Swiss delegation had been somewhat surprised that the British delegation should advocate the omission of Article 21. Hitherto an arbitration clause had always been inserted in all important conventions concluded under League auspices. Last year, for instance, the Conference for the Codification of International Law had drawn up an excellent form of words for that clause, and the Swiss delegation suggested that it should be introduced into the present Convention. The British delegation claimed that two-thirds of the countries in the world were already bound by arbitration clauses of a general character. M. Dinichert believed it would be nearer the truth to say that half of the States of the world were parties to such a clause. When difficulties of interpretation or application arose, all countries should be on the same footing—that was to say, should be able to have recourse to arbitral or judicial settlement. The more widespread the obligations, the more necessary it was to apply such a system.

No confusion could ensue from accepting such a clause. The proposed wording of the arbitration clause did not in any way prejudice the existing treaty situation. Confusion could only arise if the number of bilateral arbitration clauses or general arbitration clauses of various kinds were to increase. That danger had been entirely removed,

seeing that the amendment stipulated that the arbitral or judicial settlement provided for in existing Conventions should apply. Confusion was more likely to arise if the original wording were retained.

In support of the arbitration clause, it might be urged that it was necessary to supply a provision for those States in the world between which no such clause was at present in force, States which, it was hoped, would accede to the present Convention. The question was therefore highly important. What was the point of initiating at this Conference a system under which the arbitration clause was omitted from conventions?

In a bilateral convention, such a clause might appear not to be indispensable, since the two contracting States could, if necessary, resort to a very simple method—namely, denunciation—but, in the case of multi-lateral conventions, denunciation was such a serious step that it could not be contemplated.

The Convention which the Conference had to draw up would, it was true, have a technical character, but that was not an adequate reason for discarding a system which had invariably been applied and given general satisfaction.

Mr. Fitzmaurice (Great Britain) spoke on the express instructions of the British Government. The British proposal was less an actual proposal than a suggestion for the consideration of the Conference.

He was sure the Conference would not misunderstand the British Government's attitude. It was well known that Great Britain had for a long time been a strong supporter of compulsory arbitration and had both signed and ratified the Optional Clause of the Statute of the Permanent Court of International Justice and the General Act of Conciliation and Arbitration. The British proposal did not imply any change of attitude. A few years previously, when the Optional Clause had been signed by a few States only and the General Act did not exist, Great Britain would not have made such a proposal. At that time, the British Government was strongly in favour of particular arbitration clauses in technical and other agreements

concluded either bilaterally or under the auspices of the League, but there had been a considerable change in the situation, and the British Government felt the time had come to start omitting these clauses from particular treaties.

M. Dinichert had said that only about half the States of the world were parties to compulsory arbitration agreements, but Mr. Fitzmaurice was under the impression that the total number of States in the world comprised about sixty, of whom about thirty-five to forty had signed either the Optional Clause or the General Act or both, and he thought it fairly certain that, in the near future, an increased number of signatures might be expected. He had moved the same proposal at a Road Traffic Conference in the previous month, and it had been accepted.

If the clause were omitted from the Convention, States would fall into two categories: Those which had already signed the Optional Clause or the General Act or some other general bilateral treaty with particular countries, and those which had not done so. The position as between States which had signed either the Optional Clause or the General Act would be exactly the same if the arbitration clause were not included, because those States could always agree before going to the Hague Court to call upon some other tribunal, if they desired to do so. If they failed to do so, they could compel each other to go to the Hague Court.

The position with regard to other States would undoubtedly be that they would not be able to compel each other to go to arbitration, and a Government which was a signatory to the Optional Clause would not be able to compel a State which was not a signatory to that Clause to go to arbitration. The British Government was willing to take that risk, as it believed that if any genuine dispute arising under the Convention could not be settled by diplomatic means, most States, if not all, would as a matter of courtesy agree to take the matter to arbitration without actual compulsion. For these reasons, he moved that the arbitration clause be omitted.

The continuation of the discussion was adjourned to the next meeting.

TWENTY-EIGHTH MEETING (PUBLIC).

Saturday, July 4th, 1931, at 10 a.m.

President : M. DE BROUCKÈRE.

66.—QUESTION OF THE INTRODUCTION OF DIRECT QUANTITATIVE LIMITATION OF THE MANUFACTURE OF NARCOTIC DRUGS : PROPOSAL BY THE PANAMA DELEGATION (continuation).

Dr. Hoffmann (Panama) regretted that he was compelled to make certain criticisms concerning the manner in which the Confer-

ence had dealt with his draft article (document Conf.L.F.S.34(b)) submitted on July 1st,¹ the purpose of which he had explained on the same day. He again drew attention to the vital importance of the question raised in the draft article, which in anticipation of eventualities he requested should be reproduced *in extenso*, not as an

¹ See Minutes of the twenty-second meeting, page 163.

annex, but in the Minutes of the meeting of July 1st.

He made this request because he was convinced of the necessity of embodying in the Convention a figure representing the total quantity of narcotics to which world manufacture should be limited. Such a figure had originally been inserted in the Convention in virtue of Article 7 of the Advisory Committee's draft.

The Panama delegation demanded a vote by roll-call upon the principle embodied in its draft.

Dr. Hoffmann appealed to the Conference not to relegate its discussion to the last few minutes before the close of the first reading of the Convention, and asked that it should be given precedence over any other point to be discussed that morning.

Reference had often been made in the Conference to public opinion and to the illicit traffic which existed only because manufacture remained unlimited. The draft article was in harmony with the mandate of the Conference. Like Article 7 of the Advisory Committee's draft Convention, it would place a temporary limit upon world manufacture until the provisions of the new Convention became operative as a whole. The Conference must decide whether to assume the responsibility for failing to carry out its mandate.

The President could not admit the Panaman delegate's reproaches. The Conference had unanimously intimated its desire to speed up progress. It had adopted a procedure and decided to take the scheme prepared by the group of delegations as a basis of discussion; no opposition to this procedure had been expressed. He could not agree now to make a new beginning and cancel to some extent the vote which for several weeks past had been the foundation of the proceedings of the Conference.

The Panama delegate himself had told the President that he wished his proposal to appear in the annex, so that, when the text of the latter came before the Conference, the Panaman proposal would also come up for discussion. If, by a vote to the contrary, the Conference had to modify this procedure, the President would feel compelled to hand in his resignation. All the members had a great respect for public opinion, but, as President, he might say that, while quite prepared to pay heed to public opinion, they would never submit to be bullied by it.

67.—EXAMINATION OF THE PRELIMINARY DRAFT CONVENTION DRAWN UP BY SEVERAL DELEGATIONS (Annex 10) (continuation).

ARTICLE 21 (continuation).

M. Barandon (Legal Adviser) recalled that the British delegation had submitted an amendment proposing the omission of Article 21. The reasons advanced by the

delegation were that many States were already bound to one another either by general treaties of arbitration or by the fact that they had ratified the Optional Clause of the Statute of the Permanent Court of International Justice, or the General Act of Arbitration. He would add that States might also be bound by bilateral treaties of arbitration.

The foregoing reasons would have had great force in the case of a convention concluded between a limited number of States, but the position in the present case was quite different. Among the States represented at the Conference, four at least were not bound either by the Optional Clause or by the General Act or by bilateral treaties of arbitration, either to one another or to the other States represented at the Conference. The deletion of the arbitration clause, therefore, would be premature and would leave a considerable gap.

The Conference also had before it the basic text of Article 21 and the Swiss proposal. After the statement made by the British legal adviser, M. Barandon thought the Swiss proposal the better since it contained a clear provision in the first paragraph that, if there should arise between the contracting parties a dispute, and if such dispute could not be satisfactorily settled by diplomacy, it should be settled in accordance with the provisions in force between the parties providing for the settlement of international disputes. The British legal adviser had stressed the danger of confusing the arbitration provisions contained in general treaties and those contained in technical or special treaties. He thought this danger was eliminated by the first paragraph of the Swiss proposal which laid down very clearly the principle that, in the case of States whose relations were governed by the bilateral or general treaties binding them, the provisions of those treaties should take precedence over all others.

M. Barandon suggested amending paragraph 2 of the Swiss proposal by incorporating in the second sentence the words underlined. The sentence would then read:

"In the absence of agreement on the choice of another tribunal, the dispute shall be referred, *at the request of one of the parties*, to the Permanent Court of International Justice. . . ."

The addition thus made would mean that, if either party asked for the dispute to be submitted to the Permanent Court of International Justice, the other Party would have to agree. The phrase, "at the request of one of the parties", made arbitration really compulsory. This was all the more necessary, since the Swiss proposal provided that, in accordance with the constitutional procedure of certain countries, the conclusion of a compromise was not a matter for Governments but had to be sanctioned by a constitutional body. Thus, it might happen that such sanction would be refused and the arbitration provided for in Article 21 would no longer be compulsory. For that reason, M. Barandon felt it would be advisable to amend the Swiss proposal on the lines he had suggested.

M. Rasmussen (Denmark) thought the time had not yet come when arbitration clauses in special conventions were unnecessary. Special arbitration clauses could be dispensed with for States which had already signed the General Act and the Optional Clause of the Statute of the Permanent Court of International Justice; but for other States, it would be better to adopt an arbitration clause in the new Convention.

He thought the clause taken from the Hague Convention on the conflict of national laws excellent, and he was therefore prepared to accept the Swiss proposal, as modified by **M. Barandon**.

M. von Rheinbaben (Germany) understood that a question of principle rather than a practical question was involved in the British delegation's desire to have no arbitration clause in the Convention.

He reminded the Conference that, as late as 1928, the Assembly, in a resolution regarding arbitration and security in general, had expressly left open the question whether general treaties or particular treaties between different States were preferable. In spite of the views of the British delegation and certain other delegations, **M. von Rheinbaben** did not think it could be said that the principle had already been decided and, although everybody hoped it would be decided in the near future, no inconvenience would be caused by inserting the arbitration clause in the present Convention.

M. Contoumas (Greece) would make no further reference to the legal refutation of the argument in favour of his amendment which **Mr. Fitzmaurice** had drawn from the fact that the instruments adopted by the European Conference on Road Traffic contained no arbitration clause. **M. Barandon** had already stated that, in that particular case, the reasons advanced by the British delegation were based on the fact that the signatories to those instruments were all bound *inter se* by compulsory arbitration clauses. The Greek delegation nevertheless would remind the Conference that the Conventions on Road Traffic, although they contained no arbitration clauses in the strict sense of the term, did not entirely lack provision for the international settlement of disputes arising in connection with their interpretation or application. The parties at least had the option of obtaining the opinion of the Advisory and Technical Committee on Communications and Transit. That mode of settling disputes was, incidentally, in keeping with the rather secondary importance of those instruments.

He would support the Swiss proposal.

M. Figueredo-Lora (Costa Rica) said that, although his country was not bound by special arbitration treaties, he would support the Swiss proposal and **M. Barandon's** suggestions.

M. Dinichert (Switzerland) asked the British delegation whether, in view of the

explanations given, it would not agree to withdraw its amendment. Otherwise, he would ask for a vote by roll-call to be taken on the British proposal.

A vote by roll-call was taken on the British proposal.

The following delegations voted for the proposal: India, Japan, Great Britain.

The following delegations voted against the proposal: Argentine, Austria, Belgium, China, Costa Rica, Cuba, Czechoslovakia, Danzig, Denmark, Dominican Republic, France, Germany, Greece, Hungary, Irish Free State, Italy, Latvia, Lithuania, Luxembourg, Mexico, Netherlands, Panama, Persia, Poland, Portugal, San Marino, Siam, Spain, Sweden, Switzerland, Turkey, Union of Soviet Socialist Republics.

The following delegations abstained: Albania, Canada, Egypt, United States of America, Yugoslavia.

The British proposal was rejected by thirty-two votes to three, with five abstentions.

M. Weinberg (Union of Soviet Socialist Republics), referring to the amendment proposed by the Soviet delegation, said that the Soviet Union had not signed the Statute of the Permanent Court of International Justice. The Soviet delegation could not therefore recognise the competence of the Court in disputes arising between contracting parties as regards the interpretation or application of the provisions of the Convention. He proposed therefore that the words "the International Narcotics Board" or any other title given to the central authority should be substituted for the words "the Permanent Court of International Justice".

M. Dinichert (Switzerland) thought the Soviet delegate's objections were not germane as the Swiss proposal provided that countries not parties to the Statute of the Permanent Court of International Justice should have full liberty to choose the arbitral body which would decide the dispute.

The Soviet amendment was rejected by thirty votes to one.

M. Dinichert (Switzerland) pressed for the adoption of the Swiss proposal *tel quel*. As Swiss delegate, he would be prepared to accept **M. Barandon's** amendment, but would point out that the wording proposed by the Swiss delegation was that which had been adopted by the Conference for the Codification of International Law. That Conference, which might be taken as particularly competent on the point, held that it was the best text to adopt in the following cases: (1) for States which were already bound by arbitration clauses; (2) for States which were already parties to the Statute of the Hague Court; (3) for States which were not parties to the Statute of the Court.

He admitted that the phrase "in accordance with the constitutional procedure of each of the parties" was not perhaps

altogether definite, but at The Hague certain countries had asked for its insertion, and the Codification Conference had then thought that there might be a lack of harmony between it and the phrase which M. Barandon proposed to add—namely, “at the request of one of the parties”.

Mr. Fitzmaurice (Great Britain) said that, as the Conference had decided to establish an arbitration clause, the British delegation was anxious to co-operate in drawing up a satisfactory text.

The first paragraph of the Swiss amendment was entirely satisfactory. With regard to the second paragraph, he thought the Conference should consider carefully what the effect of the paragraph would be, and should especially consider whether under that paragraph the principle of arbitration was established. Personally, he had some doubts on that point.

If the Conference wished to establish the principle of compulsory arbitration, all references to the constitutional laws and measures which would need to be adopted by the parties in order to give effect to their obligations should be omitted. He entirely agreed with M. Barandon's amendment that the matter should be submitted to the Permanent Court of International Justice at the request of any of the parties. Even if those words were inserted, the question of compulsory arbitration remained doubtful so long as the matter was dependent on the constitutional laws of the various countries.

M. Casares (Spain), speaking for the authors of the basic text, withdrew it in favour of the Swiss proposal.

M. Martinez de Alva (Mexico) agreed with M. Barandon's and Mr. Fitzmaurice's remarks, and pointed out that the English and French texts of the Swiss proposal did not quite correspond.

There should, moreover, be an explanation of the meaning of the words “constitutional procedure”. Did they refer to the Constitution itself or to the principal laws of a country directly based on the Constitution?

He thought the words “in accordance with the constitutional procedure of each of the parties” should be omitted.

Mr. Caldwell (United States of America) said he was unable to vote, as he had referred the Swiss amendment to his Government and was awaiting its instructions.

Mr. Lester (Irish Free State) supported M. Barandon and Mr. Fitzmaurice, and asked whether the British proposal constituted a formal amendment to the Swiss proposal.

M. Dinichert (Switzerland) repeated that the words “in accordance with the constitutional procedure of each of the parties” had been adopted at The Hague to give satisfaction to all countries which might have to accede to a multilateral convention. A convention that was to be international should not contain an arbitration clause which might

give any country a pretext for not becoming a party to the international instrument.

He would be the first to support the British proposal if he were sure that it could be adopted unanimously, but he would not like it to be an excuse for a country refusing to accede; he must therefore insist on the maintenance of the text of the Swiss proposal.

The President pointed out that, if there appeared to be any inconvenience involved in the decision taken at the first reading, changes could still be made at the second reading. He asked the Conference to vote on the British proposal to delete the words “in accordance with the constitutional procedure of each of the parties”.

The proposal was adopted by nineteen votes to seven.

The President opened the discussion on M. Barandon's proposal to add the words “at the request of one of the parties”.

M. Contoumas (Greece) questioned whether a reference to unilateral recourse should be made in the event of proceedings being instituted before the Hague Court, seeing that the Protocol of the Court already made provision for such recourse. It would therefore be superfluous to insert the same provision again in the passage referred to by M. Barandon. Provision might be made for such recourse in the case of proceedings taken under the Hague Convention of 1907 by inserting the necessary reference at the end of the Swiss proposal.

M. Barandon (Legal Adviser) thought the words “at the request of one of the parties” were not essential now that the British proposal had been adopted. If it were desired to retain them, the Greek delegate's remark might be borne in mind.

Mr. Fitzmaurice (Great Britain) did not consider the inclusion of the phrase strictly necessary, but thought it would make the matter more precise, because the principle would be established that immediately on receipt of a request by any of the parties to the dispute, the matter must be referred to arbitration. That was his personal opinion, from a juridical point of view.

The President suggested that the phrase should be retained and the Drafting Committee asked to decide where it should be inserted.

M. Martinez de Alva (Mexico) said that, as the British delegation had not definitely proposed the addition of the words suggested by M. Barandon, he would make the proposal himself and leave it to the Drafting Committee to say where they could be most suitably inserted.

The proposal was referred to the Drafting Committee.

The President read an amendment which had just been submitted by the Italian delegation to the following effect:

“In the event of a dispute regarding the estimates referred to in Article 3 of the

present Convention or the decisions of the Central Committee referred to in Article . . . , should it be impossible to settle such dispute satisfactorily within one month, it shall be submitted to a referee appointed by the Permanent Court of International Justice ”.

M. Ferri (Italy) was prepared to withdraw his amendment if corresponding provisions were included either in Article 3 or in the article regarding the Central Committee.

The President suggested that the amendment should be adjourned until the question of estimates came before the Conference.

- *The President's proposal was adopted.*

NEW ARTICLES RELATING TO THE DISTRIBUTION AND CONTROL OF NARCOTIC SUBSTANCES : PROPOSAL BY THE ARGENTINE DELEGATION (*continuation*).

The President recalled that, at the twenty-sixth meeting,¹ M. Perez had withdrawn a number of amendments which he had previously submitted (Annex II). The President had felt it his duty to insist that M. Perez' work should not be wasted and had been supported in that view by several delegations.

M. Perez (Argentine) was prepared to comply with the wishes of the President and some of his colleagues and would resubmit his proposal. He had condensed the ten articles composing it to one which read as follows :

“ The High Contracting Parties undertake to set up, where this has not already been done, within the territories of their respective countries, one or more national offices supported where possible by supervisory councils whose duty it would be to regulate, supervise and control the trade in substances derived from opium and the coca leaf coming under the present Convention, and to prevent and combat drug addiction and illicit traffic in these substances.

“ For this purpose, the Conference commends to the consideration of the High Contracting Parties the model regulations drawn up by the Advisory Committee on Traffic in Opium and Other Dangerous Drugs, the application of which would facilitate the task of the national offices ”.

M. Casares (Spain), M. Bourgois (France), M. de Vasconcellos (Portugal), M. Schultz (Austria), Dr. Chodzko (Poland) and M. Gajardo (Chile) supported M. Perez' proposal.

M. Contoumas (Greece) also supported the proposal, but asked M. Perez whether, in his view, the countries in which there was a State monopoly would be required to introduce the system of national offices.

The President said there were still several delegates who wished to speak, but the Conference realised that they also intended to support M. Perez' proposal. He accordingly felt he could take it as adopted in principle, though, as no text had yet been circulated, the proposal could not be formally approved. He would ask the mem-

bers to rely on him to revise the wording with M. Perez and the delegates who were specially interested in the question. When revised, the text would be submitted to the Conference at the second reading.

The President's proposal was adopted.

ARTICLE 22 (OLD ARTICLE 24) (*continuation*).

The President said there was an amendment by the Soviet delegation proposing the omission of this article.

M. Weinberg (Union of Soviet Socialist Republics) thought there should be no such article in a Convention which was to mark a step forward in the campaign against the illicit traffic. In his opinion, traffic in narcotic drugs was often more widespread in colonies, protectorates, etc. His delegation believed that Article 22 would be a menace not only to the population of the countries mentioned but to the whole world. It was quite feasible that one or more drug factories might be set up on one of those territories. Such factories would not be subject to any control, and all or some of their production would probably pass into the illicit traffic. He thought that if the Conference had adopted the Soviet proposal for the limitation of the production of raw material the danger would have been minimised, but that had not been done.

It had been frequently said, moreover, that the Convention would only be really effective if it were universal. The provisions of Article 22 made universality impossible. He therefore proposed that the article be deleted and asked for a vote by roll-call.

M. de Vasconcellos (Portugal) urged that Article 22 should be maintained. Portugal applied the same regime in all its colonies as at home, but the new Convention would compel States to change their laws, and some of the provisions might not be exactly applicable in the colonies.

If Article 22 were deleted, M. de Vasconcellos would have to make a reservation. At the present time, there was no law authorising illicit traffic in the colonies, and there was no colony where measures were not taken against the illicit traffic. The danger which the Soviet delegate apprehended did not, in his conviction, exist.

Sir Malcolm Delevingne (Great Britain) said the omission of Article 22 would not *ipso facto* imply that the Convention bound all the colonies and possessions of the contracting parties. If the Soviet Union delegation desired it to bind them, it would have to be definitely stated in the Convention. The British Government could not accept such an obligation, owing to constitutional difficulties. It would have to consult its colonies first and, in some cases, the colonial legislatures would have to pass legislation before the Convention could be applied to them.

¹ See page 186.

The article was quite usual and appeared in much the same form in the Geneva Convention of 1925. He was not aware that it had given rise to any difficulties.

Mr. Lester (Irish Free State) said that, in view of the nature of the Convention, he hoped it would at once be applied by the parties concerned to all their colonies. He, however, appreciated the administrative difficulties of States with colonies. As his own country had no colonies, protectorates or mandated territories, the Irish Free State delegation would, however, abstain from voting.

A vote by roll-call was taken on the proposal.

The following delegations voted for the proposal : Mexico, Union of Soviet Socialist Republics.

The following delegations voted against the proposal : Albania, Argentine, Austria, Belgium, Canada, Cuba, Denmark, Danzig, Egypt, France, Germany, Hungary, India, Italy, Japan, Netherlands, Poland, Portugal, Spain, Sweden, United Kingdom, Yugoslavia.

The following delegations abstained : Chile, China, Czechoslovakia, Finland, Greece, Irish Free State, Panama, Persia, Siam, Switzerland, Turkey, United States of America.

The Finnish and Greek delegates stated that they had abstained for the same reasons as the Irish Free State delegate.

The Soviet amendment was rejected by twenty-two votes to two with twelve abstentions.

Article 22 was adopted.

ARTICLE 22(a).

The President recalled that the Danish delegation had proposed the following new Article 22(a) :

“ Nothing in the present Convention shall be interpreted as restricting in any way the measures of prohibition, the limitation or control taken, or to be taken, by any High Contracting Party to impose stricter regulations than those laid down in the present Convention on the traffic in or use of narcotic drugs on its territory ”.

M. Rasmussen (Denmark) said that during the discussion on heroin several delegations had made reservations to the effect that their acceptance of Article 2(a)¹ should not prevent them from enforcing stricter regulations in their own countries in regard to heroin. The aim of the Danish proposal was to make such reservations unnecessary.

From the strictly legal standpoint it might be urged that the article was superfluous, since the contracting parties would always be free, within their own territories, to enforce a stricter form of limitation than

that provided under the Convention ; but all possibility of doubt would be removed if, as he recommended, Article 22(a) were adopted by the Conference.

Mr. Fitzmaurice (Great Britain) thought the Danish proposal was entirely unnecessary, as from the legal point of view there could be no doubt whatever that countries wishing to do so were allowed to enforce stricter measures than those laid down in the Convention. The obligations they undertook in the Convention represented the minimum. Moreover, the article was dangerous, for it would throw doubts upon that right. In addition, it would raise doubts in connection with other Conventions which had no such clauses. Reservations were also unnecessary.

M. Sjöstrand (Sweden) reminded the Conference that there was a corresponding provision in Article 405 of Part XIII of the Treaty of Versailles relating to labour. He had never heard any objection raised to this provision, and it had been found useful on many occasions. Most labour conventions did not contain such a provision, but a reference to the provision in the Peace Treaty was generally included.

The President thought the position was not exactly the same as in the case of Article 405 of the Versailles Treaty, Part XIII of which dealt with the conclusion of international labour conventions in particular. Some countries incorporated these conventions in their national legislation and when there was a risk of the conventions conflicting with national law doubts might arise as to whether the new law embodying the convention did not abrogate certain provisions of the old law.

The position regarding Article 22(a) was not quite the same, and he endorsed Mr. Fitzmaurice's reasoning to the effect that such a proposal might weaken conventions which did not contain a similar provision. If some delegations feared there might be a doubt on the matter unless such a provision were inserted in the Convention, the President thought such apprehensions might be effectively dissipated if, at the final vote, he made a formal declaration in the terms of the Danish amendment and if this declaration were unanimously adopted by the Conference. The declaration so made would appear in the Minutes and would carry great weight from the mere fact of having obtained the approval of the whole Conference.

M. Rasmussen (Denmark) agreed with the legal view expressed by Mr. Fitzmaurice. His sole concern was to relieve delegations from the necessity of making reservations.

Mr. Anslinger (United States of America) pointed out that a similar provision was incorporated in Article 2 of the United States proposals. There was also a provision in Article 14 of the Geneva Convention. The United States delegation felt that it should be included, in order to avoid reservations

¹ See Minutes of the eighteenth meeting, page 139.

and to show that Governments were not prohibited from applying more effective legislation.

He added that the United States delegation thought the article should be inserted in the Convention; otherwise it might be compelled to make a reservation.

M. Contoumas (Greece) asked the United States delegate whether, as had been done at the Road Traffic Conference, the insertion of a recommendation in the Final Act would satisfy him.

The President thought the Conference was unanimous on the essence of the question and asked whether, in order to meet the views of delegates who had entered reservations, the Conference would consent to adopt the Danish proposal as an article in the Convention.

Sir Malcolm Delevingne (Great Britain) thought it was clear that the Conference supported the President's suggestion that a declaration should be made. If that suggestion were not adopted, surely it would be better for the countries which felt doubts to make reservations, rather than to insert an article which raised the doubts and difficulties to which Mr. Fitzmaurice had called attention.

The President asked the Conference to vote on the question whether it wished the article proposed by the Danish delegate to be inserted in the Convention.

The proposal was rejected by sixteen votes to nine.

The procedure proposed by the President was adopted.

TWENTY-NINTH MEETING (PUBLIC).

Saturday, July 4th, 1931, at 3 p.m.

President : M. DE BROUCKÈRE.

68.—EXAMINATION OF THE PRELIMINARY DRAFT CONVENTION DRAWN UP BY SEVERAL DELEGATIONS (continuation).

ARTICLE 23 (OLD ARTICLE 25).

The President proposed that the date to be inserted should be January 1st, 1932.

The President's proposal was adopted.

ARTICLE 24 (OLD ARTICLE 26).

The President proposed that the date to be inserted in this article also should be January 1st, 1932.

The President's proposal was adopted.

ARTICLE 28 (OLD ARTICLE 30).

Sir Malcolm Delevingne (Great Britain) suggested that the word "one-third" should be inserted in the blank space.

Sir Malcolm Delevingne's proposal was adopted.

ARTICLE 29 (OLD ARTICLE 31).

Article 29 was adopted without observations.

ARTICLE I, PARAGRAPH 2 (continuation) : PROPOSAL OF THE DELEGATION OF PANAMA.

The President said that the Panama delegation had redrafted an amendment submitted earlier.¹ It was now proposing an addition of which the text was as follows :

¹ See Minutes of the twenty-fifth meeting, page 183.

"The High Contracting Parties undertake to promulgate regulations providing that the labels under which any of the drugs mentioned in Article 1, or preparations containing them, are offered for sale, shall show the amount and name, as used in this Convention, of the drugs contained."

Sir Malcolm Delevingne (Great Britain) thought it desirable to allow shorter names to be placed on the small bottles and packages.

M. Bougault (France) suggested that, instead of the quantity of each drug contained in the receptacle, it would be better to state the percentage. Some preparations were sold in packages of two different sizes—for example, in receptacles containing 200 cubic centimetres and 400 cubic centimetres respectively. If the percentage were indicated, one label would be sufficient in both cases.

The President observed that the Panama proposal referred to the "name as used in this Convention". In Group III, however, the words, "every other manufactured product" were used. The Panama amendment could not therefore be strictly applied. The words "as used in this Convention" would have to be replaced by the words "the scientific or chemical name".

Dr. Hoffmann (Panama) agreed.

Dr. Paranjpye (India) thought a chemical formula preferable to a chemical name.

The President replied that this point would be settled by specialists.

Dr. de Myttenaere (Belgium) thought that Dr. Hoffmann's text should be completed with the words "in accordance with the national systems of law". Belgian law prohibited the use of the chemical formula. The object was to enable a doctor to ascertain the substances contained in a remedy taken by one of his patients but not prescribed by himself. A statement of the chemical formula would not meet this purpose.

Sir Malcolm Delevingne (Great Britain) suggested the introduction of the phrase "the name recognised by the national law".

The President suggested the words "the name prescribed by the national law", on the understanding, however, that the Drafting Committee would seek for a better formula.

Dr. Hoffmann (Panama) agreed.

M. Kahler (Germany) supported Dr. Hoffmann's proposal. German law contained a similar rule as regards internal consumption.

M. Bougault (France) read the terms of the French law relating to this matter.

The President requested M. Kahler and M. Bougault to communicate to the Drafting Committee a copy of the relevant German and French laws.

The addition proposed by the delegate of Panama was adopted, the place which it would take in the Convention to be determined at the second reading.

ARTICLE 25 (OLD ARTICLE 27).

The President observed that amendments to this article had been proposed by the Yugoslav and Uruguayan delegations :

Amended Text proposed by the Yugoslav Delegation.

"The present Convention shall enter into force as regards the provisions of Articles 3 to 6 immediately upon the receipt by the Secretary-General of the League of Nations of ratifications or accessions on behalf of not less than . . . States Members or non-members of the League of Nations, including the following manufacturing countries : [enumerate the countries at present engaged in the manufacture of narcotic drugs].

"If, within one year from the date of signature of the present Convention the above-mentioned States fail to ratify the Convention, they undertake to inform the Secretary-General of the League of Nations of the reasons which prevented their doing so, and to take all steps necessary to carry out ratification as soon as possible.

"As regards the remaining provisions, the present Convention shall come into force on the first day of January in the first year in respect of which estimates are furnished under Articles 3 to 6."

Explanatory Note.—The universality of its application is admitted to be an essential condition of the Convention's efficacy. There can be no question that, if all the manufacturing countries do not give effect to the Convention, we shall have, not limitation of manufacture, but displacement of the production of narcotic drugs, which, after the failure of the Geneva Convention, due exclusively to its non-application in so many countries, would compromise the authority of the League and nullify all its efforts to suppress the abuse of narcotic drugs.

"The Yugoslav delegation's amendment provides that the Convention shall enter into force after its ratification by all countries at present engaged in manufacture. Paragraph 2 of the amendment forms a kind of moral inducement to encourage such countries, where necessary, to ratify the Convention as soon as possible."

Amended Text proposed by the Uruguayan Delegation.

"The present Convention shall come into force as soon as the Secretary-General of the League of Nations has received ratifications or accessions from Governments Members or non-members of the League of Nations the manufacture of which represents together 51 per cent of the world medical needs, or from countries which together in 1930 consumed 51 per cent of the world total of narcotic drugs consumed legitimately during that year.

"The Permanent Central Board shall decide whether the above-mentioned percentages have been reached."

Sir Malcolm Delevingne (Great Britain) pointed out that, in the Advisory Committee's draft, the term "exporting countries" (see Article 1) was defined to mean countries which manufactured for export. As that definition had disappeared from the new text, "exporting countries" would have a different meaning in Article 25. He therefore suggested that the expression should be replaced by "countries which manufacture for export".

The President said that Sir Malcolm Delevingne's observation would be taken into account.

M. Obradovitch (Yugoslavia) explained that, in drafting his amendment, his delegation had had in mind Article 27 in the Advisory Committee's draft. That article was inadmissible because it made the coming into force of the Convention contingent upon the ratification of certain manufacturing countries, as to which there was no assurance.

This provision could only be accepted if a new paragraph were added, the effect of which would be to exercise moral pressure on the countries whose ratification was essential for the operation of the Convention. The second paragraph in the amendment attempted to meet this point, but the Yugoslav delegation would gladly support any more satisfactory text.

M. de Castro (Uruguay) explained his delegation's amendment. Article 27 in the Advisory Committee's draft said that the Convention would not come into force until it had been ratified by all the manufacturing countries. Such a stipulation could not be accepted by the majority of the Conference, and the Uruguayan delegation accordingly proposed a formula which it considered more adequate. It was, however, prepared to accept any change in that formula that might be thought desirable.

Mr. Fitzmaurice (Great Britain) did not think the second paragraph of the Yugoslav amendment could be adopted, because it implied that the Governments undertook to do something before they had ratified the Convention. Until a Government had ratified the Convention, it could not be under any obligation in respect of that Convention.

In order to give effect to the Yugoslav delegation's wishes, one of two methods would have to be adopted—either (1) the amendment would have to be included in a special Protocol, which would not need to be ratified; or (2) it would have to take the form of a recommendation expressing the hope that Governments not able to ratify within a year would immediately inform the Secretary-General of the League of Nations.

The second paragraph, probably owing to faulty drafting, contradicted the first paragraph.

M. Obradovitch (Yugoslavia) pointed out that there was a precedent for the clause embodied in the second paragraph of his amendment. A similar rule appeared in the last Convention on Cheques, to which a Protocol was annexed stating that, if the contracting parties were unable to ratify the Convention within a certain period, they should intimate to the Secretary-General of the League the reasons which prevented them from doing so. Delay in the enforcement of the Convention on Cheques would not have nearly such disastrous consequences for mankind as delay in the putting into effect of the Convention limiting the manufacture of narcotics.

True, the paragraph in question was open to certain legal objections, but there would be far more serious objections if the fate of the Convention were made contingent on ratification by a few manufacturing countries, concerning which there was no certitude. He would therefore agree to withdraw his amendment if the proviso in paragraph 1 of the article were deleted.

M. Ferri (Italy) suggested the following formula:

“The present Convention shall come into force as soon as the Secretary-General of the League of Nations has received the ratifications or accessions of ten countries, six of which shall be countries manufacturing for export.”

Mr. Fitzmaurice (Great Britain) did not think any Government would accept the words “and to take all steps necessary to carry out ratification as soon as possible”, which would oblige it to ratify the Conven-

tion. Such an obligation could not be imposed on sovereign States. The British delegation could only accept the paragraph in the form of a protocol which did not need ratification.

M. Sjöstrand (Sweden) said that the second paragraph of the Yugoslav proposal made no provision for the case of a manufacturing country which did not sign the Convention.

M. Obradovitch (Yugoslavia) consented to the deletion of the words indicated by the British delegation in order to make his amendment legally acceptable.

M. Dinichert (Switzerland) asked at what date it would be determined whether a country was a manufacturing or an exporting country. Under the new Convention, any country could export or manufacture. The term “exporting countries” had ceased to have the meaning assigned to it in the Advisory Committee's draft. Some countries would be able to start manufacturing and exporting during the period between the signature and entry into force of the Convention. The time at which the position of the manufacturing and exporting countries would be determined must be fixed definitely.

M. Ferri (Italy) explained that his delegation had submitted its amendment because it could accept neither that proposed by the Yugoslav nor that proposed by the Uruguayan delegation. Nor could it agree to any proposal requiring that all the manufacturing countries should have ratified the Convention before it entered into force. If its entry into force could be prevented by the refusal of a single manufacturing country, insuperable difficulties would arise. Further, the Yugoslav amendment prescribed a procedure which, as Mr. Fitzmaurice had shown, was unacceptable legally.

The Italian delegation appreciated the spirit in which the Uruguayan amendment had been drawn up. That amendment proposed a method by which the Convention could be put into effect before it had been ratified by all the manufacturing countries. The formula, however, would be somewhat difficult to apply. It made the entry into force of the Convention dependent on ratification by countries whose manufacture represented together 51 per cent of the world's medical needs. This would demand a knowledge of certain figures which it would be difficult to determine. It would therefore be better to require a definite number of ratifications.

The Italian delegation had proposed ten as a mere suggestion. It was prepared to accept any higher figure.

The President thought that the movers of the various amendments should bear in mind M. Dinichert's very judicious remark. The best solution would be to say in the Italian proposal, “Six countries which manufacture for export from among the following”.

M. de Castro (Uruguay) was quite prepared to concur in the Italian proposal as modified by the President. He suggested that the following countries should be among

those named : France, Germany, Great Britain, Netherlands and Switzerland.

M. Ferri (Italy) agreed and proposed that his motion be referred to the Drafting Committee.

M. de Vasconcellos (Portugal) thought the solution proposed by the Italian delegation was the best.

M. Obradovitch (Yugoslavia) was unfortunately unable to concur in the Italian proposal. To be effective, the Convention must be universal. He could not, therefore, agree that it should come into force after ratification by only ten States. The best solution would be to fix a certain number of ratifications without, however, naming any country.

The Yugoslav delegation, therefore, adhered to its amendment, but with the deletion of the passage to which he had previously referred. The blanks in it should be filled in, and he proposed that forty ratifications should be required for entry into force.

M. Bourgois (France) supported the Italian proposal. Experience had proved that the putting into force of a Convention induced ratifications. It should not, however, be possible for a single manufacturing country to prevent the application of the Convention by refusing to ratify it. He therefore proposed "five out of the six manufacturing countries".

M. Ferri (Italy) agreed. The main principle of the Italian proposal was that a large number of manufacturing countries must ratify before the Convention came into force. He pressed for a vote on his proposal on the understanding that a final decision on the number of ratifications necessary would be taken later. The number ten which he had thrown out was entirely provisional.

M. de Castro (Uruguay) accepted M. Bourgois' suggestion.

M. Perez (Argentine) proposed a new formula. The universality of the Convention might be regarded as recognised tacitly. It would be laid down that the Convention would come into force on July 1st, 1932, unless fifteen States had intimated their refusal to ratify.

The President said that this was a very ingenious idea, but there were two objections to it—(1) normally, a contracting party which did not wish to ratify a Convention merely said nothing about it and avoided any formal renunciation of the possibility that it might ratify later; (2) countries which did not wish to ratify could not be legally placed under an obligation to refuse to do so.

M. Sawada (Japan) agreed with the Italian proposal, but pointed out that the Geneva Convention had come into force ninety days after the receipt of the last ratification. He proposed that this should be taken into consideration when the final text was drafted.

The Yugoslav amendment was defeated by twenty-eight votes to two.

The President read the Italian proposal as amended during the discussion :

"The present Convention shall come into force, in respect of Articles 3 to 5, as soon as the Secretary-General of the League of Nations has received ratifications or accessions from . . . Members of the League of Nations or non-member States, including any . . . of the following . . ."

The Japanese delegation had proposed that the Convention should come into force ninety days after the Secretary-General had received the ratifications. The President would point out that, in the present case, the situation was somewhat different from that which had existed for the Geneva Convention. In the latter case, all the provisions came into force on the same day, whereas in the case of the new Convention a distinction was made between Articles 3 to 5 and the remainder. Would it be wise to wait ninety days, seeing that in certain cases this might involve a delay of one year?

Sir Malcolm Delevingne (Great Britain) thought that there should be a delay before the Convention entered into force, as the last necessary ratification might reach the Secretary-General in the course of November, and, if Articles 3 to 5 immediately came into force, the States would have difficulty in sending in their annual estimates before the end of the year.

M. Sawada (Japan) did not insist upon ninety days, but upon the principle that there should be a delay.

The President proposed that the number of days should be left blank, and that Sir Malcolm Delevingne should be asked to propose a figure at the second reading.

The President's proposals were adopted.

The President pointed out that there were two blanks to be filled up in the Italian proposal. The first was the number of accessions by States Members and non-members of the League.

M. Ferri (Italy) proposed twenty.

M. Obradovitch (Yugoslavia) proposed thirty.

Sir Malcolm Delevingne (Great Britain) thought the Conference should bear in mind that the competent authority would have to fix the estimates for countries which had not acceded. Unless at least twenty or twenty-five States acceded, its task would be enormous.

M. van Wettum (Netherlands) supported M. Obradovitch's proposal.

The Conference decided by thirty-one votes to three that the Convention should be ratified by twenty-five States before entering into force.

The President said that the next point to be settled was the names of the countries to be enumerated. M. de Castro had proposed

Germany, France, Great Britain, the Netherlands and Switzerland.

Sir Malcolm Delevingne (Great Britain) thought the manufacturing countries should include Japan, Turkey and the United States of America. Although they did not export very much at present, they might export more in future.

Mr. Anslinger (United States of America) objected to the inclusion of the United States of America, as it was not a large exporting country.

Sir Malcolm Delevingne (Great Britain) pointed out that the United States of America had reserved the liberty to export to a greater extent.

The President observed that the list required was that of the countries exporting at present.

The Conference decided that the last part of the Italian proposal should read as follows :

“ . . . including six of the following States Members or non-members of the League : France, Germany, Great Britain, Japan, Netherlands, Switzerland, Turkey, United States of America.”

Article 25 in the form proposed by the Italian delegation, and with the foregoing amendments, was adopted on the understanding that it would be referred to the Drafting Committee.

M. Gajardo (Chile) observed that the Conference had now determined the conditions for the coming into force of the Convention. The Convention, however, was a most important instrument, and therefore the possibility must be faced that an insufficient number of ratifications to implement it might be received. He accordingly proposed the following additional clause :

“ If after a period of one year from the date of signature the present Convention has not entered into force, the Secretary-General of the League of Nations shall convene a Conference of the countries which have ratified the Convention to consider the situation.”

This procedure had been followed by the League for some time past.

M. de Castro (Uruguay) seconded the motion.

The President said that M. Gajardo's proposal was based on League practice. The Assembly, at its ninth session, had passed the following resolution :

“ If on . . . the said Convention has not come into force in accordance with the provisions of Article . . . , the Secretary-General of the League of Nations shall bring the situation to the attention of the Council of the League of Nations, which may either convene a new conference of all the Members of the League and non-member States on whose behalf the Convention has been signed or accessions thereto deposited, to consider the situation, or take such other measures as it considers necessary. The Government of every signatory or acceding State undertakes to be represented at any conference so convened.”

Mr. Fitzmaurice (Great Britain) said the British delegation would accept the Chilian proposal, provided it appeared in the Protocol and not in the Convention itself.

The proposal of the Chilian delegation and that of the British delegation were adopted.

ARTICLE 26 (OLD ARTICLE 28).

The President suggested that the time-limit should be three months.

Sir Malcolm Delevingne (Great Britain) thought the question of the time-limit should be left over until the second reading.

Sir Malcolm Delevingne's proposal was adopted.

ARTICLE 27 (OLD ARTICLE 29).

The President pointed out that the number 25 should be inserted in the blank in the last paragraph of this article.

Agreed.

69.—QUESTION OF THE INTRODUCTION OF DIRECT QUANTITATIVE LIMITATION OF THE MANUFACTURE OF NARCOTIC DRUGS : PROPOSAL BY THE PANAMA DELEGATION (continuation).

The President proposed that, before beginning its examination of the Regulations annexed to the draft Convention drawn up by the Advisory Committee (Annex 13), the Conference should consider the following proposal already submitted to it by the delegate for Panama :¹

“ The High Contracting Parties undertake not to issue import certificates for substances covered by the Convention for quantities which together would exceed a quantity of morphine base or cocaine mentioned in Article . . . of the Annex as representing the legitimate requirements of the individual High Contracting Parties to this Convention. The High Contracting Parties manufacturing narcotic drugs to which this Convention applies undertake not to release from their factories, for sale in their respective territories to meet the legitimate medical and scientific requirements of these territories, quantities of narcotic drugs in excess of the equivalent mentioned in Article . . . of the Annex, after deduction of imports, re-importations, stocks, etc.

“ The High Contracting Parties manufacturing narcotic drugs covered by the Convention undertake not to manufacture, during the year which will follow the entry into force of the present Convention, narcotic drugs in excess of quantities equivalent to the amount stipulated in Article . . . of the Annex, unless the said High Contracting Parties have received firm orders for such excess quantities,

¹ See Minutes of the previous meeting, page 197.

duly supported by import certificates issued in conformity with the terms of this Convention.

"The High Contracting Parties undertake to limit their importations in the succeeding years in conformity with the terms of the present article, and those High Contracting Parties who manufacture narcotic drugs covered by this Convention undertake not to manufacture in the ensuing years narcotic drugs in quantities exceeding those which may legitimately be manufactured in conformity with the terms of the present Convention."

M. Ferri (Italy) supported the principle of the Panama proposal. The principle of limitation must be brought out in the Convention by laying down a precise figure of maximum requirements and therefore of maximum manufacture.

The President thought Dr. Hoffmann's proposal was not sufficiently precise to be put to the vote. The following three points should be expressed more clearly (1) Was the maximum an absolute maximum which each country would undertake never to exceed during the whole life of the Convention? (2) Was it, on the contrary, a figure which the States would undertake not to exceed during the first year or during a specified number of years? (3) Was it intended to fix a figure for each year?

Dr. Hoffmann (Panama) said that the figure was a provisional limit for the first year.

The President understood that the object of the proposal was to fix the quantity to which each country would agree to limit itself for each year. How would that quantity be determined? Would it be imposed on the States or would they be asked to fix it themselves?

Dr. Hoffmann's point might perhaps be met during the discussion of Chapter I of the Annex to the Advisory Committee's draft, in which certain rules were laid down for determining the limit, not only for next year, but for each following year. The following principle might be adopted. The Convention should be drafted in such a way as to determine for each State a figure for manufacture which must not be exceeded. That had been the purpose of Article 8, which was to be defined more closely in what was formerly Chapter I of the Annex. When the Conference had agreed on this principle, it could go on to consider the various rules in Chapter I of the Annex. The Panama delegate would then be able to indicate any amendments he thought necessary in each category.

M. Ferri (Italy) thought that Dr. Hoffmann's proposal was intended to stress the fact that the Convention was a Convention on limitation. This made it absolutely essential to fix certain figures representing maximum imports and manufactures. There was, however, the difficulty that these figures would not be known until the Convention

had come into force. M. Ferri therefore suggested an article laying down provisionally, on the basis of the information in the League's possession, the figures for the licit imports and manufactures of different countries, with the proviso that these figures could be modified when the Convention came into force.

The President observed that, if this proposal were adopted, the estimates for the first year would have to be specified in the body of the Convention. By what method were those estimates to be framed? The Italian proposal would result in provisional estimates which would be binding on States until modified by the new estimates framed in accordance with the rules of the Convention.

M. Ferri (Italy) thought that the best place for this proposal would be the Final Act, since it took the form of a declaration which was intended to have moral force in the eyes of world public opinion.

M. Casares (Spain) suggested that Dr. Hoffmann and M. Ferri should confer and draw up a definite text.

The President saw two objections to Dr. Hoffmann's proposal. First, his provisional estimates, which would be binding, would cease to be operative as soon as the countries had sent in the estimates prescribed in the Convention. Secondly, the preparation of the estimates would impose an obligation on States before they had signed the Convention.

The right place for Dr. Hoffmann's proposal was neither the Convention nor even the Final Act, but a statistical document, and this the Drafting Committee might be asked to prepare.

M. Ferri (Italy) proposed the following formula:

"The signatory States recognise that the estimates which are to be framed in accordance with Articles . . . and which are necessary for the putting into force of the Convention, may be based on the following figures . . ."

Such a clause, though not binding in law, would, at any rate, be of considerable value.

M. Perez (Argentine) and M. Kahler (Germany) said that, at present, they would be unable to supply the relevant figures for their countries.

M. Dinichert (Switzerland) asked whether it was intended to introduce the proposed text in the body of the Convention. If so, he could not see any advantage in it, because, when once the Convention came into force, Articles 3 to 5 would make it possible to ascertain the figures in question. If the proposal were to form a separate document, he was prepared to consider it, but it should not be incorporated in the Convention.

M. Bourgois (France) observed that, although certain countries might perhaps be able to supply the required figures in a few days, there were others whose delegations were absent from the meeting.

The President suggested that the question might be advantageously considered at the second reading.

The President's proposal was adopted.

70.—EXAMINATION OF THE ANNEX TO THE DRAFT CONVENTION DRAWN UP BY THE ADVISORY COMMITTEE.

TITLE.

The President pointed out that the title "Regulations" would have to be deleted.

Agreed.

CHAPTER I.

Paragraphs 1 to 5.

The President pointed out that amendments had been received from the British and Japanese delegations :

The British delegation proposed the omission of the heading, "Chapter I" and the deletion in paragraph 1 of the words, "whether relating to the requirements for domestic consumption or conversion".

In addition, the British delegation proposed the following revised text for paragraphs 2 and 2(a) :

" Paragraph 2.—Every estimate shall, however, show separately for each year in respect of which it is made :

" (a) The estimated requirements of the country in respect of which it is made in the matter of each narcotic drug for use as such, whether in the form of (1) alkaloids or salts, (2) preparations of alkaloids or salts, (3) preparations made direct from raw opium and containing more than 20 per cent of morphine, or (4) preparations made direct from the coca leaf and containing more than 0.1 per cent of cocaine. The amounts required under each of the above categories shall be shown separately ;

" (b) The estimated amounts of each narcotic drug required for the purpose of conversion ;

" (c) The estimated amount of the reserve stock of each narcotic drug (1) which it is desired to maintain for all purposes, (2) which will exist in the country at the beginning of the year in respect of which the estimate is made ;

" (d) The proportion of (1) the amount required for domestic consumption and for conversion, (2) the amount, if any, required in order to maintain the reserve stocks at the desired level which it is proposed to manufacture internally.

" Paragraph 2(a).—In the event of the reserve stocks of any drug at the beginning of any year exceeding the level which it

is desired to maintain in respect of the drug in that year a deduction equal to the excess shall be made from the total of the estimates of the requirements of that drug."

The Japanese delegation proposed to omit the phrase "preparation of alkaloids or salts" in paragraph 2(a). In support of this proposal, the Japanese delegation had submitted the following explanatory note :

" (1) There are many varieties of preparations which are used in many cases for the same purpose as the salts of morphine, etc. It is practically impossible to establish the estimates for each kind of preparations apart from the salts of morphine, etc.

" (2) For this reason the more precise figure may be obtained if the preparations of alkaloids and salts are included in the same category as (1)."

Sir Malcolm Delevingne (Great Britain) explained that the British proposals were consequential proposals necessitated by the work already done.

M. Sawada (Japan) withdrew his amendment.

M. Dinichert (Switzerland) asked whether, in the event of the deletion, in accordance with the British proposal, of the words "whether relating to the requirements for domestic consumption or conversion", paragraph 1 would square with Article 3 in the Convention, which made provision for estimates for domestic consumption and conversion.

Again, Article 8 enumerated the factors to be taken into account in determining the total manufacture which a country must never exceed.

Sir Malcolm Delevingne (Great Britain) said that the British proposals were necessitated by the new scheme of limitation adopted in connection with Articles 3 and 8. This scheme provided that manufacture in a given country in a given year should be limited to the total estimates—that was to say :

- (1) Estimates of domestic consumption ;
- (2) The amount of drugs required for conversion ;
- (3) The amount of drugs required for export ;
- (4) The amount of drugs for maintaining the reserve stocks in a country at the required level.

In the discussion on Article 8, especially as regards stocks, it was agreed that the stocks should cover all requirements, and on that account the amendment to the Annex had been framed.

Mr. Treadway (United States of America), referring to paragraph 2(a), asked whether the expression "alkaloids or salts" referred to natural alkaloids, and whether "preparations of alkaloids or salts" referred to preparations in pharmaceutical terms or preparations which would come within the scope of

the so-called artificial alkaloids, such as heroin.

He was not clear whether these estimates were to include the drugs necessary for making pharmaceutical preparations which were at present exempt.

Would estimates for such substances as heroin come under paragraph (a) and, if so, would they come under "(i) alkaloids or salts" or "(ii) preparations of alkaloids or salts"?

Mr. Treadway also drew attention to certain differences between the text under discussion and the revised text of Article 1.

Sir Malcolm Delevingne (Great Britain) thought the words "preparations of alkaloids or salts" would cover the exempted preparations. It was intended to cover the amounts required by the importing country for all preparations whether above or below the exemption limit.

The estimates for such substances as heroin would come under No. (i).

The text under discussion would, of course, be drafted to correspond with Article 1.

The President said that, in order to avoid any misunderstanding, estimates would have to be framed for each of the substances mentioned. No decision could be taken concerning the substances at present exempted until it was known whether the exemptions were to be maintained or discontinued.

Paragraphs 1 to 5 were adopted and were referred to the Drafting Committee to be brought into line with Article 1.

Paragraph 6.

The President said that amendments to paragraph 6 had been proposed by the British and Japanese delegations:

Amendment proposed by the British Delegation.

- "Omit the words 'constituted in the following manner' and insert:

" . . . consisting of one member appointed by the Opium Advisory Committee of the League of Nations, one member appointed by the Permanent Central Board, and one member appointed by the Office international d'Hygiène publique."

Amendment proposed by the Japanese Delegation.

"Paragraphs 6 and 7 shall be replaced by the following clause:

" ' 6. The competent authority to be constituted in a manner set forth in the following provisions shall discharge the functions specified in Article 3, paragraphs 2 and 3, and Article 4, paragraph 2, of the Convention.' "

" *Explanatory Note.*—1. In view of the fact that the quantity of narcotic drugs to be consumed by each country differs

widely according to the climatic and physical differences of a people as well as of the standard of civilisation of each country, it is only possible for the Government concerned to return the exact figures of consumption of its own country. Whatever its constituent may be, the 'competent authority' can hardly be expected to be able to alter the estimates furnished by each Government.

" 2. Though the draft Convention prepared by the Advisory Committee provides that the estimate shall not be altered without the consent of the Government concerned, it will be difficult to obtain estimates which will satisfy the internal requirement of the country compatible to the internal consumption. At the same time it may disturb the normal supply of the narcotic drugs, thereby hindering internal control.

" 3. The Japanese delegation is of opinion that the competent authority shall establish the estimates only in the case of the countries which either do not furnish their estimates or are not parties to the Convention."

M. Bourgois (France), M. Ferri (Italy) and M. von Rheinbaben (Germany) approved Sir Malcolm Delevingne's text.

M. Schultz (Austria) concurred in the British amendment, with the exception of the last point. He suggested that one or two delegates from the League Health Committee should be appointed to the competent authority.

Sir Malcolm Delevingne (Great Britain) said his proposal was based upon two principles. The first was that the competent authority should be as small as possible. He thought the Conference would agree with this. The second was that several countries which were not Members of the League of Nations were represented at the Conference. For that reason he had suggested the Office international d'Hygiène publique, as its representation was rather wider. The second principle would help to secure the assent of as large a number as possible of the countries represented at the Conference. As a matter of fact, the members of the Health Committee and of the Office international d'Hygiène publique were very largely the same people.

Mr. Lyall (Chairman of the Permanent Central Opium Board) said the Central Board had decided that, as the Board was at present constituted, it would only be advisable for it to participate in the work allotted to the competent authority if the Board were given at least half the total number of votes on the authority.

He explained that one of the Board's chief duties was to criticise the statistics. The Board felt it would be difficult to criticise an estimate drawn up with its collaboration, although the estimates drawn up under the scheme might in no way represent the Board's views.

M. Contoumas (Greece) seconded the Austrian delegate's proposal.

Dr. Chodzko (Poland) expressed surprise that the proposal for the composition of the competent authority did not allow for the representation of the Health Committee, especially as in the 1925 Convention (Articles 8 and 10) both the Health Committee and the Office international d'Hygiène publique were mentioned, each of them having special functions assigned to it. Further, the estimates of medical needs supplied by the Governments were based on purely medical factors. Hence, it was inadmissible for the representatives of the medical profession to be in a minority on the authority responsible for examining the estimates. The Health Committee had discussed the matter in May and had passed a resolution asking for adequate representation of the medical profession.

If the proposal submitted were adopted, he very much doubted whether it would be acceptable to the medical profession generally, and he would have to make every reservation.

M. Sjöstrand (Sweden) supported Dr. Chodzko's views.

M. de Vasconcellos (Portugal) thought, in the first place, that a change would be needed in the title "Competent Authority", since it seemed to imply that the other League authorities were not competent.

Secondly, he very strongly supported the proposal for the representation of the Health Committee. The latter had demanded that the medical profession should be in a majority on the competent authority, while the Permanent Central Board had asked to have at least half the votes on that authority. M. de Vasconcellos would not therefore aggravate the difficulty by claiming a majority for the Advisory Opium Committee. The wisest thing would be to associate a member of the Health Committee with the three members proposed by the British delegation.

M. Ferri (Italy) supported Sir Malcolm Delevingne's proposal. It would be advantageous for the authority to have an uneven number of members, as this would make it easier to have a majority vote.

The competent authority should be in close touch with the Permanent Central Board, which would be entrusted with the most delicate duties entailed by the new Convention. Although the British proposal did not confer a majority on the Central Board, it ensured a certain equilibrium which made it acceptable to the members of the Board themselves.

He saw no imperative reason for having a majority of medical men. Medical experience was, of course, essential in estimating scientific and medical needs, but the work would be mainly statistical, or, he might even say, political to a certain extent. Moreover, a certain category of members would not be best represented by its numbers, but rather by the authority possessed by its representatives.

M. Perez (Argentine) agreed entirely with Dr. Chodzko and M. de Vasconcellos. The League, however, must not confine represent-

ation to a single continent. It must consider other continents as well.

M. Schultz (Austria) pressed for the representation of the Health Committee. If, however, the competent authority consisted of four members, he saw no objection to the representation on it of the Office international d'Hygiène publique.

M. Bourgois (France) said that he would vote for the representation of the Health Committee for the reasons adduced by Dr. Chodzko and various other speakers.

M. Contoumas (Greece) thought that the Conference should first decide whether both health organisations were to be represented or only one.

The Conference decided by eighteen votes to six that the competent authority would consist of four members, one to be nominated by the Permanent Central Board, one by the Advisory Committee, one by the Office international d'Hygiène publique, and one by the League Health Committee.

The President opened the discussion on the Japanese amendment.

Sir Malcolm Delevingne (Great Britain) thought the Japanese amendment struck at the root of the limitation system which had been adopted. The Conference had decided, with regard to the estimates of individual countries, that the decision must rest finally with the Governments, but should be subject to examination, criticism, requests for information and discussion by the competent authority. If a Government submitted any estimate it chose, a serious blow would be struck at the efficiency of the limitation system.

M. Sawada (Japan) thought the functions to be discharged by the competent authority could be equally well discharged by the Advisory Committee. In Article 8, each country was allowed to present its own annual estimates. It seemed to him that paragraph 6 was contradictory to the principle of that article, and was based upon the apprehension that certain contracting parties might fail to discharge their duties. Such matters could very well be left to the goodwill and sincerity of the signatories to the Convention.

The Japanese amendment was rejected.

Paragraph 7.

M. Dinichert (Switzerland) thought this paragraph superfluous.

The President proposed that the Drafting Committee should consider whether it should be retained.

The President's proposal was adopted.

Paragraph 8.

The President recalled that amendments had been received from the British and Japanese delegations.

Amended Text proposed by the British Delegation.

"After examination by the competent authority as provided in paragraph 6 of the estimates furnished, and after the determination by that authority as provided in paragraph 7 of the estimate for countries on behalf of which no estimates have been furnished, the competent authority shall forward to the Secretary-General of the League of Nations for transmission to all the Members of the League of Nations and non-member States, a statement containing the estimates for each country, together with an account of any explanations given or required in accordance with paragraph 6, and any observations which the competent authority may desire to make in respect of any such estimate or explanation, or request for an explanation.

"The statement shall be forwarded to the Secretary-General not later than November 1st in each year."

Amendment proposed by the Japanese Delegation.¹

"Paragraph 8 shall be amended as follows :

"After the determination by the competent authority, as provided for in paragraph 6 of this chapter, of the estimates for countries which have not furnished them, the Permanent Central Board

- " (i)
- " (ii)
- " (iii)
- " (iv)
- " (v)

in each exporting country, being that country's proportion of the re-export total for that year.

"The statement or statements shall reach the High Contracting Parties and the Central Board not later than November 1st in the year previous to that year."

M. Sawada (Japan) withdrew his amendment.

Paragraph 8 was adopted in the form proposed by the British delegation.

Paragraph 9.

The President recalled that the British delegation proposed the following text for paragraph 9 :

"Every supplementary estimate sent to the Permanent Central Board in the course of the year shall be dealt with by the competent authority in a manner similar to that specified in paragraphs 6 to 8 above."

Paragraph 9, as drafted by the British delegation, was adopted.

CHAPTER II.

In accordance with a proposal made by the British delegation, the Conference decided to delete Chapter II.

¹ In this connection, see the explanatory note accompanying the Japanese delegation's amendment to paragraph 6, page 210.

CHAPTER IV.

The President drew attention to the report by the Sub-Committee on Control (document Conf.L.F.S.81 (Annex 20)). It would be necessary to examine Chapter IV, defining the powers and duties of the central authority, before Chapter III, which prescribed the rules for its constitution. The Sub-Committee on Control had discussed very exhaustively the question whether control should be exercised in advance or *a posteriori*, and, indeed, even whether the central authority's authorisation for each export should be sought in advance. The Conference must decide this question of principle.

M. de Vasconcellos (Portugal) observed that the Italian delegation had submitted a proposal providing for a more rigorous system of control in certain cases. The Sub-Committee had been unable to consider that plan for certain reasons of procedure.

M. Ferri (Italy) said that his delegation had always favoured the principle that, in all cases, authorisation should be given in advance. From a desire for compromise, it would agree to authorisation in advance being required only for exports to countries which were not parties either to the 1925 or to the 1931 Convention. The Italian delegation therefore submitted the following amendment :

"The following to be substituted for paragraph 2 :

"The High Contracting Parties undertake to notify the Permanent Central Board before issuing a permit for the export of any of the drugs mentioned in Groups . . . in Article . . . in the present Convention, to countries not parties either to the present Convention or to the Geneva Convention.

"The Permanent Central Board may within fifteen days of the receipt of the above information communicate with the exporting country requesting it to hold up the export to the country in question."

The Italian delegation did not insist on the actual form of words of its amendment, but attached great importance to the principle. The Drafting Committee might be asked to consider the final text.

Sir Malcolm Delevingne (Great Britain) still considered that preliminary notification to a central office and the quota system were the most effective systems ; but, in order to enable the delegations to register a unanimous vote, he would refrain from raising again the principles of the Advisory Committee's scheme, and would not vote against the proposal of the Sub-Committee on Control. He would therefore abstain from taking part in the discussion.

M. Perez (Argentine) observed that, under the quota system, notification in advance had been unnecessary. A manufacturer's

maximum output was fixed for him and he could produce so long as he did not exceed that figure. Under the system adopted by the Conference, the limit concerned, not the manufacturer, but the whole country. As importers could buy where they liked, the manufacturer could not tell whether his country's limit had been reached or not. Hence, notification in advance was necessary, and this demanded the establishment of a special organ of control, unless the powers of the Permanent Central Board were enlarged. As Article 8 had been adopted, notification in advance was quite indispensable.

M. Bourgois (France) reminded the Conference that, from the time when he had agreed to the system which had been approved, he had stressed the great importance of notification in advance.

M. von Rheinbaben (Germany) had never accepted the principle of notification in advance. He would, however, acquiesce in the Italian proposal if it were likely to lead to an agreement.

M. Sawada (Japan) said that the question of preliminary notification had been discussed over and over again in Committee. He hoped that the discussion would not be re-opened, and asked the Conference to adopt the text of the Sub-Committee on Control.

The President thought that the best course would be to ask the Drafting Committee to search for a compromise. If it failed, the report of the Sub-Committee on Control would be submitted again to the plenary Conference at the second reading. This necessarily involved the postponement of Chapter III.

The President's suggestion was adopted.

M. Weinberg (Union of Soviet Socialist Republics) pointed out that he had advanced another opinion in the Sub-Committee on Control. He held that the constitution and organisation of the central authority should be discussed first and its powers and functions determined afterwards. He considered, therefore, that the Conference should examine Chapter III at a first reading, along with the relevant Soviet amendment.

This proposal was put to the vote and rejected.

71.—EXAMINATION OF THE PRELIMINARY DRAFT CONVENTION DRAWN UP BY SEVERAL DELEGATIONS (continuation).

ARTICLE II (continuation).

The President said that, in accordance with the decision taken at the twenty-third meeting,¹ the German and British delegations had agreed on the following text for Article II:

"1. No trade in or manufacture for trade of any product obtained from any of the phenanthrene alkaloids of opium or

from the alkaloids of the coca leaf, not at present used for medical or scientific purposes, shall take place in any country unless and until it has been ascertained to the satisfaction of the Government concerned that the product in question is of medical or scientific value.

"2. Any High Contracting Party permitting trade in or manufacture for trade of any such product to be commenced shall immediately send a notification to that effect to the other High Contracting Parties and to the Secretary-General of the League of Nations, who shall communicate the information so received to the Health Committee of the League.

"3. The Health Committee will thereupon, after consulting the Permanent Committee of the Office international d'Hygiène publique in Paris, decide whether or not the product in question is capable of producing addiction (and is in consequence assimilable to the substances mentioned in Group I (a) of paragraph 2 (A) of Article 1), or whether or not it is convertible into such a product (and is in consequence assimilable to the substances mentioned in Group I (b) or Group II).

"4. In the event of the Health Committee of the League deciding that the product is not itself a product capable of producing addiction but is convertible into such a product, the question whether the product in question shall fall under Group I (b) or Group II shall be referred for decision to a body of three experts competent to deal with the scientific and technical aspects of the matter, of whom one member shall be selected by the Government concerned, one by the Opium Advisory Committee of the League, and one by agreement between the two members so selected.

"5. Any decisions arrived at in accordance with the two preceding paragraphs of this article shall be communicated to the Secretary-General of the League of Nations, who will communicate it to all the Members of the League and non-member States mentioned in Article . . .

"6. If the decisions are to the effect that the product in question is capable of producing addiction or is convertible into such a product, the High Contracting Parties will, upon receipt of the communication from the Secretary-General, apply to the product the appropriate regime laid down in the present Convention according as to whether the product falls under Group I or under Group II.

"7. Any such decisions may be revised, in accordance with the foregoing procedure, in the light of further experience on an application addressed by any High Contracting Party to the Secretary-General."

Mr. Anslinger (United States of America) asked whether the drugs mentioned in the above text were to be controlled under the import certificate system, until the Convention came into force.

The President explained that, when a new drug appeared on the market, its manufacture was prohibited if it were derived from

¹ See page 171.

opium or the coca leaf. A Government could, however, suspend this prohibition, if it considered that there was no objection to doing so. The Health Committee of the League could then, after reconsidering the matter, say that the drug was capable of producing addiction and that it should be classified under Group I. In that case, all the provisions of the Convention would apply to the new substance.

Sir Malcolm Delevingne (Great Britain) pointed out that it was necessary for a Government to decide whether the new drug was useful for medical purposes. The drug might be capable of producing addiction, and, unless a country were satisfied that it would be useful to the medical profession, its manufacture for trade should not be allowed. If the Government were satisfied on that point, the Health Committee would decide whether the drug was capable of producing addiction, or of being turned into a drug capable of production addiction.

Mr. Anslinger (United States of America) pointed out that there was no provision in the amendment for placing the drug under international control by means of the import and export certificate system, after the Government had decided that it might be put on the market.

The President pointed out that the obligation to apply the import certificate system became operative only after the Health Committee had decided that the new drug should come under the Convention.

Sir Malcolm Delevingne (Great Britain) said there would be an interval between the time when the Government authorised manufacture for trade and the time of the Health Committee's decision. The Health Committee could be relied upon to do its work as quickly as possible after the matter had been brought to its notice by the Advisory Committee of the League. There would be great difficulty in applying the system of control during the period between the Government's authorisation and the Health Committee's decision.

Mr. Anslinger (United States of America) asked what were the practical difficulties of applying the import and export certificate system.

Sir Malcolm Delevingne (Great Britain) replied that a system of control would have to be adopted provisionally by all the countries of the world, with the possibility that, in two or three months' time, the whole system of control would have to be abandoned.

Dr. de Myttenaere (Belgium) observed that, if a drug were not known to the general public, it could not be regarded as a dangerous cause of addiction.

Mr. Treadway (United States of America) called attention to the difficulties experienced in connection with morphine esters, dicodide, eucodal and acedicone before they were brought under control.

M. Kahler (Germany) thought that these difficulties were not likely to occur in future, because the decision as to new drugs would be in the hands of a central authority, which would say whether or not they should come under the Convention. Moreover, even at present, if a Government considered that a substance was likely to produce addiction, it could immediately enact the necessary measures of control for its own country.

Article II, in the form proposed by the German and British delegations, was adopted by nineteen votes to three.

ARTICLE 14 (continuation).

The President informed the Conference that Sir Malcolm Delevingne, who had been asked at the twenty-fourth meeting,¹ to redraft this article, now proposed the following text :

" 1. No import from any source of any of the drugs into the territories of any High Contracting Party shall take place except in accordance with the provisions of the present Convention.

" 2. The following classes of imports are prohibited :

" (a) The import into any country of any of the drugs for any purpose other than :

" (i) The satisfaction of the medical and scientific needs of the importing country ;

" (ii) Conversion ;

" (iii) Re-export ;

" (b) The import in any one year into any country of any of the drugs in excess of the total of the amount which that country has specified in its estimates for the year and of the amount exported after deducting any quantities manufactured in that country in that year.

" 3. No export or re-export of any of the drugs shall take place from the territories of any High Contracting Party except in accordance with the provisions of the present Convention."

The Conference adopted the revised text of Article 14.

ARTICLE 20 (continuation).

M. van Wettum (Netherlands), reverting to the Netherlands amendment, which had already been under discussion,² with regard to the international control of preparations of morphine and cocaine, whatever the percentage of drugs contained in those preparations, explained that the Netherlands Government deemed it necessary that, under a limitation scheme, control must be complete. No limitation was possible unless drugs were covered in every form, and at least those preparations must come under the import and export certificate system.

Clearly that aim could not be reached, as some countries were strongly opposed to enforcing the import and export certificate

¹ See page 176.

² See Minutes of the twenty-sixth meeting (page 179).

system in this connection, as they thought it would give rise to serious administrative difficulties.

Even in the event of his amendment obtaining a majority of votes in the Conference, he doubted whether it would have the desired result, because it would be unacceptable to some of the manufacturing countries. In those circumstances, he withdrew the amendment, and left it to the Conference to decide what was to be done in the matter.

The President took note of M. van Wettum's statement. He had just received from the United States delegation an identical

amendment, which would be discussed when the question came up on the agenda.

72.—APPOINTMENT OF DRAFTING COMMITTEE.

M. van Wettum (Netherlands) proposed that the Drafting Committee should consist of M. Casares, Dr. Carrière and Sir Malcolm Delevingne, the three delegates who had drawn up the Advisory Committee's draft.

The President requested authorisation to act as Chairman of the Committee.

These proposals were approved.

THIRTIETH MEETING (PUBLIC).

Thursday, July 9th, 1931, at 9.30 a.m.

President : M. DE BROUCKÈRE.

73.—EXAMINATION OF THE ANNEX TO THE DRAFT CONVENTION DRAWN UP BY THE ADVISORY COMMITTEE (continuation).

CHAPTER III.—PROPOSAL BY THE SOVIET UNION DELEGATION.

M. Weinberg (Union of Soviet Socialist Republics) pointed out that the Plenary Conference had still taken no decision regarding the constitution of the central authority. At its last meeting, the question had been adjourned until the second reading, without the Soviet amendment, proposing the organisation of a new Permanent International Narcotics Board, having been discussed. That amendment read as follows :

"The Permanent International Narcotics Board shall be organised as follows :

"(a) The Board shall consist of representatives of the States Parties to the Convention, one representative for each State ;

"(b) The Board shall meet at least once a year ;

"(c) It shall appoint its Secretary-General, who shall direct the permanent organ of the Board—i.e., the International Narcotic Office ;

"(d) If necessary, the Board shall appoint one or several assistants to the Secretary-General ;

"(e) The staff of the International Office shall be appointed by the Secretary-General ;

"(f) No person connected in any way with private firms or undertakings dealing in narcotic drugs, either raw or manufactured, or concerned with the manufacture of narcotic drugs, shall be eligible for appointment to the International Office ;

"(g) The seat of the International Office shall be at Vienna ;

"(h) The expenses of the Board and of the International Office shall be defrayed by the States parties to the Convention in equal shares (or in accordance with any other principle that may be established)."

The Soviet delegation felt that, in those circumstances, the name of a specific body should not and could not be inserted in the text of the draft Convention which was about to be considered, as had been done in various of its articles (Annex 12), by describing the Permanent Central Board as the central authority, which the Convention would invest with certain duties. The Conference might ultimately adopt this solution ; but, as the question had not yet been decided, he felt that the name of the central authority should have been left blank in all the articles which dealt with it.

He understood, of course, the Drafting Committee's anxiety to give the draft text a final shape, and in order to assist it and the Conference Secretariat, M. Weinberg proposed that a discussion should immediately be opened on the organisation of the central authority. If this were not approved, his delegation would press for the name of such authority to be left in blank throughout the whole draft.

The President replied that the Drafting Committee had merely discharged conscientiously the duty entrusted to it. He put the Soviet proposal to the vote.

The Soviet proposal was defeated by sixteen votes to one.

M. Weinberg (Union of Soviet Socialist Republics) believed that, as the constitution of the central authority had not been discussed, the Conference would have to leave all those passages of the draft Convention blank which referred to that authority.

The President replied that, if he thought it advisable, M. Weinberg could revert to the question when the articles dealing with the central authority were being discussed.

M. Weinberg (Union of Soviet Socialist Republics) said his idea was to make a general reservation immediately instead of entering a particular one on each of the articles which mentioned the central authority.

The President noted the general reservation made by M. Weinberg.

74.—EXAMINATION OF THE DRAFT CONVENTION : SECOND READING (Annex 12).

PREAMBLE.

The President intimated that he had received a suggestion that the opening words in the French text should read, "Désirant compléter les dispositions des Conventions de La Haye . . ." instead of "Désirant compléter les Conventions de La Haye . . ."

This proposal was adopted.

M. Contoumas (Greece) pointed out that the term "narcotic drugs" was no longer appropriate, seeing that the Conference had adopted the expression "drugs".

The President replied that the expression "narcotic drugs" should be kept in the Preamble, as it occurred in the wording of the terms of reference of the Conference.

M. Cavazzoni (Italy) suggested substituting the words "to render effective the direct and quantitative limitation" for the words "by facilitating the limitation", which he thought were too weak.

Sir Malcolm Delevingne (Great Britain) objected to M. Cavazzoni's amendment and suggested the addition to the original text of the word "effective".

M. Cavazzoni (Italy) replied that he was certain that the effect of the Convention would be to limit the quantity of narcotic drugs which could be manufactured.

Sir Malcolm Delevingne (Great Britain) asked for the question to be put to the vote.

M. Bourgois (France) supported M. Cavazzoni's proposal. Doubts similar to those expressed by Sir Malcolm Delevingne had arisen in some minds, both outside as well as inside the Conference, and he felt it was essential to make the position clear. The Conference had been instructed to institute direct and quantitative limitation, and was under a moral obligation, before voting on such an important issue, to ask itself whether it had properly discharged the duty entrusted to it by the Assembly and Council of the League of Nations. This question was not merely one of form, but of substance.

The scheme which had been framed was certainly a limitation scheme, since no country could manufacture more than the amount of its own estimates for its domestic medical

requirements plus exports, the latter being fixed at the beginning of each year on the basis of the previous year's exports.

That was generally recognised to be limitation, but some people held that it was not limitation "to world requirements", the latter being defined as the sum total of the estimates of each country's medical and scientific needs.

The original Franco-Japanese plan provided for limitation "to world requirements", since each manufacturing country could, apart from the requirements of domestic consumption, only manufacture an amount equivalent to the orders received from abroad and sanctioned by the Geneva authority within the limits of each country's internal requirements. In addition, there was a "reservoir" the capacity of which was fixed at Geneva and formed an "advance of manufacture on orders", enabling such orders to be filled at short notice.

If the "reservoir" were full on January 1st and became empty during the year, manufacture for world requirements was correspondingly reduced. Factories would thus manufacture annually an amount equivalent to world requirements plus or minus the amount in the reservoir (plus if the reservoir were empty on January 1st and full on December 31st, and minus if it were full on January 1st and empty on December 31st).

There was a slight difference in the present plan, which, though instituting limitation, did not limit manufacture to "world requirements". The scheme provided that each country could manufacture an amount equal to its domestic requirements plus an estimated quantity, the total of which for all countries might not be equal to world requirements. For instance, France and Germany might each count on a country x buying from them the whole amount of its internal requirements, and the total products manufactured during the year would then be increased by that amount.

M. Bourgois would have preferred the original Franco-Japanese plan to have been adopted. The reason why he had not objected to the changes made by Sir Malcolm Delevingne in that plan was that, in practice, the result would be virtually the same in both cases. Each country's estimates would practically correspond to its exports for the previous year, and thus the total of the manufacturing countries' export estimates would be almost equal to the total of their exports for the preceding year—that was to say, to world requirements. If their real exports fell below the estimates, they would have to decrease correspondingly their manufacture for the following year, thus redressing the balance.

M. Bourgois accordingly thought he had shown that, as it stood, the present system established direct limitation corresponding virtually to world requirements. He would, however, have no objection, when the Conference discussed the principle involved, to

its adopting another system than that based on "estimates" which would enable it to arrive at a scheme whereby manufacture would be limited both nominally and actually to world requirements. The practical operation of the present system would, doubtless, give virtually the same results as the original Franco-Japanese scheme, but the latter would have been preferable, particularly from the standpoint of public opinion, as it would have been more obvious that manufacture was limited to world requirements.

The President appealed to delegates to shorten the discussion as much as possible. It was more important to draft the Convention than to insert modifications, and he suggested as a compromise that the Conference should adopt in the Preamble the expression used in the Assembly resolution convening the present Conference. The text would then read "to render effective the limitation by international agreement".

M. Casares (Spain) held that it was not for the Conference to pass judgment on the Convention, but for public opinion. All the Conference had to do was to draw up the Convention.

M. Bourgois (France) agreed with the President.

M. Perez (Argentine) could not understand anyone maintaining that the Convention which had been framed did not effectively limit, directly and quantitatively, the manufacture of narcotic drugs. The first paragraph of Article 6 was adequate proof of this. He therefore supported M. Cavazzoni's proposal.

M. de Castro (Uruguay) also shared the Italian delegate's opinion. He had himself drawn up a draft Preamble, the purpose of which was to recount the history of the campaign against illicit traffic in narcotic drugs, and the efforts made to institute direct and quantitative limitation of manufacture. He had no desire, however, to delay the proceedings by opening a fresh discussion on his text. If the Conference adopted another text, he would merely ask that his draft Preamble should appear in the Minutes. If, on the other hand, the draft drawn up for the second reading and now under discussion were adopted as a basis of discussion, he would support the following wording for the first phrase :

"Desiring to supplement the provisions of the Conventions signed at The Hague on January 23rd, 1912, and at Geneva on February 19th, 1925, for the purpose of rendering effective the direct and quantitative limitation of the manufacture of narcotic drugs . . ."

M. de Castro then read the draft Preamble.¹

The President thanked M. de Castro for the spirit of accommodation he had shown in not insisting on the text of the Preamble which he had proposed.

¹ See page 137.

There were now two proposals before the Conference—that of the Italian delegation to insert the words "to render effective the direct and quantitative limitation . . ." and that of the President suggesting the repetition of the passage from the Assembly resolution reading "to render effective the limitation by international agreement".

If the Conference did not approve of the second form of words, he would put the first text to the vote.

M. Cavazzoni (Italy) maintained the Italian proposal.

M. Rasmussen (Denmark) thought the words "to render effective" should be replaced by "by rendering effective".

In his view, the words "direct and quantitative" were too reminiscent of the quota system which had been abandoned. Moreover, they did not appear in the Advisory Committee's draft. The words should therefore be deleted.

M. von Rheinbaben (Germany) supported the President's suggestion, which he put forward as a German amendment.

M. Martinez de Alva (Mexico) thought that limitation was direct, since States would have to estimate their sales, and was also quantitative, since it would only be possible to manufacture, purchase or sell the quantities laid down in the Convention. Accordingly, any form of words would satisfy him, and he would therefore abstain from voting.

M. de Vasconcellos (Portugal) urged the Conference to adopt the actual words of the Assembly resolution in virtue of which it had been convened.

M. Bourgois (France) asked that a vote should first be taken on the President's suggestion as formally moved by the German delegation.

The proposal to reproduce the words of the Assembly resolution was adopted by twenty-nine votes to five.

The Italian, Mexican and Soviet Union delegations abstained from voting.

The Preamble, as amended, was adopted.

CHAPTER I.—DEFINITIONS.

Article I.

Introduction and Paragraph 1.

Adopted without discussion.

Paragraph 2.

The President pointed out that, in the final version, the word "drugs" would always appear in inverted commas, to indicate clearly that it was not used in the dictionary sense.

Group I.

M. Weinberg (Union of Soviet Socialist Republics) wished to know why the words "crude morphine" and "crude cocaine"

did not appear in sub-paragraphs (i) and (iii) respectively, although they had been adopted by the Conference.

The President explained that they were covered by the words "morphine" and "cocaine" respectively. The term "drugs" denoted the substances specified, whether partly manufactured or completely refined.

M. Weinberg (Union of Soviet Socialist Republics) urged the restoration of the words omitted so as to make the text as clear as possible, and quoted the Conference decision on the point (*cf.* document Conf.L.F.S.63(i)).

The President replied that the present text could not be interpreted otherwise than as covering crude morphine and crude cocaine.

M. Weinberg (Union of Soviet Socialist Republics) would like to know the opinion of the United States delegation on the point, as it was on its suggestion that the Technical Committee had inserted the words "crude morphine".

Mr. Caldwell (United States of America) said the United States delegation was of opinion that crude morphine and crude cocaine were covered. Otherwise, it would have been unable to accept the text. Moreover, other drugs which might be omitted under the original phraseology would be covered.

The Soviet proposal was rejected by twenty-seven votes to one.

Sir Malcolm Delevingne (Great Britain) proposed that the words "and medicinal" should be inserted after the word "raw" in Sub-group (a) (i) of Group I.

Dr. Carrière (Switzerland) demurred. The Conference had never intended to control certain pharmaceutical preparations.

Dr. de Myttenaere (Belgium) observed that sub-paragraph (i) only dealt with preparations "containing more than 20 per cent of morphine", whereas the medicinal preparations to which Dr. Carrière had just referred contained only 1 per cent.

Dr. Carrière (Switzerland) pointed out that it would be rather strange to include among the 20 per cent preparations referred to in sub-paragraph (i) preparations made from medicinal opium, which usually contained only 10 per cent of morphine.

Sir Malcolm Delevingne (Great Britain) pointed out that raw opium did not usually contain more than 10 to 12 per cent of morphine. The preparations were made by concentration.

The proposal to insert the words "and medicinal" after the word "raw" in sub-paragraph (i) was adopted by twenty-six votes to three.

The President pointed out that in sub-paragraph (ii) of the French text the words "éthers-sels" occurred after the words "esters". In the following provisions there was no need to repeat them.

M. Kahler (Germany) proposed that the words "including preparations made direct from the coca leaf and containing more than 0.1 per cent of cocaine" should be deleted from sub-paragraph (iii).

At the President's request, M. Kahler withdrew his proposal.

M. Bougault (France) asked that the words "their salts" after the words "morphine-N-oxide derivatives" should be deleted.

This proposal was adopted.

Sir Malcolm Delevingne (Great Britain) suggested that in sub-paragraph (iv) the words "their esters and salts" should be replaced by the phrase "and the salts of any of these substances and of their esters".

This proposal was adopted.

Dr. Hoffmann (Panama) observed that, as regards Sub-group (b), the French text read "les éthers-oxydes de la morphine tels que la benzylmorphine et leurs sels", whereas the English text read "benzylmorphine and the other ethers of morphine and their salts". In the English text, new substances which might be discovered were included, whereas in the French text this was not so.

The President did not agree, and insisted on the fact that the French text also covered all ether-oxides which might be discovered. He asked the Conference to adopt the text as it stood.

This proposal was adopted.

At the President's suggestion, the Conference provisionally adopted Group III on the understanding that it might ultimately be omitted when Article II was adopted.

Paragraph 2 of Article I, as amended, was adopted.

Paragraph 3.

M. Casares (Spain) asked that, in the definition of raw opium, the word "natural" should be inserted before the word "content".

The President pointed out that the definition proposed by the Drafting Committee was a literal reproduction of that contained in the Geneva Convention, and he would therefore ask M. Casares not to press his proposal, as variations, however slight, between the two Conventions might possibly lead to complications in their application.

M. Casares (Spain) agreed.

Dr. de Myttenaere (Belgium) thought that, as the term "medicinal opium" had been included in the Convention, the definition of the term should follow on that of raw opium.

At the President's suggestion, the Conference decided to reproduce exactly in the present paragraph the definition of medicinal opium as given in the Geneva Convention.

Sir Malcolm Delevingne (Great Britain) thought it unnecessary to give a definition of crude morphine, which was not mentioned in the Convention.

At the President's suggestion, *the Conference decided to adopt this definition provisionally*. If it were found that crude morphine was not referred to in the Convention, the definition would automatically be deleted.

M. Bougault (France) asked that, in the definition of diacetylmorphine, the word "heroin" should be omitted, as it was not diacetylmorphine but hydrochloride of diacetylmorphine.

Dr. de Myttenaere (Belgium) proposed to keep the word "heroin" in this definition, as it appeared in the definition given in the Geneva Convention.

M. Bougault (France) did not insist.

The President asked the Conference to adopt the first of the two definitions of diacetylmorphine appearing in the French text, seeing that it was the definition contained in the Geneva Convention. It should, however, be supplemented by the addition of the structural formula of diacetylmorphine.

Dr. de Myttenaere (Belgium) thought that the structural formula of all the substances should be given or of none. He thought it would be better not to give any.

M. Bougault (France) reminded M. de Myttenaere that it had been agreed to give after each simple formula the structural formula, since the ordinary formula did not adequately define certain chemical compounds. It would therefore be better to insert in each case the structural formula.

The President proposed inserting the structural formula in the definition of diacetylmorphine, seeing that several delegates felt that the text would then be clearer, and no one saw any serious inconvenience in that procedure. It would not entail any ambiguity in the application of the Convention, since the total number of atoms was the same, and their distribution would not cause any inconvenience from the legal standpoint.

Dr. de Myttenaere (Belgium) agreed.

At the suggestion of Sir Malcolm Delevingne (Great Britain), *the Conference decided to adopt provisionally the definition of crude cocaine, subject to its possible deletion later in the event of the expression "crude cocaine" not appearing in the Convention*.

M. Weinberg (Union of Soviet Socialist Republics) thought that the possible omission of the definitions of crude morphine and crude cocaine proved that his proposal for the insertion in Group I of the words "crude morphine" and "crude cocaine" was well founded. If the definitions of these terms were omitted, might it not be assumed that the substances in question were not covered by the Convention?

He believed that the Conference would be failing in its duty if it omitted products of such importance, and he therefore asked for the insertion of the expressions "crude

morphine" and "crude cocaine" in Group I, and of their definitions in paragraph 3.

The President said that it was the unanimous intention of the Conference to bring crude morphine and crude cocaine under the Convention. To that end the Conference had adopted a text which it thought perfectly clear and better than that proposed by the Soviet delegation, since it brought under the Convention, not merely crude morphine and crude cocaine, but, in addition, a whole series of other substances which might otherwise have escaped. This formal declaration would suffice, if necessary, to obviate any misinterpretation in the future.

Paragraph 3 of Article I was adopted, with certain drafting alterations and the addition after each simple formula of the structural formula.

Paragraph 4.

M. Dinichert (Switzerland), in connection with the definition of the term "conversion", apologised for raising a rather complicated question which affected several articles in which conversion was mentioned. During the first reading, he had repeatedly asked for a clearer definition of the significance of the word "conversion" in the sense of the present Convention.

Conversion as defined in the draft Convention, so far as he understood it, meant the conversion of one "drug" in the sense of the Convention into another "drug" in the sense of the Convention, more particularly the conversion into drugs in Group II, the conversion of morphine into heroin and even the conversion of crude cocaine or ecgonine into cocaine, it being understood that no reference was being made to conversions of alkaloids into their salts.

At the time when the provisions regarding conversion had been inserted in the Advisory Committee's draft, he believed that "conversion" was meant to signify the conversion of what were then called narcotic drugs into non-narcotic substances which did not come under the Convention. Consequently, the Conference had now to deal with a term which had not the same meaning as in the old draft, the provisions of which would therefore have quite different effects.

Since all converted products were "drugs" in the sense of the Convention, all such products, whether convertible or converted, would appear in the estimates of States for their home consumption, and the total of such estimates would give the world total to be manufactured; but, in addition to estimates of home consumption, provision was made for estimates of conversion. These estimates would include, on the one hand, conversion for home consumption, which was already included, probably under the form of other drugs in the estimate for home consumption.

On the other hand, estimates of conversion contained another factor relating to exports. How could estimates be made for exports, and what would be the character of conversion

estimates which contained two quite different elements, one referring to home consumption and included in the estimates for that consumption, and the other relating to estimates for exports? Such a system of estimates would not be accurate and would in no way represent national consumption. It might give a partial estimate of manufacture, but of what value would that be?

M. Dinichert pointed out that, in Article 6, dealing with the limitation of manufacture, it was provided in paragraph 1 (*iii*), that all countries could manufacture "the quantity specified in the estimates for that year as being required for conversion; whether for domestic consumption or for export". Again, the products which could, under sub-paragraph (*iii*), be manufactured for home consumption were given in sub-paragraph (*ii*) of the same paragraph in the form of converted drugs. The same applied to the estimates of conversion for export also contained in the estimates for export provided for in sub-paragraph (*iv*).

In consequence, it appeared that Article 6 permitted the manufacture twice over—under forms which were perhaps different, it was true—of a part of each State's home consumption and a part of its exports. If that were so, the Conference would admit that the question he had raised was rather important.

An examination of the provisions regarding imports gave a similar result. According to these provisions, a country could import the quantities that it did not manufacture, and manufacture the quantities that it did not import; but, as each country was entitled to import the drugs covered by the estimates for home consumption, and also to manufacture the drugs covered by the estimates for conversion, the following would be the result obtained: a wholesale dealer imported certain quantities which came within the limits of the estimates for home consumption under Article 5, and a manufacturer in the same country manufactured corresponding quantities of the drug within the limits of the estimates for manufacture for conversion purposes under Article 6. The situation was therefore rather confusing.

M. Dinichert added that, from the moment when there were estimates for conversion for export purposes, the principle of estimates was substituted for the principle of orders for that portion of the exports. He would remind the Conference that he had already attempted to persuade it of the mistake of allowing manufacture for home consumption to be carried on within the limits of the estimates and not within those of the actual consumption only. Under the Convention, this system was now being extended to exports for conversion purposes, since the estimates for conversion for export purposes

were based on hypothetical estimates instead of on the basis of the actual orders received, the principle which the Conference seemed to have accepted for exports.

Such a system he believed would aggravate another difficulty to which he had already referred. In his opinion, this Convention, which was intended to limit manufacture, did not limit it to actual requirements. At the opening of the meeting it had been asked whether the draft Convention instituted direct limitation. M. Dinichert thought it did, seeing that it restricted manufacture to the estimates, but that did not solve the problem. Manufacture was certainly limited, but the figure was much too high, and he would like to see it reduced to a minimum.

He added that the Swiss delegation would not make this question a condition of its signature. To-day, even more than at the opening of the Conference, it believed that the solution of the problem consisted, above all, in strict control without any gaps. If it were desired to add limitation, he agreed that it might be an effective addition, but it should then be made as strict as possible.

The President, in reply to M. Dinichert, said that the Drafting Committee's definition of conversion was quite clear and covered every kind of chemical conversion of a "drug", whether into another "drug" or into a substance which was not a "drug". It was immaterial whether the products of conversion were used in the country or abroad.

Article 6 provided that the amount which could be manufactured should not exceed the total of the quantities specified in a series of numbered sub-paragraphs. Of these, sub-paragraph 3, referring to the quantities "required for conversion", could not overlap with sub-paragraph 2, referring to the quantities "necessary for medical and scientific needs", seeing that conversion could not be considered as a medical or scientific need.

Similarly, estimates for quantities converted could not be confused with estimates for export.

Finally, Article 5, sub-paragraph 2(*b*), regarding the amounts required for the purpose of conversion, made no distinction between domestic consumption and export, and such quantities were obviously included in those dealt with in sub-paragraph 2(*e*). Any ambiguity there might be would simply be the consequence of the reference in Article 5, 2(*b*), to the quantities of *each* of the drugs required for conversion purposes. If the text were not perfectly clear to everyone, it could be made so.

M. Dinichert (Switzerland) said the President had not entirely convinced him. Take the case, for instance, of a country which, in estimating its internal consumption, included a certain quantity of heroin. Under Article 6, it could manufacture, and, under Article 12, it could import, the heroin.

In its conversion estimates, however, it also included a quantity of morphine from which it intended to manufacture the same quantity of heroin—that could be done, as the two estimates were framed quite independently. Article 6 entitled it to manufacture the morphine which was to be converted into heroin, and Article 12 authorised its importation. The country could therefore manufacture or import both the amount of heroin necessary for its requirements and the corresponding amount of morphine for purposes of conversion.

The President pointed out that, if a drug were converted into another substance, the first substance underwent conversion, and the second was the product of manufacture. Conversion was a form of manufacture.

M. Dinichert (Switzerland) felt the Convention would gain in every respect if the idea of conversion were omitted. He was satisfied, however, if he had drawn the attention of the Conference to the inextricable situation which might arise when estimates had to be made which would achieve the object of limiting manufacture to a minimum.

M. Contoumas (Greece), referring to the definition of "Government stocks", asked what was meant by the phrase "for the use of the Government", especially in countries where there was a Government monopoly.

The President thought the words meant use for what were essentially Government purposes—for instance, to meet army requirements. An addition had been made to meet exceptional circumstances (epidemics, earthquakes, etc.) when the State used its stocks to help the sufferers.

M. Kahler (Germany) thought there was a discrepancy between the fourth subparagraph of paragraph 4 and Article 22, paragraph 4, of the Geneva Convention, which read :

"For the purposes of this article, substances which are held, imported or purchased by the Government for eventual sale are not regarded as held, imported or purchased for Government purposes."

The two texts should be brought into line. The question was an important one, seeing that Article 22, paragraph 3, of the Geneva Convention provided that :

"It shall not be within the competence of the Central Board to question or to express any opinion on the amounts imported or purchased for Government purposes or the use thereof."

The President did not think there was any discrepancy between the two provisions referred to by M. Kahler. The Advisory Committee's draft had mentioned only reserve stocks for Government purposes ; but, during the discussions, the Conference had been induced to provide for a reserve stock which was to be a kind of general reserve for all requirements. It was to avoid any confusion between these two stocks that the two

definitions (reserve stocks and Government stocks) had been inserted in the new draft. As the distinction was quite clear, he thought Dr. Kahler's fears that Government stocks would be dealt with in the same way as the reserve stocks were hardly justified.

Dr. Kahler had also pointed out that the Permanent Central Board could not, under the Geneva Convention, ask for any explanation regarding Government stocks. He might point out that the position would be the same under the new Convention, Article 5 of which provided :

"The Supervisory Body may require any further details or explanations, except as regards requirements for Government purposes, which it may consider necessary in respect of any country on behalf of which an estimate has been furnished in order to make the estimate complete or to explain any statement made therein"

The system was therefore the same under both Conventions, the only difference being that, in the definition of "Government stocks", express reference was made to exceptional circumstances, which he thought would not give rise to inconvenience. Clearly, if a country were devastated by an earthquake or some other scourge, the text of the Convention would not be interpreted in such a way that the victims would be left uncared for on the pretext of not using army stocks of morphine or heroin.

M. Kahler (Germany) questioned whether the Permanent Central Opium Board could ask for explanations about a stock which was specially maintained for use at the time of a possible epidemic. It seemed that the Board might have this power under the terms of the Geneva Convention, but he did not think this would be the case under the terms of the new Convention.

The President thought the Permanent Central Board would have the same right as before to make enquiries if a Government desired to form stocks to provide for a possible epidemic ; but no explanations could be asked with regard to "Government stocks", such as army stocks.

M. Kahler (Germany) did not insist.

Paragraph 4 of Article 1 was adopted.

CHAPTER II.—ESTIMATES.

Article 2.

Paragraph 1.

M. Contoumas (Greece) thought that Article 2, paragraph 1, did not correspond with Article 5, enumerating all the factors which were to be included in the estimates. Under Article 5, estimates would include, *inter alia*, data regarding exports. Such data did not fit in with the basic element of the definition in Article 2—namely, the needs of the territories of contracting parties.

On the other hand, a definition which did not include in a synthetic form all the factors referred to in Article 5 would be incomplete. It would therefore be better to omit definitions in Article 2 and merely insert a reference to Article 5. He proposed accordingly to substitute for the first paragraph of Article 2 the following text :

“ The High Contracting Parties undertake to furnish annually to the Permanent Central Opium Board constituted under Chapter VI of the Geneva Convention estimates in accordance with the provisions of Article 5 of the present Convention.”

The President asked M. Contoumas to agree to insert the words “ for each drug ” after the word “ annually ”, and to restore the words “ in respect of his territories ”.

Mr. Lester (Irish Free State) asked for what other territory a contracting party could make returns.

The President pointed out that there was an article in the Convention by which a State might ratify it on behalf of the whole or a part only of its territories.

Sir Malcolm Delevingne (Great Britain) asked whether a contracting party would be bound under paragraph 1 to supply estimates for all its territories. For example, if Great Britain did not ratify the Convention immediately for her colonies, would she be under an obligation to furnish estimates for them ?

The President thought the retention of the phrase in question would not involve any legal obligation for a State to supply estimates in respect of territories for which it had not ratified the Convention. To make quite sure, he would ask the opinion of a member of the Legal Section.

M. Contoumas (Greece) thought Sir Malcolm Delevingne's point was met by the next paragraph in Article 2, reading : “ In the event of any High Contracting Party failing to furnish . . . an estimate in respect of any of his territories ” (“ pour la totalité ou une partie de ses territoires ”).

Paragraph 1 was adopted, subject to a legal opinion on the meaning of the term “ in respect of his territories ”.

The Conference then decided to delete the note appearing in the French text after paragraph 1.

Paragraph 2.

The President observed that it would be necessary to fill in the two blanks left in

this paragraph by the words “ Article 5, paragraph 4 ”, and “ Article 5, paragraph 6 ”, respectively.

The paragraph thus completed was adopted.

Paragraph 3.

The Conference adopted paragraph 3 in the following form :

“ The Permanent Central Board shall invite countries to which this Convention does not apply to furnish estimates in accordance with the provisions of this Convention. In the event of no estimate being furnished on behalf of any such country, the Supervisory Body shall itself, so far as possible, make the estimates.”

75.—ACCESSION OF THE ARGENTINE GOVERNMENT TO THE GENEVA OPIUM CONVENTION OF 1925.

The President informed the Conference that M. Perez, delegate for the Argentine, had received a telegram from his Government notifying its decision to accede to the Geneva Convention of 1925.

76.—CONTRIBUTION FROM THE EGYPTIAN GOVERNMENT TOWARDS THE EXPENSES INCURRED IN CONNECTION WITH THE WORK OF THE ADVISORY COMMITTEE ON THE TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS.

The President read the following letter from Russell Pasha to the Secretary-General of the League :

“ I have the honour to inform you that I have been instructed by the Egyptian Government to hand to your Excellency a cheque for £E500—that is to say, £512 16s. 5d.—as a gift from the Egyptian Government as a contribution to the expenses of the League in connection with the work accomplished by the Advisory Committee for the Traffic in Opium and Other Dangerous Drugs.

“ The Egyptian Government keenly desires to bring practical aid to the Opium Section of the League of Nations in its campaign against the scourge of narcotics, which has caused and still causes such terrible ravages in Egypt.

“ The Egyptian Government desires to leave it to the Secretary-General of the League of Nations to decide how this sum should be expended.”

Russell Pasha (Egypt) stated, on behalf of the Egyptian Government, that, in presenting the Secretary-General of the League of Nations with this sum to be used as he might see fit in the fight against the narcotic drug menace, the Egyptian Government desired to show, not only its appreciation of the work already accomplished by the League, but also its desire to give practical help to the battle headquarters of the anti-narcotic army.

Egypt was fighting its hardest against the enemy within its own boundaries, but the enemies' munitions came from outside, and Egypt looked to the League to create a spirit of determination among the Governments of the manufacturing countries to see

that their output of narcotic drugs was used for legitimate purposes; otherwise, Egypt would be fighting a hopeless battle.

On behalf of the Conference, the President thanked the Egyptian Government.

THIRTY-FIRST MEETING (PUBLIC).

Thursday, July 9th, 1931, at 3 p.m.

President : M. DE BROUCKÈRE.

77.—EXAMINATION OF THE DRAFT CONVENTION : SECOND READING (continuation).

CHAPTER II.—ESTIMATES (continuation).

Article 2 (continuation).

Paragraph 1 (continuation).

The President reminded the Conference that Sir Malcolm Delevingne had asked whether it was clear from Article 2, paragraph 1, that a country was not compelled to send in estimates for territories on behalf of which it had not ratified. Paragraph 15 of Article 1 as drawn up by the Advisory Committee no longer existed, and it would therefore be better to say :

"The High Contracting Parties undertake to furnish annually for those of their territories to which the present Convention applies in the matter of each of the drugs . . ."

Mr. Lester (Irish Free State) thought the words "to which the Convention applies" unnecessary. The Convention would only apply to those countries and territories on behalf of which it was ratified.

The President pointed out that, under the Convention, all countries, even non-signatories, would be asked to furnish estimates. From the text now under discussion, it might be assumed that the contracting parties which were bound in respect of part of their territories would be required to supply estimates for all their territories. The text he had proposed would make the meaning clearer.

Mr. Lester (Irish Free State) contended that a contracting party could not bind a colony which had been excluded from ratification under the colonies article.

The President thought that, if a dispute of this kind were laid before any court of law, the latter would interpret the Convention in the sense suggested by Mr. Lester. It was not, however, absolutely certain that it would do so. The words he had suggested as an addition would make the position clearer.

M. Contoumas (Greece) suggested the phrase "for each of the territories to which the Convention applies".

The President replied that it was for the States themselves to decide whether they desired to have different systems applying to different parts of their territories.

Mr. Lester (Irish Free State) proposed an amendment to eliminate the words "to which the Convention applies".

The text proposed by the President was lost by two votes to two.

Article 3.

M. Contoumas (Greece) proposed the deletion of the words "of the requirements". The text would read "supplementary estimates of that territory . . ." The words in question had been deleted in Article 2.

Article 3 was adopted with this amendment.

Article 4.

The President suggested that the second paragraph should read :

"The High Contracting Parties may, in addition to reserve stocks, create and maintain Government stocks."

Except where notified otherwise, no distinction would be made between the different territories.

Article 4 was adopted with the foregoing amendment.

Article 5.

Paragraph 1.

The President said he had received a proposal that the French text should read as follows : "devront être établies selon le modèle qui, *de temps à autre*, sera prescrit . . ."

Mr. Caldwell (United States of America) and Dr. de Myttenaere (Belgium) thought the words "from time to time" could be omitted, as the authority which drew up the form would be able to alter it, if necessary.

M. Kahler (Germany) dissented. The Central Board could not alter the form unless it were explicitly given the right to do so.

M. Martinez de Alva (Mexico) agreed with M. Kahler.

Mr. Fitzmaurice (Great Britain) thought the Board would be entitled to change the

form, even if this were not specifically stated. It might, however, be useful to retain the words "from time to time".

The Conference decided to retain the words "from time to time".

The President drew attention to the last words in paragraph 1, "to the High Contracting Parties". Did the Conference wish the communication in question to be sent only to the contracting parties, or was it to be sent to all States? He suggested that the words in question should be replaced by the words "to the Members of the League of Nations and to the non-member States mentioned in Article 27".

M. Gajardo (Chile) proposed the following formula :

" . . . and to all States to which the Council may decide to communicate the present Convention."

M. Dinichert (Switzerland) thought that a distinction must be made in Article 5 as well as in Article 2 between contracting parties and countries not parties to the Convention. He dissented from the President's view, since the situation covered by Article 27 differed from that covered by Articles 2 and 5.

The President noted that the Conference agreed that the communication should be sent, not only to the contracting parties, but to other Powers also. He would therefore propose, for the sake of simplicity, that the Conference should adopt the formula used in Article 27.

M. Dinichert (Switzerland) remarked that his proposal was extremely simple and had the advantage of preserving the concordance between Articles 2 and 5 in regard to estimates.

M. Rasmussen (Denmark) proposed the words "to the States mentioned in Article 27". Article 27 referred to States Members and non-members of the League.

The President replied that his proposal, which the Legal Committee also had made, would obviate certain difficulties which might arise owing to the fact that not all the Members of the League were States.

M. Dinichert (Switzerland) would not press his proposal. He could not, however, say that he was satisfied with an explanation which amounted to saying that there were certain difficulties in the way of adopting for Article 5 a formula used in Article 2.

The President replied that he had urged the adoption of the Legal Committee's formula because any other words used in Article 5 might cause legal difficulties. The case was different in Article 2, where all States were asked to send in estimates. Any possible doubt that might exist as to the Government of a territory would not have serious consequences, since the competent

authority could always frame an estimate if the territory itself was unable to supply one. Doubts, however, might occur as to whether such and such a territory was in actual fact a State, and, hence, whether the document mentioned in Article 5 could be sent to it.

The formula proposed by the President was adopted.

Mr. Lyall (President of the Permanent Central Opium Board) said the Board was extremely anxious to carry out the duties entrusted to it. The Convention provided for (1) estimates; (2) statistics resulting from the operations contemplated in the estimates; and (3) a report by the Central Board on the various figures. Mr. Lyall was not sure whether, when there were estimates, there were also to be statistics, and whether, when there were to be statistics, there should also be a report by the Board; nor had he been able to find out whether the information supplied by the estimates and statistics would be sufficient to enable the Board to prepare a report.

He had several minor amendments to Article 5 to propose.

The President took note of Mr. Lyall's statement.

Paragraph 2(a).

The President observed that the words "de chaque drogue" should come after the words "les quantités".

Sir Malcolm Delevingne (Great Britain), in reply to Mr. Caldwell, said the object of the words "for use as such" was to distinguish the requirements under sub-paragraph (a) from the requirements under sub-paragraph (b) which dealt with conversion. If they were omitted, these paragraphs might overlap. Sir Malcolm Delevingne also proposed various drafting amendments.

The President suggested that a slight change would be needed in sub-paragraph (a) to avoid any appearance of overlapping between sub-paragraphs (a) and (f). Sub-paragraph (a) would read :

" . . . preparations of the alkaloids or salts exclusive of those mentioned in sub-paragraph (f)."

Sir Malcolm Delevingne (Great Britain) had no objection, as this proposal was in conformity with Article 6, though there might be some difficulty in separating the amounts.

The addition proposed by the President was adopted.

M. Kahler (Germany) observed that the Governments would have difficulty in estimating "separately"—as was proposed in the last sentence of sub-paragraph (a)—in advance the quantities of each drug for use in the form of substances or preparations. This would depend on circumstances. A

chemist would order the substance or the preparation according as it was more to his advantage to make up the preparation himself or to procure it ready made. A sentence would have to be added to sub-paragraph (a) to the effect that the estimates might be regarded as completing one another. This would obviate the drawback of having supplementary estimates.

The President suggested that the last sentence in sub-paragraph (a) should merely be deleted.

M. Kahler (Germany) proposed that it would be simpler to delete the figure (2) in the same sub-paragraph.

The President said that, if that proposal were adopted, the figure (2) would be replaced by the word "and".

Mr. Lyall (President of the Permanent Central Opium Board) understood "(2) Preparations containing alkaloids or salts" to include all preparations, even those containing less than 0.2 per cent of morphine. The Geneva Convention excluded such preparations. In order to avoid misunderstanding, he suggested the addition of the words "however small the quantity of morphine or cocaine contained in them may be".

The President pointed out that the Conference had decided to add in point (2) the words "except those mentioned in sub-paragraph (f)". The preparations mentioned in sub-paragraph (f) were those referred to by Mr. Lyall, and therefore did not come under point (2) under discussion.

The Conference agreed to substitute "and" for the figure (2), combining in one category alkaloids and their salts and preparations containing alkaloids or salts.

Mr. Lyall (President of the Permanent Central Opium Board) proposed the insertion in No. (3) of the words "and preparations containing such preparations". The addition to pantopon—which this phrase covered—of another hundred per cent of inert matter would give a preparation containing less than 20 per cent of morphine, which was none the less liable to abuse.

M. Kahler (Germany) accepted Mr. Lyall's motion. Pantopon would thereby be included among the preparations mentioned in point (3).

Sir Malcolm Delevingne (Great Britain) pointed out that Mr. Lyall's proposal covered all preparations, however small a quantity of pantopon they contained. If Mr. Lyall's intention was that it should not be possible to evade the provisions of the Convention by mixing pantopon with some inert substance, his point would be met by an amendment to Article 13(b).

The Conference decided to discuss Mr. Lyall's amendment in connection with Article 13(b).

The President recalled that, at the previous meeting, Sir Malcolm Delevingne had submitted an amendment to Article 1 for the addition of the term "medicinal opium". That amendment had been adopted, and therefore point 3 would have to be

amended by the addition of the words "or medicinal opium" after the words "raw opium".

This amendment was adopted.

Paragraph 2(a), as amended, was adopted.

Paragraph 2(b).

Mr. Lyall (President of the Permanent Central Opium Board) proposed that the words "and of each of the substances produced by such conversion" should be added to this paragraph.

The President observed that the drugs required for conversion were covered by this paragraph, but this did not apply to the substances produced by conversion, which should not be included in this provision.

Sir Malcolm Delevingne (Great Britain) thought Mr. Lyall would be satisfied if a provision were inserted in the appropriate article to the effect that the amounts produced by conversion should be reported to the Central Board at the end of the year. There might be some difficulty in estimating the amounts beforehand.

Mr. Lyall (President of the Permanent Central Opium Board) accepted this suggestion.

Sir Malcolm Delevingne agreed to draw up a text satisfactory to Mr. Lyall.

Paragraph 2(c).

The President said that this paragraph as it stood would cause difficulty in calculating the total estimates in accordance with Article 12. He therefore suggested that the paragraph be revised and divided into two sub-paragraphs reading :

"(c) The reserve stocks of each drug existing at the beginning of the year ;

"(d) The amount by which it is proposed to increase or reduce those stocks."

Sir Malcolm Delevingne (Great Britain) did not think reference could be made to the total of the amounts specified in the estimates. Even if the President's proposal were adopted, there would remain a difficulty in connection with sub-paragraph (e), which referred to the quantity it was proposed to manufacture.

Moreover, the estimates would have to be sent in by August 1st, and it might be extremely difficult for a Government to estimate, in the middle of the year, the stock at the end of the year. The reference to stocks in hand at the beginning of the year could perhaps be omitted, and the Governments asked to make the best estimate they could. He proposed the following wording :

"The quantities that may be necessary to maintain the reserve stock at the desired level."

The President pointed out that this wording was nevertheless open to the objection that the initial level of the reserve stock, which was an important and, indeed, an

indispensable factor, would not be known, since allowance would have to be made for the possibility that a country might wish to reduce its stock instead of increasing it. He therefore proposed the text: "The quantity by which it is proposed to increase or reduce stocks during the year".

Sir Malcolm Delevingne (Great Britain) pointed out that Article 9 dealt with the diminution of the reserve stock.

The Conference adopted the following text for paragraph 2(c):

"The quantities that may be necessary to maintain the reserve stock at the desired level."

Paragraph 2(d).

Paragraph 2(d) was adopted without discussion.

Paragraph 2(e).

Sir Malcolm Delevingne (Great Britain) suggested the following text: "The quantity which it is proposed to manufacture", the rest of the sub-paragraph being struck out.

Sir Malcolm Delevingne's proposal was adopted.

Paragraph 2(e), as amended, was adopted.

Paragraph 2(f).

Sir Malcolm Delevingne (Great Britain) proposed the following amendment:

"After the word 'manufacture', insert the words 'or in the case of a country in which the drug is not manufactured the quantity which it is proposed to use'."

This amendment was adopted.

Paragraph 2(f), as amended, was adopted.

Paragraph 2(e) (continuation).

M. Contoumas (Greece), reverting to the decision just taken regarding paragraph 2(e), was not sure that the wording adopted was in accordance with the Conference's wishes. He believed that the intention had been to bind Governments to furnish estimates for their domestic needs, for conversion and for stocks. If all definitions of estimates were cut out in Article 2, Article 5 would have to be made more precise on this point.

The President feared that the amendment proposed by Sir Malcolm Delevingne would have a serious effect on the machinery which it was proposed to set up.

Sir Malcolm Delevingne (Great Britain) said the Convention was intended to ensure that a country did not import more than the total requirements for internal needs plus exports, less the amount manufactured. Any of the distinctions proposed would lead to confusion. The position was safeguarded by Article 12.

M. Contoumas (Greece) agreed that Article 12 provided a sort of safeguard. He thought, however, that the Conference was

straying from the aim which it had desired to attain by the system of estimates. The object was to ascertain the world needs for consumption and not for export. If mention were made merely of the quantities required for manufacture, the requirements to be calculated would be no longer those of domestic consumption, but the possible requirements which the manufacturing country might have to meet in the form of orders received. Hence, there would no longer be a clear picture of world needs or of the needs of each country.

Sir Malcolm Delevingne (Great Britain) pointed out that the sub-paragraph in question did not deal with a country's needs, but with the quantity of drugs it might manufacture for any purpose.

Mr. Caldwell (United States of America) thought the manufacture referred to was part of the manufacture mentioned in paragraph 2(e), whereas paragraph 2(f) indicated the purposes of manufacture. Paragraphs 2(e) and (f) did not correspond.

The President was of opinion that paragraph 2(e) as it stood covered all quantities which it was proposed to manufacture irrespective of the purpose for which they were used.

M. Contoumas (Greece) proposed that the Conference should revert to the original of paragraph 2(e).

This proposal was rejected by five votes to five.

The President observed that fifty-six States were represented at the Conference, and it would be considered outrageous to have to record in the Minutes that at one of the most serious moments in the debate a proposal had been defeated by five votes to five.

M. Dinichert (Switzerland) said that, as his delegation was among those which had abstained from voting, he felt that he owed the Conference an explanation. In sub-paragraph 2(e) it was proposed that estimates should be given of the amount to be manufactured in the coming year for domestic consumption and for conversion for domestic consumption, and, according to Sir Malcolm Delevingne's proposal, for export as well. M. Dinichert enquired whether, as these estimates of quantities to be manufactured in the following year were to be supplied in July, there would be any reliable basis for them. Switzerland would be able to supply only very approximate estimates. That being so, it was immaterial to Switzerland whether she furnished an approximate estimate of the quantities to be manufactured or an equally approximate figure of those quantities and of supplementary requirements. The Swiss delegation could hardly attach any importance to a formula dealing with absolutely hypothetical estimates.

At the outset, the term "estimates" had been used to mean estimates of national needs. These estimates were not difficult to frame. They were of vital importance, since the sum total of national estimates represented the aggregate world consumption

—that was to say, the limit to the manufacture of narcotics. Estimates were now required with regard to conversion as well. Such estimates could plainly not be so trustworthy as those for domestic consumption. M. Dinichert did not see what useful purpose they could serve, since there was every ground for thinking that, in the following year, they would be proved incorrect by the facts.

† For these reasons the Swiss delegation had not taken part in the voting.

M. Bourgois (France) agreed. He had abstained for the same reasons.

M. von Rheinbaben (Germany) asked the President or some other member of the Drafting Committee to make a statement as to the general meaning of sub-paragraph (e).

The President did not propose to give an authentic interpretation of Article 5, which was a fundamental article. The object, however, was to combine the estimates that were essential for the working of the Convention in a single article which would take the place of most of what was contained in the former Chapter I of the Annex.

According to the machinery of the basic plan, various estimates were to be used in Article 6 (formerly Article 8) to determine the total quantities that could be manufactured. Article 7 indicated the way in which certain deductions were to be made, on account of imports, from the figures for the quantities manufactured. Article 12 specified the total quantity that could be imported. If any of these three factors could not be determined, the Convention would become unworkable.

M. Bourgois (France) said that it must not be inferred from the fact that he had abstained from speaking on sub-paragraph (e) that he took no interest in the matter. He had intended to take part in the discussion on Article 6, which dealt with limitation more specifically.

M. Dinichert (Switzerland) thought that the discussion had gone astray because, between the first and second readings, there had been introduced certain hypothetical estimates as to manufacture of the different countries during the following year.

How would the estimates contemplated in sub-paragraphs (e) and (f) make the solution of the problem easier?

The President replied that the Conference had referred to the Drafting Committee the system which it had examined at the first reading and approved in principle. The Drafting Committee's task had been to attempt to make a coherent system of it.

Article 8, to which M. Dinichert had referred, had become Article 6. At the first reading, no distinction had been made between reserve stocks and Government stocks, but later they were treated differently. The Drafting Committee had therefore considered that it would be necessary to have two paragraphs instead of one. A special paragraph had been drafted to cover quantities used for the manufacture of drugs containing less than 0.2 per cent of morphine or 0.1 per cent of cocaine.

In consequence of there being a larger number of headings, provision had had to be made for a larger number of estimates.

If the end of sub-paragraph (e) were deleted, the whole system would be altered. Governments, therefore, were to be asked to send in, not impossible estimates, but different kinds of estimates.

M. Bourgois (France) said that, if he had had the President's explanations earlier, he would have voted for the maintenance of the original text.

The President pointed out that a new text for paragraph 2(e) had been voted unanimously, and that an amendment to revert to the original text had been defeated by five votes to five.

M. Dinichert (Switzerland) said that, if the question were put before the Conference again, the Swiss delegation would oppose the introduction of paragraphs 2(e) and 2(f) in Article 5, since it questioned their utility.

There was no need to include in an article concerning estimates preliminary estimates of manufacture. On the other hand, the Conference should consider very carefully in connection with Article 6 everything that could be legitimately manufactured.

Paragraph 2(f) (continuation).

The President observed that M. Dinichert had suggested that this paragraph should be deleted.

M. von Rheinbaben (Germany) thought that M. Dinichert had proposed to delete paragraphs 2(e) and 2(f).

The President considered that, as paragraph 2(e) had been voted on twice, it was impossible to revert to it. Paragraph 2(f), therefore, was the only paragraph under discussion.

M. Dinichert explained that his proposal had been to delete paragraphs 2(e) and 2(f), which were inseparable. The question was a very important one, and he would ask the Conference to regard as null and void the decisions taken in respect of paragraph 2(e).

The President said that, without the unanimous sanction of the Conference, he could not reopen a question which had been voted on twice.

M. von Rheinbaben (Germany) proposed that the Conference should cancel the decisions taken and reconsider paragraphs 2(e) and 2(f).

Sir Malcolm Delevingne (Great Britain) remarked that it was impossible to return to a question which had already been decided. If the Conference were not satisfied with the text, it should be returned to the Drafting Committee for reconsideration.

M. Martinez de Alva (Mexico), M. Contoumas (Greece) and M. von Rheinbaben (Germany) supported the proposal that the matter be referred to the Drafting Committee.

M. de Vasconcellos (Portugal) suggested that the delegations concerned in the question should be represented on the Drafting Committee.

The proposals of Sir Malcolm Delevingne and M. de Vasconcellos were adopted.

THIRTY-SECOND MEETING (PUBLIC).

Saturday, July 11th, 1931, at 9.30 a.m.

President : M. DE BROUCKÈRE.

78.—EXAMINATION OF THE DRAFT CONVENTION : SECOND READING (continuation).

Proposals of the Drafting Committee for dealing with the Difficulties which had arisen in connection with Article 5.¹

The President said that, in accordance with the Conference's instructions, the Drafting Committee had met to consider the difficulties which had arisen in connection with Article 5 of the draft Convention (Annex 12). The Committee had had the assistance, unofficially, of several delegations.

The Committee was unanimous, in the first place, in asking for Article 1 to be slightly modified. The Conference had expressed some doubts as to the possible consequences of the provisions regarding conversion. The Drafting Committee felt that these doubts would be dissipated if it were stated that, when a drug was converted into another drug, this operation should be regarded as conversion of the first and manufacture of the second drug.

As regards the estimates dealt with in Article 5, the Committee had considered that the best method would be to examine, first, Articles 6, 12 and 14, which were the key articles of the Convention. Before taking a decision regarding estimates, it seemed logical to see exactly how these articles would work.

Article 6 had been simplified and improved by combining sub-paragraphs (i) and (ii) in paragraph 1. Sub-paragraph (i) related to drugs required for manufacturing substances for which export authorisations were not required and sub-paragraph (ii) to drugs needed for a country's domestic requirements. Apart from being simpler, the combining of these two categories into one had the advantage of making it possible accurately to determine what, in the old Convention, were called "world requirements"—that was to say, the sum total of each country's domestic needs. It was difficult, though, to determine domestic requirements exactly, as a certain amount of drugs was used in some countries to manufacture preparations for which neither import certificates nor export authorisations were required. By recording these substances always and only at the point where they were used for manufacturing the above preparations, omissions in and overlapping of estimates would be avoided. The total,

therefore, for all countries of the quantities referred to in Article 6, sub-paragraph (i) (see Annex 12), the estimates for which were given in Article 5, sub-paragraph (a) (see Annex 12), would be an exact measure of world requirements.

In Article 12, only a formal change had been made—the insertion of a reference to Article 5, in which a very clear definition was given of the term "estimates" (paragraph 2, line 3).

Finally, it had been realised that, if it were to work properly, Article 14 also would have to be changed. Article 12 stated that a country's total authorised imports equalled the total of the estimates, plus exports, minus manufacture. Article 14 should enable the Central Board to determine as accurately as possible whether a country had exceeded the authorised total of imports; it could then take steps to prevent any further exports to that country. While the Central Board could ascertain what had been imported and exported, it had nothing but rather vague estimates of what was manufactured.

It had therefore been suggested that the figures of manufacture should only be taken into account when an investigation was made at the end of a given period—the only possible way. Article 14, paragraph 3, supplied the mechanism for this investigation and enabled it to be ascertained whether a country, by manufacturing certain quantities, had exceeded the authorised total and thus violated the Convention. In paragraph 3 a further sub-paragraph had been added reading :

"The amount of each drug used for the compounding of preparations exports of which do not require export authorisations."

When these various changes had been made in Articles 6, 12, and 14, it was seen that, as some members had requested, the estimates in Article 5, paragraphs 2(e) and 2(f) could quite well be deleted. This done, Article 5 had been brought into line with Article 6 by putting the various estimates in the same order as the corresponding quantities in Article 6, and a definition of the total of estimates had also been added.

The Convention now seemed to be clearer and better adapted for strict application.

Article 1 (continuation).

Paragraph 4 (continuation).

The amended text of paragraph 4 proposed by the Drafting Committee was adopted (Annex 13).

¹ See previous meeting.

Article 5 (continuation).

Paragraph 1.

The amended text of paragraph 1 proposed by the Drafting Committee was adopted (Annex 13).

Paragraph 2(a).

M. Dinichert (Switzerland) asked whether it was clear that the estimates referred to in paragraph 2(a) would cover all the drugs required for domestic consumption, irrespective of whether those drugs were imported, manufactured or converted in the country. If so, the total world consumption could be ascertained by adding together the estimates of the various countries.

The President concurred. The method which the Drafting Committee had adopted was, however, slightly different from that indicated by M. Dinichert for the following reason: a certain quantity of drugs was required for preparations which in some countries were not subject to internal control and in most cases were exempt from external control. There was, therefore, a risk that such preparations might not be reckoned either in the manufacturing or in the consuming countries or else of their being reckoned in both countries simultaneously. The Drafting Committee therefore proposed to stipulate that they should always be reckoned in the country of manufacture, whether they were consumed there or in the country of export. This would ensure that the preparations were always included and that they were not counted twice. The total for all countries of the estimates in paragraph 2(a) would thus strictly correspond to world requirements.

Paragraph 2(a) was adopted (Annex 13).

Paragraph 2(b).

M. Sjöstrand (Sweden) pointed out that exports were also mentioned in Article 12, and asked whether they might not be counted twice.

The President thought not. It was precisely in order to avoid any complication on this point that Article 1 stated that conversion of one drug into another was considered as conversion of the first and manufacture of the second drug. For instance, if morphine were converted into heroin and the heroin exported, the estimates referred to in paragraph 2(b) would show the quantity of morphine used; the heroin, on the other hand, was manufactured and should be included in the quantities referred to in paragraph 1(c) of Article 6. The provisions were thus perfectly clear and no duplication could occur.

Article 12 dealt with the control of imports, and in it also there would be no duplication for the same reasons.

Paragraph 2(b) was adopted (Annex 13).

Paragraphs 2(c) and 2(d).

Paragraphs 2(c) and 2(d) were adopted without discussion (Annex 13).

M. Dinichert (Switzerland), referring to the last sentence in paragraph 2, asked whether "the total of the estimates for each country" meant its total needs for domestic consumption, or its total needs according to Article 5.

The President drew M. Dinichert's attention to the new wording of paragraph 2 of Article 12 (Annex 13) stating that the total estimates were those "defined in Article 5". The Conference was in agreement regarding the principle of Article 12. A country could only import what it required—that was to say, the total of the estimates of its needs; but to this total should be added what it exported and from it should be deducted what it manufactured, and, to ensure that the wording would be perfectly clear, an exact definition should be given of a country's total estimates. If this expression were interpreted in its ordinary sense, it would be necessary to add the estimates in sub-paragraphs (a), (b), (c) and (d) of Article 5, which would give an absurd result, since it would mean adding the total of a country's stocks to its legitimate needs and to the quantities it required for conversion. This would enable it to import annually an amount sufficient to renew its stocks if it had completely consumed them.

The definition had therefore had to be altered to make the total estimates correspond to the real requirements—that was to say, to the requirements for home consumption plus the amount intended for conversion, adding or deducting the quantity necessary to increase stocks or the quantity left free by the decrease of stocks. That was exactly what the proposed text meant. To avoid any possible ambiguity, a somewhat arbitrary definition had to be used.

The last sub-paragraph of paragraph 2 of Article 5 was adopted (Annex 13).

Paragraph 3.

The President observed that the remaining paragraphs of Article 5 had not been changed by the Drafting Committee and the Conference would therefore revert to the basic text prepared for the second reading (Annex 12).

Subhy Ziya Bey (Turkey) said that this paragraph included codeine among the narcotic drugs. He would point out that the Turkish delegation had frequently stated its Government's standpoint on this question. He was prepared to accept the system of the 1925 Convention for codeine, but considered that there were no grounds for putting it on the same footing as other drugs and subjecting it to estimates and to limitation. On behalf, therefore, of the Turkish Government he must enter a reservation.

The President noted the reservation made by the Turkish delegation.

Paragraph 3 was adopted.

Paragraphs 4 and 5.

Paragraphs 4 and 5 were adopted without discussion.

Paragraph 6.

Dr. Chodzko (Poland) observed that there was no provision either here or in any other part of the draft Convention regarding the Secretariat of the Supervisory Body. He assumed that it would be provided by the Secretary-General of the League of Nations. That was all the more essential, since the duties of the Supervisory Body would be very important and would to some extent be diplomatic in character, as it might in certain cases have to criticise the estimates supplied by sovereign States. He did not see any other way of interpreting the text of the Convention, and such an interpretation, moreover, would be in harmony with the provisions of Article 23 of the Covenant of the League of Nations, entrusting the latter with the general supervision over agreements regarding the traffic in narcotic drugs.

M. Cavazzoni (Italy) demurred. Under the present Convention, it was the Permanent Central Board which should receive the estimates supplied by States. To ensure continuity, obviate overlapping and reduce administrative expenditure to a minimum, it would be advisable, and even necessary, for the Supervisory Body to draw on the services of the Permanent Central Opium Board and its statistical equipment.

He made no formal proposal, but asked that his observations should be recorded in the Minutes of the meeting in order to avoid any future misunderstanding.

M. de Vasconcellos (Portugal) agreed with the Polish delegate. Article 23 of the Covenant should be observed. The League Secretariat was the keystone of the whole campaign against narcotic drugs. It had always ensured liaison between the various factors co-operating in this campaign and should continue to do so.

Any result which the Conference might achieve it would owe to its President and the League Secretariat which had organised the work so admirably. The Secretariat should therefore continue to act as the liaison between the various organisations which would be set up under the present Convention.

The President thought the members would unanimously deprecate the institution of a new supervisory body. Use should be made of the existing organisations. Much of the information which would have to be furnished under the terms of the Convention would be sent to the Permanent Central Board, and the Supervisory Body should clearly be able to profit from the work done by the League Secretariat. The Conference, however, could not give orders to the Permanent Central Board, which was the creation of the Geneva Convention and of an entirely

distinct and autonomous Conference. Neither could it give orders to the League of Nations, of which the Conference was not an organ.

The only hope of solving the problem lay, therefore, in the spirit of co-operation prevailing between the existing bodies upon which, he thought, reliance could be placed. If the work were entrusted to one of these bodies only, the situation would be impossible. It should be borne in mind that there would now be three opium Conventions, and it would require an effort of goodwill to make them all function simultaneously.

In conclusion, the President believed that it would be a mistake to give a written definition of what the formal legal position would be.

M. Perez (Argentine) took the opposite view. It should be stated that the Secretary of the Central Board would act simultaneously as Secretary of the Supervisory Body.

Sir Malcolm Delevingne (Great Britain) thought there should be no rivalry or competition between the two bodies. Obviously, the Secretariat of the Central Board, which would receive the estimates from the Governments, should analyse and tabulate them. It was equally obvious that, when the central organ considered the estimates, it should have the help of the Opium Section, which had in its possession a mass of valuable information. The matter should, in his view, be allowed to settle itself.

M. Sjöstrand (Sweden) wondered whether the paragraph was in keeping with the decision taken at the first reading—that the Supervisory Body should consist of four members, one appointed by the Opium Advisory Committee, one by the Central Board, one by the Office international d'Hygiène publique, and one by the Health Committee. There seemed now to be no limit to the members.

As regards the Secretariat, he considered it essential to state that it should co-operate with the organs of the League of Nations.

Dr. Chodzko (Poland) observed that the different interpretation attached to the paragraph by the Italian delegation proved that there might be a misunderstanding.

Sir Malcolm Delevingne believed that there was no need to make a provision on the point, but the Supervisory Body should have tools with which to work, and, if it applied to the Central Board or to the League Secretariat, neither of these organs would be bound to assist it. On the other hand, diplomatic considerations should also be taken into account, and there should not be too many independent bodies having the duty of revising the data supplied by sovereign States.

To make the text perfectly clear, he would suggest adding, after the first sub-paragraph in paragraph 6 of Article 5, the words, "The Secretariat of the Supervisory Body shall be supplied by the Secretary-General of the League of Nations", and would ask for a vote by roll-call. The question was important,

since a negative vote would be a sign of distrust in the League of Nations, and Poland would never put her signature to a convention any article of which contained a provision which might be interpreted in such a way as to reflect on the League.

M. Cavazzoni (Italy) pointed out that he had made no proposal, but simply asked for his statement to be inserted in the Minutes. He considered it unnecessary, but, if M. Chodzko insisted on a vote being taken on the Polish proposal, he would suggest the following textual amendment: "The Secretariat of the Supervisory Body shall be supplied by the Secretariat of the Permanent Central Board".

M. Bourgois (France) supported M. Chodzko's proposal. It would be contrary both to the letter and the spirit of Article 23 of the Covenant to entrust such duties to the Permanent Central Board. The latter discharged very important but quite restricted duties which could not be extended. According to Article 23 of the Covenant, all matters relating to the control of opium agreements should be in the hands of the League Secretariat and not of a special subsidiary body established for an important but nevertheless limited purpose.

The President thought that the matter should be settled by a "gentlemen's agreement" between the parties concerned.

Dr. Chodzko (Poland) disagreed; the question was one of principle.

M. von Rheinbaben (Germany), supported by M. Contoumas (Greece), suggested that a satisfactory solution might be found if a reference to co-operation with the Central Board were added to M. Chodzko's proposal.

M. de Vasconcellos (Portugal) drew attention to the uniformly satisfactory relations between the Advisory Committee and the Permanent Central Opium Board, which co-operated for a common purpose, to achieve mutual agreement, without it having been necessary to prepare formal texts for this purpose. The same might apply to the Supervisory Body.

Dr. Chodzko (Poland) was prepared to accept M. von Rheinbaben's proposal, subject to drafting.

M. von Rheinbaben (Germany) proposed that the words "ensuring the intimate co-operation of the Central Board" should be added to M. Chodzko's text.

* M. Chodzko's proposal, as amended by M. von Rheinbaben, was adopted.

Paragraph 6 was adopted.

Paragraph 7.

M. Kahler (Germany) pointed out that paragraph 7 contained a stipulation which was quite contrary to that in Article 27 of the Geneva Convention. Was it necessary

to transmit the estimates and explanations received to all countries?

Sir Malcolm Delevingne (Great Britain) said it was essential that the estimates established for the different countries should be made known to all countries, otherwise the exporting countries would not know up to what limit they might export to the importing countries.

The President pointed out that, if this information were not communicated, Article 12 would be difficult to apply.

M. Kahler (Germany) was prepared to agree to the Supervisory Body transmitting the estimates to all countries, but it should not communicate the explanations. He therefore proposed to delete the last part of subparagraph 1 of paragraph 7, beginning with the words, "together with an account . . .".

Sir Malcolm Delevingne (Great Britain) said it must be remembered that the Supervisory Body had no power to amend the estimates. If it received an unsatisfactory estimate, all it could do was to call for explanations. If the explanations were unsatisfactory, it should have power to indicate this. There might even be no explanations at all. The Supervisory Body should in any case be able to inform the exporting countries of the facts. There would be a serious defect in the scheme if this power were taken away from it.

Mr. Caldwell (United States of America) agreed with Sir Malcolm Delevingne.

Mr. Lester (Irish Free State) thought that the Convention should contain some such stipulation, and asked whether the German delegation would be satisfied if the Supervisory Body transmitted only unsatisfactory explanations of certain estimates.

M. Casares (Spain) urged that the text should be maintained. If the provision were suppressed, an absolutely essential form of moral control would be removed.

M. Martinez de Alva (Mexico) and Dr. Paranjpye (India) thought the text should not be altered, as public opinion was the main sanction behind the Convention.

Sir Malcolm Delevingne (Great Britain) thought the points raised by the Irish and German delegations would be met by the words "so far as the Supervisory Body may think it necessary". The central organ would then not need to communicate the explanations in all cases.

M. Contoumas (Greece) asked that the text should be retained.

M. Kahler (Germany) said that his object had been to draw the Conference's attention to the fact that the provision clashed with Article 27 of the Geneva Convention. As several delegations thought it so valuable, he withdrew his amendment and supported

Sir Malcolm Delevingne's and Mr. Lester's proposal.

The President explained that, as a result of this proposal, the end of the first subparagraph of paragraph 7 would read as follows :

" This statement shall be accompanied, so far as the Supervisory Body may think it necessary, by an account of any explanations . . . "

This proposal was adopted by thirty-two votes to one.

The President proposed that paragraph 7 should be redrafted, in accordance with the amendments to paragraph 6, as follows :

" After examination by the Supervisory Body, as provided in paragraph 6 above, of the estimates furnished, and after the determination by that Body, as provided in Article 2, of the estimates for countries on behalf of which no estimates have been furnished, the Supervisory Body shall, through the intermediary of the Secretary-General and not later than November 1st in each year, forward to all the Members of the League of Nations and non-member States mentioned in Article 27, a statement containing the estimates for each country, together with an account, so far as the Supervisory Body may think it necessary, of any explanations given or required in accordance with paragraph 6, and any observations which the Supervisory Body may desire to make in respect of any such estimate or explanation, or request for an explanation."

Paragraph 7, as amended, was adopted.

Paragraph 8.

The President pointed out that the United States delegation considered that a provision should be included stating the number of sessions the Supervisory Body should hold annually.

Mr. Caldwell (United States of America) had no definite suggestion to make, but did not think the supplementary estimates could wait until the annual meeting of the Supervisory Body; they must be dealt with in the interval by some other body or some means must be provided whereby they would receive the Supervisory Body's attention.

Sir Malcolm Delevingne (Great Britain) did not think it would be necessary in all cases for the Supervisory Body to meet formally at Geneva to deal with the supplementary estimates. They might be so clear that they could be dealt with by correspondence between the Secretariat of the League, in conjunction with the Permanent Central Board and the members of the Supervisory Body. It was important to ensure that the supplementary estimates would be dealt with without delay, and he therefore suggested that the words "without delay" be inserted in the text.

The President said the essential point was to make provision for prompt action. The Minutes of the present meeting would show that a decision regarding supplementary

estimates could be reached by correspondence. If complications arose, the President of the Supervisory Body could, of course, always convene a meeting.

M. Contoumas (Greece) was afraid that the addition of the words "without delay" would cause misunderstanding, since it had been decided in the preceding paragraph that the statement containing the estimates for each country would have to be forwarded by November 1st. What would happen in the case of supplementary estimates furnished after that time?

The President did not think paragraph 8 could be misinterpreted. Supplementary estimates should, of course, be submitted at the earliest possible moment.

Paragraph 8 was adopted.

Article 6.

The President recalled that the Drafting Committee had prepared a new text for the first paragraph of Article 6 (Annex 13), but had made no change in the text of the second paragraph as submitted for the second reading (Annex 12).

Paragraph 1 : Introduction.

M. Cavazzoni (Italy) asked why "country" was used in this paragraph, seeing that Article 2 mentioned "territories".

Mr. Fitzmaurice (Great Britain) suggested the expression used in paragraph 3 of Article 2, "country or territory".

Mr. Fitzmaurice's proposal was adopted.

Paragraph 1(a).

In reply to an observation of M. Contoumas, Sir Malcolm Delevingne (Great Britain) proposed to add after the word "estimates" the words "for that country or territory".

This proposal was adopted.

Mr. Caldwell (United States of America) pointed out that the United States delegation had submitted the following amendment to this paragraph : "the quantity required within the limits of the estimates for . . ."

Sir Malcolm Delevingne (Great Britain) urged the United States delegation not to press its amendment, as the question had been discussed at considerable length during the first reading. Mr. Caldwell's proposal was contrary to the scheme of limitation which had been adopted.

M. Dinichert (Switzerland) heartily supported the United States proposal. A country could, of course, manufacture within the limit of its estimates, but it was not bound to manufacture up to that limit. The actual amounts manufactured should, within the limit of the estimates, correspond to the real needs for the year during which the drugs were to be consumed.

He disagreed with Sir Malcolm Delevingne ; in his opinion, the amendment would define more closely the amount to be manufactured, whereas the other estimates were really hypothetical.

M. von Rheinbaben (Germany) drew the opposite conclusion from the Swiss delegate's arguments. The introduction to Article 6 laid down a maximum, but there was no objection to manufacturing quantities smaller than that maximum.

Dr. Chodzko (Poland) supported the United States proposal for the reasons given by the Swiss delegation.

M. Sawada (Japan) supported M. von Rheinbaben's suggestion that the original text should be maintained.

Sir Malcolm Delevingne (Great Britain) said he had tried to make the scheme one which the Governments could work. The United States amendment would make that difficult, because Governments would not know the quantities required for domestic consumption and other purposes until the end of the year.

M. Dinichert (Switzerland), in view of the extreme importance of this provision, asked that a vote should be taken by roll-call.

A vote by roll-call was taken.

The following delegations voted for the amendment :

Argentine, Austria, Canada, Chile, China, Costa Rica, Cuba, Czechoslovakia, Danzig, Italy, Lithuania, Luxemburg, Panama, Persia, Poland, Sweden, Switzerland, United States of America, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

The following delegations voted against the amendment :

Belgium, Bolivia, Egypt, Germany, Great Britain, Greece, Hejaz, Hungary, India, Japan, Netherlands, Portugal.

The following delegations abstained :

Abyssinia, Albania, Denmark, Dominican Republic, Finland, France, Irish Free State, Mexico, Siam, Spain, Turkey.

M. Contoumas (Greece) said he had voted against the amendment for the reasons given by the German delegation.

The United States amendment was adopted by twenty-one votes to twelve, with eleven abstentions.

Paragraph 1(a), as amended, was adopted.

Paragraph 1(b).

The President observed that, in view of the new text just adopted for paragraph 1(a), paragraph 1(b) should be redrafted as follows :

"The quantity required within the limits of the estimates for that country or territory for that year . . ."

Paragraph 1(b), as amended, was adopted.

Dr. Woo Kaiseng (China) made a statement on behalf of his Government with regard to the term "territory".

Owing to the existence in China of special conditions created by certain treaties between China and various Powers, the exercise of China's sovereignty was temporarily restricted in the foreign concessions, settlements, leased territories, etc. Although the Chinese Government would not neglect the duties imposed upon it by the present Convention when China became a party, it might have some difficulty in furnishing the estimates provided for in Article 2, paragraph 1, in so far as that paragraph related to such areas.

The Chinese Government was, however, convinced that the Powers concerned, whose sincere co-operation in the campaign against the drug evil had already been given in the past, and whose ratification of the present Convention might be expected in the near future, would give the Chinese Government every facility to enable it to fulfil all its obligations under the present Convention. This was only a question of ways and means, and it could be satisfactorily settled between China and the Powers in question through diplomatic channels. When the special conditions no longer existed, the difficulties would disappear.

The Conference took note of Dr. Woo Kaiseng's statement.

Paragraph 1(c).

Paragraph 1(c) was adopted, with the addition of the words "by that country or territory" after the word "required".

Paragraph 1(d).

Dr. Chodzko (Poland) thought sub-paragraph (d) was too vaguely worded and might reduce the scope of the limitation the Conference wished to achieve. He proposed to add the words :

"Nevertheless, this level shall never exceed 25 per cent of the quantities of drugs required for domestic consumption."

Sir Malcolm Delevingne (Great Britain) deprecated the discussion of so important a question at the last moment without notice or the submission of a written amendment.

Dr. Carrière (Switzerland) asked whether Dr. Chodzko's amendment referred only to stocks held for domestic consumption, or to stocks for export also. In the former case, the Swiss delegation would support it, but not otherwise. The domestic consumption of morphine in Switzerland amounting to 60 kilogrammes, its reserve stock could not exceed 15 kilogrammes, which was absurd.

Dr. Chodzko (Poland) replied that his amendment clearly stated that it referred to domestic consumption only.

The President stated that Dr. Chodzko's proposal would make it necessary to frame an entirely new Convention. The Conference had devoted a lengthy discussion to the question of stocks. After hesitating between the creation of several stocks and the creation of one stock only, it had finally decided to establish one single reserve stock, with Government stocks as the only addition. If several different stocks were now to be sanctioned, it would be necessary to change, not only sub-paragraph (d) of Article 6, but most of the provisions in the Convention.

The Polish amendment, however, if inserted as it read at present, without any other part of the Convention being altered, would have a different effect. It would mean that a country's total stock should be equal to 25 per cent of its domestic consumption, so that it would not have any stock for conversion or export.

M. Kahler (Germany) deprecated the submission at this point of such an important proposal. The question had been discussed at great length, and the Conference had finally succeeded in agreeing on the text now before it. If a proposal had been made at the outset to solve the problem differently, the German Government might have considered it, but no change could well be made now.

He pointed out that, at the first reading, his delegation had stated that, if the system of estimating reserve stocks were accepted, it could not agree to a percentage limitation of such estimates. If the Conference now adopted that system, the German delegation would be unable to accept it, and would have to reserve its attitude towards the draft Convention.

The President pointed out to Dr. Chodzko that Article 5, sub-paragraph (c), adopted by the Conference, deals with the level of stocks. Among the estimates which each State had to make had been included the reserve stocks which it was desired to maintain. Article 6, sub-paragraph (d) dealt with the quantities, if any, required for the purpose of maintaining the reserve stocks at the level specified. It was accordingly merely a case, not of authorising the constitution of a given stock, but of permitting manufacturers to maintain that stock at the level fixed in the preceding article. The adoption of the Polish amendment would therefore mean reconsidering the decision already taken regarding Article 5, and he would ask Dr. Chodzko whether in such circumstances he wished to press his amendment.

Dr. Chodzko (Poland) said that, in order not to involve the Conference in difficulties, but for that reason only, he would not maintain his proposal. He still thought, however, that there would be a gap in the Convention if stocks were not limited to a definite quantity, and this fact would react on his own attitude to the Convention.

Paragraph 1(d) was adopted.

Paragraph 1(e).

Paragraph 1(e) was adopted without observations.

Paragraph 2.

The President observed that two amendments had been submitted. In the first place, the United States delegation proposed to delete the paragraph. Secondly, the Netherlands delegation proposed the following text :

" If at the end of any year any High Contracting Party finds that the amount manufactured exceeds the total of the amounts specified above, less any deductions made under Article 7, paragraph 1, such excess shall be deducted from the amount to be manufactured during the following year."

Sir Malcolm Delevingne (Great Britain) requested that, before the Conference discussed paragraph 2, the United States delegation might be asked to explain the effect of its amendment to paragraph 1(a), which had already been adopted. Some of the delegations regarded the amended text of paragraph 1(a) as equivalent to the original text. Sir Malcolm considered that the quantities referred to in the amendment to that paragraph proposed by the United States delegation were the quantities actually required for the year's medical and scientific needs. The United States amendment created a difficulty and would have a very serious effect on the Governments' attitude towards the Convention.

The President did not believe that the working of Article 6 would be altered by the United States amendment to paragraph 1(a), and, in support of his belief, quoted as an example the case of a country which estimated its requirements at 100 kilogrammes and only actually consumed 80 kilogrammes. Under the old system, the country had the right to manufacture 100 kilogrammes; but, as it only consumed 80 kilogrammes, 20 kilogrammes automatically went into stock. The country, however, could not force its manufacture to the point where stocks would exceed the maximum level.

Under the new system instituted by the adoption of the United States amendment, a country consuming 80 kilogrammes but estimating for 100 kilogrammes would only be permitted, under paragraph 1(a), to manufacture 80 kilogrammes, but it would not lose the right to manufacture the quantities necessary for its stocks in virtue of sub-paragraph 1(d). Thus, if it so desired, it could manufacture 100 kilogrammes provided that 20 kilogrammes were put in stock just as under the first system.

Incidentally, the duty of countries under both systems was the same : they had to see that stocks never exceeded the level shown. There was no change in the mechanism; the only alteration was a rearrangement of the obligations involved in the manufacture for domestic consumption and those involved in the manufacture for stock.

Mr. Caldwell (United States of America) said that, instead of allowing countries to manufacture the full amount of their estimates and the full amount required to keep their stocks at the level stipulated, they would manufacture up to 80 per cent. If a Government found there was a shortage during any one year, it could be deducted from the previous year's stock.

The President concluded that the United States amendment would enable a kind of pressure to be exerted on countries not to create unnecessary stocks. If a country which estimated that it would need 100 kilogrammes found that 80 kilogrammes would be enough, it would only manufacture the smaller quantity, and there would be no increase in its stock. At the same time, the country in question still had the right to add 20 kilogrammes to its stock, provided the level of the latter permitted of that quantity being absorbed.

The President gave the following additional explanation. At the beginning of a year, for example, a country estimated that it needed to increase its stock by 20 kilogrammes and to manufacture 100 kilogrammes for its domestic requirements. Circumstances, however, led it to consume only 80 kilogrammes, with the result that it had manufactured 40 kilogrammes for its stock when it only needed 20 kilogrammes. The real "fly-wheel" of the system keeping production on a uniform level was the existence of a stock which could not rise above a certain maximum.

Sir Malcolm Delevingne (Great Britain) thought the fact that Governments had to see that the quantity manufactured during a year did not exceed a certain amount had been overlooked. How could a Government ensure that manufacturers were not manufacturing more than the amount actually required for domestic needs during the year, plus the quantity required for conversion and for maintaining the level of the stock? The United States amendment placed the various delegations in an impossible position.

M. Martinez de Alva (Mexico) thought there was some misunderstanding. The first part of paragraph 2 of Article 6 stated that no country would be deemed to have violated its obligations if there was an excess of not more than 5 per cent of its estimates. The second part of the paragraph said that

the excess was to be deducted from the following year's estimates. He concluded that a State would be morally responsible only if the 5 per cent were exceeded, but that, whatever the excess, it should always be deducted from the next year's estimates. There should be a sanction, and something should be said about the disposal of the excess.

The President recalled that, apart from the United States amendment, there was a Netherlands amendment.

M. von Rheinbaben (Germany) supported the Netherlands proposal.

M. van Wettum (Netherlands) said he could not agree with the figure of 5 per cent. In general, it would be impossible to apply the same percentage to countries which manufactured small quantities and to countries which manufactured large quantities. Moreover, he took exception to the expression "violating its obligations", because a country might in good faith exceed the amounts specified in paragraph 1, as it would not know until after the end of the year the amount of exports during that year.

By way of example, he mentioned that the internal consumption of cocaine in the Netherlands amounted to about 40 kilogrammes, so that, if in any year the Government presumed the total exports to be 200 kilogrammes, it would allow the manufacture of 240 kilogrammes. If, however, owing to unforeseen circumstances, the total exports were, in fact, less than 200 kilogrammes—say 160 kilogrammes—the Netherlands Government would be permitted to manufacture not more than 200 kilogrammes, making a difference of 20 per cent. That was the reason for his amendment to paragraph 2.

Mr. Caldwell (United States of America) considered the Netherlands amendment inconsistent with the first part of the article. It was necessary to specify that manufacture should not exceed a certain amount.

The President proposed inserting in paragraph 1 the words: "Subject to the provision in paragraph 2".

In view of the importance of the question, he suggested postponing the vote until the following meeting.

The question was adjourned to the following meeting.

THIRTY-THIRD MEETING (PUBLIC).

Saturday, July 11th, 1931, at 3 p.m.

President : M. DE BROUCKÈRE.

79.—EXAMINATION OF THE DRAFT CONVENTION : SECOND READING (continuation).

Article 6 (continuation).

Paragraph 2 (continuation).

Mr. Caldwell (United States of America) withdrew his amendment proposed at the last meeting and accepted the Netherlands amendment with the addition of the following words :

“In forwarding its annual statistics to the Permanent Central Board, the High Contracting Party shall explain the reason for any such excess.”

M. van Wettum (Netherlands) agreed to this addition.

Mr. Caldwell (United States of America) added that his acceptance of the Netherlands amendment was conditional upon the alteration mentioned by the Netherlands delegate regarding application of the amendment to the international traffic only.

M. von Rheinbaben (Germany) considered the introduction to Article 6 very important. As he had already stated, it contained the essential part of the United States amendment. Its force would be weakened by the addition of Mr. Caldwell's reservation. It would be unfortunate to preface the most important article in the Convention with a reservation.

The President thought that the important question was not where the reservation would be inserted, but whether it would be made at all. The Conference was apparently agreed on this point. It had recognised the impossibility of obviating slight fluctuations on either side of the line. He had pointed out at the previous meeting that the outcome would be the same whether the reservation were made or not. He suggested the following wording for the beginning of the Netherlands proposal : “It is understood that if at the end of any year . . .”

Article 6, paragraph 2, with this amendment, was adopted.

Articles 7 and 18.

The President observed that amendments to Article 7 had been received from the Japanese and British delegations.

Amendment proposed by the Japanese Delegation.

“To insert between Nos. (i) and (ii) in paragraph 1 the following new text :

“Any amounts of the drug seized and utilised as such for domestic consumption, for conversion or for export.”

The President added that, since the Japanese amendment raised the question of seized drugs, Article 7 would be discussed in conjunction with Article 18.

Amendment to Article 7 proposed by the United States Delegation.

“Replace in No. (i) the word ‘re-exported’ by the word ‘exported’.”

The President observed also that an amendment to Article 18 had been proposed by the British delegation.

Amended Text of Article 18 proposed by the British Delegation.

“Inasmuch as the limitation of the manufacture of the drugs provided for in this Convention will, when it comes into operation, reduce considerably the amount of raw material required for the manufacture of the drugs, and as such reduction may seriously affect the economic position of the cultivators in the countries which are at present supplying the major part of the raw material required for such manufacture, the High Contracting Parties will destroy all the drugs passing into the illicit traffic which are seized by them in their territories ;

“Provided that this provision shall not take effect until the producing countries in question have ratified and put in force the present Convention and shall cease to operate if those countries undertake the manufacture of the drugs for the general export trade ;

“Provided, also, that this provision shall not apply to small quantities of the drugs, which may be utilised for Government purposes or placed at the disposal of the public hospitals.”

M. Sawada (Japan) pointed out that a provision similar to the Japanese amendment to Article 7 had been included in the Advisory Committee's draft Convention (Annex 7) and in the Franco-Japanese proposal (Annex 10), which was later amended by the British delegation. The clause had been eliminated from the present Article 7 (Annex 12) on account of the adoption, at the first reading, of Article 18, which provided for the total destruction of seized drugs. Article 18 had been adopted by a very small majority, in spite of the opposition of the Japanese delegation and a number of other delegations. At that time, M. Sawada had warned the Conference against committing itself to a measure which, under the cloak of a humanitarian ideal, would bring about an increased production of raw materials.

If seized drugs were kept in the hands of the Government, they would not find their way into the illicit traffic, but the Government, having them under strict control, could utilise them for the country's legitimate requirements. If, on the contrary, the provision for the destruction of seized drugs were adopted and afterwards some countries failed to carry out this obligation, a very dangerous situation would certainly be created, and the chances of illicit traffic would be increased. The idea of destroying seized drugs appeared to be in keeping with a humanitarian spirit, but actually it involved a very great danger. In such a matter, it was far better to trust to the goodwill of each Government than to adopt such a drastic measure.

Moreover, the destruction of seized drugs imposed a double burden upon the consuming countries. Seizures of drugs generally took place in the consuming countries, and smuggling into exporting countries rarely occurred.

If countries which seized drugs were allowed to utilise them for legitimate purposes under strict Government control, they could dispense with the importation or manufacture of a corresponding quantity and could to that extent economise. If, however, seized drugs were to be destroyed, manufacture would be encouraged and the purpose of limitation might be defeated.

Although the Conference had not dealt with the limitation of raw materials, the Japanese delegation was convinced that the Convention would have a far-reaching effect in limiting the production of raw materials indirectly. The adoption, therefore, of a provision which might encourage the production of raw materials in excess of legitimate requirements would not reflect credit on the Conference.

M. Sawada proposed that Article 18 should be eliminated and the Japanese amendment adopted.

Mr. Lester (Irish Free State) agreed, on the whole, with the Japanese delegation, though he did not think failure to adopt the Japanese amendment to delete Article 18 would overthrow the work of the Conference. However, when the question had been discussed previously, Mr. Lester had regarded the proposal that all seized drugs should be destroyed as a purely emotional demonstration against the illicit drug traffic; in reality, it would make the situation worse and would increase the production of raw materials and manufacture. He would therefore vote for the Japanese proposal.

Sir Malcolm Delevingne (Great Britain), in proposing the British amendment to Article 18, said that the arguments against the compulsory destruction of seized drugs which he had mentioned in a previous discussion¹ stood, but a point had been put

to him by the Turkish and Yugoslav delegates which he thought deserved consideration. Their adherence to the new Convention would mean that they would have to reduce the amount of raw opium produced, and consequently the amount of land under opium cultivation. If, while they limited their production of raw opium, seized drugs produced from raw opium grown in other countries were utilised as raw material for legitimate manufacture or directly for medical and scientific purposes, Turkey and Yugoslavia would to that extent suffer loss. The raw opium of countries which might not have observed the Convention would be utilised to supply part of the drugs required for the world's medical and scientific needs, and Turkey and Yugoslavia did not see why they should be called upon to make a double sacrifice.

The British amendment took into account the situation of Turkey and Yugoslavia and the importance of obtaining the ratification and application of the Convention by those countries. This would be so great an advantage that it was worth some sacrifice on the part of the countries to which Article 18 would apply. Naturally, however, Turkey and Yugoslavia could not claim this protection as producers of raw material if at the same time there were also manufacturers of drugs for the general export trade, and the delegates of Turkey and Yugoslavia had recognised this. Negotiations had been proposed between the representatives of the two countries and the manufacturers, with a view to seeing whether some agreement could not be reached in this connection.

The British amendment had accordingly been drawn up to meet this situation. It proposed that the principle of the destruction of seized drugs should be applied only when the countries at present supplying the major portion of raw opium required for world medical and scientific needs had ratified the Convention. The operation of the principle was also made conditional upon their not manufacturing drugs for the general export trade. The price of opium had fallen to a very low level and opium cultivation did not provide a reasonable wage for the peasants engaged in it. The needs of the cultivators had to be met and at the same time the full co-operation of their countries in the limitation scheme had to be secured.

Sir Malcolm called attention to the proviso that small quantities might be utilised for Government purposes and for public hospitals. He also pointed out that Article 18 covered not only morphine but also cocaine.

Dr. Paranjpye (India) supported the Japanese and Irish delegations. The illicit traffic could best be restricted if no greater manufacture of the drugs was allowed than

¹ See page 156.

was absolutely necessary. The consuming countries incurred very great expenditure in fighting the illicit traffic. If a certain part of their expenditure could be met by utilising seized drugs, they would be encouraged to carry on the fight against the illicit traffic. Moreover, the drugs might be used, not only for Government, but also for private hospitals. He did not see why valuable material should be destroyed when it could be used in a legitimate manner.

M. Perez (Argentine) proposed the following amendment with the object of shortening the discussion :

“ Each High Contracting Party remains free to destroy drugs, to convert them into non-narcotic substances under Government control or to allocate them for exclusively Government use when they cease to be under the supervision of the judicial authorities.”

Mr. Caldwell (United States of America) said his delegation was firmly convinced that there was a danger that the seized drugs would increase the stocks of the country in which they were seized, and that poor quality drugs would be supplied to the public. It would be better to destroy such drugs.

The United States delegation was prepared to support the British amendment, and asked that its own amendment should be postponed until the British amendment had been considered.

M. Kahler (Germany) associated himself with the Japanese delegation. Under the German penal code, all confiscated objects must be utilised for the benefit of the State. Hence, if the Convention required that seized drugs should be destroyed, not only would the German opium law have to be amended, but the penal code as well. M. Kahler feared that this would be resisted by the legislature. Moreover, a provision like that under review was not very reasonable, provided it was understood that each State gave a guarantee that seized drugs would not enter the illicit traffic.

As had been said during the first reading, the economic aspect of the question must also be considered.

He appreciated the importance of Sir Malcolm Delevingne's arguments, but they were not strong enough to change the German delegation's view. Under the second paragraph of the British amendment, the method of handling seized drugs would depend on the ratification of the Convention by third parties. What, however, would be the position if one of the producing countries ratified and another did not ?

He was prepared to accept M. Perez' proposal, but suggested that the words “ for utilisation under Government control ”

be substituted for the words “ for exclusively Government use ”.

The President fully appreciated the sense of the British amendment, but did not see how it could be applied in law. Instead of referring to producing countries, would it not be better to specify them by name, and say that all countries producing raw materials, irrespective of the quantity produced, must ratify the Convention, or that certain particular producing countries must do so ?

Russell Pasha (Egypt) supported Sir Malcolm Delevingne's remarks.

M. de Vasconcellos (Portugal) concurred in the British amendment, provided the President's remarks were taken into account. The question was not a humanitarian one. The provisions of the Convention would make it possible for Governments to prevent seized drugs entering the illicit traffic. Nor was it a moral issue, because Governments would be entitled to seize smuggled drugs and use them. When a Government seized arms it did not destroy them, and there was no reason for different action in the case of drugs. The only question was an economic one, and that was solved in an equitable manner by the British amendment.

M. Bourgois (France) supported M. Perez' proposal. In reply to the objection raised by the United States delegation, he pointed out that there was no danger of an increase in stocks since, according to the Argentine proposal, the Governments would be entitled either to destroy seized drugs or to convert them into non-narcotic substances.

M. Bourgois would not dare to seek the French Parliament's approval for a measure compelling the Government to destroy a substance which it might need to buy the very same day for the requirements of its hospitals. The economic and social problem that arose for the producing countries was of course, of interest, but the solution proposed was the worst that could be devised. It would most probably be criticised adversely by public opinion.

Colonel Sharman (Canada) pointed out that some consuming countries spent large sums of money in combating the illicit traffic, and argued that they could obtain compensation by utilising seized drugs. As the amount of money received for seized drugs was so ridiculously small, however, he himself would prefer to see them destroyed. Reference had also been made to the fact that some countries would lose money because, in future, manufacture would be restricted to legitimate needs. He would hesitate to respond to any emotional appeal which sought to relieve the situation in so far as such countries were concerned.

M. Weinberg (Union of Soviet Socialist Republics) thought there was some doubt as regards the difference between the British and Japanese proposals. His personal opinion was that the difference was only one of form. The British amendment laid down two conditions. An analysis of them would show that they would never be fulfilled. The result, therefore, would be the same under the Japanese or the British proposal. M. Weinberg's argument was proved by the position of two countries producing raw material, Turkey and Yugoslavia. As everyone knew, Yugoslavia had begun to manufacture drugs, while Turkey was not only a producing country but a very important manufacturer as well. Hence, if the two conditions laid down by the British delegation did not exist—and, in fact, they did not—it would be better to put the situation more clearly and say that there were two proposals, one for the destruction of seized drugs and the other allowing Governments to keep and utilise them.

In the Soviet delegation's opinion, the problem could not be put in the way suggested by the Japanese delegation. The question was not that of relieving countries that produced raw material; it was a matter of principle, a moral issue. For this reason, the Soviet delegation considered that Article 18 should be retained as it stood in the draft Convention. The second paragraph, however, was not satisfactory; but, as the present Conference would plainly be unable to find a more adequate formula, M. Weinberg was prepared to accept the existing text. He was definitely opposed to the British and Japanese amendments, and to that submitted by M. Perez.

M. Obradovitch (Yugoslavia) expressed surprise that the question of destroying seized drugs should be re-opened after a decision had been taken. He did not intend to repeat the arguments he had advanced for the destruction of seizures. His views were known and they had never been controverted in the Conference itself.

The Yugoslav delegation had proposed the destruction of seizures only in order to have some moral justification in seeking its Government's adherence to the Convention. It had been argued that it would be a pity to destroy seizures, and that this would mean an economic and financial loss to Governments. That was true and the loss might amount to some thousands of dollars.

Nevertheless, the loss to be sustained by the producing countries, if they accepted the Convention, must be considered as well. The sum involved had been calculated in money. The Convention entailed a reduction in raw opium exports representing an annual loss of £450,000 to Turkey and of £200,000 to Yugoslavia. In addition, the

producing countries were being asked to reduce poppy cultivation to the level of world medical requirements. It must be remembered that the prosperity of the people who lived by cultivating the poppy would be very seriously affected in consequence of these reductions and the fall of prices. If, therefore, the producing countries were ready to shoulder all these sacrifices, it might legitimately be hoped that the other countries would waive the profits derived from seizures.

In conclusion, M. Obradovitch must say categorically that, if the principle that seizures should be destroyed were not accepted, the Convention would no longer have that moral force which would enable the Yugoslav delegation to defend it before public opinion in that country and recommend it to the Yugoslav Government for signature.

The President pointed out that the Japanese amendment conflicted with Article 18, which had been adopted at the first reading. The Conference would therefore have to adopt for that article a final text which might possibly eliminate the Japanese amendment.

In addition to the United States amendment, which had been provisionally postponed, there were two other amendments to Article 18, one by the British delegation and the other by M. Perez.

The British amendment was the furthest from the existing text and should therefore be voted on first. Was it, however, as it stood, a legal text which could be embodied in a convention? According to it, the contracting parties would destroy all drugs found in the illicit traffic and seized by them on their territories, subject to the reservation that this requirement would only take effect after the producing countries in question had ratified and put the Convention into force. Would there not always be doubt as to whether all producing countries had acceded? This category might include countries with a very small output, and thus the application of the Convention would be hindered.

Jurists had suggested saying "after countries producing 51 per cent of the opium have ratified"; but there were no official statistics in existence.

The President thought that the only solution would be to substitute a list of the countries for the words "the producing countries in question". If this proposal were not adopted, it would be better to transfer Article 18 from the Convention to the Protocol of Signature and give it the form of a supplementary undertaking. The countries which must ratify before this supplementary provision came into force would be enumerated.

Sir Malcolm Delevingne (Great Britain) agreed that the words he had used in the preamble with regard to the countries supplying the major part of the raw material might give rise to some slight ambiguity. In the case of drugs derived from opium, it was well known that by far the major portion of the raw material was supplied by Turkey and

Yugoslavia. He had not mentioned them in the preamble for two reasons—it applied to drugs derived, not only from opium, but also from the coca leaf; and, further, he had felt that the countries concerned would prefer that their names should not be mentioned. He himself would have no objection, however, if the two delegations agreed. He understood the Yugoslav delegate had no objection.

M. von Rheinbaben (Germany) objected to this procedure.

The President read the British amendment as revised by the British delegation.

The first and third paragraphs would not be changed. The second paragraph would read as follows :

“ Provided that this provision shall not take effect until one month after the date on which the Secretary-General of the League of Nations had notified all Members of the League of Nations and States non-members mentioned in Article 27 that ratifications have been deposited on behalf of Yugoslavia and Turkey, and shall cease to operate if those countries undertake manufacture of the drugs for the general export trade.”

M. Bourgois (France) drew attention to the serious objections to the second paragraph as amended.

M. von Rheinbaben (Germany) hoped that it would be possible to sign the Convention without any reservation. The acceptance of the British proposal, however, would force him to make one.

The German delegation agreed that the position of Yugoslavia and Turkey should be examined carefully and broadmindedly, with a view to making some improvement. No such improvement, however, would be possible if the British text, or any similar text, were embodied in the Convention. He hoped that the negotiations to which Sir Malcolm Delevingne had referred would be successful. The German Government had been informed by its delegation of these negotiations outside the Conference, regarding the commercial and economic aspects of the situation, and trusted that they would have a satisfactory outcome for the Yugoslav and Turkish delegations.

M. Obradovitch (Yugoslavia) could agree to an addition to Article 18 concerning ratification by Yugoslavia and Turkey. He could not, however, accept Sir Malcolm Delevingne's amendment as it stood.

In the first place, it was not in accord with the usual practice, and contained an erroneous justification of a provision of the Convention. The Yugoslav delegation, in proposing the destruction of seizures, was not aiming exclusively, or even mainly, at safeguarding the raw opium market. Article 18 as adopted eliminated the possibility of the excessive manufacture of drugs as a result of the utilisation of seizures. It was also a question of obtaining a moral

justification, which was essential to the Yugoslav and Turkish delegations, in defending the Convention before public opinion in their countries. The Convention would be indefensible if it imposed very heavy sacrifices on the producing countries, whereas other countries refused any material sacrifice for the benefit of mankind.

The Yugoslav delegation asked that Article 18 in its present form should be maintained, or, at any rate, the first paragraph embodying the principle that seizures should be destroyed. It would agree to the insertion, either in the Convention, or in an annexed Protocol, of a clause specifying that destruction would not be obligatory until Turkey and Yugoslavia had ratified.

M. Entézam-Wéziry (Persia) thought that the actual question was whether the Conference was in favour of the destruction of seizures or not. The British proposal made the destruction of seizures depend on a condition, and it was plain even at once that that condition could not be fulfilled. The Turkish delegation had stated that Turkey was manufacturing for export, and the Yugoslav delegation had said that its country was intending to do so. Persia, too, was a producing country. She was perhaps the only producing country which did not manufacture, and there was no reason why Persia should not be named in the article, if Yugoslavia and Turkey were mentioned. He was not, however, demanding that his country be mentioned, but would urge the Conference to come to a clear decision on the simple question of destruction.

Sir Malcolm Delevingne (Great Britain) withdrew his amendment, as it did not satisfy either side.

M. Sawada (Japan) supported the Persian delegate, and pointed out that the Japanese amendment provided for the deletion of Article 18.

The Japanese amendment was lost by twenty-three votes to thirteen.

M. Gajardo (Chile) proposed that the following sentence be added at the end of M. Perez' proposal :

“ The communications specifying the quantities of drugs destroyed in accordance with the present article shall be sent to the Permanent Central Board.”

The President pointed out that this provision was already covered by a clause in Article 13, whereby the parties were to apply the stipulations contained in certain articles of the Geneva Convention or stipulations having the same effect. Article 22 of the Geneva Convention was one of the clauses which would have to be applied by the parties to the present Convention, and its effects were similar to those of the Chilean proposal.

M. Gajardo (Chile) said that he had merely reproduced a clause of Article 18 in the present draft. If the position were already met, he would not press his proposal.

M. Contoumas (Greece) observed that the Geneva Convention referred only to seizures upon export or import.

The President replied that, in practice, only these seizures need be taken into account.

The amendment submitted by the Chilean delegation was withdrawn.

M. Perez (Argentina) amended his proposal to read:

"Each High Contracting Party undertakes to destroy or to convert into non-narcotic substances under Government control, or to appropriate for exclusively Government use or subject to its control for use by the various medical care services, the drugs seized on its territory when these are no longer under the supervision of the judicial authorities."

Sir Malcolm Delevingne (Great Britain) suggested that M. Perez should submit a definite text in writing. A decision could then be taken at the following meeting. The present text would not be suitable in Great Britain, which had no medical relief services of the kind indicated.

The President announced that the delegations concerned hoped to be able to submit a joint text before the end of the meeting. He therefore proposed that Articles 7 and 18 should be adjourned.

The President's proposal was adopted.

Article 8.

Article 8 was adopted with slight drafting amendments.

Article 9.

The President said that the United States delegation suggested that this article should be amended so that all countries which had small manufactures and large imports should be obliged to make a deduction in regard to their imports as well as their manufactures.

M. Dinichert (Switzerland) reminded the Conference that, at the first reading, he had argued against making a distinction between manufacturing and non-manufacturing countries. The Drafting Committee was to examine that point; but, as the text before the Conference contained the same distinction, M. Dinichert would renew his proposal and would therefore suggest the following amendment in the first paragraph of Article 9:

Add after the words: "according to the estimates for that country" the following sentence:

"Such excess shall be deducted from the total quantity which could ordinarily be manufactured or imported, as the case may be, during the year."

This text would take the place of paragraphs (a) and (b).

The President agreed that M. Dinichert's proposal was valuable. He suggested that

the Conference should adopt it subject to reference to the Drafting Committee.

M. Dinichert's proposal was adopted.

Article 9 as a whole was adopted with M. Dinichert's amendment and a few textual amendments.

Article 10.

Paragraph 1.

Paragraph 1 was adopted without observation.

Paragraphs 2 and 3.

M. Sawada (Japan) proposed the following amendment to paragraph 2:

"Provided that the request is accompanied by a special import certificate indicating, in addition to the details provided for in the Geneva Convention, the names of medical practitioners or pharmacists by whom such quantities of diacetylmorphine are required."

In some countries, the term "Government department" would be ambiguous. The Japanese delegation considered that, if goods were consigned in the way suggested, a safe method of control would be provided, but it felt that its amendment would make the control stricter and was in conformity with commercial practice.

M. Cavazzoni (Italy) considered paragraph 2 sufficient. Paragraph 3 said: "Any quantities so imported shall be taken charge of by the Government of the importing country which shall regulate their distribution". That clause covered all requirements, since export was authorised in the special case.

The President pointed out that the Japanese amendment would eliminate paragraph 3. If the Government did not take possession of heroin imports at the time of their admission, how could it take charge of them after passing them on to a practising physician?

Dr. Carrière (Switzerland) observed that paragraph 2 stated that only such quantities of diacetylmorphine as were necessary for medical and scientific needs could be imported. This should be struck out, because it seemed to imply that a Government could import heroin for other needs.

The Swiss delegation could not agree to paragraph 3 as a whole. "To take charge" of something conveyed the idea of monopoly, and would, consequently, engender constitutional difficulties. Would it not be enough if the paragraph said: "Any quantities so imported shall be distributed on the responsibility of the Government of the importing country"?

The President thought the Conference would be prepared to accept Dr. Carrière's first suggestion; the second, however, would nullify paragraph 3, since all drugs mentioned in the Convention were distributed on the responsibility of the Government concerned.

M. Cavazzoni (Italy) concurred in Dr. Carrière's first remark. He did not think that the second implied the cancellation of paragraph 3, since paragraph 2 said that applications for diacetylmorphine must be sent to the Government department indicated in the certificate. Heroin would be despatched to the Government department, which would receive it. The Government would therefore take charge of the heroin and distribute it to wholesalers according to their orders. This would not involve any operation which could be likened to a monopoly.

Dr. Carrière (Switzerland) explained that the term "*prises en charge*" caused him some misgiving. It inevitably suggested the idea of a monopoly.

The President had said that all drugs were distributed on Government responsibility. That was not quite correct, since the Governments did not, as a rule, actually distribute the other drugs; they were only imported, sold or manufactured under its supervision. The point now under discussion only referred therefore to diacetylmorphine; it had been expressly asked that the Government should take over the distribution of this drug after import. It was for this reason that he proposed the following wording:

"Any quantities so imported shall be distributed by and on the responsibility of the Government."

M. Schultz (Austria) pressed for the retention of paragraph 3. It enhanced the Government's responsibility for certain particularly dangerous drugs. He was also in favour of maintaining the passage concerning medical and scientific needs. This, too, contained a prohibition to re-export diacetylmorphine. The possibility of re-exporting it must not be allowed.

The President pointed out to the Japanese delegation that, according to its amendment, the name of every pharmacist actually receiving Government-distributed heroin would have to be mentioned in the import certificate. The experts had observed that this would constitute a very serious and perhaps insuperable difficulty.

Dr. de Myttenaere (Belgium) remarked that paragraph 2 of Article 10 represented a compromise. The Japanese proposal was in conflict with what the Conference had voted earlier and would minimise the special requirements laid down for heroin imports and exports. He was therefore opposed to the Japanese proposal.

M. Cavazzoni (Italy) dissented from the proposal. He considered that the Government departments mentioned in paragraph 2 represented an adequate safeguard. Further, under the Japanese proposal, the consuming countries were to intimate the names of the doctors and pharmacists for whom heroin

supplies were required, whereas the manufacturing countries would have no such formality to fulfil in respect of wholesale traders handling the drug.

Dr. Carrière (Switzerland) thought that, in practice, the Japanese proposal would be unworkable. A country would not import in grammes or centigrammes the diacetylmorphine needed by its doctors or pharmacists; it would no doubt import a supply once and for all to cover the requirements of one year. According to the Japanese proposal, it would, therefore, have to specify on the import certificate the names of all pharmacists and physicians in the country. This for Switzerland would mean 600 pharmacists and 3,500 physicians.

The Japanese proposal was rejected.

Dr. Carrière (Switzerland) withdrew his proposal to delete the words: "As are necessary for the medical and scientific needs of that country".

The President stated that the Swiss delegation suggested the following text in place of paragraph 3:

"Any quantities so imported shall be distributed by and on the responsibility of the Government of the importing country."

This amendment was adopted.

Article 10 as a whole was adopted.

Article 11.

Paragraph 1.

The President recalled that the United States delegation had proposed to add the following text to paragraph 1:

"... in which case (unless the Government determines that such product is not capable of producing addiction or of conversion into such a product) the quantities permitted to be manufactured, pending the decisions hereinafter referred to, shall not exceed the total of that country's domestic requirements for medical and scientific needs and the quantity required for export orders subject to the provisions of this Convention".

Dr. Carrière (Switzerland) understood the United States amendment to signify that it would be left to the Government of the country in which a new drug was discovered to decide whether it was capable of producing addiction or not. In drafting this article, however, the Conference had wished to draw a distinction between the therapeutic value of the product and its properties as a drug.

The idea contained in the first paragraph of Article 11 was that the country should have the right to say whether a remedy was useful therapeutically. That was the first step. The second step would be taken, not by the Government of the country concerned, but by the Health Committee, acting in accordance with Article 11. Speaking personally, Dr. Carrière could not, in his capacity as representative of the Swiss authority, take the responsibility for deciding whether a product

was a habit-forming drug or not. That decision should be taken by the Health Committee. Hence, the United States proposal could hardly be accepted as an amendment to the first paragraph of Article 11.

Dr. de Myttenaere (Belgium) entirely agreed. He could not accept the United States amendment as an amendment to paragraph 1 of Article 11. Personally, he considered that the procedure laid down in that article should be carried through very promptly, and consequently the Government would not have time to determine its needs and take the action prescribed in the United States amendment. It might, however, be possible to introduce the amendment at the end of the article.

Sir Malcolm Delevingne (Great Britain) sympathised with the object of the United States amendment, which was to prevent a habit-forming drug from being launched upon the world except under safeguards provided in the Convention. There were, however, two practical difficulties with regard to the amendment: (1) a Government had no means of knowing what its domestic requirements of a new drug for medical and scientific needs would be; (2) export provisions of the Convention only applied to drugs covered by it, and *ex hypothesi* a new drug would not be covered by the Convention until the Health Committee, in consultation with the Office international d'Hygiène publique, had taken a decision. Even then it would not be known whether the drug came under Group I or Group II.

The only remedy for this situation was for the Health Committee to proceed as rapidly as possible, on receipt of the League's notification.

Mr. Anslinger (United States of America) said the aim of the amendment was to prevent the spread of a newly discovered drug before it was brought under control. To meet Sir Malcolm Delevingne's objections, the text could state that the drug should be subject to the import and export certificate system, as provided for in the Geneva Convention.

He did not understand the objections to the amendment. The Secretariat's analysis of the international traffic in drugs showed how much certain countries had suffered from the introduction of new drugs not covered by the import and export certificate system. It was necessary to provide a safeguard for the period which would elapse before the machinery of the Convention could come into operation.

Sir Malcolm Delevingne (Great Britain) asked whether the export provisions proposed by the United States delegation were those

applicable to the drugs in Group I or the drugs in Group II.

Mr. Anslinger (United States of America) replied that new drugs should be treated as though they came under Group I.

The President suggested that the text would be clearer if the words "subject to the provisions of this Convention" were amended to read "and the provisions of this Convention shall apply".

Mr. Anslinger (United States of America) accepted this modification.

The United States amendment, with the foregoing modification, was adopted by eighteen votes to ten.

M. Kahler (Germany) proposed the addition of the words "lævo ecgonine" before the words "alkaloids of the coca leaf" in Article 11, paragraph 1. The paragraph mentioned the phenanthrene alkaloids of opium which were particularly dangerous, and the lævo ecgonine alkaloids of the coca leaf, which were equally dangerous, should therefore be mentioned as well.

Sir Malcolm Delevingne (Great Britain), supported by Dr. de Myttenaere (Belgium), suggested the words, "or from the ecgonine alkaloids . . ." as "ecgonine" was defined to mean "lævo ecgonine".

Paragraph 1 was adopted, with the amendment proposed by Sir Malcolm Delevingne.

Paragraph 2.

M. von Rheinbaben (Germany) suggested the following amendment:

"Any High Contracting Party . . . shall immediately send a notification to that effect to the Secretary-General of the League of Nations, who shall advise the High Contracting Parties and the Health Committee of the League."

Paragraph 2 was adopted, with the foregoing amendment.

Paragraphs 3, 4, 5 and 6.

Paragraphs 3, 4, 5 and 6 were adopted without observations.

Paragraph 7.

Mr. Lester (Irish Free State) proposed that the English text should read: ". . . in the light of further experience and as a result of an application . . ."

Paragraph 7, thus amended, was adopted.

Paragraph 4.

Dr. Carrière (Switzerland) asked permission to revert to paragraph 4. Could not the action contemplated in this paragraph be left to the authorities mentioned in paragraph 3?

The President urged Dr. Carrière not to press his point. The clause in question had been adopted at the first reading after a long discussion.

Dr. Carrière (Switzerland) did not insist.

Article 11 as a whole was adopted, with the foregoing amendments.

Article 1 (continuation).

The President reminded the Conference that he had suggested holding over part of Article 1.

The Conference had divided the drugs into three groups. The wording just adopted for Article 11 did away with the need for Group III, since there was no substance to be included under it. Only new substances could be classified under that group. It was, however, forbidden to manufacture any newly discovered substance which might be placed in Group III, or, alternatively, if a new substance could be manufactured with Government authorisation, it was subject to no restriction, or, at any rate, only to a provisional restriction, and as if it were a drug belonging to Group I. It then came under a somewhat complicated regulation whereby it would be classified either in Group I or in Group II, so that in no case could it come within Group III. The President therefore proposed that all mention of Group III should be omitted from Article 1.

M. Casares (Spain) agreed. The Spanish proposal on this subject was purposeless in view of the decisions taken by the Conference.

The President's proposal was adopted.

Article 12.

The President pointed out that Article 12 as drafted would necessitate an amendment to Article 5. The Conference would remember that the total estimates were defined in Article 5; but closer examination would show that this total included quantities for which estimates were not required—in particular, the increases or deductions allowed in the reserve stocks and the deductions allowed in Government stocks.

He therefore proposed the addition of the following sentence to the paragraph concerning estimates in Article 5:

“These additions or deductions shall, however, not be taken into account except in so far as the High Contracting Parties concerned shall have forwarded in due course the necessary estimates to the Permanent Central Board.”

This amendment would not make it possible for a country which failed to return the quantity by which it wished to increase its stocks to avoid all control. On the contrary, such a country would forfeit its right to increase its stocks. Nor would it be possible for a country which intentionally neglected to state that its stocks were less

to evade all control, because the omission to do so would be detected from the returns which it had to make at the end of the year. The modification proposed was purely one of form.

Sir Malcolm Delevingne (Great Britain) accepted the amendment on the President's guarantee that it was purely formal.

The President said that, if on reflection any delegation saw objections to his text, he would re-open the discussion at the following meeting.

Article 12, and the amendment to Article 5 proposed by the President, were adopted.

Article 18 (continuation).

The President stated that the following new text for Article 18 had been proposed by several delegations:

“Each High Contracting Party undertakes that any of the drugs in Group I which are seized in his territory in the illicit traffic shall be destroyed or converted into non-narcotic substances or appropriated for medical or scientific use either by the Government or under its control, when these are no longer required for judicial proceedings or other action on the part of the authorities of the State.

“In all cases, diacetylmorphine shall either be destroyed or converted.”

M. Contoumas (Greece) thought it inexpedient to speak of drugs seized “in his territory”. It was possible, for instance, that smugglers having set out in a boat from territorial waters their vessel was stopped on the high seas by a Government ship. In this case the seizure would not be made in the territory of the country concerned.

The President recognised that this remark was sound. He suggested that the first paragraph should read: “Each High Contracting Party undertakes that any of the drugs in Group I which are seized by him”

This proposal was adopted.

M. Obradovitch (Yugoslavia) observed that the amended text of Article 18 nullified the principle that seized drugs were to be destroyed, although that principle had been adopted by a large majority at the first and second readings.

The President remarked that no vote had yet been taken at the second reading.

M. Obradovitch (Yugoslavia) dissented. The Conference had taken a vote at the second reading on the question whether Article 18, which laid down the principle that seizures were to be destroyed, would be retained or dropped. Consequently, the proposed amendment was at variance with what the Conference had voted. It would most probably lead to over-manufacture of narcotics and might destroy the balance established in the Convention between raw materials and manufactured products.

Lastly, if the amendment were adopted, it would almost inevitably throw the whole weight of the Convention on a few producing countries, and, therefore, would make it very difficult, if not impossible, for them to adhere to the Convention.

Subhi Ziya Bey (Turkey) warmly supported the Yugoslav delegate's statement.

M. Kalnin (Latvia) thought that the first paragraph which mentioned all the drugs in Group I did not square with the second paragraph referring specially to diacetylmorphine, which drug was included in Group I.

The President explained that the general rule was stated first and the exception to it afterwards.

The amended text of Article 18 was adopted by twenty-six votes to eight, with six abstentions.

Article 7 (continuation).

The President said that, after the vote just taken, it was possible to discuss the Japanese amendment to Article 7.¹

M. Sawada (Japan) proposed that the words "or for export" at the end of his amendment should be deleted.

The Japanese amendment was adopted with this modification.

M. Dinichert (Switzerland) suggested that Article 7 be completed by a reference to Article 9. If the quantities imported were deducted from the quantities permitted to be manufactured, mention must also be made of the amounts to be deducted from excess stocks in accordance with Article 9. He therefore proposed the addition of the words "any quantities to be deducted in pursuance of Article 9".

M. Contoumas (Greece) did not see the need for this addition. Article 9 as modified dealt solely with the way in which excess stocks would be handled at the time when the Convention came into force.

M. Dinichert (Switzerland) withdrew his proposal.

Sir Malcolm Delevingne (Great Britain) proposed that the words "(ii) Any returned deliveries of the drug" in the first paragraph of Article 7 should be deleted. In Great Britain, returned deliveries were treated as imports for which an import licence was required. If that were the usual practice in other countries, the point was covered by No. (i).

The President thought it would be wiser to retain the paragraph, as the practice in other countries might differ from that in Great Britain.

Dr. de Myttenaere (Belgium) pressed for the retention of the paragraph. Certain dilutions of heroin might be below the quality required by the pharmacopœia of the importing country, and in that case it must be possible for the consignment to be returned.

¹ See page 236.

Sir Malcolm Delevingne (Great Britain) suggested that M. de Myttenaere's point would be met by the words "including returned deliveries".

Mr. Caldwell (United States of America) said that he believed that, in the United States of America, and probably in some other countries, returned goods were not regarded as imports, and that this should be taken into account in drafting the article in question.

Sir Malcolm Delevingne's proposal was adopted.

Article 7 was adopted with the various foregoing amendments.

Article 13.

Paragraph 1(a).

Paragraph 1(a) was adopted without observations.

Paragraph 1(b).

Sir Malcolm Delevingne (Great Britain) suggested the substitution of the words "in an inert substance, whether liquid or solid," for the words "in an inert, liquid or solid substance".

M. Kahler (Germany) observed that the French text should read: "0,2 % ou moins de morphine, ou 0,1 % ou moins de cocaïne . . .".

Dr. Carrière (Switzerland) wished the paragraph to be worded more clearly. It stated that solutions or dilutions of morphine or cocaine or their salts in an inert substance, liquid or solid, which contained 0.2 per cent or less of morphine or 0.1 per cent or less of cocaine should be treated in the same way as preparations containing more than these percentages. Did that mean that preparations containing the same percentage but in which the drug was not mixed with an inert substance, liquid or solid, would not be treated in the same way? This might be admitted by arguing *a contrario*. Nevertheless, Dr. Carrière thought it would be useful to explain and to state definitely, by referring to the provisions of the Geneva Convention, that preparations containing less than 0.2 per cent of morphine and less than 0.1 per cent of cocaine were not subject to control, it being understood, of course, that the exception made in respect of solutions in an inert substance would be maintained.

The President pointed out that the Convention created only the obligations enunciated in it. It created no implicit obligations. Care had been taken to draw a distinction between harmful drugs and preparations containing only small quantities of narcotics, because the Conference intended that the Convention should apply only to the drugs designated by it. Further, the text under discussion was the outcome of a compromise, and, consequently, it would be better not to endanger that compromise by attempting to express an idea which was not perhaps fundamental.

Dr. Carrière (Switzerland) would nevertheless like some explanations on the point;

preparations of morphine and cocaine in general were not mentioned in Article I, and *a fortiori* those containing less than 0.2 per cent of morphine and less than 0.1 per cent of cocaine were not mentioned either. It might therefore be concluded that the last-mentioned were subject to the stipulations of the Convention. Dr. Carrière thought, therefore, that it would be useful, in order to avoid all ambiguity, to state definitely the rules to which they would be subject.

The President did not think there was any connection between the two questions. Article I merely defined the drugs. Preparations of drugs were quite another matter. The substances containing the drugs and subject to the provisions of the Convention were indicated in the body of the Convention.

Paragraph 1(b) was adopted.

Paragraph 2 : Introduction.

The Introduction was adopted without observation.

Paragraph 2(i).

Paragraph 2(i) was adopted without observation.

Paragraph 2(ii).

M. Entézam-Wéziry (Persia) asked whether it was certain that paragraph 2(ii) only committed the signatories in respect of the drugs in Group II.

The President replied that it was understood that Chapter V applied to everything

termed "drug" in the Convention except in the case of compounds containing a drug. It was clear, however, that only the drugs in Group II were concerned, as was stated in the Introduction to the paragraph.

M. Kahler (Germany) reminded the Conference that his delegation had reserved its opinion with respect to the application of the import certificate system to codeine. He had, however, just received fresh instructions that the Government of the Reich was prepared to fall in with the wishes of the Conference. It would, therefore, accept the import certificate system for codeine, and had no objection to the same system being applied likewise to compounds not normally used in therapeutic practice.

The President thanked the German delegation.

Mr. Lyall (President of the Permanent Central Opium Board) proposed that the closing words of paragraph 2(ii) should read :

" . . . except as regards compounds containing any of these drugs which are adapted to a normal therapeutic use".

Paragraph 2(ii) with this amendment was adopted.

Paragraph 2(iii).

Paragraph 2(iii) was adopted without observation.

Article 13 as a whole was adopted with the foregoing amendment.

THIRTY-FOURTH MEETING (PUBLIC).

Sunday, July 12th, 1931, at 9.30 a.m.

President : M. DE BROUCKÈRE.

80.—STATEMENT BY M. OBRADOVITCH, YUGOSLAV DELEGATE, ON THE OCCASION OF HIS DEPARTURE FROM GENEVA.

M. Obradovitch (Yugoslavia) stated that he was obliged to leave Geneva that day, having been recalled to Belgrade on urgent business. Before his departure he made the following statement :

The Yugoslav delegation had done its best to co-operate in the preparation of the Convention for limiting the manufacture of narcotic drugs. Its members had co-operated with the Conference frankly and loyally. At no time had they been prompted by personal interests, and if attention had sometimes been concentrated on certain questions which more directly concerned the countries producing raw material, that was because these questions were at the same time of general interest in connection with action against the abuse of narcotic drugs.

Owing to the spirit of conciliation shown by all countries, it could now be said that the Conference had succeeded in fulfilling its mission more or less satisfactorily. It had prepared a Convention which, though not perfect, was nevertheless a work of goodwill. The Conference had been convened to draw up an effective plan for the direct limitation of the manufacture of narcotic drugs. In the absence of any plan, it submitted an agreement on very strict control over manufacture. The importance of that agreement must not be overlooked. It constituted a real advance on the present situation of manufacture. M. Obradovitch had already told the Conference that the efficacy of the agreement did not depend so much on the system of limitation or control as upon the scope of its provisions and the universality of its application.

With regard to the scope of the present Convention, he would venture to express the Yugoslav delegation's opinion on two important points, not for the pleasure of

criticising, but in the hope that the gaps in the Convention might be filled in by means of the internal legislation of the contracting parties.

The Yugoslav delegation must immediately draw attention to the danger of Articles 13 and 24. His delegation admitted that the important problem of raw materials could not be solved at this Conference, but it could not understand that the Conference could have left the traffic in raw materials entirely uncontrolled. Parties to the present Convention who were not at the same time parties to the Geneva Convention would be under no obligation with regard to the supervision of the trade in raw opium and the coca leaf. In these circumstances, leakages were inevitable, and when one considered that the Convention would not affect clandestine manufacture, which was so much more dangerous in that it could be carried out at home provided the raw material could be obtained, it must be admitted that the abandonment of the former Article 19 was most regrettable. The whole structure which the Conference had taken a month and a half to build might fall on that account.

M. Obradovitch then pointed out that the vote on Article 18, which related to the fate of seized narcotic drugs, was also unsatisfactory. The Conference knew the reasons why the Yugoslav Government had demanded the destruction of seizures, and M. Obradovitch would not repeat them. He simply emphasised the fact that certain countries did not desire to destroy seizures because they did not want to sacrifice the income derived from them. But in these circumstances, by what right could the producing countries be asked to agree to infinitely heavier and more important sacrifices?

Moreover, the way in which the vote had been taken on this question was not likely to increase the Convention's moral value and authority. At the first reading, the Conference had decided in favour of the destruction of seizures by a majority of twenty-three votes. At the second reading it agreed to the maintenance of this article, also by a majority of twenty-three votes. Half-an-hour later, without hearing any new arguments either for or against, it adopted an amendment totally abolishing the principle of destruction just adopted.

The Yugoslav delegation submitted the above reservations in respect of the text of the Convention.

Before concluding, M. Obradovitch asked permission to say a few words with regard to his delegation's present position.

The Yugoslav delegation had stated, from the beginning of the Conference, that it attached special importance to the drawing up of certain guarantees in connection with the legitimate distribution and the price of raw opium. It had not had an opportunity of developing that idea, which nevertheless was very important from the general standpoint, since its acceptance would have prevented many disappointments as well as the convening of a world conference on raw material. The idea had taken a concrete though not a final form in the Yugoslav delegation's "special protocol", which was

intended to complete the Conference's work by preparing the ground for a suitable adaptation of the production of raw opium to the situation created by the present Convention.

The present production of raw opium was known considerably to exceed the requirements for licit manufacture. This over-production of opium in proportion to legitimate needs had resulted, for a considerable number of years, in an extension of opium cultivation in response to the excessive demands of the alkaloid industry. It would be wrong to accuse the producing countries of this expansion, because the factories which consumed the opium operated outside their territory and manufactured quite outside any control by the Governments of the producing countries. That, however, was a separate question. For the moment it was important to realise that there was an over-production of opium, which left a considerable surplus, and to consider the importance of remedying that situation.

By "to remedy" was meant to adapt opium cultivation to the reduced requirements of legitimate manufacture. To reduce cultivation, however, was not so easy as to reduce manufacture. Manufacture could be reduced and the thirteen European factories closed without any damage beyond a few individual losses. But cultivation could not be reduced at one blow without causing serious economic and social agitation, for hundreds of thousands of families depended on it for their livelihood. It must therefore be reduced slowly and gradually. Crops capable of replacing opium must be found, and the areas under opium cultivation were known not to be very suitable for other crops. The cultivators must then be accustomed to the new crops and the new methods of cultivation. Finally, they must be provided with the technical and financial means necessary to enable them to cultivate the new crops. That work of time the Yugoslav Government had already embarked upon, and the preliminary results were encouraging, but new efforts of a greater scale were necessary before the results would be of real importance to the area. Further, it was not enough for one country to carry out this work of adaptation. Parallel efforts must be made by all the producing countries if satisfactory results were to be achieved.

Meanwhile, the producing countries were assuming extremely heavy burdens. They must watch carefully all the movements of the crops. They must maintain considerable surpluses which might pass into the illicit traffic. In addition, they must take energetic measures and make heavy sacrifices to reduce cultivation.

They would not refuse to assume these heavy burdens and to accept all these sacrifices, provided they were given certain minimum assurances—namely, that the reduced quantities of opium which they might henceforward place on the world market would be purchased at cost price.

The social and economic situation prevented the producing countries from accepting

new international obligations unless they obtained at least these guarantees. The fall in the price of opium which had already occurred on the legitimate market, and which threatened to continue, had affected the welfare of the population of the areas under opium cultivation. The cost of labour constituted 90 per cent of the cost of opium production. A kilogramme of opium represented about twenty-six days' work. Counting the day at 2 gold francs, a kilogramme of opium cost 52 gold francs. The price of opium had, however, fallen to 22 francs, and in April of the present year the workers were paid 8 dinars per day, or 0.75 franc, for hoeing—very laborious work—for ten continuous hours without food.

It must be admitted that, in the face of such reactions caused by the fall in the price of opium, the Governments concerned could not remain indifferent. They could find a way out by converting opium and exporting the finished products, which were sold at very high prices. (The cost price of the basic morphine at the present price of opium was about 350 gold francs per kilogramme, while the sale price was over 1,000 francs, making a profit of nearly 200 per cent.) As, however, the more important markets which consumed the finished products were closed—that was to say, were reserved for national manufacture—efforts in this direction could only give inadequate results. Thus the producing countries were forced to concentrate their efforts on the disposal of raw opium. They demanded certain guarantees concerning prices as a counterpart to the very heavy burdens they would have to assume in order to make the new Convention effective.

The Business Committee, to which the question had been referred, had endeavoured to prevent its discussion for formal reasons the importance of which the Yugoslav delegation had contested. Nevertheless, as his delegation attached greater importance to the substance of this question of guarantees than to its form, it had accepted the President's proposal to enter into negotiations outside the Conference. M. Obradovitch further emphasised that, as this question was of special importance to his country, his acceptance of the Convention would, to a very great extent, depend on the result of those negotiations.

He wished to add a word in regard to Yugoslavia's attitude. He did not know whether his Government would sign the present Convention; but, whether it signed or not, he could assure the Conference that Yugoslavia, which had always respected the humanitarian principle in opium matters, and had never been a centre of the illicit traffic in narcotic drugs, although she was an important opium-producing country, would never allow centres of the illicit traffic to be established in that country.

The President expressed the Conference's regret at the Yugoslav delegate's departure. He was sure this did not mark the end of the relations which the Conference had promoted between him and his colleagues, and that in the future, as in the past,

Yugoslavia would co-operate with the other nations in the campaign against the abuse of narcotic drugs.

81.—EXAMINATION OF THE DRAFT CONVENTION : SECOND READING (continuation).

Article 2 (continuation).

The President stated that, in the jurists' opinion, Article 2, paragraph 3, which had already been adopted, should be redrafted as follows :

"The Permanent Central Board shall request estimates for countries to which this Convention does not apply to be made in accordance with the provisions of this Convention."

This proposal was adopted.

Article 13 (continuation).

Paragraph 1(a) (continuation).

The President pointed out that the United States delegation, in order to obviate all uncertainty as to whether Article 13, paragraph 1, did or did not apply to preparations containing the drugs specified in Group I—except those containing less than 0.2 per cent of morphine or 0.1 per cent of cocaine—had proposed the substitution of the following text for paragraph 1(a) :

"The High Contracting Parties shall apply to all the drugs which are or may be included in Group I and to the preparations containing these drugs, except preparations containing less than 0.2 per cent of morphine or less than 0.1 per cent of cocaine, the provisions of the Geneva Convention"

Sir Malcolm Delevingne (Great Britain) did not think this text would be suitable. In the case of drugs which might be brought within Group I in the future, the Health Committee might or might not decide to apply the provisions of the Convention to all preparations containing the drugs.

The United States text excluded only preparations containing less than 0.2 per cent of morphine or 0.1 per cent of cocaine; but, in bringing a new drug under Group I, the Health Committee might decide that preparations containing 0.2 per cent or 0.1 per cent, as the case might be, should be exempted.

The doubts raised by the United States delegation applied, not only to this article, but to other articles. In Articles 5 and 6, the references to preparations had been deleted, and doubts might arise there also. He suggested the addition of the following words to the definition of "the drugs" in Article 1 :

" . . . and, except in Article 6 or where the text otherwise requires, any preparations made from and containing the drugs in so far as such preparations are brought within the terms of the Geneva Convention or this Convention".

Mr. Caldwell (United States of America) thought an alteration in Article 1 would satisfy him, but desired first to hear the legal expert's views. It should be fully realised

that, under Article 13, the signatories of the new Convention who were not signatories of the Geneva Convention were not bound by Article 4 of the Geneva Convention; they were not concerned with the substances enumerated in that article, but only with applying to the substances enumerated under Group I of the new Convention the provisions applying to substances in Article 4 of the Geneva Convention. Unless it were clearly understood that the definitions in Group I included preparations, signatories to the new Convention would not be obliged to control or limit preparations of any kind.

Dr. Carrière (Switzerland) supported the United States amendment, which would fill in a gap in the Convention. He thought, however, that the proposed formula should for choice be inserted in Article 1. He would point out that the United States proposal covered the observations he had made at the end of the previous meeting and which the President had thought superfluous.

Mr. Caldwell (United States of America) explained that it was the observations of Dr. Carrière which had drawn the attention of the United States delegation to the point.

The President thought nevertheless that the term "drug", when not qualified, covered drugs contained in preparations.

Article 1, paragraph 2, could, however, be completed by the following sentence :

"The term 'the drugs' shall denote the following drugs, whether partly manufactured or completely refined, or containing any preparations other than those expressly exempted under the terms of the Geneva Convention or the present Convention."

This addition would involve a slight modification of Article 13, paragraph 1.

Dr. de Myttenaere (Belgium) thought there were objections to embodying such a definition in Article 1, which had special reference to limitation, whereas Article 13 dealt with control. Inclusion of the definition in Article 1 meant the application of limitation to all such preparations, while the United States proposal contemplated subjecting them to control only. He drew attention to this in order to avoid any misunderstanding.

The President thought Dr. de Myttenaere's fears unfounded. Article 1 applied, not only to limitation, but to the Convention as a whole, and the Conference's intention, in drafting Articles 6 and following, had been that limitation should apply to all drugs and preparations, except where exempted by the Geneva Convention or the present Convention. Consequently, Article 1 was the best place for the proposed amendment. He added that

Sir Malcolm Delevingne had expressed his readiness to accept the proposed wording.

Mr. Caldwell (United States of America) agreed with the President's suggestion, but pointed out, with regard to the phrase "exempted from the Geneva Convention or other Conventions", that some of the parties concerned had no official knowledge of the Geneva Convention.

The President asked Sir Malcolm Delevingne and Mr. Caldwell to agree upon a text in order that the Conference might have a definite draft before it when taking a decision.

Dr. Chodzko (Poland) withheld any decision as to Article 13, paragraph 1, subparagraph (b). This provision was valueless from the medical point of view. It referred to solutions. In the eyes of the medical world, however, it was not solutions, but the quantity of narcotic drugs contained in them, which presented the danger. Such a provision might militate against the struggle against drug addiction.

The President noted Dr. Chodzko's reservation.

Article 14.

The President recalled that the Drafting Committee had prepared a new text of Article 14 (see Annex 13, document Conf. L.F.S.73(e)).

Paragraph 1.

The President drew attention to some drafting amendments to be made on the recommendation of the legal advisers; wherever the word "country" appeared in the Convention, the words "country or territory" should be substituted for it.

M. Cavazzoni (Italy) raised the old question of previous notice. A provision regarding this point should be made in respect of countries not parties to the various Conventions.

The President recalled that this question had been studied by the Drafting Committee; before drawing up the text, this Committee had consulted the various delegations which had referred to the matter. He was firmly convinced that the text before the Conference would satisfy all concerned. He would ask M. Cavazzoni to note that paragraph 2 dealt with previous notice.

M. Cavazzoni (Italy) insisted on the point because the second paragraph did not entirely satisfy him. This paragraph, as did the first, covered the narcotic drugs in Group I and a minimum of 25 kilogrammes was fixed. The Secretariat had, however, stated that the maximum amount of the narcotic drugs under Group I to be exported to countries not parties to the Convention was 20 kilogrammes for each drug.

There must, therefore, be a mistake. Perhaps those drafting the text had considered

codeine as included among the narcotic drugs in Group I. If the drugs in Group I only were taken into consideration, the maximum should be 5 kilogrammes. If this figure of 5 kilogrammes were adopted, he would not ask for a vote on the question of previous notice where countries not parties to the Conventions were concerned. In any case, he could not accept the figure of 25 kilogrammes.

Mr. Duncan Hall (Secretariat) informed the Conference that the statement was referred to in the Sub-Committee with a qualification to the effect that the minimum for each drug appeared to be about 25 kilogrammes for the countries which did not come under the import certificate system, leaving on one side the two most important countries—namely, the Argentine and Chile. He did not think that affected M. Cavazzoni's argument.

M. Sawada (Japan) said the Japanese delegation would agree to a reduction from 25 kilogrammes to 5 kilogrammes if all the other delegations would do so.

M. Kahler (Germany) agreed to some reduction of the figure.

The President proposed the substitution for 25 kilogrammes of the figure 5 kilogrammes.

This proposal was adopted, together with the rest of Article 14, paragraph 1, subject to some minor drafting amendments.

Paragraph 2.

M. Dinichert (Switzerland) did not intend to propose amendments to the first sub-paragraph, but would make one or two remarks which might be useful to the Permanent Central Board when it came to apply the provisions of the Convention. The form of this sub-paragraph was, as it stood, unsatisfactory. Briefly, it signified that the Permanent Central Board must ascertain whether a country had had its full allowance, basing its judgment on the import and export statistics. The element of manufacture was unknown.

The President here intervened to point out that he had already explained, when summing up the Drafting Committee's work, that manufacture had purposely been omitted. Since preliminary estimates had been done away with, the figures for manufacture could obviously not be known until the end of the year.

M. Dinichert (Switzerland) agreed that the system perhaps hung together, but thought it no better for that. He further pointed out that, in deciding whether a country had surpassed the maximum import figure allotted to it, its total estimates for internal consumption must be added to conversion, including export possibilities.

The President again intervened in order to give a further explanation to M. Dinichert.

M. Dinichert (Switzerland) asked permission to finish his remarks, which should be included in the Minutes in order to discharge

his delegation's responsibility to the Swiss Government and Parliament.

The Swiss delegation maintained that the estimate system adopted was faulty. It was impossible to ask for its amendment at the present stage, but the delegation was responsible to its mandatories, and he must therefore insist on the inclusion of his remarks in the Minutes, so that he would be able to refer to them when the provisions of the Convention were criticised.

He continued to think it impossible to exercise close control over a figure obtained by adding the total estimates of a country for its internal consumption, including conversion for export purposes, to the total exports as provided for under the Convention. The Swiss delegation would have liked to see such control realised.

The President noted M. Dinichert's statement, but recalled that he had previously explained that it was impossible to re-export a converted drug, since the new drug obtained was considered as manufactured within the country. Thus the point was quite clear.

Dr. Schultz (Austria), with reference to Point (ii) of the second sub-paragraph of paragraph 2, asked why the opinion of the Government of the exporting country was to be considered. Would it not, in practice, be better to ask the importing country's opinion?

The President replied that it was the exporting country which gave an undertaking not to export more than the Convention gave it a right to do. It was freed from this obligation in the special case where it considered that additional export was essential in the interests of humanity. If the importing country were given a right to decide on this point, the value of the import certificate system would be greatly diminished. A country could invoke motives of humanity on its own behalf instead of that of another country.

Article 14, paragraph 2, was adopted without alteration.

Paragraph 3.

The President pointed out that the footnote to this paragraph (see French text) would be omitted in the final text.

Dr. Chodzko (Poland) proposed the insertion in the middle paragraph of the words "through the Secretary-General of the League of Nations" after the words "shall have the right to ask for explanations".

This proposal was adopted.

M. Gajardo (Chile) considered the phrase "may have failed to carry out his obligations" was a little too strong.

The President replied that the Conference had decided to leave points of detail to the Legal Committee for drafting.

Sir Malcolm Delevingne (Great Britain) suggested the addition of "so far as the supervisory body may consider it necessary" after "request for an explanation".

This proposal was adopted.

M. Contoumas (Greece) pointed out that the second and third paragraphs of Article 14 contained general provisions, while paragraph 1 merely covered the export to countries not parties to the present Convention or to the Geneva Convention. He proposed that paragraphs 2 and 3 should form a separate article.

M. von Rheinbaben (Germany) supported this proposal.

Sir Malcolm Delevingne (Great Britain) pointed out that, in that case, the numbering of the articles would have to be altered, which might lead to confusion with regard to cross-references.

M. Contoumas (Greece) did not press his proposal.

The President opened the discussion on the British proposal to add at the end of Article 14 :

"The Permanent Central Board shall take all necessary measures to ensure that the statistics and other information which it receives under this Convention shall not be made public in such a manner as to facilitate the operations of speculators or injure the legitimate commerce of any contracting party".

Sir Malcolm Delevingne (Great Britain) pointed out that he had followed the terms of Article 27 of the Geneva Convention, and thought the Permanent Central Board operations under the new Convention should be subject to the same regime as under the Geneva Convention.

Mr. Lyall (President of the Permanent Central Opium Board), while agreeing with Sir Malcolm Delevingne's proposal, pointed out that what was still more important was that the same provision should apply to the supervisory body, which would have to deal with estimates.

Sir Malcolm Delevingne (Great Britain) agreed.

The British proposal and that of Mr. Lyall were adopted, as also was Article 14 with some minor drafting alterations.

The President pointed out that the Legal Committee proposed to invert the order of Articles 15 and 16.

Article 15.

The President recalled that the Portuguese delegation had proposed to redraft the last paragraph as follows :

"3. To organise the campaign against drug addiction, by taking all the useful

steps to prevent its development and to suppress the illicit traffic."

The Portuguese proposal was adopted.

M. Contoumas (Greece) proposed that the words "special administration" in the second paragraph be replaced by the words "central administration", which would be more in harmony with the first resolution of the Final Act.

The President recalled that this term had given rise to considerable discussion before its adoption. Consideration must be given to the case of certain federal countries with separate administrations for the component States. He had personally enquired of the delegations whether they agreed to the expression, and they had replied in the affirmative.

M. Contoumas (Greece) withdrew his proposal.

Article 15 was adopted.

Article 16.

The President stated that, in the French text, the first paragraph should read : "Chacune des Hautes Parties contractantes exercera une surveillance rigoureuse sur . . ." and that the last paragraph should be modified to read : "Les Hautes Parties contractantes ne permettront pas l'accumulation . . ."

Article 16, thus amended, was adopted.

Article 17.

M. Casares (Spain) proposed that the introduction should be redrafted as follows :

"Each High Contracting Party shall undertake to analyse the raw opium imported into his territory to be utilised there and shall require each manufacturer . . ."

The manufacturers themselves should not be asked to indicate the quantities of morphine procured from the opium received. The guarantees would be much more satisfactory if the State analysed the opium upon entry into its territory.

M. Kahler (Germany) stated that the German delegation could not accept the Spanish proposal. In Germany, sworn analysts undertook such analyses, and the Government could obtain information at any time as to the results of these analyses, by consulting the experts and the manufacturers. The German Government would, therefore, see no advantage in carrying out these analyses itself, and, in any case, did not possess the necessary equipment. Moreover, since it considered this procedure superfluous, it would not be prepared to undertake the expenditure involved in setting up this new machinery.

M. Bourgois (France) fully agreed with M. Kahler. France was in the same position as Germany.

Sir Malcolm Delevingne (Great Britain) was in very much the same position as the French and German delegations.

He did not think there was any danger in the text as drafted, as the analyses were not made on behalf of the manufacturer only, but on behalf of the two parties concerned—the seller or the importer and the manufacturer. The firm which made the analyses had to be entirely independent of both parties, as the price of opium was determined on the basis of the analyses. In Great Britain the analyses were made by the firm of Harrison & Self, and the British Government was content to accept the results.

Dr. Carrière (Switzerland) agreed with the French, German and British delegates. He was afraid that **M. Casares'** proposal was inapplicable in practice. The Governments seemed to possess all the necessary means of controlling the data furnished by manufacturers regarding the morphine content of the opium which they handled. For instance, they could control the invoices—it was known that the prices of opium were fixed on the basis of the morphine content—and by asking for the certificates of the analyses. As regards Switzerland, the analyses were carried out at the present time in the laboratories of a British firm, which gave all the necessary guarantees. In these circumstances, **Dr. Carrière** saw no necessity, for his Government in particular, to undertake new analyses.

Mr. Lyall (President of the Permanent Central Opium Board) pointed out that, when opium was imported with a view to re-export, the cases were not opened until they reached their final destination. The opium therefore could not be analysed by the first importing country.

Dr. Paranjpye (India) proposed that the last words of sub-paragraph (1) should read: "as determined by an analyst approved by the Government".

M. Casares (Spain) pointed out that no delegation had contested the value of his amendment. The speakers had confined themselves to pointing out the difficulties of applying it, resultant upon the systems already existing in each country. Realising that the Conference might find it difficult to accept the Spanish amendment in its original form, he proposed the following formula, which might be more acceptable:

" . . . producible therefrom as determined by a method prescribed by the Government and under its control."

The President presumed that **M. Casares** meant "control" in the French sense, which was different from the English meaning of the word.

M. Casares (Spain) agreed.

Sir Malcolm Delevingne (Great Britain) did not see how the British Government could supervise the operations of a private

firm, which, moreover, made analyses not only for Great Britain but for a great many other countries.

M. Bourgois (France) pointed out that the difficulty to which **Sir Malcolm Delevingne** had drawn attention would be even greater in France's case, since the French analyses were also made by the English firm of Harrison & Self.

M. Kahler (Germany) could not accept the amendment in its present form.

Sir Malcolm Delevingne (Great Britain) was prepared to accept the addition of the words "and by an analyst approved by the Government" at the end of sub-paragraph (1).

Dr. de Myttenaere (Belgium) also supported the proposal of **M. Paranjpye**. All business transactions were, in fact, carried out on the basis of the morphine content. This content was ascertained by specialists in this matter—of whom, moreover, there were very few—and whose competence was universally recognised.

Dr. Carrière (Switzerland) repeated that opium imported into Switzerland was analysed by an English firm—namely, the firm of Harrison & Self, to which reference had just been made and which made a speciality of these matters. Nevertheless, even if the Swiss Government had authorised its importers of opium to send their opium to be analysed by that firm, being of the opinion that it afforded all the necessary guarantees, it would not be able to grant the firm in question a sort of official recognition, as was required by **Sir Malcolm's** proposal.

The President pointed out that the Governments had already undertaken, under another article of the Convention, to take all the necessary legislative and administrative measures for the purpose of carrying out their obligations under the Convention. Article 17 referred to the necessity of analysing drugs in accordance with the method prescribed by the Government. It would be hard to find a method applicable in all countries.

M. Casares (Spain) acknowledged that the word "method" might raise difficulties. In Article 17 it had the meaning of "chemical" method, and not "administrative" method. No standard international method for ascertaining opium content had as yet been agreed upon, and each country was free to choose its own. He therefore proposed the following wording: "as determined by an analysis approved by the Government".

M. von Rheinbaben (Germany) could not accept this wording, since a Government could not approve the chemical details of an analysis.

Dr. Carrière (Switzerland) asked that the present text should stand.

M. Casares (Spain) pointed out that, if the text were to stand, not the Government,

but the manufacturer was responsible for the analysis. He could not, therefore, accept the text.

The President proposed the wording, "as determined by an analysis carried out under conditions prescribed by the Government".

Dr. Carrière (Switzerland) insisted once more that the original text should be maintained, and asked that it should be put to the vote. A Government could not be asked to sanction a method of analysis. All that it could be asked to do was to take as the basis of its control the results of an analysis made by a firm to which the importers had been authorised to apply.

The President then proposed an addition to the existing text of the following words: "and under conditions considered satisfactory by the Government".

M. Casares (Spain) accepted this proposal.

This formula was unanimously adopted.

The President recalled that the British delegation had proposed to add at the end of Article 17 the following text:

"Each High Contracting Party shall require each wholesaler within his territories to make at the close of each year a report stating in respect of each of the drugs the amount of that drug contained in preparations exported or imported during the year for the export or import of which authorisations are not required."

Sir Malcolm Delevingne (Great Britain) explained that this amendment was required in view of the provisions of earlier articles.

The British amendment was adopted.

Article 17, as amended, was adopted.

Article 18.

The President recalled that this article had been adopted on the previous day.

Article 19.

Mr. Caldwell (United States of America) asked whether Article 19 imposed any obligation upon Governments to enact legislation with regard to the labelling of drugs. If it merely obliged Governments to enforce their own national laws, he saw no reason for it.

The President replied that the obligation was absolutely imperative. Different nomenclature might be adopted in the different countries, but the name and percentage must be indicated. Article 16 provided that the contracting parties "shall take all necessary legislative or other measures in order to give effect within their territories to the provisions of this Convention". Thus,

countries with no legislation requiring that the name should appear on the labels would have to enact such legislation.

Sir Malcolm Delevingne (Great Britain) said that the words "as provided for in the national legislation" had been inserted at the end of the article to meet his objection that it would be difficult to place excessively long names on the labels of small bottles. The stipulation at the end of the article permitted the use of the name recognised in the national legislation.

The President proposed the following text:

"... shall show the percentage of the drugs. These labels shall also indicate the name of the drugs as provided for in the national legislation."

Article 19, thus amended, was adopted.

Article 20.

Paragraph 1.

M. Cavazzoni (Italy) proposed the addition of the words "either at that time or subsequently" between the words "in which he proposes" and "to authorise", and the addition at the end of the same paragraph of the words "as well as the names and addresses of persons or firms authorised".

Both amendments were adopted.

M. Contoumas (Greece) asked for the deletion of the words "to that effect" following the words "the Secretary-General of the League of Nations", as they served no purpose.

This proposal was adopted.

M. Dinichert (Switzerland) had a legal observation to make with reference to Article 20, but which also applied to several articles in the Convention. To state that the Convention would only come into force as regards a certain number of articles was legally a heresy, since the Convention formed a whole. On the contrary, it was provided that some of the clauses would only apply after a certain moment had been reached. He therefore proposed that, wherever Articles 2 to 5 were concerned, the words "at the time when these articles come into force" should be inserted.

Further, both paragraphs of Article 20 referred to a notification to be made to the Secretary-General of the League of Nations, but nothing was said as to the action he should take regarding it. The Swiss delegation presumed that the Secretary-General would communicate the notification to the contracting States.

M. Barandon (Legal Adviser) had felt the same difficulty when reading the Convention for the first time. The separate entry into force of Articles 2 to 5 implied the automatic and necessary application of other articles of the Convention—for instance, the article on arbitration. Satisfactory wording for Article 30 was rather hard to find. He proposed that this question should be postponed until Article 30 was discussed.

The President pointed out that, if the consideration of various articles were

postponed, the Conference could not finish the examination of the Convention in the time at its disposal. Was the present question of such importance that it was worth jeopardising the signing of the Convention? As no objections on this point had been raised at the first reading, it might be possible to maintain the text as it stood.

M. Barandon (Legal Adviser), after consultation with M. Dinichert, undertook to propose very shortly a satisfactory draft for Article 30.

M. Dinichert (Switzerland) proposed meanwhile that the words "at the time when Articles 2 to 5 of this Convention would become applicable" should be inserted after the words "is being manufactured or converted" at the beginning of paragraph 1.

Article 20, paragraph 1, as amended, was adopted.

Paragraph 2.

Mr. Lester (Irish Free State) pointed out that manufacture might sometimes cease without the desire of the contracting party, and proposed that the second paragraph should read:

"In the event of the manufacture or conversion of any of 'the drugs' ceasing in the territory of any High Contracting Party, he shall notify the Secretary-General to that effect, indicating the place and date on which such manufacture or conversion has ceased or will cease, specifying the drugs affected."

M. Cavazzoni (Italy) proposed the addition to the Irish amendment of the words "as well as the names and addresses of persons or firms whose licences have been withdrawn", in order to correspond with the drafting of paragraph 1.

Mr. Lester (Irish Free State) accepted this modification.

The above amendments were adopted.

Article 20, paragraph 2, as amended, was adopted.

Dr. Carrière (Switzerland) pointed out that the Swiss delegation had proposed to add to Article 20 a third paragraph reading:

"The information furnished under paragraphs 1 and 2 shall be communicated to all the Contracting Parties."

Such particulars would be useless if they went no further than the Secretary-General.

The Swiss proposal was adopted.

Article 21.

Article 21 was adopted with one slight drafting amendment.

Article 22.

M. van Wettum (Netherlands) proposed that the second paragraph of this article should be deleted, as, in a country where there was only one manufacturer, his operations would be known to everybody.

M. Sawada (Japan) said the Japanese delegation could not accept the Netherlands amendment.

The Netherlands amendment was rejected by a large majority.

M. van Wettum (Netherlands) made a reservation regarding this paragraph.

Article 22 was adopted.

New Article to be inserted between Articles 22 and 23 proposed by the Soviet Delegation.

The President recalled that the Soviet delegation had proposed the following new article:

"1. A Permanent International Narcotics Board shall be set up and organised as follows:

"(a) The Board shall consist of the representatives of States parties to the Convention, each State appointing one representative;

"(b) The Board shall meet in plenary session at least once a year;

"(c) It shall appoint its Secretary-General, who shall be placed at the head of the International Narcotics Office, the permanent organ of the Board;

"(d) If necessary, the Board shall appoint one or more assistants to the Secretary-General;

"(e) The staff of the International Office shall be appointed by the Secretary-General;

"(f) No person connected in any way with private undertakings dealing in habit-forming narcotic drugs in the raw state or manufactured, or manufacturing narcotic drugs, may belong to the International Office.

"2. The seat of the International Office shall be at Vienna.

"3. The expenses of the Board and of the International Office shall be borne in equal shares by the States parties to the Convention (or according to such other principle as may be determined)."

M. Weinberg (Union of Soviet Socialist Republics) had already called attention to the importance which the Soviet delegation attached to the Central Authority, upon which the everyday application of the Convention would depend. Hence, the Soviet delegation proposed the insertion of a new article, the essential points of which were:

(1) Wider powers for the Central Authority;

(2) The Central Authority's independence of other international organisations to which certain States which might ratify the Convention did not belong;

(3) Greater independence of the Central Authority's officials from private undertakings engaged in the manufacture of or trade in narcotic drugs.

It was superfluous to emphasise the reasons for the extraordinary importance of the first and third of the above points. As regarded

the second, the Soviet proposal was called for by well-known formal considerations which the delegation thought essential.

His delegation also considered that the Opium Advisory Committee and the League in general had taken no steps effectively to bring about the limitation of the production and manufacture of narcotic drugs or the suppression of the illicit traffic. The work carried out by these organs and the resolutions adopted—which were vague and into which could be read any meaning desired by the persons concerned—had led to no reduction in the illicit traffic, which, as the Advisory Committee had itself acknowledged, was considerable and constituted an increasing danger to humanity.

The Portuguese delegate had said that, not the League of Nations, but the Governments who had failed to carry out the resolutions adopted by the League, were responsible for such a situation. In M. Weinberg's view, the Portuguese delegate was right, so far as the attitude of certain Governments was concerned; but it must be recognised, in all fairness, that the major part of the resolutions adopted by the organs of the League regarding narcotic drugs were so vague and indefinite—filled with formulæ such as "in certain cases", "it seems", etc.—that it was easy for the Governments to refrain from carrying them out without, however, violating them legally.

The Soviet delegation also considered that the activity of the Permanent Central Board had not, up to the present, led to any appreciable results in the way of preventing the passage of narcotic drugs into the illicit traffic, and this through no mere chance. Nevertheless, the Soviet delegation would emphasise that its proposal was not intended to prevent the Permanent Central Board from becoming the proposed Central Authority. Indeed, the Soviet delegation would be glad if the Central Board as at present constituted became the basis upon which the International Narcotics Committee were created. In the view of his delegation, if the Central Board, however, retained its present form, it was impossible to grant it the powers accorded to the Central Authority under the Convention, even if it were remembered that these powers were limited. The Soviet delegation considered that the Central Authority must be given greater powers and wider scope, but that its structure and organisation must first be modified.

The Soviet delegation considered that this Central Authority must necessarily be a larger body, comprising representatives of all the States parties to the Convention, and completely independent from other international organs.

In conclusion, he was under no delusion as to the Conference's attitude towards his proposal, but considered it his duty to raise

the question in plenary session in view of the Soviet delegation's conviction that its proposal, if accepted, would constitute a progress in the struggle against the illicit traffic and against drug addiction.

The President pointed out that this point had already been debated at some length, and that it was useless to reconsider the subject unless any member particularly wished to do so.

The Soviet proposal was put to the vote and rejected.

Article 23.

The President stated that the British delegation had presented the following amendment:

"At the end of paragraph 1, for the words 'of the working of the system of control' substitute the words 'of the sources from which drugs are obtained for the illicit traffic or the methods employed by illicit traffickers'."

Article 23, as amended by the British delegation, was adopted.

Article 24.

M. de Castro (Uruguay) thought that reference should also be made to the Hague Convention of 1912.

M. Contoumas (Greece) thought that legal advice should be asked before inserting any reference to the Hague Convention.

M. Barandon (Legal Adviser) saw no legal objection to M. de Castro's proposal.

The President therefore proposed that the article should read as follows:

"The present Convention shall supplement the Hague Convention of 1912 and the Geneva Convention of 1925 in the relations between the High Contracting Parties bound by at least one of these latter Conventions."

This wording for Article 24 was adopted.

Articles 25, 26, 27, 28 and 29.

These articles were adopted without observations.

Article 30.

The President proposed two drafting amendments, which were adopted.

M. de Castro (Uruguay) asked for the deletion in paragraph 1 of the words "or accessions", in order that ratifications only should be taken into consideration. He based this proposal on the precedent established by the Hague Assembly of 1927.

The word "accession" could denote two stages in legal procedure: (1) accession pure and simple; (2) accession subject to ratification. Thus the use of the word might lead to some confusion. "Ratification", on the other hand, denoted an obligation finally contracted. In other words, a stipulation should be made that the new Convention

should not enter into force until twenty-five signatory States had ratified it—that was to say, had given their final consent to this contractual undertaking.

The Sub-Committee of the First Committee of the 1927 Assembly, which studied the question, had submitted a very interesting report, signed by M. Motta. The various legal stages were studied in the report, and States were recommended to say, when acceding to a Convention, whether their accession was final or subject to ratification. The Argentine Republic had quite lately acceded to the Geneva Convention of 1925, and M. Perez had had to point out that this was an accession subject to ratification; an accession of this type could not contribute towards bringing the new Convention into force. If the word "ratification" only were used in the present Convention, there would be no possibility of misunderstanding. It would be quite clear that ratification by twenty-five States would bring the Convention into force. His proposal, therefore, though on the surface a mere drafting amendment, was likely to obviate misunderstanding.

What was the value of accession as understood by the resolution adopted by the 1927 Assembly? It constituted a pledge on the part of the acceding State; but, if reservation with regard to ratification were made, it was understood that the State was not finally bound. M. de Castro therefore considered that, for the purpose of bringing the new Convention into force, only ratifications or definitive accessions—that was to say, accessions without reservation and therefore equal to ratifications—should count. The word "ratification" implied a final undertaking. For this reason, it was adequate for Article 30. If the word "accession" were to be added, the adjective "final" must precede it.

M. Contoumas (Greece) pointed out that the formula used in the article was the classic formula found in almost all the multilateral Conventions concluded under the auspices of the League. It had worked well in practice and should be maintained.

The President, in order to avoid altering the text, suggested the addition of the adjective "final" before the word "accessions".

M. de Castro (Uruguay) agreed.

M. Gajardo (Chile) supported M. de Castro's view and also accepted the President's proposal.

The President stated that a member of the Legal Section of the Secretariat had pointed out that the words "final accessions" might tend to weaken the corresponding provisions in other Conventions in which the word "accessions" was used without qualification. The Legal Section considered the President should make a clear and solemn statement on this subject to be recorded in

the Minutes. A suitable moment for this might be at the time of voting on the whole draft Convention.

M. de Castro (Uruguay) said that this would not satisfy him. Supposing, for example, that twenty States had ratified the Convention and that the others had acceded to it only, the question would not be settled from the national point of view, as each country could put its own interpretation upon the word "accession". Thus, the League of Nations might declare the Convention in force while several acceding States considered it not yet in force, "accession", in their view, not signifying ratification. In the interest of clearness, he must insist that the formula proposed by the President be adopted.

The President wondered whether there was any serious objection to the formula in question.

Mr. McKinnon Wood (Legal Adviser) did not recommend the insertion of M. de Castro's proposal. The Secretariat understood that the decision taken by the 1927 Assembly with regard to accessions would facilitate the acceptance of Conventions. If the text were made too definite, it might raise an argument concerning the meaning of accessions. When the Secretariat had doubts with regard to accessions or ratifications, they were not finally accepted until enquiries had been made as to the intention of the Governments. A perusal of the report to the Assembly would show how accessions operated to bring a Convention into force. For various reasons, chiefly political, it might be convenient to accede, subject to ratification; that was the equivalent of signature and was not taken into account.

M. de Castro (Uruguay) pressed for the adoption of his proposal, and pointed out that the danger of leaving the question open to doubt was referred to in M. Motta's report. He acknowledged that the question was simple from the Secretariat point of view, but the various chanceries concerned must be taken into consideration. If the qualifying adjective which he had proposed were omitted, discussions might take place which it would be much better to avoid. He read the following passage from M. Motta's report:

"The Sub-Committee would therefore advise the First Committee to take the line that the obligation should be presumed to be final when a State does not, when notifying accession, expressly mention that it is subject to ratification.

"The Sub-Committee also studied the effect which the new practice might have on the League's publications, and it came to the conclusion that it would be advisable to introduce in the accessions column of the list published by the Secretariat a subdivision clearly showing which accessions

are final and which are still subject to ratification.”

The 1927 Assembly, therefore, had decided that the Secretariat should publish a list with three columns, one for ratifications, one for accessions pure and simple, and one for accessions subject to ratification. This acknowledged the possibility of confusion, not for the League but for Governments—confusion which could be avoided by the mere insertion of the word “final”.

The President asked M. de Castro if he would accept the following text :

“ . . . the Secretary-General of the League of Nations has received the ratifications or accessions without reservation . . . ”

M. de Castro (Uruguay) accepted this proposal.

M. Dinichert (Switzerland) pointed out that in no Convention were accessions described by any other term than the word “accession”. He saw no reason to make a change, and supported the arguments of the Conference’s legal advisers. He therefore asked that the word “accessions” should be retained purely and simply.

M. Cavazzoni (Italy) was ready to vote for the text as it stood, given that the statements made during the discussion would be recorded in the Minutes, and that the President would make a statement at the end of the discussion.

The President stated that the Conference was agreed upon this procedure.

M. de Castro (Uruguay) considered that, as two delegations had ceased to participate in the Conference, it would be better to reduce the number of accessions from States specially referred to by name from five to four. This would facilitate the entry into force of the Convention.

The President, without entering into the substance of the question, wished to correct M. de Castro’s statement that two delegations had ceased to participate in the Conference’s work. The representatives of one of the delegations referred to had, in fact, stated at the present meeting that he must return to his country on urgent business, but he had stated that his co-operation could be taken for granted. There was no reason to believe that the other delegation concerned was not in the same position. The Conference was thus morally complete.

A vote being taken by a show of hands, the amendment for the reduction of the figure in question from five to four was adopted by eighteen votes to seven.

M. Sawada (Japan) suggested that “three calendar months” should be replaced by “ninety days”.

This proposal and Article 30, as amended, were adopted.

Article 31.

Article 31 was adopted in the following form :

“Ratifications or accessions received after the date of the coming into force of this Convention shall take effect as from the expiration of the period of ninety days from the date of their receipt by the Secretary-General of the League of Nations.”

Article 32.

Dr. Paranjpye (India), referring to the decision to substitute “four States” for “five States”, thought it would be necessary to consider the position in the event of the number of special States falling below four. In his view, such an eventuality would render the Convention useless.

The President replied that this question had been discussed at length during the first reading. It had been pointed out that it was impossible to foresee which would be the manufacturing States when the denunciations came to be made. Moreover, if the twenty-five States which remained bound by the Convention were unimportant from the manufacturing point of view, it would always be open to them to meet and decide among themselves to annul the treaty which bound them.

Article 32 was adopted.

Article 33.

The President said that the Legal Committee proposed that the opening words of this article should read as follows :

“A request for the revision of the present Convention may at any time be made by any Member of the League of Nations or any non-member State bound by this Convention, by means of a notice addressed to the Secretary-General of the League of Nations. Such notice shall be communicated by the Secretary-General to the other Members of the League of Nations or non-member States bound by this Convention . . . ”

Mr. Lester (Irish Free State) saw no necessity for the change.

Mr. McKinnon Wood (Legal Adviser) hoped the Conference would accept the amendment in order to bring the article into line with the practice adopted in regard to the provisions of other Conventions. If the original text were maintained, a number of other articles would have to be amended, and considerable doubt would arise as to the legal effect of the Convention. Any Member of the League bound by the Convention must have the right to ask for a revision.

M. Martinez de Alva (Mexico) had no objection to the adoption of this formula. As representative of a State non-member of the League, however, he considered that the use of the expression “the High Contracting Parties” would be preferable. Membership or non-membership of the League had nothing to do with narcotic drugs.

The President explained that the proposed formula was not intended to draw a distinction between the Members and non-members of the League. Its sole purpose was to avoid any question as to whether certain Members of the League could be called States.

Article 33, as amended, was adopted.

Article 34.

Article 34 was adopted without observations.

Article 9 (continuation).

The President said that the Legal Adviser, in order to make the scheme consistent, proposed a slight amendment to Article 9, which should read :

“ . . . if at the moment when all the provisions of the Convention shall have come into force . . . ”

This text was adopted.

THIRTY-FIFTH MEETING (PUBLIC).

Sunday, July 12th, 1931, at 4 p.m.

President : M. DE BROUCKÈRE.

82.—DECLARATION BY THE DELEGATION OF THE UNION OF SOVIET SOCIALIST REPUBLICS.

M. Weinberg (Union of Soviet Socialist Republics) made the following declaration :

The Soviet Government had decided to participate in the Conference on the Limitation of the Manufacture of Narcotic Drugs in the hope that, after the failure of the previous conferences, the Governments of all countries would do everything in their power to make the present one a real success from the point of view of the campaign against the illicit traffic in dangerous drugs and drug addiction.

The Soviet Union Government had considered that the primary object of the Conference, to which the particular interests of the different countries—or, to be more exact, the interests of their respective industries—must be subordinated, should be to combat the illicit traffic in drugs and drug addiction, chiefly by limiting and reducing the quantities of dangerous substances, or substances capable of being converted into dangerous substances, produced or manufactured in any country whatever. Although the work of previous Conferences was hardly calculated to encourage these hopes, the Soviet Government believed that the tremendous and undeniable increase in the activities of the illicit traffickers and the appalling growth of drug addiction could not but convince all Governments of the need for drastic concerted measures to check the criminal operations of traffickers, who were filling their pockets at the cost of the ruin of millions of human beings.

The Soviet Government's desire to see the Governments of other countries take a real step forward had been intensified by the disappointment felt both by the Government and by public opinion in Russia at the results of the London Conference. That Conference had devoted nearly all its time to discussing, not the limitation of the manufacture of

dangerous drugs—still less to the question of more direct means of combating the illicit traffic—but the division of the world market among certain manufacturing countries, whose humanitarian motives, as officially put forward, carried little conviction with the Soviet Government.

The Soviet Union delegation had come to Geneva with the experience of its country behind it, a country which could boast of being, unfortunately, the only one where the production, manufacture and distribution of dangerous drugs were at every stage strictly controlled by the State in such a way as practically to exclude all illicit traffic and drug addiction. The population of the Soviet Union, which was something like 160 millions, contained only about 10,000 drug addicts.

The Soviet delegation, which was desirous of collaborating with the Conference on the broadest possible scale, had explained the fundamental bases of Soviet legislation on drugs, and set forth the basic principles of a Convention which, in its opinion, would be calculated to ensure a real reduction in illicit traffic and consumption. It had submitted to the Conference a collection of decrees, regulations and other legislative and administrative texts (document Conf.L.F.S.55) relating to the organisation and control of the production, manufacture and distribution of narcotic drugs; its object in doing so was to enable every delegate to appreciate the great value to all the principles underlying Soviet legislation, which would, if accepted by the other countries, inaugurate a new era in the struggle of mankind against the illicit traffic and drug addiction.

In the light of that legislation, which had yielded extremely favourable results in the Soviet Union, the Soviet delegation had proposed that the work of the Conference should be based on the following principles :

- 1. Limitation of the production of all raw materials, and, in particular, opium; the coca leaf and Indian hemp.

(The Soviet delegation considered that no limitation of the manufacture of narcotic drugs was possible unless the production of all raw materials was also restricted.)

2. Limitation of the manufacture of all narcotics extracted from opium, the coca leaf and Indian hemp; and of substances capable of being converted into narcotics.

3. Introduction of a State monopoly for the production, manufacture and distribution of narcotic drugs, whether in the form of raw materials or in a manufactured state.

4. Extension of the measures of limitation and of the State monopoly to all narcotic drugs without exception.

Those were the essential points of the constructive programme submitted to the Conference by the Soviet Union delegation.

The Conference had had before it a draft Convention prepared by the League Advisory Committee. As that draft had not been adopted by the Conference, M. Weinberg would merely deal briefly with its main clauses.

Although the Hague and Geneva Conventions were not adequate effectively to stem the illicit traffic in narcotic drugs and to prevent the spread of the drug habit, the draft Convention prepared by the Advisory Committee further restricted in number the kinds of narcotic drugs falling under the Convention. The Advisory Committee's draft was not an advance but rather a step backward as compared with the previous Conventions mentioned, which, as everyone knew, were far from securing even the minimum measures necessary to combat the illicit traffic. Further, the draft was based on the principle of quotas—that was to say, the principle of the division of the world market among the principal manufacturing countries.

The Conference had rejected the draft Convention by a majority vote and had adopted the Franco-Japanese proposal as the basis of its work. The reasons why the Conference preferred the Franco-Japanese proposal to the Advisory Committee's draft were bound up with the principles of the Convention, which had been modelled on that proposal.

Before defining the Soviet delegation's attitude to the Convention, M. Weinberg would define the attitude adopted by the Conference to the principles proposed by that delegation.

The first of those principles, the limitation of the production of raw materials, had been rejected by the Conference. He had not heard one single delegate say that the proposal in question would not be useful in the struggle against the illicit traffic and drug addiction. The speakers had all put forward arguments based purely on matters of form; he need only mention one, the contention that the full powers accorded to the delegations did not cover the problem of raw materials.

He would like to say one thing: he considered that, when the interests of all mankind were at stake, delegates should not hesitate to communicate by telegraph or in some other way with the various Governments and ask for additional powers. There was another thing he desired to say. Certain delegations, which had stated that they had no power to deal with the limitation of the production of raw materials, had taken a different line when it was a question of securing markets and fair prices for their raw materials.

Similarly, the second and fourth principles enumerated by the Soviet delegation—that was to say, the limitation of the manufacture of all narcotic drugs without exception—had not been accepted by the Conference. He would not for the moment go into the question of the interpretation placed upon the term "limitation" in the Convention, but would merely say that the Conference had neither adopted any real measure of limitation nor consented to the extension of limitation to all narcotic drugs.

Nor had the Conference embodied the third principle, the introduction of a State monopoly, in the text of the Convention. It had considered the possibility of a vague recommendation which was to be incorporated in the Final Act and which stood as little chance of being acted upon as most recommendations.

All this went to show that the results were very far from satisfactory.

Nevertheless, although the Soviet delegation was convinced that the principles adopted by it were those most likely to secure victory in the campaign against illicit traffic and consumption, it was willing to collaborate in seeking other methods, if any such existed—methods that were, perhaps, less drastic but that were calculated to facilitate the campaign.

The Soviet delegation had proposed a series of amendments and made several attempts to improve certain clauses in the drafts before the Conference, and, in particular, the scheme on which the Convention was based, but without success in almost every case.

M. Weinberg was sorry to have to say that the principles underlying the Convention did not fulfil the promise of its title: "Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs". The Convention, in fact, contained no effective measure of limitation, as it fixed no maximum for the manufacture of drugs.

During the second reading, certain delegates had proposed, by way of a paper concession to public opinion, to insert a clause in the Preamble to the effect that the contracting parties were concluding the Convention in order to render effective the direct and quantitative limitation of the manufacture of narcotic drugs. The other delegates had opposed that on the ground that the system of limitation adopted by the Conference could not be regarded as a system of direct and quantitative limitation. The Soviet delegation was of opinion that the formulæ proposed, like the formula adopted,

were essentially the same as those contained in the Preamble, as the Convention provided neither for direct limitation, nor for quantitative limitation, nor for limitation in the strict sense of the term.

Instead of limitation, the Convention contained nothing but a few measures of control; it was hardly necessary to say that measures of control could not possibly prevent illicit traffic.

It was just because the Convention for the limitation of the Manufacture of Narcotic Drugs restricted nothing that the Franco-Japanese thesis had triumphed, as it left entirely unaffected the economic interests of the respective industries in the other countries. It was a matter of common knowledge that the stocks existing in the various countries were sufficient to cover the scientific and medical requirements of the world for some ten years, and, in spite of that, the Convention prescribed in Article 9 only the weakest and most ineffectual measures for dealing with those stocks.

He must emphasise one very important fact. Although the Convention provided for nothing but a few measures of control, Article 26 authorised the contracting parties to declare that they did not assume any obligation in respect of all or any of their colonies. Experience of previous Conventions had shown that most Governments would, if they had a free hand, always take full advantage of that power. Consequently, the Conference had in effect denied to a very large proportion of mankind the right to even the bare minimum of protection against the extension of drug addiction, illusory and ineffective though such protection might be. Furthermore, it must not be forgotten that the illicit traffickers might take advantage of that article to set up factories in those territories, whose production would enter the illicit traffic.

Although the reception of nearly all the amendments proposed by the Soviet delegation had been distinctly discouraging, it had still been most anxious to collaborate in the hope of producing something which could be called a step in the right direction. In order to give effect to the minimum of concrete provisions contained in the Convention, it was very important that the central body to be set up under it should have full authority, and the Soviet delegation had consequently proposed an "International Committee for Narcotic Drugs", whose composition and whose complete independence of the League had been intended as a guarantee that it would possess the necessary authority and qualifications.

The Soviet delegation considered that the League had shown itself incapable of carrying on the struggle against the illicit traffic in and illicit consumption of narcotic drugs. The vague and indefinite resolutions were not followed by positive action, while, at the same time, the illicit traffic was increasing appallingly. The last draft Convention prepared by the Advisory Committee was likely to compromise the Committee's whole work. The Soviet delegation had therefore considered it indispensable that the central authority

should be entirely independent of the League. That proposal had not been accepted by the Conference.

He could not refrain from mentioning another exceptionally important fact. Although fifty countries were represented at the Conference, the work had always been in the hands of a small group of representatives of the principal manufacturing countries, who had done what they liked. Their efforts had obviously not been directed towards the conclusion of a Convention capable of stemming the illicit traffic and consumption, but towards safeguarding the economic interests of their respective industries.

It was really extraordinary how that group had imposed its wishes (which were clearly at variance with the humanitarian motives officially professed) by substituting for decisions reached by a considerable majority other decisions which were more in accordance with its interests. He would merely recall the circumstances in which crude morphine, crude cocaine and the definitions of those two substances, which everyone knew were of the utmost importance in the illicit traffic, had been eliminated from the Convention. That sort of thing had happened not once but many times. The *Tribune de Genève* had been perfectly right when it said: "When wolves are entrusted with the regulation of the consumption of sheep, nothing will be achieved".

In reply to a request by the President that he should confine himself to the issue, M. Weinberg replied that he had done so, and that the remarks he had just made had a direct bearing upon the campaign against the illicit traffic and drug addiction by means of the limitation of the manufacture of narcotic drugs.

In the circumstances, it was hardly necessary to point out that the Soviet delegation, which maintained that the Conference's purpose could only be achieved by the adoption and application of the measures which it had proposed, would not be able to sign the document which had issued from the discussions.

At the same time, he would say, on behalf of his Government, that, although the Soviet delegation would not sign the Convention, his Government would continue to prohibit trading in even a single gramme of any narcotic substance, in the form of either raw materials or manufactured products, unless it were rigorously subjected to the import and export certificate system. The general regulations governing trade and exports and the laws and administrative provisions in force in the Soviet Union went beyond any measures of restriction provided for in the Convention.

The Soviet Government would retain complete control, at every stage, of the production, manufacture and distribution of narcotic drugs and would continue its medical and social assistance to drug addicts.

83.—DECLARATION BY THE DELEGATION OF COSTA RICA.

M. Figueredo-Lora (Costa Rica) referred to the discrepancies mentioned in the document C.587.M.228.1930.XI, pages 70 and 85, between the German Government's figures and those returned by the Costa Rica Government for morphine imports from Germany to Costa Rica. During his last visit to Costa Rica, M. Figueredo-Lora had personally ascertained that the German figures were accurate and that a mistake had been committed by one of the Costa Rica Government officials. He asked that his statement might appear in the Minutes.

He assured the Conference that his country would, in the future, as in the past, cooperate to the best of its ability in the international campaign against drug addiction. Personally, he would leave no stone unturned to secure as prompt ratification as possible of the Convention that had been drawn up. He would continue to lend his modest help in the good work.

M. Kahler (Germany) thanked M. Figueredo-Lora for his statement concerning the discrepancies between the German and the Costa Rica figures.

84.—DECLARATION BY THE ITALIAN DELEGATION.

M. Cavazzoni (Italy) asked permission to make a declaration which would in some degree represent a reply to what had been said by the representative of the Soviet Union. The latter showed undoubtedly the same goodwill as any other delegate in the fight against the drug evil, but M. Cavazzoni represented a different detachment in the same army. He was one of those who had been carrying on the fight for many years and who were entitled to be satisfied to-day with what had been achieved.

The spirit of co-operation shown by many delegations and the technical abilities of many distinguished members of the Conference, coupled with their earnest desire for its success, had enabled the Conference to perform its task. The Conference had transformed a scheme for limitation into a Convention, which all delegates were prepared to sign with a unanimity that betokened international solidarity.

In the development of the campaign against narcotic drugs, a stage had been accomplished, a point placed on the map, a difficult passage safely crossed. To give an exact idea of the road traversed, M. Cavazzoni would venture to call to memory past history and to draw certain conclusions which might have some value.

In the first place, all the delegates could legitimately feel satisfied. No Conference had fought so hard a fight, both in the preparatory stages and during the final period, against adversaries who were watching every opportunity to profit by the least weakness. No other Conference had had the

courage to tear up the preliminary draft submitted to it and frame another based on different principles and a different method.

The Conference had originally had before it a scheme for a quota system, which would unquestionably have represented a very considerable solution, and the acceptance of that scheme would admittedly have facilitated its work. Apart, however, from the fact that no agreement had been reached between the manufacturers and that several of the delegations were divided by irreconcilable divergencies, its acceptance had been absolutely impossible on grounds of principle. It was inadmissible that an international Convention should confer recognition on a *de facto* monopoly in favour of certain groups of manufacturers. For this reason, M. Cavazzoni, on behalf of the Italian Government, had proposed an amendment which respected the principle of the division of legal production among the manufacturers, but which, nevertheless, was more elastic and safeguarded the principle of the freedom of legitimate manufacture.

As an outcome of the discussions, the Italian delegation had accepted the Franco-Japanese plan as a basis. That plan was founded on a system that was the merest sketch; it was neither a real system for limiting manufacture nor even a strict and rigorous system of international control. Having found, however, that the Conference could not be won over to its point of view, the Italian delegation had decided to consider the Franco-Japanese proposal; but, in doing so, it had always had in mind its conversion into a legal instrument of limitation and genuine control.

There had been many important principles to be determined in order to achieve this result. They were the identical principles which M. Cavazzoni had urged on several occasions in the Advisory Committee and which he had reiterated in his speech at the beginning of the Conference. On the acceptance of those principles depended the possibility of drawing up a Convention which would conform with the objects for which the Conference had been convened, or the Conference's failure.

It followed that the discussions had, in M. Cavazzoni's view, been of fundamental importance. Had it been found impossible to embody in the draft certain essential principles on which the Italian delegation's policy at the League had always been based, a time would have arrived when the discussions could no longer be prolonged and the Conference would have failed to arrive at any appreciable result.

When it had started its discussion of the Franco-Japanese amendment, the Conference had entered upon the crucial, or what might almost be termed the dramatic, stage in its proceedings.

M. Cavazzoni noted with satisfaction that it had been possible to pass that stage and that results had been obtained the value of which could not be contested. The ideas by which the Italian delegation had been guided in defining the conditions it considered necessary and adequate for an effective scheme had triumphed because they were clear and logical.

The Conference had framed as extensive a list as possible of the drugs which came under the Convention. It had likewise prohibited in principle the manufacture of any new kind of poison. It had set up a special procedure for the issue of the necessary permits for placing on the market any new habit-forming product; provision was made even for the limitation of synthetic substances. From that angle, there was apparently no loophole in the Convention, and any scientific or technical expedient intended to utilise the Convention for the purposes of the illicit traffic was doomed to failure.

That, however, was not all. Notwithstanding the divergencies which had arisen during the discussions, the delegations had agreed on another equally important point. The Conference had made provision for the limitation and control of products which, though not habit-forming, could be converted into narcotic drugs. It had done so, in particular, for codeine, the trade in which had always represented, as M. Cavazzoni had never ceased to remark for years, one of the most serious obstacles to the enforcement of a strict method of limitation, chiefly by reason of the enormous quantities which had been manufactured by the chemical industries each year and which had invariably made it possible for huge quantities of morphine to escape all control.

Despite certain grave difficulties and objections, a method of limitation had been found which would reconcile medical needs and the demands of trade with the control that was essential if the illicit traffic and all abuse were to be suppressed.

In connection even with preparations containing codeine, a clause had been agreed placing under control products which there was ground for thinking might find their way into the illicit traffic.

He would mention the exemplary provision prohibiting the export of heroin, save in exceptional cases in which direct action by the competent authority of the State concerned was required. That clause must inevitably be welcomed by all who had in mind the ravages caused by heroin in recent years, the havoc it had brought about in the world, and the vast quantities produced and disposed of in the illicit traffic. That measure, although it did not universally forbid manufacture, as M. Cavazzoni had hoped, was nevertheless one which would undoubtedly approximate nearer and nearer to total abolition of manufacture.

M. Cavazzoni dealt next with the class of provisions relating to the control which, to his mind, had always been the necessary complement to limitation. The original Franco-Japanese amendment had, he would point out, been converted into a logical and complete system. It defined the Governments' obligations as to limitation and at the same time provided for the necessary control to make these obligations effective.

This point had been entrusted to the jurisdiction of the Permanent Central Opium Board, to whose qualifications M. Cavazzoni had repeatedly drawn attention, on the ground of the admirable work the Board

had already done and of the need for avoiding the setting up of a new body, as far as possible.

The powers conferred on the Central Board in regard to control would enable the principles of limitation to be enforced in a practical manner, but at the same time to be reconciled with the freedom of the legitimate trade. The annual programme which the Board was to frame for each country on the bases, first, of its legitimate needs, and, second, of the quantities manufactured, imported or converted, would make it possible to ascertain as accurately as was possible whether a country had limited its manufacture and imports to the legitimate figures, and whether the producing countries had kept to the limits of manufacture described in the Convention. Hence, manufacture could be effectively limited with the method adopted.

The present Convention could be held to conform in its main lines to the mandate entrusted to the Conference by the resolution of the Assembly and the Council's decision. The Conference had wisely avoided the dangerous reef of an unduly strict ratification clause. To demand the ratification of the Convention by almost all countries would, in actual fact, have removed for ever any prospect of putting it into force.

To make it quite clear that the limitation of manufacture should be regarded as the logical and legal basis of each clause in the Convention, and that this object should invariably be present in the minds of those applying or interpreting the Convention in future, the Conference had indicated in the Final Act the present figure for the world needs of each drug. The purpose of this was to affirm that the States were bound and were determined, even before the Convention came formally and legally into force, not to exceed in their manufacture the legitimate limits as ascertained by the light of experience.

In framing the text of the Convention, the Conference had merely been embodying the moral obligations of natural law in a series of definite clauses.

Quite apart, however, from any Convention, no State could now plead ignorance of its obligation. In the past, a country might believe with perfect good faith that its output, however large or small, did not find its way into the illicit traffic, the amount of the world's needs not then being known. The total quantities required to meet, even on a very generous scale, the requirements of medicine and science had not been determined. Each country had taken care of its own supplies, each had failed to perceive that its supplies went to swell the flood that poured over the earth, causing ruin and destruction. All countries knew the position now. All were aware of the limit beyond which they would be guilty of crime. Apart from the ratification and putting into force of the Convention, they had a duty which they could all perform and which consequently they were formally bound to perform—namely, to prevent any drug, in however infinitesimal quantities, exceeding the figure for legitimate needs and thereby finding its way into the illicit traffic.

Hence the work to be done was, first, from the political angle, to try and obtain as promptly as might be the necessary ratifications for the coming into force of the Convention and its universal enforcement in the near future, and, second, from the moral standpoint, to see that the principles which formed the only basis of all legal obligations were observed.

It was chiefly in this field that the anti-narcotic associations could play a useful part. They represented the combined efforts of men who were resolved to help on the good cause at all times, and had already done much to enlighten public opinion in all countries. The national anti-narcotic committee in each country would form a doughty vanguard which would prevent any possibility of a surprise attack. At an official conference of Governments like the present one, some word of welcome must be addressed to the volunteer workers, who deserved the warmest thanks for their assistance.

M. Cavazzoni was certain that the associations would help in the difficult task of securing ratifications, and that the ambition of them all would be to urge their Governments to put the Convention into force.

M. Cavazzoni himself felt no fatigue. He would always be in the forefront, side by side with the willing workers who had resolutely joined the company of those who were determined to fight the drug evil to the end. While he appreciated what had been done, while he stressed the headway made in the new Convention, and while he asserted that—although perhaps imperfect—it would nevertheless be a valuable weapon, M. Cavazzoni was too great a realist to believe that the evil would vanish with the enforcement of the Convention.

The spirit of evil was ever reappearing. When to all appearances it had been banished, it reared its head again and the battle had to be re-engaged. That was a law and a necessity from which there was no escape. M. Cavazzoni, however, did not regard that as a ground for feeling pessimistic as to the value of what had been done. On the contrary, what was needed was an even stronger resolution to carry on the good cause in all ways and at all times.

Further efforts would be required; new and more effective weapons would perhaps be forged by the spirit of international co-operation, in which not only legislators and statesmen but doctors and scientists were associated. In its anxiety to lessen the damage done by habit-forming drugs, modern chemistry had devoted most careful attention to the problem of replacing these drugs with other substances which would have similar therapeutic effects but would be entirely harmless.

Although practical results could hardly be expected within a short period of time, something should be done to alter the way in which drugs were made up at present, so as to rule out any possibility of addiction.

Certain experiments had been made which really appeared to deserve encouragement. Research, however, must not be circumscribed

by the four walls of the laboratory. Its results must be verified clinically on a wide scale.

M. Cavazzoni suggested that the League might study the possibility of awarding prizes to workers who achieved something really useful on these lines.

He would therefore propose the following recommendation :

“ The Conference recommends that the League of Nations be provided with the means to award prizes in compensation of results obtained by research work for the purpose of discovering medicines which, although producing the same therapeutic effects as the opiates, do not give rise to drug addiction.”

M. Cavazzoni hoped that, at the time when delegates were on the point of parting, after many weeks' labour in common, this recommendation would be adopted, for it would pave the way for the great victory to come. He trusted that all, when leaving Geneva, would not only feel satisfied with their contribution towards the Convention, but would also cherish the hope that they would meet again in a few years' time to approve the Convention of the future which would contain a single article putting a valiant finish to the fight. That Convention would abolish the entire manufacture of drugs in all countries; science would have removed the need for drugs in medicine and would have substituted for them other substances which could no longer be known as “ dangerous drugs ”.

Civilisation had abolished slavery. It was about to pave the way for disarmament. Surely it would make every effort to dry up the source of so much vice, madness and crime. Let everyone keep before him the spectacle of the sufferings endured by thousands of human beings. That would be a stimulus to carry on the good work.

85.—DECLARATION BY THE FRENCH DELEGATION.

M. Bourgois (France) apologised to the Conference for the part he had taken in the change of front which had altered the entire direction of its work. He congratulated the Conference on the tenacity and patience with which it had engaged upon this new line of action.

86.—EXAMINATION OF THE DRAFT CONVENTION : SECOND READING (continuation).

Article 13 (continuation).

The President observed that, at the previous meeting, the United States delegation had submitted an amendment to Article 13, and that most delegates had considered that certain clauses should be drafted more clearly, so as to make it plain that the Convention applied to preparations containing “ drugs ”—in particular, “ drugs ” in Group I.

After an exchange of views, in which various delegates took part, *the following*

text was adopted for the first paragraph of Article 13:

"The High Contracting Parties shall apply to all the drugs under Group I those provisions of the Geneva Convention which are applicable to the substances mentioned in Article 4 thereof or provisions in conformity therewith. The High Contracting Parties shall also apply these provisions to preparations of morphine and cocaine mentioned in the same Article 4 and to all preparations or other drugs in Group I, except preparations which may be exempted from the operation of the Geneva Convention by virtue of Article 8 of the said Convention."

Article 5 (continuation).

The President said that the amendment just adopted to Article 13 would have to be completed by a slight amendment in Article 5, paragraph 2. The rule concerning the calculations to be made should mention drugs "whether in the form of the alkaloids or salts or preparations of the alkaloids or salts". If that were done, there would be no doubt that the Convention applied to these preparations.

The amendment was adopted.

87.—EXAMINATION OF THE DRAFT PROTOCOL OF SIGNATURE.

The President said that the Protocol of Signature (Annex 35) should include the Chilean delegate's proposal to make provision for the Convention not coming into force within a given period of time. The Conference would likewise have to take a decision on the Japanese delegation's reservation, which, if accepted, should also appear in the Protocol of Signature.

M. Gajardo (Chile) proposed the following text:

"If on . . . the said Convention is not in force in accordance with the provisions of Article 30, the Secretary-General of the League of Nations shall bring the situation to the attention of the Council of the League of Nations, which may either convene a new Conference of all the Members of the League and non-member States on whose behalf the Convention has been signed or ratifications or accessions deposited, to consider the situation, or to take such measures as it considers necessary. The Government of every signatory or acceding Member of the League of Nations or non-member State undertakes to be present at any Conference so convened."

M. Barandon (Legal Adviser) said that this proposal was quite compatible with the Assembly's resolution of September 24th, 1930.

It should appear in the Protocol of Signature and not in the body of the Convention, because the Governments were entering into an obligation—namely, to send represen-

tatives to any subsequent Conference convened before the Convention was ratified.

The President proposed that the time-limit should be two years, so that the text would read, "If on July 13th, 1933 . . ."

The Chilean proposal with the foregoing addition was adopted. It was agreed to embody it in the Protocol of Signature.

The President read the following reservation by the Japanese delegation to be included in the Protocol:

"Crude morphine resulting from the manufacture of prepared opium in the factory of a Government-General of Formosa and held in stock by that Government shall not be subjected to the limitation measures provided for in this Convention."

M. Sawada (Japan) agreed that crude morphine should be placed among the drugs to be brought under the limitation scheme, but crude morphine produced in Formosa occupied a special position. It was obtained in the process of manufacturing prepared opium. Moreover, it was produced under a Government monopoly and was released only as required for the country's legitimate needs. None of it was exported, and Japan supplied statistics to the League. M. Sawada assured the Conference, with the full authority of the Japanese Government, that there would be no change of policy in the future, and that the most stringent measures of control with regard to the disposal of this production would be enforced.

Mr. Lyall (President of the Permanent Central Opium Board) asked to what articles the reservation applied.

The President understood that it referred to the clauses dealing with stocks. If, however, crude morphine in Formosa were released for circulation, it would, of course, be treated like the other substances. To make the text quite clear it would perhaps be better to say:

" . . . shall not be subjected to the limitation measures for stocks provided for in this Convention."

M. Sawada (Japan) said that the reservation applied to Articles 5 and 6 and to stocks.

Dr. Chodzko (Poland) considered it essential that the Permanent Central Board should receive statistics of the crude morphine produced in Formosa.

M. Sawada (Japan) explained that Japan had sent in quarterly statistics of stocks to the Central Board and would continue to do so.

M. Contoumas (Greece) proposed, for the reasons explained in a note from the Yugoslav delegation, the following addition to the Japanese delegation's text:

"It may not be exported to territories other than those in which the use of prepared opium is still authorised."

M. Sawada (Japan) pointed out that Japan had never exported this product and did not intend to do so. The Japanese delegation could not accept the amendment.

Mr. Lyall (President of the Permanent Central Opium Board) said the reservation would be clear to the Permanent Central Board without the addition of the last sentence.

Sir Malcolm Delevingne (Great Britain) understood that the Government of Formosa produced large quantities of crude morphine which could not be used in Formosa itself. If he remembered correctly, the Japanese delegate in the Advisory Committee had said that this crude morphine was only sent to Japan proper, to be converted there into the refined product in Japanese factories which used it instead of raw opium. The Greek amendment would defeat the purpose of the Japanese reservation; but, while the Conference could not interfere with the production of crude morphine in Japanese factories, it might ask that the morphine should only be released for use in Japanese factories for the production of refined drugs, in accordance with the principles and limitations of the present Convention.

He proposed the following text :

“Such stocks of crude morphine will only be released from time to time in such quantities as may be required for the manufacture of refined morphine in factories licensed by the Japanese Government in accordance with the provisions of the present Convention.”

M. Contoumas (Greece) and M. Woo Kaiseng (China) supported the British proposal.

M. Sawada (Japan) accepted this proposal.

The Japanese reservation, as amended, was adopted. It was understood that it would appear in the Protocol of Signature.

88.—PRODUCTION OF QUARTERLY STATISTICS RELATING TO THE FRENCH COLONIES AND PROTECTORATES AND TERRITORIES UNDER FRENCH MANDATE : RESERVATION BY THE FRENCH DELEGATION.

M. Bourgois (France) observed that, at the 1925 Conference, France had been authorised to ratify the Geneva Convention with the following reservation :

“The French Government is compelled to make all reservations as regards the colonies, protectorates and mandated territories under its authority, as to the possibility of regularly producing, within a strictly prescribed time-limit, the quarterly statistics provided for in paragraph 2 of Article 22.”

M. Bourgois asked that the same reservation might be allowed in respect of the present Convention. The French authorities might not receive, in due time, the quarterly

statistics from, for instance, the Marquesas Islands. In any case, the quantities reported in such statistics were infinitesimal.

The President suggested that the reservation should appear under M. Bourgois' signature in accordance with the precedent established in the case of the 1925 Convention.

M. Bourgois (France) thought that it would be preferable to comply with the recommendation recently adopted by the Council with regard to reservations.

M. Barandon (Legal Adviser) considered that the best course would be to treat the French reservation in the same way as the Japanese reservation.

The President replied that he had been warned that many delegations intended to make reservations. They had, however, said that they would be satisfied with unilateral reservations. The Conference would be undertaking a very heavy responsibility in deciding on the acceptance of each reservation. Speaking personally, the President would prefer that the Conference should commit itself only in really serious cases.

M. Bourgois (France) agreed that his reservation should appear under his signature.

89.—EXAMINATION OF THE DRAFT FINAL ACT.

The President pointed out that the Final Act (Annex 35) was to all intents and purposes a summary record of the entire proceedings of the Conference. It reproduced the various recommendations, statements and resolutions.

He had more than once observed that, when delegates had to sign a Final Act, they were under the impression that their signature implied acceptance of the recommendations, statements and resolutions appearing in it. To avoid any confusion, he proposed to submit the various declarations in the Final Act to the Conference one by one, and to have a separate vote on each. The Final Act would mention the delegations which had voted against any particular recommendation or resolution.

Resolution I.

Resolution I was adopted unanimously.

Resolution II.

Resolution II was adopted unanimously.

Resolution III.

Resolution III was adopted unanimously (the words “the Geneva Convention” to be substituted for “this Convention” in paragraph (2) in the phrase, “but to which this Convention does not apply”).

Resolution IV.

M. von Rheinbaben (Germany) said that Germany did not intend to set up a

State monopoly for either the trade in or the manufacture of narcotics and that she consequently could not accept this recommendation.

Sir Malcolm Delevingne (Great Britain) pointed out that the resolution only recommended that the Governments should consider the desirability of establishing a State monopoly over the trade in and, if necessary, the manufacture of drugs. He was willing to recommend his own Government to consider the matter. He thought that the German delegate's difficulty arose over a small divergence between the French and English texts. The latter was a little more precise than the former.

The President suggested that the French text might be modified as follows to bring it into line with the English version :

“ La Conférence recommande que les Gouvernements envisagent s'il est désirable d'établir ”

Resolution IV, as amended, was adopted by twenty-three votes to one.

The President said that the Final Act would record the fact that the German delegation had not accepted the resolution.

Resolution V.

M. Perez (Argentine) moved that the third paragraph should read : “ a Convention may be concluded *with the least possible delay* ”, and that there should be added, at the end of the last paragraph, the words, “ in order to hasten the meeting of a Conference to conclude a Convention on this question ”.

Resolution V was unanimously adopted with the foregoing amendments.

Resolution VI.

M. Cavazzoni (Italy) was unable to accept a recommendation for the extension of social assistance to drug addicts.

M. Bourgois (France) observed that the resolution appeared to recommend instruction, in particular to the young, against drug addiction. This point had been discussed very frequently by, among other bodies, the Advisory Committee, and opinions were sharply divided. There were many who held that ignorance of the evil was often the best defence against it. M. Bourgois personally did not support the recommendation.

Dr. Chodzko (Poland) concurred.

M. Perez (Argentine) said that, in the circumstances, he would withdraw Resolution VI which he had originally proposed.

Resolution VI was suppressed.

Resolution VII (to become Resolution VI in the final text).

Resolution VII was adopted unanimously.

Resolution VIII (Resolution VII in the final text).

M. von Rheinbaben (Germany) said that his delegation could not accept this resolution. The Conference had just stipulated in an international Convention that the preparations mentioned should be excluded. The resolution was at variance with that provision.

The President said that the German delegation's objection would be recorded in the Final Act.

Resolution VIII was adopted.

Resolution IX (Resolution VIII in the final text).

M. von Rheinbaben (Germany) said that his delegation could not accept this resolution.

M. Rasmussen (Denmark) proposed that the resolution should be omitted on the ground that the Conference had dropped the article in the preliminary draft relating to the most-favoured-nation clause.

M. Dinichert (Switzerland) said that his delegation was against the recommendation because the application of the most-favoured-nation clause was at present being studied by various League organs ; a resolution of that kind would therefore be undesirable while that enquiry was in course.

M. Cavazzoni (Italy) said that he would vote for the recommendation for the reasons advanced by the Swiss delegation. He felt sure that the League organs studying the question from the general point of view would take the resolution into account.

M. van Wettum (Netherlands) would vote against the proposal for the reasons given by the Swiss delegation.

M. Contoumas (Greece) asked the mover of the proposal to explain its object. If its purpose were an economic one, he failed to understand its purport. If, however, it had a humanitarian aim in view, he could accept it

M. Perez (Argentine) said that he had proposed the recommendation primarily as a safeguard. A country might import certain substances covered by the Convention from a country to which it was bound by the most-favoured-nation clause. It must be given an opportunity of taking precautions.

M. Perez' second object had been to have a penalty for countries violating the Convention.

Prince Damrong (Siam) would vote against the recommendation for the reasons stated by M. Dinichert.

Resolution IX was adopted by twenty votes to eight.

It was agreed to record in the Final Act that the delegations of Germany, Denmark, the Netherlands, Siam, Sweden and Switzerland were against the resolution.

Mr. Lester (Irish Free State) asked that the Minutes should record that his delegation had abstained from voting.

Resolution X (Resolution IX in the final text).

M. de Castro (Uruguay) thought this resolution valuable in two ways. It had first a practical aspect. The Council was requested to draw the attention of the countries to the figures mentioned. It had also a moral aspect. Countries were recommended to limit their manufacture. Hence the resolution fitted in with the general structure of the Convention and was in accordance with the spirit which had presided over the Conference's proceedings.

M. Contoumas (Greece) moved that the word "present" be inserted after the word "total" in the passage reading "indicate that the total world requirements of these drugs for use as such".

This proposal was adopted.

Dr. Chodzko (Poland) did not feel sure that the total world requirements of heroin could be agreed at 2 tons. A figure of 700 to 800 kilogrammes had been suggested during the discussion. Was it possible for an international Conference to approve now a figure of 2 tons? This was an important matter, and Dr. Chodzko asked that the doubt he had expressed might be recorded in the Minutes.

Mr. Duncan Hall (Secretary of the Conference) said that the Conference would remember that the Secretariat's statement concerning these figures clearly indicated that 1,374 kilogrammes of the 2 tons represented the consumption of one manufacturing country. The remainder of the world's consumption was therefore 626 kilogrammes.

M. Bourgois (France) believed that the world requirements of heroin were about 650 to 700 kilogrammes.

Dr. Carrière (Switzerland) maintained before the Conference that the Swiss medical corps requested that it should have at its disposal the quantity of diacetylmorphine that was necessary for the treatment of certain diseases—tuberculosis, in particular. In his view, therefore, the Swiss requirements of diacetylmorphine could be adopted as a standard for the determination of the world requirements. On the basis of this standard, which amounted only to a few kilogrammes, it seemed as if the figure of two tons was somewhat high.

M. Figueredo-Lora (Costa Rica) proposed that the estimate be reduced to 700 kilogrammes.

The President thought that it would suffice if the doubts expressed by certain delegates were recorded in the Minutes. The Conference's prestige would not be enhanced by the arbitrary alteration of a figure obtained from very accurate and careful statistics. The Secretariat had been placed in a peculiar position, because most countries had very small needs while one had very large needs. If certain delegations thought 2 tons really too high a figure owing to the excessive consumption in one country,

an investigation might perhaps be made. For the moment, the Conference could only record the facts as they appeared in the documents supplied by the Secretariat.

M. Bourgois (France) reminded the Conference that he had stated that the internal needs of France were about 60 kilogrammes per annum.

M. Cavazzoni (Italy) thought that the matter should be recorded in the Minutes, which would show that one country estimated its legitimate consumption at a figure exceeding that of the rest of the world by 600 kilogrammes.

Mr. Lester (Irish Free State) supported M. Cavazzoni and suggested that the word "estimate" should be substituted for the word "indicate".

The carrying out of the recommendation would depend upon the goodwill of the manufacturing countries. This proposal was only a temporary provision pending the entry into force of the Convention, and yet, if carried out, it would mean that the total manufacture would be reduced by half. That could be done pending the operation of the Convention, and for that reason he was not concerned so much with the precise accuracy of the figures.

The amendment proposed by Mr. Lester was adopted.

The President pointed out that the figures in the text were purely provisional. The legal obligation on the States would take effect only after they had themselves estimated their needs and their estimates had been verified. It might be hoped that the final figures would be very much smaller than those mentioned in the resolution.

The resolution was adopted with the foregoing amendments.

Draft Declaration submitted by the Chilean Delegation for insertion in the Final Act.

M. Gajardo (Chile) submitted the following declaration to be inserted at the beginning of the declarations and recommendations in the Final Act :

"The International Conference on the Limitation of the Manufacture of Narcotic Drugs declares that the question of narcotics taken as a whole is primarily a moral problem, and that, in their efforts to solve the problem, States should bear this fact in mind, while respecting the legitimate economic interests involved."

He explained that his proposal was based on the two-fold character of the Convention. The Convention had an important moral aspect because its object was to prevent the illicit traffic in narcotics with a view to stamping out the vice of drug addiction. It had likewise an economic aspect, because it limited the production and manufacture of drugs and regulated their distribution.

The Conference had constantly kept the moral problem before it. Its aim had never

been to hamper producers of raw materials, manufacturers or traders. The intention of the Chilian proposal was to remind Governments that, in applying the Convention, they must never forget the moral side of the problem while respecting the legitimate economic interests involved. The declaration would be inserted in the Final Act, since in this way full discretion would be left to the Governments.

Sir Malcolm Delevingne (Great Britain) pointed out that the Governments already knew that the problem was a moral one. That was why they had sent representatives to the Conference.

The President agreed that the text as it stood was somewhat lacking in deference to the Governments. He proposed that the last part should read :

“ . . . and that this consideration should never be lost to sight although the legitimate interests involved must be respected.”

M. Dinichert (Switzerland) agreed with Sir Malcolm Delevingne. The motion was, to say the least of it, useless. Moreover, its phraseology was not quite happy. The problem was primarily a medical one and would be solved as soon as there was no further need for narcotic drugs. M. Dinichert therefore moved that the declaration should not be inserted in the Final Act.

M. Gajardo (Chile) acquiesced in the textual alteration proposed by the President.

The President put the Chilian proposal as amended to the vote.

The proposal was defeated by seventeen votes to seven.

Proposal by the Italian Delegation for insertion in the Final Act.

The President recalled that the Italian delegation had submitted the following text for insertion in the Final Act :

“ The Conference recommends that the League of Nations be provided with the means to award prizes in compensation of results obtained by research work for the purpose of discovering medicines which, although producing the same therapeutic effects as the opiates, do not give rise to drug addiction.”

M. Figueredo-Lora (Costa Rica) proposed to substitute the word “drugs” for “opiates”.

M. Cavazzoni (Italy) consented.

Sir Malcolm Delevingne (Great Britain) asked who would provide the funds for the prizes.

M. Cavazzoni (Italy) pointed out that the Egyptian Government had made a donation to the Secretary-General. Part of the money might perhaps be used for this purpose.

The President thought that States and private individuals might always be expected to behave generously.

The Italian proposal was adopted unanimously, to be inserted as the last resolution in the Final Act.

The Final Act was adopted subject to revision by the Drafting Committee.

THIRTY-SIXTH MEETING (PUBLIC).

Monday, July 13th, 1931, at 3 p.m.

President : M. DE BROUCKÈRE.

90.—ADOPTION OF THE FINAL TEXT OF THE CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS.

The President asked whether any member wished to speak in the final text of the Convention (document Conf.L.F.S.73(h)).

Mr. Lester (Irish Free State) said that certain words had been inserted in the Convention since the previous meeting without the Conference's sanction and contrary to a decision taken by the plenary Conference on July 9th. The President had suggested the insertion in Article 2, paragraph 1, of the words “to which this Convention applies” after the words “territories”. Mr. Lester had objected on grounds which he

would not repeat. An argument had followed in which the President had failed to convince Mr. Lester that the words served any useful purpose, and the President had publicly declared the subsequent vote to be in favour of Mr. Lester's objection. Nevertheless, the phrase had been reinserted.

The President accepted full responsibility for the entire text of the Convention. He himself had directed the work of the Secretariat. He had not, of course, done everything himself, but he took responsibility for the whole; he did not shelter behind any official. If the text had been drafted in a particular way, it was because of a decision by the Conference. If Mr. Lester would look at the Minutes of the morning meeting on July 12th, he would see that an amendment had been adopted to Article 2 and that that amendment had made it

necessary to repeat in paragraph 1 the idea contained in paragraph 3 of Article 2. The Legal Section had been instructed, on the President's responsibility, to make a few slight formal changes, and the change mentioned by Mr. Lester was one of these. This correction was, moreover, in accord with the wish and the voting of the Conference, and the President took full responsibility for it. The formula in question appeared, not only twice in Article 2, but in several articles of the Convention.

Mr. Lester (Irish Free State) did not agree that the Conference's decision involved any change in the previous parts of Article 2.

Paragraph 3 provided that the Permanent Central Board should ask certain countries which were not parties to the Convention for estimates. That was not the implication of paragraph 1.

The President did not wish to prolong the incident. No hidden influences had been brought to bear on the President and the Secretariat in their work. Mr. Lester might be reassured. Most of the Secretariat of the Conference had spent the night conscientiously revising the text. The President had wished to accept full responsibility for the work; he had been present the whole time and had examined each clause line by line. He could therefore guarantee the care with which the work had been done.

In conclusion, he would ask once again whether the Conference was prepared to adopt the Convention in the form in which it appeared in document Conf.L.F.S.73(h).

The Convention was adopted.

The President made the two following declarations :

1. For the purposes of the application of Article 30, the term "accession" shall be understood to mean accessions made without any reservation, and consequently final.

2. It is understood that nothing in the Convention may be interpreted as in any way restricting the measures of prohibition, limitation or control which may have been taken or may hereafter be taken by any of the contracting parties with a view to placing the traffic in and use of narcotic drugs in his territory under a more rigorous system than that provided in the present Convention.

The President said that, as no objection had been made to his declaration, he took it that the Conference endorsed his view.

Agreed.

91.—DIACETYLMORPHINE : RESERVATION MADE BY THE MEXICAN DELEGATION REGARDING ARTICLE 10 OF THE CONVENTION.

M. Martinez de Alva (Mexico) said that he had prepared a reservation concerning Article 10 which dealt with diacetylmorphine. This reservation was as follows :

"Neither the whole of Article 10 nor any part thereof shall ever be construed as annulling, abrogating or modifying in any manner whatsoever the laws, decrees, regulations or ordinances issued by the Mexican authorities which prohibit or may hereafter prohibit the manufacture, importation, exportation, sale, purchase, use and possession of diacetylmorphine, its salts and preparations containing diacetylmorphine or its salts."

In view, however, of the President's second declaration, M. Martinez de Alva thought that it was not essential to incorporate this text as an express reservation in the text of the Convention, provided, however, that it was recorded in the Minutes. He was satisfied with the President's general interpretation.

92.—ADOPTION OF THE FINAL TEXT OF THE PROTOCOL OF SIGNATURE.

The Protocol of Signature was adopted (document Conf.L.F.S.73(j)).

93.—ADOPTION OF THE FINAL TEXT OF THE FINAL ACT.

The Final Act was adopted (document Conf.L.F.S.73(i)).

94.—GENERAL REVIEW OF THE WORK OF THE CONFERENCE AND OF THE CONVENTION : STATEMENTS BY VARIOUS DELEGATIONS.

Subhi Ziya Bey (Turkey) noted that the Conference, after sitting since May 27th, had at last finished its work, and that the convention was open for signature by the delegations.

The Turkish delegation desired, at this final stage of the proceedings, to draw the Conference's attention to the various provisions of the convention which, unfortunately, it was unable to reconcile with its Government's instructions, and to explain the attitude which it was obliged to adopt in the circumstances.

It might, perhaps, be advisable to remind the members that the Turkish delegation had never failed to express forcibly its point of view in regard to the regime to be applied to codeine on every occasion on which that question had been discussed. It regretted that the Conference had not shared that view.

Articles 2, 5 and 6 prescribed that the manufacture of codeine was to be limited in the same way as that of the harmful habit-forming drugs. As had been explained repeatedly, the Turkish delegation considered that there was no adequate justification for the extension of this measure to codeine, which was in itself a harmless substance, highly valued and widely used for therapeutic purposes. It took the view that the fear of the possible conversion of codeine into harmful drugs should be sufficiently allayed

by the measures of limitation and stringent control applied to such drugs themselves and that the extension of this regime to harmless substances would engender legitimate doubts as to the efficacy of any system adopted in regard to the manufacture of such drugs, and therefore to the conversion of codeine as well.

The Turkish delegation, accordingly, was regretfully unable to accept the provisions in question or to assume the obligation to furnish estimates for codeine and to limit its manufacture.

Further, the Turkish delegation believed that the destruction of seizures was one of the most effective methods of combating the illicit traffic. It had accordingly proposed an article to this effect, which proposal had been supported by the majority of the Conference at the first reading.

During the second reading, the principle of the destruction of seizures had been abandoned to make room for provisions sanctioning the utilisation of seized substances. Thus such substances might find their way to the licit market and so compete unfairly with the raw and manufactured products of the regular trade. The Turkish delegation therefore regretted that it could not accept this provision.

Finally, the question of raw materials was of capital importance to the Turkish delegation. The Conference's mission was to limit the manufacture of narcotic drugs. The Turkish Government therefore could not be indifferent to the effect of limitation on the disposal of raw material, since Turkey produced and supplied 70 per cent of the raw opium needed for world manufacture. Hence, while it sincerely co-operated in this humanitarian work, the Government's first concern must be the fate of those Turkish farmers who had for many years obtained their livelihood from raw opium.

The request that the disposal of raw opium should be guaranteed had, however, been rejected as inadmissible on the ground that it was outside the scope of the Conference.

At the same time, in response to the friendly advice of the delegations concerned, the Turkish delegation had got into touch with the representatives of private industry with a view to arriving at an understanding. It should, however, be noted that the negotiations had to be conducted with a commercial association whose continuance would depend on the agreements entered into by its members. It would doubtless be admitted that any hope that might be founded on commercial negotiations, the issue of which was necessarily conjectural, was far from providing the assurances which Turkish producers were legitimately demanding.

Briefly, all the proposals put forward by the Turkish delegation, which were based on the special situation of their country, had, unfortunately, been completely rejected by the Conference, although it had expected that the latter would display the spirit of international co-operation which was the

fundamental principle of all meetings convened by the League.

In the circumstances, Subhi Ziya Bey hoped that the President would recognise that it was the Turkish delegation's duty to refrain from signing a Convention which sanctioned the state of affairs to which he had called attention. It would be unable to recommend the Convention to its Government, for it would be difficult to defend before Parliament and Turkish public opinion.

The President, speaking on behalf of the Conference, said that all delegations were very anxious to co-operate in the international work undertaken in conjunction with the Turkish delegation. He therefore hoped that, even if the Turkish delegation could not sign the Convention at once, it would be able to do so in the near future, so that the Convention would become a universal instrument such as was essential to the accomplishment of any great work of social regeneration.

Dr. Woo Kaiseng (China) observed that the Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs had at last been set on foot. That was a very great achievement, of which the Conference might feel proud. Who would have dared hope a few years ago that the various Powers would make the necessary effort and conclude a Convention such as that before the Conference? Immense progress had been made in the joint fight against the drug peril.

The brilliant success of the Conference impelled him to give utterance to his feelings of satisfaction and to congratulate the President, the Vice-President and all the delegations on the magnificent result obtained.

The success achieved was undoubtedly due to the spirit of conciliation and co-operation displayed by all delegations. Nor must the Conference forget all that it owed to its President, M. de Brouckère. His undisputed authority, his untiring exertions, his gentle firmness had enabled the Conference to bring its work to a happy and speedy conclusion. On behalf of the Chinese delegation, Dr. Woo Kaiseng tendered him its warmest congratulations and its heartfelt gratitude.

The present Convention was an extremely valuable weapon in the fight against the narcotic drugs evil, which was particularly dangerous in China. The Chinese Government therefore desired to study the Convention carefully before signing it. The Chinese delegation would not fail to communicate the Convention to its Government as soon as possible. Speaking personally, Dr. Woo Kaiseng felt certain that instructions authorising the Chinese delegation to sign the Convention would reach him from his Government before the expiry of the time-limit stated in the Convention. He could, however, be sure that the signature of China would not be accompanied by reservations.

Mr. Caldwell (United States of America), on behalf of the United States Government, said that, owing to the rapidity of the

Conference's final proceedings and the time required to communicate with Washington, he had been unable to ascertain the precise nature of certain reservations which would have to be made in signing the Convention. Consequently, his delegation was unable to sign that day. It hoped that, within a comparatively short time, the United States Government would be in a position to sign

Dr. Chodzko (Poland) stated that the Polish delegation was not in a position to go beyond its instructions and could not sign the Convention without first referring it to its Government. There was every reason, however, to suppose that its signature would not be delayed.

Similarly, the delegation of the Free City of Danzig was unable to sign the Convention without first referring it to the Senate.

On behalf of the delegations he represented, **Dr. Chodzko** warmly congratulated the President on his magnificent work and thanked the Secretariat for their valuable help.

The President thanked those delegations who had expressed satisfaction at the work done by the Secretariat and himself.

He noted that three delegations were unable to sign the Convention for technical reasons, but hoped to be able to do so shortly. If that were done, the Conference would have performed a task of really universal significance.

Sir Malcolm Delevingne (Great Britain) asked the Conference to adopt the following resolution, of which he had given no notice to the President :

"This Conference desires, at the close of its work, to place on record in the Minutes of its proceedings its grateful appreciation of the invaluable services rendered by its President, Senator de Brouckère."

He did not know whether there was any precedent in the records of previous conferences for a resolution of this kind, but, if not, the present occasion was so exceptional that a precedent should be established.

The Conference had had an ideal President. He had presided over all the meetings under very trying conditions; he had attended, and closely followed the work of, the various Committees, a task from which he might very well have excused himself; and he had been tireless in his efforts outside the Conference to reconcile opposing points of view.

Sir Malcolm did not intend to attempt at that moment any appreciation—or depreciation—of the Convention, but he would say two things. The first was that the Convention would have been much worse but for the President's work, and the second was that its value would largely depend upon the spirit in which it was carried out by the Governments. If they carried it out in the spirit in which it had been adopted, their hands would in many respects be strengthened.

M. Casares (Spain) expressed his satisfaction at the Convention which was about

to be signed. Though he had sometimes proposed very drastic solutions, he had known that there was no danger of going beyond the goal in view. The Conference might feel proud of the results. It was plain that all civilised countries had regarded the drugs problem as one of the most important subjects for their consideration, since they had sent to Geneva fifty-seven delegations from all parts of the globe. Those delegations had responded to the best of their ability to the urgent appeal of the millions stricken by this terrible evil. They had relied in their work—and of this fact, too, the Conference might be proud—on the studies and valuable analyses prepared by the Secretariat. Those studies and analyses were the justification of the measures adopted, and provided the basis for the future campaign against the illicit traffic.

The Conference might, too, feel proud of having concluded its task in an atmosphere of cordiality that was the result of mutual respect and reciprocal concession. It had been safely conducted past obstacles, that sometimes appeared insurmountable, by the firmness and tact of the President, whose far-sightedness, great moral authority, enthusiastic devotion, unlimited powers of work, exemplary patience and kindly courtesy had contributed enormously to the Conference's success. **M. Casares** was voicing the views of all members in assuring the President of the gratitude, admiration and warm affection felt by every delegation.

M. Casares firmly believed that the Convention about to be signed represented a very considerable advance compared with the previous Conventions. That advance, however, existed at present only in the text of the Convention. It must become a reality in national and international life. Except for imperative reasons, no delegation must refrain from signing the text that was the outcome of so great an effort. Each member on returning home must consider himself morally bound to secure the ratification and application of the Convention by all the means in his power. The task of the delegations would not be completed until the Convention had come into force.

Dr. Hoffmann (Panama) associated himself with the words of the previous speakers and congratulated the President and the Conference on their success.

M. de Vasconcellos (Portugal) expressed his satisfaction at the success recorded that day by the League of Nations. That success was due mainly to the President. **M. de Vasconcellos'** tribute to him would take the form of seconding **Sir Malcolm Delevingne's** draft resolution. The President had the one essential characteristic for a Conference of this kind—he was possessed of great authority.

M. de Vasconcellos thanked very warmly all the officials of the Secretariat who had co-operated in the Conference, from the Secretary-General down to the lowest officials who had worked for it. They had considered the Conference's work as their own. They

had performed their duties day and night with rare devotion, and they deserved the thanks of the Conference. There was one among them whom M. de Vasconcellos wished to single out by name, Mr. Duncan Hall, whose great expert ability had been appreciated by all the members.

The Advisory Committee's draft had not been adopted. That, however, detracted in no way from the Committee's prestige. The ideas which had led to the preparation of the Convention had taken shape owing to the work done by the Advisory Committee and the Secretariat. The Committee had then done valuable work. Its draft had served as a point of departure for the Conference's debates and had indicated the way by which real limitation had just been achieved. By the co-operation of all it had been transformed into the Convention which was about to be signed. He would offer his particular thanks to Sir Malcolm Delevingne, who was the life and spirit of the Advisory Committee, and of the Conference as well. All Sir Malcolm's great qualities of loyalty and competence had been given unstintingly in the preparation of the new draft, as in that of the original draft.

The Convention would be what the Governments made of it. It might be a valuable weapon against the drugs traffic; it might be a weapon of doubtful value; it might be merely a scrap of paper. The Conference, however, had shown such conviction and such faith that M. de Vasconcellos was sure that all delegates would imbue their Governments with that conviction and that faith. Faith removed mountains; that faith, if only the Governments were inspired by it, would make it possible to destroy the disgusting traffic in drugs and so enhance the prosperity of men and the prestige of the League.

M. Sawada (Japan) said the Convention was another milestone in the crusade against the drug evil. It was one thing to frame a Convention, however, and another to make it work well. M. Sawada hoped that it would lead to further progress.

Japan would do her best to co-operate with other countries in pushing the movement forward, and the Japanese delegation intended to sign the Convention without any reservations except that recorded in the Protocol.

Dr. Riddell (Canada) supported Sir Malcolm Delevingne's resolution.

He believed that the Convention, in limiting manufacture, marked a definite advance upon the 1925 Convention, and that, if it were carried out in the spirit in which it had been drafted, it would do a great deal towards eradicating a traffic which was a blot on our present civilisation. The Canadian delegation had received instructions to sign the Convention.

M. de Castro (Uruguay) observed that public opinion had appreciated the importance of the Conference for limiting the Manufacture

and regulating the Distribution of Narcotic Drugs. That Conference had now concluded its work. It had been attended by delegates from almost all countries, the world's attention having been awakened by the scandalous state of affairs in all countries due to the spread of drug addiction.

The fact that the Conference was universal was one of the most effective results of the work performed at Geneva previous to this meeting. The universal character of the Conference had been assured by the preliminary work which had been carried out in a spirit of continuity. With that spirit of continuity in mind, M. de Castro suggested that the Conference should send the Royal Senate of Belgium a telegram expressing the Conference's marked appreciation of and deep gratitude to M. de Brouckère, who had directed its work with a kindliness, a knowledge and a courtesy that had made it possible to grasp success.

The Conference approved this proposal.

M. Perez (Argentine) informed the Conference that he was unable to sign the Convention until the following day. He was expecting a telegram authorising him to do so at any moment. He announced that the delegations of the countries bordering on the Argentine and he himself had already approached their respective Governments recommending the convening of a regional conference for the purpose of adopting uniform administrative and fiscal measures to ensure the rigorous application of the Convention throughout a great part of South America.

M. Schultz (Austria) said that his delegation was firmly convinced that the work achieved represented a great advance in the campaign against the drug evil and he congratulated the President and the entire Conference. He associated himself with those speakers who had expressed their thanks to the President, and he wished to tell him how much he admired him and how grateful he was to him. He hoped that the Convention would come into force very soon.

Dr. de Myttenaere (Belgium) associated himself with the tribute paid to the President. There was, however, an even more significant tribute to his work. M. de Myttenaere wished to say in public what great appreciation had been expressed of the President's work outside the Conference hall. Such praise had greater value than any speech made in public. Since the beginning of the Conference, M. de Myttenaere had heard nothing but a stream of eulogy for the President, and he was extremely glad to be able to say so to him.

The draft resolution proposed by Sir Malcolm Delevingne was adopted unanimously.

95.—CLOSING SPEECH BY THE PRESIDENT.

The President.—I thank you, gentlemen, for this manifestation of your friendship;

it has moved me profoundly. We have been working together for seven weeks and have learnt to know one another. I am sure that, after this Conference, the strong ties of friendship uniting us will remain.

You have performed a particularly difficult piece of work. You were asked to limit the production of drugs, to regulate the trade in drugs. There is an intense, an ardent demand for these drugs. Large profits can be made by selling them. They can be concealed in a small compass and they are essential for perfectly lawful medical purposes; it is, consequently, specially difficult to prevent their abuse while sanctioning their legitimate use.

You have carried on the work begun by others. They worked slowly at first and with difficulty, surrounded for long by the indifference of the multitude. Little by little they attracted attention, thanks to their persistence, and, owing, dare I say, to their success, for, during recent years at any rate, real and tangible success has been achieved.

You have endeavoured to complete, or at least to continue, their work; it would be an absurd exaggeration to claim that it is complete to-day. Your aim was to carry what had been done a stage further, and I, who am not one of the fathers of the Convention, but simply the surgeon-accoucheur, am in a more objective and unbiased position and can so affirm that to a very great extent you have succeeded.

You were asked to limit production; you were asked to regulate distribution. What did "to limit production" mean? It meant to adopt a system which would prevent the production of more drugs in the world than should and could be legitimately consumed.

There were two methods of doing this. One seemed very simple—to allocate to everyone his share, which he would undertake not to exceed. The other was very intricate, very difficult to achieve; it consisted in permitting everyone to buy and sell freely, setting up at the same time a system so watertight that the total output of all the rival producers, each manufacturing as much as he legitimately could, should nevertheless remain within the lawful limits. After some hesitation, the Conference adopted this second method for very important reasons. There is no need for me to consider whether they were good or bad.

I admit that, when I saw the Conference turning in that direction, I feared that it would fail, not because I thought the method was bad in itself, but because I thought it exceedingly difficult to apply. Nevertheless, you have arrived at the goal.

I said it was difficult because when it became necessary to ensure, by means of a very intricate and complicated system of supervision, that the total, the parts of which had still all to be determined, should nevertheless not exceed a certain limit, it also

became necessary to establish a carefully worked out system of supervision over all the elements of production and stocks. Briefly, you had to provide for the control of all operations for the making up at Geneva of the balance-sheet of each drug, of a ledger of the manufacture of and trade in these drugs, of an account for each, wherein manufactures and imports would be placed on the debit side and exports, conversion and consumption on the credit side. You had to see that the necessary data would be forthcoming for checking the accuracy of each amount so entered.

That was indeed a tremendous task. We had to devise a most complicated piece of machinery and to invent an intricate system of book-keeping.

Sometimes the meetings seemed marked by a kind of weariness. It was in some degree apparent inside the Conference; it was particularly noticeable outside. Our texts were found obscure, our proceedings uncertain, and to this was added the heat and the monotonous rumbling of the machine used, near the hall in which our meetings have been held, for the preparation of the new buildings for the Disarmament Conference.

Personally, I was not surprised that our meetings were arduous and tiring. We were inventing an accountancy system and making mathematical calculations, and mathematics have never been regarded as a pastime. By many the machinery of the Convention may still be thought obscure. As your President, I had last night carefully to study the Convention, line by line, and to try to understand the bearing of each provision. I wondered whether you had really reached the goal, whether your system of bookkeeping held together, whether you had been in possession of the necessary items for drawing up the accounts. I am bound to say that, after my examination, after somewhat anxious reflection, I believe I can reply in the affirmative.

This is an immense piece of work. Consider: there will now be a central account for the drug traffic. No country may manufacture, import, export or convert drugs without making a return. Each must furnish estimates and at the end of the year give an accurate account of what has been done. Each Government's returns will be checked and discussed. A body sitting at Geneva will have the necessary authority to question Governments and, if necessary, to contest their figures and correct them. Nothing of the kind has ever been attempted before.

While the machine was working outside and while I listened to what you had to say about drugs, I sometimes, in a moment of distraction, thought with a pang of what would be done about disarmament next year. I told myself that, if a similar system could be established at Geneva for far more dangerous drugs and far more murderous weapons, we men would have made a considerable advance.

You have made provision for limitation by a complicated and ingenious method. M. Bourgois has more than once endeavoured to explain the machinery—and he has succeeded by utilising his very neat and

ingenious conception of the adjustable stock, of the reservoir. We have produced a system which, to use his words, consists in permitting goods to leave the factories only in so far as it is legitimate for them to do so. That is not written in the Convention, although I know M. Bourgois intended it should be. To avoid changing the text he relinquished his suggestion.

You have done still more. You have extended the Convention; first, by making it apply to a greater number of drugs, to all the drugs in Groups I and II, to all the substances derived from opium or the coca leaf, which may be discovered in future and which will be assumed to be harmful, until the contrary is proven. You have extended it to new preparations, and I hope that proof will shortly be forthcoming that you have extended it in yet another direction, not only by an increase in the number of drugs which it covers, but also by an increase in the number of nations sharing in its enforcement.

We have come to the end of our work, not, it is true, without a little friction, but we have sustained no losses. The Conference is still complete. Those who have left us were careful, in saying farewell, to explain in what spirit they departed. We are still morally united; the house is still morally a full one.

I do not know how many States will, in the circumstances, be able to sign the Convention to-day, but I have a profound conviction that very shortly all the nations of the world will join in the common task.

That is an important matter in itself, and in the present circumstances it is of special importance. We are living, need I say, through difficult times—through economic, political and moral crises. The world passes, almost overnight, from a state of agony to one of hope. It is apparently on account of these crises that concerted action has rarely succeeded for some time past. An effort has been made during the past year to unite the nations in closer co-operation from many points of view. Unfortunately, we have had but poor success and many disappointments. During our proceedings I often asked myself: "What will happen if we here fail too, if in this Conference where no first-class economic interest is involved, where no primary national feeling is at stake, we yet fail? What a wave of pessimism will overtake the world."

I do not know whether there will be much talk about our success, but I do know how much talk there would have been about our failure. And that is why, when things appeared to be going badly, my heart was often heavy with foreboding.

Now we have succeeded. We have succeeded in a small matter. We may be sending forth but a humble lark to mount to heaven, but, maybe, it is the harbinger of far-reaching changes. Perhaps it announces that the time is coming when the harvest will at last be ripe.

I apologise for having spoken at such length. It is maybe, at this last hour, the President's revenge. I must add a few words before I sit down. I must first thank all those of you who have given me so much help. I thank the Vice-Presidents, the Chairmen of the Committees, who bore a heavy share of the President's burden, and the Secretary-General, whose invaluable aid has always been at my disposal at all times and in all the difficulties. I thank our young Secretary, whose firm support I have always felt at my left hand, with his sure understanding and his keen sense of duty. Sometimes working closely with him, by day and by night, I, who am old, have been constrained to look on him as a kind of grandson, on whom I could lean and of whom any father might be proud. I also thank the assistant secretary, whose calm tranquillity has so often carried us through feverish moments. I thank all the members of the Secretariat who have helped us and whom I cannot enumerate. I thank the interpreters, whose task has been particularly difficult, since they have had to translate all the speeches. I thank those who have prepared the Minutes, a very difficult and perplexing duty.

Finally, I want to make a proposal, not in order to recompense the Secretariat, but rather to give it the reward of the strong and brave—namely, a new task to perform. The text of our Convention is not perhaps a masterpiece of lucidity. It is in the nature of a piece of accountancy, and accountancy is a hard and abstract science. I believe its application would gain greatly in precision if there were an authentic commentary showing its relationship to the preceding Conventions and the various ways in which it may be applied; in fact, I suggest that what is generally done for national laws should in this case be done for an international law. I should like you, by a formal decision, to entrust the Secretariat with the preparation of such a commentary.

The Conference approved the President's proposal.

The President declared the Conference closed.

The instruments of the Conference were then signed.

ANNEX 1.

RULES OF PROCEDURE ADOPTED BY THE CONFERENCE
ON MAY 28TH, 1931.

Article 1.

The Conference consists of the delegations appointed by the Governments invited to the Conference.

Each delegation is composed of one or several delegates who may be accompanied by supplementary delegates, advisors and secretaries.

Article 2.

The President opens, suspends and closes the meetings; he submits to the Conference all communications, the importance of which appears to justify this measure; ensures the observation of the rules of procedure, accords the right to address the Conference, pronounces the closure of discussions, puts questions to the vote and announces the result of the vote.

The Conference elects its Vice-Presidents, who replace the President when necessary.

Article 3.¹

A Committee of Business shall be appointed by the Conference, consisting of the President of the Conference, the Vice-Presidents and seventeen other members. The President shall be the Chairman of the Committee.

The functions of the Committee shall be to make proposals to the Conference for the arrangement of the business of the Conference; to nominate for the approval of the Conference, should occasion arise, the members of any Committee which shall be constituted by the Conference; to examine and report on communications made to the Conference by private organisations or individuals; and to consider and report on any other matters which may be referred to it by the Conference.

Article 4.

The Conference may, at any time, decide to sit in plenary conference or constitute itself as committee or set up special committees.

Article 5.²

All meetings of the Conference shall be public, unless a decision is taken to the contrary. Decisions taken at private meetings shall be announced at a public meeting. The special committees and sub-committees shall decide whether their meetings will be public or private.

Article 6.

No delegate may address the Conference without having previously obtained the authorisation of the President. The President may withdraw the permission to speak if the delegate's remarks are not relevant to the subject of the debate.

In the course of the discussion of any question, any delegate may raise a point of order, which shall immediately be decided.

The technical delegates and experts accompanying the delegates may be allowed to speak under the same conditions as the delegates.

Article 7.

Speeches in French shall be interpreted in English and *vice versa* by an interpreter belonging to the Secretariat.

A delegate speaking in another language must himself provide for a translation of his speech into French or English.

A delegate may cause to be distributed documents written in a language other than French or English, but the Secretariat is not obliged to have them translated or printed.

¹ In the draft (document Conf.L.F.S.15), the number of the other members was indicated as being fifteen.

² In the draft (document Conf.L.F.S.15), the last sentence of this article read :

" The special committees and sub-committees generally meet in private."

Article 8.

No draft resolution, amendment or motion shall be discussed or voted upon at any meeting, of which copies have not been communicated to the delegates before the meeting, except in the following cases :

- (1) The Conference may decide at any meeting by unanimous vote to allow a draft resolution or motion proposed at the meeting to be discussed and voted upon.
- (2) The President may, during the debate on any resolution or motion, allow any amendment to the resolution or motion which may be proposed during the debate to be discussed and voted upon, if the text of the amendment is communicated to him in writing.

Article 9.

A delegate may, at any time, request that the debate be closed. The President shall take the opinion of the Conference upon the motion of closure. If the majority of the Conference approves the motion, the President shall declare the closure of the debate.

Article 10.

Each Government represented shall have one vote.
Voting on resolutions to be taken by the Conference shall, unless the Conference decide otherwise, be taken by a roll-call, the delegations being called in the French alphabetical order of the names of the Governments represented.

All elections shall be made by a secret ballot unless they are made by acclamation.

Article 11.

At the conclusion of each meeting, a verbatim record shall be prepared by the Secretariat and circulated to the delegates as soon after as possible.

The record of the meeting shall become final forty-eight hours after circulation.

Conf.L.F.S.80.

ANNEX 2.

SECOND REPORT BY THE CREDENTIALS COMMITTEE.¹

The Committee appointed to examine the full powers of delegates met to-day for the second time and re-examined the full powers of the various delegations taking part in the Conference, so as to prepare a list of the countries that have authorised their delegates to sign any instruments that may be agreed upon.

This second examination shows that the delegates of the following countries are authorised to sign :

Austria,	France,	Monaco,
Belgium,	Germany,	Netherlands,
Canada,	Great Britain,	Poland,
China,	Greece,	Portugal,
Cuba,	Guatemala,	San Marino,
Czechoslovakia,	India,	Siam,
Free City of Danzig,	Italy,	Spain,
Denmark,	Japan,	United States of America.
Dominican Republic,	Luxemburg,	
Egypt,	Mexico,	

The delegates of the following States are authorised to take part in the Conference in virtue of :

- (a) Full powers from their head of State :
Costa Rica, Turkey,
Sweden, Union of Soviet Socialist
Switzerland, Republics.
- (b) Full powers from their Government :
Lithuania, Venezuela.

The Committee asks the Conference to appeal again to the delegations of the last two groups of countries and to request them to state whether the said full powers should be regarded as authorising the delegates to sign any agreements that may be reached, and to send in a written reply to the Secretary-General of the Conference.

¹ First report of the Credentials Committee, see pages 6 and 7.

The delegates of the following countries have been authorised to take part in the Conference in virtue of letters or telegrams to the Secretary-General of the League of Nations :

Abyssinia,	Hungary,	Persia,
Albania,	Irish Free State,	Peru,
Argentine,	Latvia,	Roumania,
Bolivia,	Liberia,	Uruguay,
Chile,	Norway,	Yugoslavia.
Finland,	Panama,	
Hejaz and Nejd,	Paraguay,	

The Committee ventures to propose, as it did in its previous report, that the Conference should draw the attention of the delegates of this last group of countries to the desirability of obtaining as soon as possible an authorisation from their Government to enable them to sign any instrument that may be concluded.

Afghanistan, Estonia and Brazil have appointed delegates to follow the work of the Conference as observers.

Conf. L.F.S. 25.

ANNEX 3.

MEMORANDUM SUBMITTED BY THE WOMEN'S INTERNATIONAL LEAGUE
FOR PEACE AND FREEDOM.

Geneva, 12, rue du Vieux-Collège.

Motto.—“The League of Nations should be the World Conscience.”

The Women's International League for Peace and Freedom, which has sections and correspondents in forty-two countries, took up the fight against the abuse of narcotic drugs several years ago in answer to an urgent appeal from Chinese women.

It has followed with great interest the negotiations of the League of Nations Committees at their various meetings.

It recognises with pleasure that the League of Nations has brought together an immense amount of material concerning narcotic drugs and their abuse and has thus led to the question being taken up actively in ever-widening circles.

The Women's International League for Peace and Freedom realises with regret, however, that all the efforts of the League of Nations during the last ten years have not succeeded in preventing the illegal use of narcotics or the abolition of smuggling, and this in spite of international conventions providing severer laws and stricter control by the authorities in different countries.

It is evident that, in the matter of narcotics, supply regulates demand ; therefore smuggling and the illegal use of narcotics can only be successfully controlled through the limitation of production and manufacture to the amount needed for medical and scientific purposes.

It is very much to be hoped that this principle, which was recognised by the League of Nations in 1927, will finally be put into operation.

Since the representatives of non-producing countries are also to take part in the Conference of May 1931 ; since it has been decided to deal with the limitation of all derivatives of opium and coca leaves, as well as to control the total amount to be produced, the Women's International League for Peace and Freedom believes that it may be possible to awaken the conscience of the participants, so that they will take their stand against the great harm done to mankind by the over-production and smuggling of narcotic drugs, and that they will be alive to the fact that, in all questions—whether international, political or economic—the welfare of great populations and not the profit of producers and manufacturers must be the first consideration.

May the May Conference of the League of Nations prove that the League of Nations is what it ought to be : “The World Conscience” ; may the Conference finally complete the preparatory work of the preparatory committees and conferences and take such decisions as will prevent over-production and surplus manufacture of narcotics and thus abolish the smuggling and illegal use of drugs.

(Signed) Lida Gustava HEYMANN,

President,

The Anti-Opium Commission of the
Women's International League for Peace and Freedom.

Conf.L.F.S.64.

ANNEX 4.

LETTER FROM THE SECRETARY-GENERAL OF THE INTERNATIONAL FEDERATION OF LEAGUE OF NATIONS SOCIETIES TO THE PRESIDENT OF THE CONFERENCE, COMMUNICATING A RESOLUTION ADOPTED AT BUDAPEST BY THE ANNUAL ASSEMBLY OF THE FEDERATION ON MAY 28TH, 1931.

June 4th, 1931.

In view of the fact that the Conference on the Limitation of the Manufacture of Narcotic Drugs is now in session under your presidency, I should like to communicate to you the attached text of the resolution which has just been adopted at Budapest by the annual assembly of our International Federation.

I should be grateful if you would place the text of this resolution at the disposal of the members of the Conference.

Our International Federation attaches the greatest importance to the success of the Conference and trusts that it will obtain decisive results.

(Signed) Th. RUYSEN.

“ The Annual Assembly of the International Federation of League of Nations Societies,

“ Considering that the World Congress on Limitation of the Manufacture of Dangerous Drugs is to meet at Geneva on May 27th, and that the Conference will have before it the draft Convention drawn up by the League Advisory Committee on Traffic in Opium :

“ Believes that the principles of that Convention, if applied in the administration of all States, will establish effective control of the trade in dangerous drugs, and,

“ Resolves to support an agreement whereby the annual medical and scientific needs of the world for dangerous drugs will be estimated, and the annual manufacture limited to that amount, according to a quota scheme based on an equitable distribution allowing for manufacture in States which produce for home consumption and export, States which produce for home consumption only, and States which may in future desire to produce (under this agreement the import, conversion, and re-export of dangerous drugs and their new materials would be subjected to control according to the Convention, as would drugs capable of conversion into drugs of addiction) ;

“ Resolves to urge its member societies to press upon their Governments the need for adherence to the Hague Convention of 1912, and the Geneva Agreements of 1925, if they have not already ratified them, and for the necessary legislation, and administrative action to put them into force, and also to move for the prompt ratification of any Convention drawn up by the 1931 Conference which will ensure world limitation of the manufacture of drugs.”

ANNEX 5.

Conf.L.F.S.68.

RECOMMENDATION COMMUNICATED BY THE “ SOCIÉTÉ SAINTS COSME ET DAMIEN, ASSOCIATION BELGE DES PHARMACIENS CATHOLIQUES ”, TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

Brussels, January 21st, 1931.

We have the honour to forward you the recommendation adopted by our Society and we should be much obliged if you would communicate it to the Conference on the Limitation of Dangerous Drugs which is to be held at Geneva on May 27th, 1931.

(Signed) M. P. LECLUYSE,
Secretary ;

(Signed) G. DE LETTER,
Vice-President.

“ The “ Société S^m Cosme et Damien, Association belge des pharmaciens catholiques”, at its meeting of Wednesday, December 24th, held at the headquarters at Brussels,

“ Having heard various international documents and the opinion of its members :

“ Gravely concerned at the growing development of the drug habit throughout the world and its moral and social consequences ;

“ Considering that the drug habit greatly hinders civilising and religious action in the countries of the Far East and does considerable injury to the health and development of peoples :

“ Decides to send the following recommendation to the Secretary-General of the League of Nations and request him to communicate it to the next Assembly :

“ The “ Société S^m Cosme et Damien ” requests the Conference for the Limitation of the Manufacture of Narcotic Drugs which is to meet on May 27th, 1931, at Geneva to adopt the “ scheme of stipulated supply ” (documents C.I.M.I.1929.XI and O.C.1070) as a basis for an international convention for the direct and quantitative limitation of the manufacture of narcotics of the different categories and particularly of those mentioned in paragraphs b, c and g of Article 4 of the Geneva Convention, and also other injurious substances whose limitation may be considered necessary to facilitate that of the narcotics mentioned in the aforesaid paragraphs of Article 4. ”

Conf.L.F.S.69.

ANNEX 6.

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY OF THE CHURCH OF SCOTLAND AT EDINBURGH, MAY 22ND, 1931.

RESOLUTION 10.

The General Assembly, recognising the alarming growth of the International Drug Traffic, welcome the steps taken by the League of Nations, and in particular by the British Government, to press, at the forthcoming International Conference, for a drastic restriction in the manufacture of drugs of addiction. The General Assembly instruct the clerks to send a copy of this resolution to the Prime Minister, the Foreign Secretary, and the Secretary of the forthcoming International Conference. The General Assembly call upon their people to follow the work of the Conference with close interest and earnest prayer.

Conf.L.F.S.13.

C.115.1931.XI (Annex).
O.C.1332(2).

ANNEX 7.

DRAFT CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, DRAWN UP BY THE ADVISORY COMMITTEE ON TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS AT ITS FOURTEENTH SESSION.

SUBMITTED TO THE COUNCIL ON JANUARY 24TH, 1931.

[List of High Contracting Parties.]

Desiring to supplement the provisions of the International Opium Conventions, signed at The Hague on January 23rd, 1912, and at Geneva on February 19th, 1925, by facilitating the limitation of the manufacture of narcotic drugs to the world's legitimate requirements for medical and scientific purposes and regulating their distribution,

Have resolved to conclude a Convention to that effect and have appointed as their plenipotentiaries :

.....

[List of Plenipotentiaries.]

Who, having communicated to one another their full powers found in good and due form, have agreed as follows :

Article I.

Except where otherwise expressly indicated, the following definitions shall apply throughout this Convention and the Annex thereto :

1. The term " Geneva Convention " denotes the International Opium Convention signed at Geneva on February 19th, 1925 ;

2. The term " narcotic drugs " shall denote the following drugs in manufactured state :

(i) Morphine and its salts, including preparations made directly from raw opium and containing more than 20 per cent of morphine ;

(ii) Diacetylmorphine and the other morphine esters and their salts ;

(iii) Cocaine and all other derivatives of ecgonine, and their salts ;

(iv) Dihydrooxycodone (eucodal), dihydrocodeinone (dicodide), dihydromorphinone (dilaudide), acetylodemethyldihydrothebaine (acedicone) and their salts ;

3. The definitions of morphine, diacetylmorphine, cocaine, crude cocaine and ecgonine contained in Article I of the Geneva Convention shall apply for the purposes of the present Convention.

For the other narcotic drugs specified in paragraph 2 above, the following definitions are adopted for the purposes of the present Convention :

Esters of morphine (a combination of morphine and any organic acid) ;

Dihydrooxycodone ($C_{17}H_{19}O_4N$) HCl + 3 H₂O ;

Dihydrocodeinone ($C_{17}H_{19}NO_2$) ;

Dihydromorphinone ($C_{17}H_{19}O_2N$ HCl) ;

Acetylodemethyldihydrothebaine ($C_{17}H_{19}NO_2$).

4. The term " manufacture " of any drug includes also the refining of part-manufactured products.

The term " conversion " shall denote the transformation by a chemical process of a narcotic drug into another substance.

The term " import certificate " denotes an import certificate as provided for in Article 13 of the Geneva Convention.

5. The term " estimates " shall denote the estimates furnished in accordance with Articles 3 to 5 of this Convention and in accordance with the annex thereto.

6. The term " conversion total " in relation to any country in respect of any narcotic drug shall denote the total amount specified in the estimates for that country for any one year as being required for the purpose of conversion, with the addition of such amount as may be necessary to bring the reserve stocks of that drug indicated in the estimate as likely to exist in that country at the beginning of the year in respect of which it is made and intended to be utilised for the purpose of conversion up to the level of the reserve stocks which, according to the estimates, it is desired to maintain in that country for that purpose ; or, in the event of the reserve stocks being estimated as likely to exceed that level, after deduction of the excess of those stocks over the desired level.

7. The term " consumption total " in relation to any country in respect of any narcotic drug shall denote the total amount of that drug specified in the estimates for that country for any one year as being necessary for use as such in that country for medical and scientific purposes with the addition or after deduction of an amount in respect of any reserve stocks of that drug intended for these purposes as indicated in the preceding paragraph of this article.

8. The term " home total " in relation to any country in respect of any narcotic drug shall denote the aggregate in any one year of the conversion and consumption totals for that country for that drug, as shown by the estimates for that country for that year.

9. The term " world total " in relation to any narcotic drug shall denote the aggregate in any one year of the home totals for that drug for all the countries.

The world total of any narcotic drug will, in consequence, represent the amount of that drug which it is necessary to manufacture in any one year in order to satisfy the world's legitimate requirements of that drug for use as such and for conversion.

10. The term " export total " in relation to any narcotic drug shall denote the amount of that drug which must be manufactured by certain countries in excess of the home total for those countries, for export to countries which do not manufacture that drug, or which manufacture less than the total shown in their estimates.

11. The term " manufacture quota " in relation to any manufacturing country which manufactures part only of its total consumption shall denote the proportion of that total which according to the estimates for that country for any one year is to be manufactured in that country in that year.

12. The term "manufacturing country" shall denote a country which, in accordance with the provisions of Article 11 (1), becomes a country in which narcotic drugs are manufactured for use as such.

13. The term "converting country" shall denote a country which, in accordance with the provisions of Article 11 (1), becomes a country into which any narcotic drug is imported or in which any narcotic drug is manufactured in both cases for the purpose of conversion.

14. The term "exporting country" shall denote any country which in accordance with the provisions of Articles 8 and 10 of this Convention is or becomes a country in which narcotic drugs are manufactured for export.

15. The term "territory" or "territories" in relation to any High Contracting Party shall denote the territory or territories of that High Contracting Party to which this Convention applies.

Article 2.

The High Contracting Parties will take all such legislative, executive, or other measures as may be necessary to give due effect within their territories to the provisions of this Convention.

Article 3.

1. Each High Contracting Party shall furnish annually to the Permanent Central Opium Board, constituted under Chapter VI of the Geneva Convention, in respect of His territories, estimates of the requirements of those territories in the matter of narcotic drugs for use as such for domestic consumption and for conversion.

It is understood that full liberty is reserved to each country to purchase its supplies for narcotic drugs in any country it wishes, and it may, when giving its estimates, mention the country or the countries from which it intends to purchase its supplies.

2. In the event of any High Contracting Party failing to furnish by the date specified in the annex to this Convention an estimate in respect of any of His territories, an estimate will be furnished in respect of that territory by the competent authority to be constituted in accordance with the provisions of Chapter I, paragraph 6, of the said annex.

3. This competent authority will similarly furnish an estimate in respect of any country which is not a party to this Convention and which does not furnish an estimate.

Article 4.

1. Any High Contracting Party may, if necessary, in any year furnish in respect of any of His territories a supplementary estimate of the requirements of the territory for that year with an explanation of the circumstances which justify such supplementary estimate.

2. The competent authority will similarly, if necessary, furnish a supplementary estimate in a case where it has furnished an original estimate.

Article 5.

Estimates furnished under the provisions of the two preceding articles shall be in the form, and shall be furnished in the manner provided in Chapter I of the annex to this Convention.

Article 6.

Every estimate furnished in accordance with the preceding articles so far as it relates to narcotic drugs required for domestic consumption in the country or territory in respect of which it is made shall be based solely on the medical and scientific requirements of that country or territory.

It is understood that any High Contracting Party may include in His estimates such quantities as He considers necessary for the establishment or maintenance of reserve stocks under Government control for Government use or for general use to meet exceptional circumstances.

Article 7.

The total amount of any narcotic drug to be manufactured in any one year shall not exceed the amount of the world total for that drug for that year.

Article 8.

Subject to the provisions of Article 10 the world total of narcotic drugs less (a) that part of it destined for domestic consumption manufactured in countries which only manufacture for their own requirements and (b) that part retained for conversion in the countries in which it

is manufactured shall be manufactured by the following countries (which shall be known as "exporting countries") in the proportions indicated :

Morphine and its salts and preparations made directly from raw opium and containing more than 20 per cent of morphine	Diacetylmorphine and other esters of morphine, and their salts	Dihydrooxycodine dihydrocodeinone dihydromorphinone acetylodemethylodihydrothebaine	Cocaine and other derivatives of ecgonine and their salts
.....

Note. — The Drafting Committee to which was referred the question of manufacturing quotas for drugs, which are subsequently brought under the Geneva Convention by its tenth article decided to refer this question for the consideration of the Conference in May.

Article 9.

The proportions specified in Article 8 of this Convention or in any new agreement reached under the provisions of Article 10, unless altered in accordance with the procedure prescribed in paragraphs 1 to 6 of the latter article, shall remain in force for a period of two years from the date of the entry into force of Articles 3 to 5 of this Convention or of any such new agreement as the case may be. Whereafter, these proportions shall remain in force until superseded by a new agreement made in accordance with the provisions of Article 10 of this Convention.

Article 10.

1. (i) If a High Contracting Party not mentioned in Article 8 desires to manufacture for export and to be assigned a quota or (ii) if a country mentioned in Article 8 desires a revision of its quota after the expiry of the period of two years specified in Article 9, that country shall give notice to that effect to the Secretary-General of the League of Nations.

2. The notice shall give as full particulars as possible of the considerations which the Government of that country desires should be taken into account in the re-allocation or, as the case may be, the revision of the quota.

3. On receipt of the notice the Secretary-General will communicate it to the Governments of the countries to which quotas have been assigned, with a view to negotiations being entered into between the representatives of those Governments and representatives of the Government of the country giving the notice, and shall arrange the date not less than one month nor more than three months after the communication of the notice for a meeting of a conference of such representatives to consider the matter. This Conference will be presided over by a person nominated by the President of the Council of the League of Nations.

4. At the end of the period of two years a revision of the quotas may also take place in the following circumstances :

(i) If as a result of a formal declaration of a High Contracting Party of His intention to obtain His supplies in a given country it appears that the orders destined for any manufacturing country exceed substantially the quota assigned to that country ;

(ii) If, from the records of the Central Narcotics Office mentioned in Chapter III of the annex to this Convention, it appears that the orders received by any manufacturing country during the period referred to exceed substantially the quota assigned to that country.

The Permanent Central Opium Board or the Central Narcotics Office, as the case may be shall make a report to the Secretary-General who shall then, in consultation with the Government of that country, proceed in the manner indicated in the preceding paragraph.

5. If the negotiations whether entered into under paragraph 3 or paragraph 4 of this article have not resulted in an agreement within three months from the date of the conference the matter shall be submitted to an arbitrator or arbitrators appointed by the President of the Permanent Court of International Justice at The Hague.

In any negotiations or arbitration in pursuance of this article for the allocation of a quota to a country to which a quota has not previously been assigned, due consideration shall be given to any contracts or agreements duly authenticated for the supply by that country of any narcotic drugs in accordance with the provisions of the Geneva Convention and of this Convention.

6. In the event of any High Contracting Party desiring that any of His territories should cease to be an exporting country in respect of any narcotic drugs, he shall give a notice to that effect to the Secretary-General of the League of Nations and to the other exporting countries. Negotiations will thereupon be entered into on behalf of the last-mentioned countries for the re-allocation of the quotas for that drug.

7. Any agreement or award which may be reached under the preceding paragraphs of this article shall be communicated to the Secretary-General of the League of Nations for registration.

The Secretary-General will communicate a copy thereof to the Members of the League or non-member States mentioned in Article 25 of this Convention other than those which are Parties to the Agreement.

8. The quotas allocated in any such agreement or award shall, as from the date of its registration by the Secretary-General as between all the parties to this Convention, replace those previously in force from the date on which the Agreement or award enters into force.

Article 11.

1. If in the estimates made on behalf of any country for any year it is stated either (i) that it is proposed to manufacture in that country the whole or part of the domestic requirements of that country in respect of any narcotic drugs for use as such or (ii) that it is proposed to import into or manufacture in that country any narcotic drugs for the purpose of conversion, that country shall become for the purpose of the year in respect of which the estimate is made, a manufacturing or converting country in respect of that narcotic drug as the case may be.

2. No narcotic drug shall be manufactured in any country for use as such for domestic consumption, unless that country is in respect of that drug a manufacturing country in accordance with the preceding paragraph of this article.

3. No narcotic drug shall be imported into or manufactured in any country for the purpose of conversion unless that country is, in respect of that drug, a converting country in accordance with the first paragraph of this article.

Article 12.

1. The full proportion of the "home total" for any narcotic drug which according to the estimates for any country for any one year is to be manufactured in that country shall be manufactured in that country in that year, but in no circumstances will any greater quantity be manufactured.

2. The full amount of any narcotic drug imported into or manufactured in any converting country for the purpose of conversion shall be utilised for that purpose during the period for which the estimate applies.

Article 13.

1. The full amount of the home total for each narcotic drug as shown in the estimates for any exporting country for any year shall be manufactured in that country in that year.

2. In addition, the full amount of the proportion of the export total of any narcotic drug for each year allocated to an exporting country in accordance with the provisions of this convention shall be manufactured in that country in that year and shall be held available for export irrespective of the re-export of any narcotic drugs in a manufactured state which may have been imported for that purpose.

3. In no circumstances will a quantity be manufactured in any one year in an exporting country greater than the aggregate of the amounts specified in the preceding paragraphs of this article.

Article 14.

The following provisions shall apply to the import of any narcotic drug for the purpose of re-export and to the re-export of any such drug so imported :

(i) The import certificate issued in respect of any such import shall state that the drug is intended for re-export ;

(ii) In the case of a country which manufactures only for its own needs and in the case of a country which is not a manufacturing country, the quantities imported for re-export, domestic consumption and conversion shall not exceed the home total for that country, less the amount, if any, manufactured in the country, provided that it shall be permissible to import in excess of the quantity above mentioned :

(a) Up to the amount which has already been re-exported in that year, or,

(b) For the purpose of fulfilling export orders actually received for the supply of the drug for medical or scientific needs, duly supported by an import certificate issued in pursuance of the Geneva Convention.

(iii) It is understood that a manufacturing country which manufactures only the quantity, or part of the quantity, required for its domestic consumption or for conversion, may export for the purpose of fulfilling orders duly supported by an import certificate issued in pursuance of the Geneva Convention without previous importation.

Article 15.

1. If any exporting country receives during the year orders for the supply of any narcotic drug to an amount exceeding its proportion of the export total for the year, and if arrangements are not made for the transfer of the execution of the orders to another country, the Central

Narcotics Office shall, on application, arrange for the transfer to the said country, without undue delay, of the quantities required to enable that country to fulfil its orders from other exporting countries having at their disposal for export sufficient quantities within the limits of their quotas.

2. The High Contracting Parties undertake to grant the necessary Customs and other facilities for such transfers, and to take any measures necessary to ensure that the transfers are effected at the current wholesale prices.

Article 16.

The following provisions shall apply in the case of a country which manufactures any narcotic drug for export to a small amount and is not an exporting country within the meaning of this Convention :

(i) Each export shall be made in accordance with the provisions of Chapter IV of the annex ;

(ii) The exports from these countries shall not be taken into account in determining the export total for the year ;

(iii) The Central Narcotics Office shall report the amount of such exports to the Permanent Central Board and a corresponding deduction shall be made from the export total for the ensuing year ;

(iv) Each of the High Contracting Parties concerned undertakes that the aggregate amount of such exports from His territories of any narcotic drug in any year shall not exceed . . . kilogrammes.

Article 17.

1. No import from any source into the territories of the High Contracting Parties of any narcotic drug shall take place except in accordance with the provisions of the present Convention.

2. The following classes of imports are prohibited :

(a) The import of any narcotic drug for any purpose other than :

(i) The satisfaction of the medical and scientific needs of the importing country ;

(ii) Conversion ;

(iii) Re-export ;

(b) The import in any one year, save for the purpose of re-export, of any narcotic drug in excess of the home total for that drug as shown in the estimates for the country concerned for that year ;

(c) The import into any converting country in any one year, for the purpose of conversion of any narcotic drug in excess of the conversion total for that country for that year ;

(d) The import in any one year of any narcotic drug for use as such for domestic consumption in excess of the consumption total of that drug for the country concerned in that year ;

(e) The import in any one year, save for the purpose of conversion or re-export, into any manufacturing country which manufactures the whole of its consumption total for that year of any narcotic drug, of any quantity of that drug whatever ;

(f) The import in any one year, save for the purpose of re-export or conversion, into any manufacturing country which manufactures part only of its consumption total for that year of any narcotic drug, of any quantity of that drug in excess of the difference between that total and the manufacture quota for that country for that year.

3. No export or re-export of any narcotic drug shall take place from the territories of the High Contracting Parties except in accordance with the provisions of the present Convention.

Article 18.

The text of the annex to this Convention shall be deemed to be an integral part of the Convention.

The regulations contained in the annex to this Convention shall be applied by the High Contracting Parties in order to facilitate the execution of the foregoing provisions.

The provisions of the annex may be revised in the following manner :

Article 19.

The High Contracting Parties which are not Parties to the Geneva Convention undertake to apply the provisions contained in the following Chapters of that Convention : Chapter III—Internal Control of Manufactured Drugs ; Chapter V—Control of International Trade ; Chapter VI—Permanent Central Board.

Article 20.

[Control of prices.]

(This article is reserved for consideration by the May Conference; see report of the Advisory Committee to the Council, sixth paragraph.)

Article 21.

If any drugs confiscated by a High Contracting Party are appropriated by the Government for use as such for medical or scientific purposes or for conversion, a deduction to an equivalent amount shall be made from the amounts to be manufactured in or imported into that country.

Article 22.

The High Contracting Parties undertake to apply the following provisions of the Geneva Convention to all derivatives of morphine which are not controlled in pursuance of that Convention :

1. The provisions of Article 6, in so far as they relate to the manufacture, importation, exportation and wholesale sale of drugs;
2. The provisions of Articles 12, 13 and 18 :
 - (a) Except as regards preparations containing the substances; and,
 - (b) Except that the requirement as to the production of an import certificate shall only apply in the case of peronine or any other substance in respect of which the Health Committee of the League of Nations reports to the Council that it is capable commercially of being converted into a drug to which the Geneva Convention applies;
3. The provisions of paragraph 1 (b), (c) and (e) and paragraph 2 of Article 22, except as regards preparations containing the drugs and except that the statistics of imports and exports may be sent annually instead of quarterly.

Article 23.

In the event of a dispute arising between any two or more High Contracting Parties concerning the interpretation or application of the provisions of this Convention except in the cases referred to in paragraphs 1 and 6 of Article 10, such disputes shall, unless settled directly between the parties or by the employment of other means of reaching an agreement, be submitted to a tribunal to be agreed upon between the parties within . . . of the receipt by any High Contracting Party of a request from another High Contracting Party for the submission of the dispute. In event of failure to agree upon a tribunal within that period the dispute shall, at the request of one party, be referred to the Permanent Court of International Justice at The Hague.

Article 24.

Any High Contracting Party may, at the time of signature, ratification, or accession, declare that, in accepting the present Convention, He does not assume any obligations in respect of all or any of His colonies, protectorates, oversea territories or territories under suzerainty or mandate : and the present Convention shall not apply to any territories named in such declaration.

Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that He desires that the Convention shall apply to all or any of His territories which have been made the subject of a declaration under the preceding paragraph, and the Convention shall apply to all the territories named in such notice in the same manner as in the case of a country ratifying or acceding to the Convention.

Any High Contracting Party may, at any time after the expiration of the five years' period mentioned in Article 29, declare that He desires that the present Convention shall cease to apply to all or any of His colonies, protectorates, oversea territories or territories under suzerainty or mandate, and the Convention shall cease to apply to the territories named in such declaration as if it were a denunciation under the provisions of Article 29.

The Secretary-General of the League of Nations shall communicate to all the Members of the League and non-member States mentioned in Article 25, all declarations and notices received in virtue of this Article.

Article 25.

The present Convention, of which the French and English texts shall both have equal force, shall bear this day's date, and shall, until the . . . be open for signature on behalf of any Member of the League of Nations, or of any non-member State which was represented at the Conference of Geneva, or to which the Council of the League of Nations shall have communicated a copy of the Convention for this purpose.

The present Convention shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League and to the non-member States referred to in the preceding paragraph.

Article 26.

As from the . . . the present Convention may be acceded to on behalf of any Member of the League of Nations or any non-member State mentioned in Article 25.

The instruments of accession shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all the Members of the League and to the non-member States mentioned in Article 25.

Article 27.

The present Convention shall enter into force, as regards the provisions of Articles 3 to 5 immediately upon the receipt by the Secretary-General of the League of Nations of ratifications or accessions on behalf of not less than . . . Members of the League of Nations or non-member States, including all the exporting countries, and, as regards the remaining provisions, it shall come into force on the first day of January in the first year in respect of which estimates are furnished under the provisions of the articles above specified.

Article 28.

Ratifications or accessions received after the date on which Articles 3 to 5 of this Convention have come into force shall take effect as from the . . . day following the date of their receipt by the Secretary-General of the League of Nations, but shall not entail any obligation on the Member of the League of Nations or non-member State making the ratification or accession to furnish estimates for the year succeeding that in which the ratification or accession is made unless such ratification or accession is made prior to the first day of . . .

Article 29.

After the expiration of five years from the date on which Articles 3 to 5 of this Convention have come into force, it may be denounced by an instrument in writing, deposited with the Secretary-General of the League of Nations. The denunciation, if received by the Secretary-General of the League of Nations, on or before the first day of July in any year shall take effect on the first day of January in the succeeding year, and if received after the first day of July shall take effect as if it had been received on or before the first day of July in the succeeding year, and shall operate only as regards the Member of the League or non-member State on whose behalf it has been deposited.

The Secretary-General shall notify all the Members of the League and the non-member States mentioned in Article 25 of any denunciations received.

If, as a result of simultaneous or successive denunciations, the number of Members of the League and non-member States bound by the present Convention is reduced to less than . . . the Convention shall cease to be in force as from the date on which the last of such denunciations shall take effect in accordance with the provisions of this article.

Article 30.

A request for the revision of the present Convention may be made at any time by means of a notice addressed to the Secretary-General of the League of Nations. Such notice shall be communicated by the Secretary-General to the other parties to the Convention, and if endorsed by not less than . . . of them, a conference will be convened by the Council of the League for the purpose of revising the Convention.

Article 31.

The present Convention shall be registered by the Secretary-General of the League of Nations on the day of the entry into force of Articles 3 to 5 of this Convention.

IN FAITH WHEREOF the above-mentioned Plenipotentiaries have signed the present Convention.

DONE at Geneva . . . in a single copy, which shall remain deposited in the archives of the Secretariat of the League of Nations, and certified true copies of which shall be delivered to all the Members of the League and to the non-member States referred to in Article 25.

Annex to the Convention.

REGULATIONS.

CHAPTER I.

The regulations in this chapter shall apply in regard to the estimates to be furnished in accordance with Articles 3 to 5 of this Convention.

1. Every such estimate, whether relating to requirements for domestic consumption or conversion, shall be in the form from time to time prescribed by the Permanent Central Board set up under the Geneva Convention and communicated by the Board to the High Contracting Parties.

2. Every estimate relating to the requirements for domestic consumption or conversion of the countries on behalf of which it is made shall, however, show separately for each year in respect of which it is made :

In the case of all the High Contracting Parties :

(a) The requirements of that country in the matter of each narcotic drug for use as such whether in the form of (i) alkaloids or salts, (ii) preparations of alkaloids or salts, or (iii) preparations made direct from raw opium or the coca leaf. The amounts required under each of the above categories shall be shown separately ;

(b) The amount of the reserve stocks of each narcotic drug intended for use as such for domestic consumption (i) which it is desired to maintain, (ii) which it is estimated will exist in that country at the beginning of the year in respect of which the estimate is made ;

In the case of a converting country :

The amounts of each narcotic drug which it is desired (i) to manufacture (ii) to import for purposes of conversion distinguishing the amount required in respect of each substance into which the drug is to be converted ;

The amount of the reserve stocks of any narcotic drug (i) which it is desired to maintain (ii) which it is estimated will exist in that country at the beginning of the year in respect of which the estimate is made and intended to be utilised for the purpose of conversion ;

In the case of a country which is a manufacturing, but not an exporting, country :

The proportion of the consumption total for that country in the matter of each narcotic drug which it is proposed to manufacture internally.

3. Every estimate shall be accompanied by a statement explaining the method by which the several amounts shown in it have been calculated. If these amounts are calculated so as to include a margin allowing for possible fluctuations in demand the estimates should indicate the extent of the margin so included.

4. Every estimate shall reach the Permanent Central Board not later than August 1st in the year preceding that in respect of which the estimate is made.

5. Supplementary estimates shall be sent to the Permanent Central Board immediately on their completion.

6. Every estimate shall be examined by a competent authority constituted in the following manner :

The competent authority may require any further details or explanations except as regards requirements for government purposes, which it may consider necessary in respect of any country on behalf of which an estimate has been furnished in order to make the estimate complete or to explain any statement made therein, and may, with the consent of the Government concerned, amend any estimate in accordance with any explanations so given.

7. The competent authority shall also discharge the functions specified in Article 3, paragraphs 2 and 3, and Article 4, paragraph 2, of this Convention.

8. After examination by the competent authority as provided in paragraph 6 of this chapter of the estimates furnished by the Governments, and after the determination by that authority as provided in paragraph 7 of this chapter of the estimates for countries which have not furnished them, the Permanent Central Board shall forward through the Secretary-General of the League of Nations, (a) to each High Contracting Party and (b) to the Central Narcotics Office to be set up under the provisions of this annex, one or more statements as may be necessary showing :

(i) The amounts of the conversion and consumption totals for each country in respect of each narcotic drug with details as to how these totals are made up ;

(ii) The home total for each country for each narcotic drug ;

(iii) The world total for each narcotic drug ;

(iv) The export total for each narcotic drug ;

(v) The amounts of each narcotic drug to be manufactured for export in each exporting country being that country's proportion of the export total for that year.

The statement or statements shall reach the High Contracting Parties and the Central Narcotics Office not later than . . . in the year previous to that year.

9. Every supplementary estimate sent to the Permanent Central Board in the course of the year shall be dealt with by the competent authority and by the Board in a manner similar to that specified in paragraphs 6 to 8 of this chapter, and, in particular, the Board will communicate to the High Contracting Parties in respect especially of each exporting country any revision of the figure of the export total and of the amounts to be manufactured for export in each exporting country which may be necessitated by such supplementary estimates.

CHAPTER II.

In the event of a new agreement concerning the proportions in which the export total is to be manufactured in the exporting countries being concluded under the provisions of Article 10 of this Convention and taking effect in the course of the year, or in any other case in which the Permanent Central Board may deem it necessary, the Board will communicate to the High Contracting Parties the revised amounts of the export total for that year to be manufactured by each exporting country.

CHAPTER III.

1. A Central Narcotics Office shall be established at . . . organised as follows
2. The expenses of the Central Narcotics Office shall be defrayed by

CHAPTER IV.

The following procedure shall apply in regard to the export including re-exports of any narcotic drug :

1. The manufacturer or trader who is in receipt of an order for the export of any narcotic drug shall notify the Central Narcotics Office of the receipt of such order.
2. The Central Narcotics Office will ascertain by inspecting its records whether the execution of the order would cause the importation into the country concerned during the current year of an excess of the drug ordered over the aggregate of the amounts shown in the estimates for that country for that year, as constituting the home total for that drug, after deduction of any amount which, according to those estimates, will be manufactured in that country in that year.
3. The Central Narcotics Office will thereupon, as soon as possible and, if necessary, by telegram, issue a certificate to the manufacturer or trader to whom the order has been given stating according to the information contained in its records either :
 - (i) That the order may be executed, or,
 - (ii) That a proportion of the order may be executed stating what proportion, or,
 - (iii) That the order may not be executed.

In cases (ii) and (iii) the certificate shall give reasons for the statements made therein.

In all cases a copy of the certificate issued shall be sent to the Government of the country from which the export is to be made.

In the case of an import, for the purpose of re-export, the issue of a certificate shall be subject to the provisions of article 14 of the Convention.

4. Except as provided in paragraph 8 of this Chapter, no narcotic drug shall be exported or re-exported by any trader or manufacturer except upon receipt of and in accordance with, the terms of a certificate supplied under paragraph 3 of this Chapter.

5. Applications from any manufacturer or trader for a certificate shall be dealt with by the Central Narcotics Office in strict order of priority of receipt.

6. The Central Narcotics Office shall be informed immediately the export takes place both by the exporter and the Government of the country from which it is made and the Central Narcotics Office shall also be informed immediately the order reaches its destination both by the consignee and the Government of the country of import.

7. In the event of any order in respect of which a certificate has been issued under the provisions of this Chapter not being executed, either in whole or in part, or in the event of the return to the exporter of the whole or part of the narcotic drugs the subject of an executed order, the certificate issued in respect of such order shall be returned to the Central Narcotics Office as soon as possible for cancellation or amendment as the case may be. An amended certificate will, where applicable, be issued by the Central Narcotics Office.

8. The foregoing provisions of this Chapter shall not apply in the following cases :

(i) Where the exporting country and the importing country are so distant from the place where the Central Narcotics Office is established that the application of these provisions would involve excessive delay in the fulfilment of the orders ;

(ii) Where the supplies are made by the exporting country to one of its colonies, protectorates, overseas territories or territories under suzerainty or mandate ;

Provided that :

- (i) The quantities so exported during the year do not exceed
- (ii) The exports are reported immediately to the Central Narcotics Office.¹

CHAPTER V.

1. Records shall be kept by the Central Office in a form to be approved by
 - (i) Of the conversion and consumption totals for each country for each year in respect of each narcotic drug showing how these are made up ;
 - (ii) Of the world total and export total for each year, and the actual amounts to be manufactured for export in each exporting country in each year ;
 - (iii) Of all orders for the export or re-export of narcotic drugs in respect of which it has issued certificates, such orders to be classified according to whether the certificates permitted the execution of the order in whole, or in part or refused permission to execute the order.
2. The records of the Central Office shall be open to inspection at any time by any officer duly appointed for that purpose either by the of the League of Nations or by the Government of any High Contracting Party.
3. The Central Office will furnish to the Secretary-General of the League such returns, statements or information the Council may require.

C.115.1931.XI.
[O.C.1357(I).]

ANNEX 7(a).

REPORT TO THE COUNCIL ON THE PLAN DRAWN UP BY THE ADVISORY COMMITTEE ON TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS WITH A VIEW TO THE LIMITATION OF THE MANUFACTURE OF NARCOTIC DRUGS.

The Advisory Committee on Traffic in Opium and Other Dangerous Drugs has the honour to submit to the Council of the League of Nations the following report and draft Convention (Annex 7) embodying a plan for the limitation of the manufacture of narcotic drugs which it examined during its meetings from January 9th to 21st, 1931.

At its session of September 1929, the Assembly of the League of Nations had unanimously adopted a resolution in favour of the establishment of a system for the limitation of the manufacture of dangerous drugs and it requested the Advisory Committee on Traffic in Opium and other Dangerous Drugs to prepare, with a view to this limitation, plans which would be submitted for examination to the manufacturing and consuming countries. In accordance with the Assembly's decision, the Advisory Committee at its session of January 1930 prepared the plan annexed to its report to the Council (document C.138.M.51.1930.XI [O.C.1171(I)]) and this plan was accepted by the Council at its session of May 1930 " as a practical basis for the work of the Conference ". The plan was submitted by the Council to States Members and non-members of the League for their observations and these observations were taken into consideration by the Advisory Committee in preparing its draft Convention. (For the texts of these observations see documents C.518.M.213.1930.XI (Series).) The fundamental points of this plan were as follows :

1. The world manufacture of narcotic drugs to be limited each year to a specific quantity on the basis of estimates to be supplied by all countries of the quantities of narcotic drugs they would need in the year in question for medical and scientific purposes.
2. The fraction of this total quantity to be manufactured by each of the manufacturing countries to be fixed in advance by means of agreements concluded between them according to a system of quotas.
3. The necessary arrangements would be made to provide each country with supplies of narcotic drugs up to the amounts indicated in its estimates from whatever countries it might prefer.

In addition, the Advisory Committee thought that it was important for the success of the Conference that " the Governments of the manufacturing countries or the manufacturers themselves should consider in advance the allocation of the quotas (of the manufacturing countries) and the arrangements for ensuring a proper distribution of the drugs produced among

¹ A suggestion has been made for consideration of the Conference that it might be desirable to simplify the procedure still further by allowing a similar exception for the export of medicinal preparations containing only a small proportion of the drugs subject to the condition that the export shall be immediately notified to the Central Narcotics Office.

the consuming countries". On the Committee's proposal, the Council, at its May session, invited the manufacturing countries to confer together on these points, in order to arrive at an agreement before the meeting of the Conference. The representative of Great Britain having stated that his Government would be happy to arrange for this preliminary conference, the Council accepted this proposal and a preliminary meeting of the official representatives of the manufacturing countries was held in London in October and November 1930. The report of this conference, containing as an appendix a draft scheme, was communicated to the Council and States invited to the Limitation Conference and also to the Advisory Committee (see document C.669.M.278.1930.XI).

In these circumstances, and in conformity with the proposals made by the Rapporteur to the Council on the question of the Limitation Conference at the Council session of September 1930, the Advisory Committee found itself in a position to examine all the available data and to submit the present report on the question. In accordance with the proposal made by the Council, the Advisory Committee has prepared a draft Convention for submission to the Limitation Conference as a basis for discussion.

In preparing its draft Convention, the Committee decided to base its work on a draft Convention submitted by the British delegate aiming at the carrying into effect of the plan for the limitation of the manufacture of narcotic drugs prepared by the Advisory Committee and elaborated in greater detail by the Conference of manufacturing countries in London in November 1930. Nevertheless, it considered that the discussion of this draft should not preclude the simultaneous examination of other plans if they were likely to constitute an improvement, such as the plan of Mr. C. K. Crane transmitted by the Government of the United States of America, as of possible interest to the parties to the Hague Convention.

I. QUOTA SYSTEM : OBJECTIONS RAISED AND AMENDMENTS SUBMITTED.

The essential principles of the draft submitted to the Committee were those indicated in the second paragraph of this report.

Certain objections were raised for different reasons by the representatives of Japan, Turkey, Yugoslavia and certain consuming countries, these objections taking the form of declarations and various proposals for amendments which are analysed below.

Statement by the Japanese Representative.

Japanese Amendment.—The Japanese delegate communicated a statement setting forth certain apprehensions he felt in connection with the plan drawn up in London which seemed to him to be likely to restrict the allocation of quotas to countries engaging in an export trade of appreciable proportions. Furthermore, while no restriction was imposed on the export trade of the countries to which quotas were granted, owing to the system of transferring orders for narcotic drugs from one manufacturing country to another, any possibility of any share in the export trade on the part of manufacturing countries to which no quota had been assigned is excluded, this being contrary to the principle of the freedom of trade. The Japanese delegate maintained the principle that whatever the plan of limitation adopted, the forthcoming Convention should recognise an equal possibility of trade to all manufacturing countries within the limits agreed upon.

In consequence, the Japanese delegate submitted an amendment the aim of which was to permit all countries, including those only manufacturing for their own requirements, to share in the export trade in narcotics in the event of their receiving licit orders from abroad. The Japanese Government is of opinion that no distinction should be made between manufacture aimed at meeting domestic requirements and manufacture intended for exportation. Each manufacturing country must be authorised to export within the limits of the world quota; if the result is that it has insufficient stocks for its domestic consumption the country in question will receive supplies from other manufacturing countries on the basis of an import certificate. Eventually the Japanese delegate, after consulting the British delegate, accepted as a compromise the following text for Article 8 concerning quotas, which he regarded as meeting his objections :

" The world total of narcotic drugs less (1) that part of it destined for home consumption manufactured in countries which only manufacture for their own requirements and (2) that part retained for conversion in the countries in which it is manufactured shall be manufactured by the following countries (which shall be known as exporting countries) in the proportions indicated"

Furthermore, as regards exports, the countries which manufacture narcotic drugs only for domestic requirements may export drugs on the request of a consuming country. The quantities thus exported are made up by the importation of the drugs from manufacturing countries (this question is dealt with below under Section 2(c), "Control of Re-exports", page 238).

Declaration made by the Turkish Representative.

The Turkish representative, in a preliminary statement, explained his country's position with regard to the drug problem and also his Government's point of view concerning the possible accession of Turkey to the Conventions governing the traffic in opium and other drugs.

Turkey heads the opium-producing countries of Europe and alone practically supplies the European markets. The consumption of opium within the country is very limited and the greater part of the Turkish output is therefore exported, its destination being the big foreign manufacturing centres. Turkey's annual exports of raw opium amount to 400 tons, representing a total value of £16,000,000.

Further, owing to the high morphine content of Turkish opium—close on 14 per cent—and the care taken in its preparation, it is highly appreciated in the pharmaceutical industry. Turkey accordingly decided that she was justified in founding within the country an industry intended to produce drugs for medical and scientific purposes. As Turkey possesses the raw materials, she considers herself as fully entitled to manufacture drugs from opium as any other manufacturing country. Three drug factories are now operating at Istambul. Their output during the first six months of the past year was 2,300 kilogrammes of morphine and 4,300 kilogrammes of heroin. The establishments in question can together deal with as much as 400 kilogrammes of opium a day. The Turkish Government has determined, however, to grant no further licences for the establishment of factories of this kind. The Turkish delegate would consider as arbitrary any attempt to exclude Turkey from the allocation of manufacturing quotas on the plea that certain factories established in its territory may have engaged in illicit transactions. As a producing country, Turkey thinks she has the right to demand the allocation of a quota on the same footing as other countries.

Turkish laws have set up control over sale, imports and exports. Every proprietor of a drug factory is required to report to the Ministry of Public Health and Social Welfare the quantity and nature of drugs exported by him and to specify the destination. This information is immediately forwarded to the Consulate of the country in which the place of destination is situated. In these circumstances, the Turkish Government is prepared to co-operate in the work of the League of Nations for the limitation of the manufacture of dangerous drugs. It is prepared to accede to the Geneva Convention and to limit the manufacture of narcotic drugs, provided that it is given a fair quota. If this were done, the Turkish Government would consider producing drugs on a monopoly basis on its own account or by granting a concession to a third party. This declaration has not yet been discussed by the Committee and, as is indicated below, no proposal regarding a quota for Turkey has yet been put forward.¹

Point of View of the Yugoslav Delegation.

The Yugoslav delegation was anxious, from the opening of the session, to define its position by setting forth the conditions it thought essential for the limitation of manufacture, and it also raised certain important objections to any quota system that was over-exclusive.

The first condition is the extension of the Geneva Convention to all civilised countries. If this condition is not fulfilled, it is to be feared that a considerable quantity of drugs will find its way into the illicit traffic. The second condition is that all manufacturing and producing countries should accept the limitation scheme, otherwise producing countries will become manufacturers. Further, the Yugoslav Government desires to protect the economic and social interests of Yugoslav poppy-growers and also those of consumers in general and considers these interests as legitimate as those of a small number of manufacturers. Finally, in view of the special position occupied by Turkey and Yugoslavia, who supply the greater part of opium for manufacturing purposes, the Yugoslav Government considers that, if Turkey is authorised to manufacture, an equitable quota should be allocated to Yugoslavia also. Yugoslavia is determined to continue to co-operate with the League of Nations in its struggle against drugs, but could not do this unless she received satisfaction on these different points. This policy of co-operation has, in point of fact, not been pursued without sacrifices on her part. The sale price of the raw material has fallen considerably and opium sales have never been so uncertain. The Yugoslav delegation fears that the cartel now in existence may become a monopoly and it pointed out the influence that the cartel might have over prices. At the beginning of 1930, raw opium was worth 850 dinars or about 77 Swiss francs per kilogramme on the Belgrade Exchange; at present, it is worth 350 dinars or about 33 Swiss francs. However, the prices of the manufactured drugs had not diminished.

Position of Certain Non-manufacturing Countries.

Similar objections were raised against any system of world monopoly in the interests of the present manufacturing countries. Certain representatives, such as the Spanish and Polish, expressed their preference for a system which would not involve the constitution of anything resembling a monopoly and would not bring about an increase in the prices of narcotics intended for medical and scientific purposes, and they requested that their views should be clearly stated in the report to the Council so that the conference to be held in May may have a clear idea of the opinions put forward in the Committee.

It was pointed out, in reply to these criticisms, that the system of quotas proposed by the Advisory Committee in its scheme of last year does not involve the creation of a monopoly. The scheme has to recognise the fact that only certain countries are engaged in the manufacture

¹ For the discussion of the Turkish situation in the second part of the Advisory Committee's session, see Minutes of the thirty-first and thirty-fourth meetings and report to the Council (document C.168(a).M.62(a).1931.XI [O.C.1380(1)]).

of the drugs at the present time and that, in consequence, under a scheme for the limitation of the world manufacture to a definite amount, that amount has to be allocated among the countries which are at present manufacturing. No exclusive right of manufacture, however, is given by the scheme to those countries. The right of any country not at present manufacturing to begin the manufacture if it desires to do so, is preserved, and provision is made in Article 10 for the allocation of a quota to such a country, as well as for the revision of the quotas from time to time.

The Committee considered it necessary to lay down a two-fold principle: A State should, as recognised in the scheme of the Advisory Committee as drawn up at its thirteenth session, have full and complete liberty to purchase drugs for its medical requirements from whatever country it prefers and in such form as it considers expedient, but it should also be permitted to indicate, in advance if it so desires, the names of the countries from which it desires to obtain supplies, since certain States are in a position to do so, and particulars of firm orders will facilitate the task of the Central Office responsible for the supervision of transactions. Moreover the non-manufacturing countries in question requested that, on the basis of firm-orders received by countries which have not already been allotted a quota, it should be possible for these quotas to be revised. They also recognised that it was necessary that the quota system should be fairly stable, so that manufacturers might feel certain that their purchases of raw materials would not prove useless, and that the period of validity of quotas was fixed at two years.

In connection with Article 10 of the draft Convention, which provides for the revisions of the quotas, M. Casares proposed the following amendment:

“ If, as the result of declarations on the part of countries indicating in advance the country or countries from which they propose to obtain their supplies, it is found that the orders placed in a certain country exceed either the quantity normally manufactured in the country or the quota assigned to it, then the Central Office provided for in heading III of the annex shall *ex officio* proceed to a readjustment of the distribution in accordance with the procedure indicated in item . . . of the annex.”

After discussion, a new text was agreed between M. Casares and Sir Malcolm Delevingne, which was accepted by the Committee and will be found in the revised draft Convention following this report.

In connection also with Article 10, which provides for the assigning of a quota to a country intending to become a manufacturing country, the Yugoslav delegate proposed an amendment.

This amendment raised a question of principle. It provided that, should the intention of a country to ask for a quota be due to firm orders having been placed during the previous year by other countries or to the statement made by certain countries when estimating their needs to the effect that they proposed to obtain their supplies from various countries, the Secretary-General of the League would communicate the notice received to the central authority, which would proceed *ipso facto*, without the necessity for negotiations with other Governments to readjust the quotas.

As the Italian delegate pointed out, the divergent opinions expressed in the Committee with regard to the Yugoslav amendment concerned the question whether a country desiring to manufacture for export and in a position to prove that it had received a considerable number of orders from other countries, was obliged to apply to the central organ of the League for authorisation—a step which might involve either the convening of a conference or the reference of the question to an international tribunal—or whether it had the real right to a revision of the quotas on the strength of orders received.

The Yugoslav delegate took the view that the draft Convention submitted to the Committee converted the present *de facto* situation of a small number of manufacturing countries into a *de jure* situation. In his opinion, every State had the right to manufacture within the limits of its international obligations if it had firm orders, and he did not see why it should have to enter into negotiations before this right was recognised. The Yugoslav delegate also pointed out that the present *de facto* situation might be profoundly modified by the time the proposed Convention came into force.

The Yugoslav amendment was supported in particular by the Italian delegate and also by the Polish and Mexican delegates.

The Italian delegate in a declaration on the scheme as a whole asked for the insertion in the report to the Council of conditions which, in his opinion, are essential for the success of a scheme of limitation. He considered it necessary: (1) to respect the right of every country to obtain supplies from whatever country it chooses; (2) to require every country to specify in advance the quantities it will require over a definite period; (3) to restrict to an absolute minimum the privileged position of manufacturing countries by avoiding as far as possible any measures which might give them an official *de facto* monopoly; (4) to provide in the Convention for the limitation of the manufacture of all derivatives of opium and coca leaves and, in particular, of codeine and its derivatives; (5) to encourage the Government monopoly system, not only as regards the trade in, but also as regards the manufacture of substances covered by the Convention to be drawn up; (6) to provide for the application of sanctions by every Government which is a party to the Convention of May 1931, *vis-à-vis* any country which refuses to accede to it, and to put into operation the measures provided for by the Opium Conventions of 1912 and 1925; (7) to ensure the limitation of manufacture and the supervision of the limited quantity manufactured, through the Permanent Central Opium Board, with the addition in an advisory capacity of representatives of the Advisory Committee, the Health Committee, the Economic Committee or any other organ of the League.

On the other hand, it was pointed out that the right claimed in the Yugoslav amendment would constitute a privilege not enjoyed by manufacturing countries which do not possess the right to execute all the orders which they may receive, and there was a risk that this system might create a state of instability unfavourable to the economic conditions of the market.

The Belgian delegate, although he was in favour of the principle of the limitation without quotas, accepted, as a basis of discussion, the draft submitted to the Advisory Committee, in view of the elasticity introduced into the system by the amendments incorporated as a result of the Spanish proposal, and until such time as a more concrete form can be given to a plan not involving quotas but based on the sum total of needs declared in advance by consuming States.

M. Fotitch's amendment was rejected by eight votes to four, with five abstentions.

In order to give satisfaction as far as possible to the point of view of the Yugoslav representative, a new paragraph 5 was added to Article 10 which provided that, in negotiation or arbitration concerning the allocation of a quota to a country which had not been assigned one, due account would be taken of any certified contract or agreement for the supply of drugs by that country in accordance with the provisions of the Geneva Convention.

Although the quota system was thus adopted with the modifications introduced by the various amendments mentioned above, the Committee was not in a position to indicate the list of countries to which a quota would be assigned or to fix figures. The British delegate reminded the Committee that an agreement had been reached between manufacturing countries with the exception of Japan and Turkey. The Turkish proposal with regard to the amount of Turkey's quota had been considered excessive and rejected, and the Turkish delegate on the Advisory Committee is not at present in a position to make a further firm offer. The Turkish delegate stated, however, that he would be happy to get into touch with manufacturing countries.

The Japanese Government is also prepared to continue the negotiations and the Committee decided that, in these circumstances, further discussions, in which the Yugoslav delegate asked to participate as an observer, should be entered into between the Governments, and that it should be left to the Conference to be held in May to decide the matter.

The Committee did not discuss further the question of the basis on which quotas should be decided.

2. MEASURES OF CONTROL LIKELY TO ENSURE THE EFFECTIVE APPLICATION OF THE PLAN.

(a) *Yugoslav Amendment regarding the Prohibition of Imports coming from Countries not applying the System of Control provided for in the Geneva Convention (document O.C.1332(h)).*

M. Fotich, delegate of Yugoslavia, submitted the following amendment, which gave rise to a thorough discussion in the Committee :

“ The following categories of imports and exports are forbidden :

“ (1) Imports for the purpose of internal consumption, conversion or re-export of drugs manufactured in a country which does not exercise control over the traffic in narcotic drugs in accordance with the Geneva Convention of February 19th, 1925.

“ (2) Imports for the purpose of manufacture, preparation and re-export of raw materials (raw or conditioned opium, coca leaves, Indian hemp), originating or coming from countries which do not exercise control over the traffic in narcotic drugs in accordance with the Geneva Convention of February 19th, 1925.”

The Yugoslav delegate gave the following explanation of the purpose of this amendment. He drew attention to the fact that all the producing and manufacturing countries must be brought under the system of control laid down by the League of Nations. No effective practical result could, he added, be obtained, as long as some countries remained outside the Conventions of 1912 and 1925, for the result of such a state of affairs must be to place States not adhering to the Convention in a more favourable position. The Yugoslav amendment was in harmony with the proposal put forward by the Permanent Central Board in its report to the Council and which the Council at its meeting of January 19th, 1931, had recommended to the attention of the Advisory Committee.

This proposal was as follows :

“ The Board is concerned with the inadequacy of Articles 24 and 26 of Chapter VI of the Geneva Convention in the case of a country which produces raw material in large quantities and not only exports but also manufactures. If the Convention is to be amended, the Board would suggest that it be given the power to recommend, against an offending country, not only an embargo on exports to such country of the substances covered by the Convention, but also on imports of such substances from that country.”

The great majority of the Commission received with a good deal of sympathy the principles of the amendment in question. Nevertheless, the Netherlands delegate stated that he was sure that his Government could not accept a system instituting a sort of boycotting which would

divide States into two hostile camps and thereby create conditions favourable to the growth and continuance of the illicit traffic. In the Netherlands Government's opinion, no plan of limitation could be put into force until the Geneva Convention was almost universally applied. From the beginning of international co-operation in the matter of opium traffic universality had been aimed at and, unless universality were attained as regards any limitation proposals, these limitation proposals would fail. The other members of the Committee considered, on the contrary, that the idea on which the amendment was based was just, and regarded it as an effective means of inducing States to accede to the Convention. In particular, the Austrian and Belgian delegates emphasised the legitimacy of moral pressure in favour of universal control. While the Committee as a whole pronounced in favour of the principle of the Yugoslav amendment, it was struck by certain practical difficulties for which a solution will have to be found before giving effect to the amendment in question. These objections are as follows: Out of six principal producing countries of the raw material, four are at present outside the regime of the Geneva Convention—namely Turkey, Persia, Russia and China. The only two producing countries subject to the obligations of the Convention are Yugoslavia and India. The world's requirements in raw materials for medical needs are, exclusive of the large quantities used by the opium monopolies in the Far East, approximately 350 tons. Yugoslavia only produces 100 tons and India's output is chiefly utilised by Great Britain and her colonies. The world's requirements would therefore be insufficiently covered by the countries signatories to the Convention. Account must also be taken of the fact that the opium crop is variable, and that the countries parties to the Convention might be tempted to increase their production of raw material in order to make good deficiencies which would increase a world output that is already too large. Furthermore, it might be difficult to make such an import prohibition effective, since importation does not always take place through direct channels. Moreover, the application of this system might bring about, at the same time as a shortage of raw material, a rise in prices. Lastly, in some cases, the application of measures of this kind might be incompatible with the treaties of commerce entered into by certain countries.

In reply to these objections, the Yugoslav and Belgian delegates pointed out that these difficulties were far from insoluble, and, in particular, as regards the most serious possible shortage of raw material or of manufactured drugs, they emphasised the fact that, once the general rule of prohibition had been established, certain exceptions to this rule might be permitted with the authorisation of the Permanent Central Board in cases in which such a shortage was duly established. As regards incompatibility with commercial treaties, it is difficult, in the Yugoslav delegate's opinion, to imagine that a commercial treaty could hinder the application of an article of the international Convention which was about to be drawn up. As regards the apprehensions raised by the idea of boycotting and of the exercising of pressure, which had been voiced by the Netherlands and Swiss delegates, they could not, in the Uruguayan delegate's opinion, be justified, since it was the Advisory Committee's duty to denounce illicit traffic.

After this careful examination of the various aspects of the problem, the Committee adopted the conclusions put forward by the British delegate and seconded by the Spanish delegate. While asserting its sympathy for the principle of the Yugoslav amendment, it decided to leave the question open for settlement by the May Conference, since this Conference would have a better opportunity of knowing the views of the States whose accession to the Convention was desired, and since certain of these States which were not participating in the Advisory Committee's debates would be represented at the Conference.

(b) Additional Article of the Yugoslav Amendment concerning the Ratification of the Convention.

The Yugoslav delegate submitted the following amendment:

“Ratification of the present Convention by those High Contracting Parties who have not yet ratified the Geneva Convention of February 19th, 1925, involves automatic ratification on their part of the latter Convention.

“The putting into force of the stipulations of the Geneva Convention in the territories of those High Contracting Parties to which the present article refers, shall take place at the same time as the putting into force of the present Convention.”

This amendment is based on the same principle as the foregoing. It is intended to show that the organisation of the control provided for by the League of Nations constitutes a single system and that the new Convention could have no practical effects unless the system of control set up by the Geneva Convention is first applied. Any such gap leaves the way open for the illicit traffic. Several delegates, including the British and French, although recognising the importance of the Yugoslav amendment, drew attention to the disadvantages of a proposition which might result in preventing certain Governments non-signatories to the Geneva Convention of 1925 from becoming parties to the new Convention. They concluded that the aim of the Yugoslav delegation must be achieved by a more elastic procedure. Accordingly, they proposed to ascertain what articles of the Geneva Convention are assumed by the new Convention to be in operation, and to insert in the Convention an article requiring the parties to the new Convention, who are not signatories to the 1925 Geneva Convention, to apply the system of control provided for in the latter Convention in regard to a certain number of points to be specified.

This proposal was unanimously adopted.

(c) *Control of Re-exports.*

The Committee carefully considered the question of the control of re-exports, with a view to obviating the risk of an accumulating of stocks in re-exporting countries. Some delegates were of opinion that such accumulations might facilitate the illicit traffic. Further, the Japanese delegation insisted on the necessity for treating on a footing of equality both re-exports from countries which manufacture only for their own needs and exports from big manufacturing countries. Certain delegates—for instance, the Netherlands delegate—emphasised the fact that the re-export trade included only very small quantities and that drug preparations constituted only a very small part of that trade. The system for the control of re-export devised by the Committee is set forth in Article 14 of the draft Convention. This system is intended to ensure that re-export really occurs after import. A special import certificate with a view to re-export is required in accordance with the Netherlands proposal and, at the same time, the system is based on the principle enunciated in London by Dr. Carrière, according to which re-exports shall be authorised only up to the extent of home needs; nevertheless, if the countries in question desire to re-export quantities greater than those corresponding to their home needs, they may be authorised to import and re-export the additional quantities on presentation of orders certified to be legitimate and supported by an import certificate. Further, it is understood that countries which manufacture only for their own needs shall be entitled to export up to the extent of those needs without being obliged to import previously.

(d) *Organ entrusted with the Control of Estimates.*

The Committee considered what organ should be entrusted with the examination of the estimates forwarded to the Central Board, this organ being also required to discharge the duties referred to in Articles 3 (2), (3), and 4 (2) of the Convention—that is to say, in particular, to draw up estimates for countries not supplying them.

For this purpose, the draft submitted to the Committee provides for a joint committee consisting of representatives chosen from each of the following organs: the Permanent Central Board, the Health Committee of the League of Nations, and the Opium Advisory Committee of the League. Other proposals were put forward; certain delegates thought that the controlling organ should be the Permanent Central Board, which is already referred to in one international Convention and which might, for certain duties, co-opt members of the Health Committee, the Advisory Committee or the Economic Committee.

The French, British and Polish delegates stressed the fact that public opinion throughout the world would not understand the position if a large representation in this organ was not ensured particularly for the medical faculty, since the statistics it would have to prepare are statistics which are essentially medical in character. Accordingly they expressed themselves as being in favour of the joint committee provided for in the original draft.

The Committee decided to leave a definite decision on this point to the May Conference. It also agreed, in reply to a request from the President of the Central Board, to communicate to the Central Board the draft Convention, so that the Board may consider whether it is in a position to assume any duties which might fall upon the Central Board on any particular point.

(e) *Disposal of Seized Drugs.*

The Committee went into this question, being anxious lest, if the enormous quantities of drugs seized should find their way back to the market, the equilibrium secured with difficulty by any system of limitation should be endangered.

The Spanish delegate proposed that seized drugs should in all cases be destroyed, and the Chinese delegate that they should be burnt, as is done in China.

The Chinese delegate called the Committee's special attention to the considerable importance for a country like China of the question of the disposal of the immense quantities seized in the illicit traffic (according to the statement of the Chinese delegate, the Chinese Customs in 1929 seized 500 oz. of cocaine, 10,000 of morphine, 3,000 of heroin, 6,000 of opium, and 10,000 hypodermic needles. In a single seizure in 1930 on board a Lloyd Triestino boat, 188 lb. of heroin were confiscated, and, in another seizure at Shanghai, 623 lb. of morphine and 661 lb. of heroin—a quantity representing at least 50 million injections). The Chinese delegate therefore thought it necessary that these vast quantities should be completely destroyed. Certain delegates pointed out, however, that it was not essential to destroy goods which had an economic value, and that certain Governments might be unwilling to accept that solution. It would suffice for the authorities to take measures to ensure that the quantity seized and subsequently returned to the market should be deducted from the quantity manufactured in accordance with the provisions made in the draft Convention.

The majority of the Committee agreed with this view but emphasised the necessity of an effective control of seizures, and instructed the Secretariat to write to the Governments, asking them to describe in detail their methods of disposing of seized drugs and the manner in which such seizures are shown in the national statistics. As may be seen, from a passage in document Conf. L.F.S.3 (Analysis of the International Trade in Morphine, Diacetylmorphine and Cocaine for the Years 1925 to 1929, Part II), these details are not generally supplied, although they are absolutely essential if any scheme of limitation is to be established on sound foundations.

(f) *Price Control.*

The resolution of the tenth Assembly requested the Advisory Committee to consider means of preventing an increase in the prices of narcotic drugs. The Advisory Committee examined this highly intricate question in its various aspects, and had before it a proposal by the Belgian delegate, to the effect that the prices of the various products should not be allowed to rise to a level more than 25 per cent above the average prices for the last three years previous to the introduction of the quota system. If manufacturers should consider still higher prices necessary, reasons must be given acceptable to an authority to be determined.

The discussion, which dealt with two fundamental points—namely, to what body the control was to be entrusted and what method was to be adopted for supervising prices—led to no definite conclusion in view of the extreme intricacy of the question, and the Committee decided to continue its investigations.

The principal questions which the Committee attempted to answer were these : Should there be a body responsible for controlling prices, or should prices be fixed internationally on the basis of United States prices, as suggested by Dr. Anselmino ? Or, should a sliding scale system be introduced, whereby the price of the manufactured article would vary with the price of the raw material ? Or, should a list of maximum prices be agreed which should not be exceeded, except after reference to and with the approval of an organ of the League or of an arbitrator or arbitrators appointed by the League ?

These are the points which the May Conference will have to consider.

(g) *Drugs to be covered by the Convention on the Limitation of Manufacture.*

The Committee referred this matter to a Sub-Committee.

The two main questions considered by the Sub-Committee were :

- (1) What drugs can be brought under the scheme for limitation of manufacture ?
- (2) To make that scheme effective, is it necessary to extend the system of control provided in the Geneva Convention to new drugs ?

The Sub-Committee felt that the solution of the second question would help it to solve the first and gave special consideration to the question of codeine in view of the fear that had often been expressed in the Advisory Committee, that a country might import large quantities of codeine which escaped control and might forthwith manufacture drugs which are covered by the Convention. The opinion was expressed that the medical faculty would not consent to any limitation of the manufacture of substances like codeine, which is harmless in itself. On the other hand, it is necessary to control its manufacture, import and export and the wholesale trade. Certain supervisory arrangements for that purpose are provided for in the draft Convention. A country which converts morphine into codeine must furnish an estimate of the quantity converted and the Government must satisfy itself that that quantity actually is converted. Difference of opinion arose as to whether the system of simple import and export permits was adequate to ensure such control or whether it was desirable to insist upon the application of the import certificate system proper, under which no codeine could be exported unless the exporting Government were in possession of an import certificate from the importing Government. The German delegate stated that his Government would accept a system of export and import authorisations, but would not favour the adoption of the import certificate system in relation to codeine. This being so, the Committee took the view that the import certificate could be optional in the case of codeine, but was unanimously of opinion that it should be compulsory in the case of another substance, *benzylmorphine (peronine)*, which, there are grounds for believing, can be converted into heroin. The Secretariat thought it desirable, however, to call attention to the fact that the Health Committee had stated that codeine could be converted into dicodide, and that, in those circumstances, codeine ought perhaps to be treated like peronine from the point of view of control.

The Chairman of the Central Board also expressed his regret that an import certificate proper should not be required for codeine, and the Italian delegate asked once more that codeine should be brought under the Convention on the Limitation of Manufacture.

The Netherlands delegate proposed that preparations containing not more than 0.2 per cent of morphine or 0.1 per cent of cocaine should be brought under the control of the Geneva Convention and that the exemptions now made under Article 8 of the Geneva Convention should be abolished. As the Sub-Committee mentioned before did not see any relation between the efficient working of the limitation scheme and the bringing under control of these substances, the Netherlands delegate reserved his right to re-open the question later.

With regard to question (1), the Sub-Committee was of opinion that limitation should apply to the drugs mentioned in the Assembly resolution—*i.e.*, those covered by paragraphs (b), (c) and (g) of Article 4 of the Geneva Convention—namely, morphine, diacetylmorphine, cocaine and their salts, and any narcotics to which the Geneva Convention may apply under Article 10.

On the proposal of the German delegate, the Committee considered whether it was desirable to limit the manufacture of preparations containing morphine which are manufactured direct from raw opium, such as pantopon and pharmacopœia preparations, extracts and tinctures. The Committee decided that preparations containing not less than 20 per cent of morphine—such as pantopon, which contains 50 per cent—should be included in the limitation, while preparations with a lower content—*i.e.*, pharmacopœia preparations—should be excluded.

Lastly, the Committee considered the question of crude morphine, crude cocaine and ecgonine. It concluded that when crude morphine and crude cocaine are themselves used as drugs they should be covered by the Convention on Limitation ; but, if they are converted into pure morphine and pure cocaine, they should be treated as intermediate substances in accordance with the provisions of the draft Convention. Ecgonine also is an intermediate substance, the manufacture of which is already under control in accordance with the Geneva Convention.

Finally, the Committee was greatly struck by the importance of making the procedure provided for in Article 10 for bringing a new narcotic under the Geneva Convention more elastic and quicker. The slowness of this procedure is attributable to the fact that the question has to be referred both to the Health Committee and to the Office international d'Hygiène publique at Paris.

The Committee requested that the Health Committee should be asked to seek a means of accelerating the procedure provided in Article 10 and of reducing its duration if possible to a period of six months. The Chairman of the Permanent Central Opium Board, as assessor to the Committee, and the delegates of Spain, the United States of America, China and Uruguay expressed regret that the Committee was unable to recommend that a change be made in Article 10 of the Geneva Convention, by which all new drugs that are produced would be considered as dangerous until the Health Committee of the League of Nations after having submitted the question for advice and report to the Permanent Committee of the Office international d'Hygiène publique at Paris had declared them to be innocent.

* * *

These are the various points connected with the scheme for the limitation of the manufacture of narcotics to which the Advisory Committee devoted special attention. In the light of the observations exchanged and on the basis of the decisions reached, the Advisory Committee has prepared the draft Convention (Annex 7) which it has the honour to lay before the Council for submission to the Conference to be held in May.

* * *

On the adoption of the report to the Council, the following statement was made by the Belgian representative on behalf of himself and the representatives of China, Mexico, Poland, Spain and Uruguay :

“ Several members of this Committee, representing more especially consuming countries, desire at the moment of uniting with their colleagues for the purpose of presenting to the Council of the League of Nations a proposal for the limitation of manufacture of narcotic drugs, to make a statement, in the first instance, in order to express their entire satisfaction at seeing all the nations invited to take a decisive step towards the acceptance of the principle of restriction regarding the manufacture of narcotic drugs. Already with the Geneva Convention, the regulation of the trade in narcotic drugs has been almost universally accepted, but this is not enough to stop abuse as long as unlimited manufacture means an irresistible inducement to illicit traffic.

“ We pay our tribute to the negotiators who, through long and difficult discussions, have endeavoured to conciliate various interests and, taking into account human realities, have, for the purpose of giving effect to the unanimous resolution of the tenth Assembly, undertaken to establish a system of restriction which, even if open to certain criticisms, constitutes a considerable step forward and proves the possibilities of conceiving in a practical form the limitation which has so far been considered Utopian. Homage should be paid to those men who, with heart and vision, as pioneers of the idea, have encouraged the great nations to go ahead.

“ However, while hoping that the Governments may see their way to carrying out this limitation, we cannot refrain from expressing the hope of seeing the May Conference perfect our work and give to the problem a more complete and satisfactory solution than the one in which we have all collaborated to facilitate progress without abandoning our own ideas.

“ We take the liberty of drawing the attention of the future Conference to the various suggestions and proposals made by the representatives of consuming countries and we consider it desirable to summarise them in the following words :

“ 1. A system of limitation to be decided upon by the Convention to safeguard the rights of each nation to procure, for its legitimate needs, drugs from the source and the country it chooses.

“ 2. Each country should make known in advance the quantity of narcotic drugs falling under the provisions of the Convention of which it will be in need for a fixed period as well as the name of the country or countries where it intends to procure its supplies.

“ 3. The system of Government monopoly for the trade and, where necessary, for the manufacture of narcotic drugs falling under the provisions of the Convention is recommended.

" 4. Sanctions applicable by each Government party to the Convention of May 1931 should be provided for, and should apply to every country which does not exercise a control of narcotic drugs equivalent to that laid down in the Geneva Convention.

" 5. Both the limitation of manufacture and the control of the quantities manufactured should be guaranteed by the action of the Permanent Central Opium Board, assisted, where necessary, by technical authorities."

* * *

It was pointed out by the British representative on behalf of the majority of the Committee, in the discussion on the above statement, that, on the one hand, as regards the first two points, the right of the consuming countries to obtain their supplies where they will (if not to the extent, as proposed by the minority, that the drugs supplied should be the products of the country to which the orders are given) and the system of annual estimates are cardinal principles of the scheme proposed last year by the Advisory Committee and are included in the draft Convention—and, on the other hand, that the proposal to *require* the Governments to state before the end of the year where they intend to purchase their drugs during the ensuing year was considered by the Advisory Committee in 1928 and regarded as impracticable. A proposal that the right of a Government to make such a statement, if it wished, should be recognised and embodied in the Convention was made and accepted during the present discussion. The question of making the manufacture, sale, etc., of narcotic drugs a Government monopoly though incidentally referred to in the course of the discussion, was not considered by the Committee, as it raises large issues of general policy and no definite proposal on the subject was submitted to the Committee.

ANNEX 7(b).

REPORT TO THE COUNCIL OF THE REPRESENTATIVE OF YUGOSLAVIA
ON THE REPORT OF THE ADVISORY COMMISSION ON TRAFFIC IN
OPIUM AND OTHER DANGEROUS DRUGS AND ON THE DRAFT
CONVENTION ON THE LIMITATION OF THE MANUFACTURE OF
NARCOTIC DRUGS AND RELATIVE MINUTES.

EXTRACT FROM THE MINUTES OF THE SIXTY-SECOND SESSION OF THE
COUNCIL, NINTH MEETING, HELD ON SATURDAY, JANUARY 24TH, 1931.

**Preliminary Report of the Advisory Committee on Traffic in Opium and Other
Dangerous Drugs on the Work of its Fourteenth Session.**

M. de Vasconcellos, Chairman of the Advisory Committee on Traffic in Opium and other Dangerous Drugs, came to the Council table.

M. FOTITCH presented the following report (document C.137.1931.XI) :

" The Council at its session in September 1930 requested the Advisory Committee to examine the replies of Governments on the plan for the limitation of manufacture drawn up by the Committee at its thirteenth session and circulated by the Council to governments for their observations. The Committee was also asked to take into account the results of the Preliminary Conference of Manufacturing Countries which was held in London in October and November 1930 (document C.669.M.278.1930.XI). The Council also suggested that the Committee should draw up a draft Convention which would be the outcome of its studies of the problem. The Council now has before it the report (document C.115.1931.XI [O.C.1357(1)]) made by the Committee during the first part of its fourteenth session on the material referred to and a draft Convention (document O.C.1332(1)) drawn up by it after long discussions, which are summed up in the report and the Minutes.

" I do not think I am called upon to present any observations on these documents, but I am sure that the Council would wish me to express its appreciation of the energy and hard work shown by the Committee in producing this result.

" There are, I think, only two points arising out of the report of the Committee to which I need direct the attention of the Council. The first is the decision of the Advisory Committee as a result of the request made by the President of the Permanent Central Board that the draft Convention prepared by the Committee should be communicated to the Board in order that the latter may consider whether it is in a position to assume any duties which might fall upon it as a result of the adoption of the draft Convention. I propose that the Secretary-General should be asked to communicate the draft Convention as proposed to the Board.

"The second point to which I wish to refer is the request of the Advisory Committee that the Health Committee should be asked to seek a means of accelerating the procedure provided for in Article 10 of the Geneva Opium Convention with a view to reducing the period involved by the procedure as much as possible. I suggest that the Secretary-General should forward this proposal to the Health Committee for its examination.

"I propose that the Secretary-General should be instructed to communicate the Committee's report and the draft Convention to the Governments invited to the Limitation Conference. I think it is desirable that the Secretariat should prepare as soon as possible and circulate to the Governments the Minutes containing the discussions of the Committee on this aspect of its agenda. It is obviously important that the more distant Governments should be afforded the earliest possible opportunity of acquainting themselves with the discussions in the Committee upon which the draft Convention is based.

"In communicating the Committee's report and the draft Convention to Governments, I suggest that the Secretary-General should indicate in his circular letter that the provisions of the draft Convention are somewhat wider than the resolution of the tenth Assembly, which provided for the limitation of the manufacture of narcotic drugs covered by Article 4 (b), (c) and (g) of the Geneva Opium Convention. The draft Convention proposes to extend certain of the provisions of the Geneva Convention to other drugs which the Geneva Convention does not cover.

"As the time available to the Committee was extremely short for the carrying through of a task of this magnitude, it is possible that it may wish to forward to the Governments certain additional documentary material on points which it was not able in the time available to examine thoroughly. I suggest that the Secretary-General might be empowered in such a case to forward such material to the Governments as part of the documentation for the Limitation Conference.

"The Council has before it a letter from the President of the Permanent Central Board, dated January 9th, 1931, document C.110.1931.IX, in which attention is drawn to a discrepancy between the English and French texts of Article 24 of the Geneva Convention and a suggestion is made that the States parties to the Geneva Convention should take the opportunity afforded to them by the Conference on the Limitation of the Manufacture of Narcotic Drugs to be held next May to amend or to interpret the Convention in the sense of the English text. The Secretary-General in his covering note to this letter points out that this proposal involves a formal amendment or at least an interpretation of the Geneva Convention. In the circumstances, the Council may wish to instruct the Secretary-General to add a passage to the circular letter, in which he will communicate the text of the Advisory Committee's report and of the draft Convention to Governments so that their delegates should be in a position to deal with this question at the next Conference.

"It is necessary for me to draw the attention of the Council to several points in connection with the arrangements for the Limitation Conference which will meet on May 27th, 1931. It is, I think, desirable that in this, as in other similar cases, the Council should nominate the President of the Conference in order that he may have adequate time to study the very intricate and difficult problems which will face the Conference. I am not in a position at present to suggest names to the Council. In the circumstances, I venture to propose that the Council should request its President, in consultation with the Rapporteur, to submit to the members of the Council proposals as to the appointment of the President of the Conference, and in order to enable him, in agreement with the President of the Advisory Committee and the President of the Health Committee, to appoint the experts alluded to in the resolution of the Assembly.

"I should also draw the attention of the Council to the letter from the President of the Permanent Central Board dated January 14th, 1931, in which the President, on behalf of the Board, expresses the opinion that it is desirable that the Board should be represented at the Limitation Conference and requests the Secretary-General to bring to the attention of the Council the fact that the Board considers, for the reasons given in this letter, that it would be appropriate for the Board to be represented at the Conference by its President and at least two other members of the Board who have special knowledge of the subjects to be discussed at the Conference. I think the Council will agree that, in the circumstances, it is desirable that the President of the Board should be present at the Conference in a consultative capacity, assisted by such of his colleagues as he may wish to designate. The Council will, no doubt, also feel it desirable that the President of the Opium Advisory Committee should be present at the Conference in a consultative capacity."

M. QUIÑONES DE LEÓN asked that, at the end of the paragraph beginning: "The Council has before it a letter . . .", after the words "next Conference", there should be inserted the words: ". . . and to discuss the limitation of all derivatives of opium and the coca leaf, as well as the control of the quantity limited by the future Convention".

M. ZUMETA seconded this proposal.

M. FORTCH (Rapporteur) accepted the amendment proposed by M. Quiñones de León.

M. Hussein ALÂ expressed his appreciation of the preparatory work which had been done and his hopes for the complete success of the Conference on the Limitation of the Manufacture of Narcotic Drugs. Persia had always desired that this traffic, which was infinitely more dangerous to man than the habit of opium-smoking, should be strictly regulated.

Persia possessed no factories for the manufacture of dangerous drugs and did not therefore appear at first sight to be directly concerned in the draft Convention now before the Council.

As the representative, however, of a country that produced raw opium, M. Hussein Ala wished to make a few observations.

The draft Convention laid down the principle of quotas for the manufacturing countries. That was fair, and no one would dispute the need for protecting the interests in question. It would, however, he thought, be only just also to take into consideration the position of the countries which produced the raw material, more particularly those to which, like Persia, the legitimate market in Europe and America were not yet open.

The growers of opium, who were mostly poor peasants, were far more numerous and far poorer than the manufacturers of drugs. The hard-won profits of their toil represented their daily bread and the supplies necessary to ensure their difficult existence must be assured. For this purpose, could not they too be assigned quotas in the supply of opium for the lawful manufacture of drugs, especially as increasingly severe measures were being taken to close to them the markets they had possessed hitherto? If it were really desired that the provisions of the Hague and Geneva Conventions, and those of the future Convention on the limitation of manufacture should be fully carried out in the various countries, it seemed essential to ensure that all the interests at stake were given a fair measure of consideration.

With this principle as a starting-point, and since also it was desirable, as far as possible, to face the facts, the Persian representative suggested that the Council should recommend to the Conference which was to meet in May that it should extend the principle of the allocation of quotas, so that not only the manufacturing countries, but the opium-growing countries as well, might enjoy the benefits of the quota system.

Finally, he wished to say a few words of the amendment submitted to the Advisory Committee the object of which was to prohibit imports of opium from countries which did not apply the system of control over the traffic in narcotic drugs as laid down in the 1925 Geneva Convention. Although that suggestion did not appear in the draft Convention adopted by the Committee, it could give rise to no anxiety in Persia. As he had informed the Council at an earlier meeting, the opium export monopoly imposed a formal obligation on the licence-holder to produce for each package exported a certificate issued by the importing country. Persia, therefore, would not be affected by the amendment in the event of it being considered by the Conference.

Care, however, must be taken to see that this amendment, which was certainly the outcome of a sincere desire to further the ends of the League, did not, when it came to be applied, result in unfair discrimination between the opium-producing countries and the monopolisation of the market by one country to the detriment of others.

M. DE VASCONCELLOS, Chairman of the Opium Advisory Committee, thanked the Rapporteur for his flattering remarks regarding the work of the Advisory Committee. The latter had spared no effort to complete its very difficult task of preparing the draft Convention which was now submitted to the Council.

As regards the Persian representative's observations, he pointed out that the draft Convention provided that Governments which desired to become manufacturers could do so, under certain conditions indicated in the draft.

The draft Convention represented merely a basis of work for the Limitation Conference. The latter would be entirely free in its judgment of the text and could make any amendments it considered necessary. Certain points in the draft had even been left blank, and this had been done because certain countries concerned, which had not been represented on the Committee, would send delegates to the Conference who would be able to propose any amendments they thought necessary.

M. FOTITCH agreed with the observations made by the Chairman of the Advisory Committee. Since the Conference would be entirely free to form a judgment of the draft and to take decisions, M. Fotitch proposed that the Persian representative's statement should be recorded in the Minutes of the meeting and communicated by the Secretary-General to all Governments.

This proposal was adopted, together with the conclusions of the report.

O.C.1347.

Appendix.

MEMORANDUM CONCERNING A CHANGE IN THE PROCEDURE PRESCRIBED IN ARTICLE 10 OF THE GENEVA CONVENTION.

LETTER FROM THE PRESIDENT OF THE PERMANENT CENTRAL OPIUM BOARD
TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

Geneva, January 9th, 1931.

At the session of the Permanent Central Opium Board that has just been concluded, one of its members—Mr. May—laid before the Board a memorandum concerning a change which he thinks might with advantage be made in the procedure prescribed in Article 10 of the Geneva Convention.

The subject of this memorandum is connected with some of the questions that will be discussed at the coming limitation Conference, and these questions will also be discussed

at the present session of the Advisory Committee. The Board, therefore, believing that the views of Mr. May may be of special interest to the Advisory Committee, desires me to forward to you, enclosed herewith, a copy of his memorandum for the information of the Committee.

(Signed) L. A. LYALL,
*President of the Permanent
Central Opium Board.*

PROPOSAL BY MR. MAY.

The purpose underlying the creation of the Permanent Central Board was evidently that it should, by frequent examination of the statistics of the international traffic in the substances mentioned in the Second Geneva Convention, be enabled, at least indirectly, to bring about a reduction in the use of the products of the poppy, the coca leaf and of Indian hemp for non-medical and non-scientific purposes. But a study of the dates when benzoylmorphine and other esters (not including diacetylmorphine) came upon the market, when their uselessness for anything but the illicit traffic was recognised, when action was taken by the Health Committee upon the advice and report of the Permanent Committee of the Office international d'Hygiène publique in Paris and later by the Council of the League, and when control of these substances was undertaken by all manufacturing countries (a period measured by years) ought to prove conclusively that Article 10 of the Convention is inadequate to provide prompt machinery for the limitation of the products of the poppy and the coca leaf to medical and scientific purposes. History may repeat itself, and again tons of some new derivative may take firm hold before the machinery of Article 10 can be brought into action.

Accordingly, it is earnestly suggested that, at an early day in its January 1931 session, the Opium Advisory Committee, while making their proposals for a draft limitation agreement, consider the desirability of inserting a recommendation somewhat along the following lines, which would in effect reverse the procedure provided by Article 10 of the Second Geneva Convention :

“ Notwithstanding anything contained in Article 10 of the Second Geneva Convention, the provisions of that Convention shall apply to all alkaloids of opium and coca leaves and their derivatives, and all derivatives of all substances mentioned in Article 4 of the said Convention, unless and until the Health Committee of the League of Nations, after having submitted the question for advice and report to the Permanent Committee of the Office international d'Hygiène publique in Paris, finds that any such alkaloid or derivative cannot give rise to the drug habit, and unless and until the Health Committee communicates this finding to the Council of the League of Nations, and unless and until the Council communicates the finding to the Parties to this Agreement.”

Conf.L.F.S.26(b).

Geneva, June 9th, 1931.

ANNEX 8.

EXPLANATORY NOTE OF THE SCHEME OF DRAFT CONVENTION PROPOSED BY THE JAPANESE DELEGATION.

The Japanese delegation has presented to the Conference certain propositions in the form of amendments to the draft Convention (see document Conf.L.F.S.26(a)). The essential part of these proposals is to replace the quota system by another method which, in the opinion of the Japanese delegation, is better suited for the realisation of the purpose of limitation. The plan of limitation embodied in these proposals may be outlined as follows :

I. ANNUAL ESTIMATES OF EACH COUNTRY.

According to our plan, each country sends its annual estimates of the requirements of narcotic drugs for domestic consumption and for conversion to the Permanent Central Opium Board constituted under Chapter VI of the Geneva Convention, by the date (August 1st) agreed upon by this Conference (see Articles 3 to 6 and Regulations). When a country fails to furnish its estimates, it will be furnished by the competent authority. The Central Board will forward to each country various statistical data of the estimates.

2. WORLD REQUIREMENT OF NARCOTIC DRUGS.

From the aggregate of the estimates furnished by the countries concerned and also by the competent authority, the world total of narcotic drugs is established.

3. LIMIT OF IMPORTATION.

Although each country has the right to buy its supply of drugs from any country it chooses, it is only allowed to import drugs up to and within the limit of the home total of that country, less the amount manufactured for internal consumption and for conversion. As the estimate of the internal consumption and of conversion of a country is known to the authorities of that country, they are under contractual obligation, as well as it is in the interest of that country, not to permit any excessive import into that country. Furthermore, the contracting parties are, by the statistical data forwarded by the Central Board, aware of the maximum amount of narcotic drugs to be imported into a country. If an order comes to a country, the import certificate which accompanies the order will indicate the total amount of the drugs which have already been permitted to be imported and exported, and the balance of import for the home total of that country for that year. The country in which the order has been placed will know immediately from these data that the order was within the limit of the estimate of the importing country; the executing of the order will accordingly be permitted and the necessary export authorisation issued. It should be noted here that all the contracting parties to the Geneva Convention, in executing the order coming from any country, must require the presentation of an import certificate for the order, in accordance with the provision of Clause 2, Chapter 13, of the Geneva Convention. In other words, without this import certificate, no country is allowed to export any drugs.

4. LIMITATION OF THE MANUFACTURE OF DRUGS WITHIN THE WORLD REQUIREMENT.

According to our plan, as long as a country manufactures the narcotic drugs required for internal consumption and for conversion within its annual estimate, it has the right to do so. But no country is allowed to manufacture for export unless it receives an actual and concrete order from abroad for the importation of narcotic drugs; such order must of course be accompanied by the import certificate issued by the authorities of the importing country as described under paragraph 3. The result will be that at the end of the year, the quantities of all the import orders received by the countries in which the orders are placed will not exceed the quantity estimated for the world requirement. As the quantity of the drugs manufactured by all the countries for export purposes does not exceed the amount specified in all the import orders placed by all the importing countries, the total quantity of the drugs manufactured by all the countries for export purposes cannot exceed the world requirement of drugs for any given year.

5. PRACTICAL WORKING OF THE PLAN.

Since any country is allowed to manufacture the quantity of drugs required for internal consumption, any order of drugs for import may be executed at once from the stocks on hand for internal need, and any amount thus exported will be manufactured to fill up the shortage for its internal consumption.

Furthermore it is provided that, in order to give further facilities for trade, any country which had during the previous year any amount of export of drugs, may for export manufacture a certain percentage (for example, 50 per cent) of the export of that previous year before receiving the actual orders, in anticipation of the trade during the year. If, however, the trade in that country did not reach this amount, then the quantity remaining on hand will be brought forward to the succeeding year and the corresponding reduction will be made from the amount to be manufactured during that year.

6. RESULT OF THE ADOPTION OF THE PLAN.

In drawing up the plan, the Japanese delegation has envisaged the following objectives :

(1) To limit the manufacture not only to the world estimate but to the actual consumption as near as possible.

(2) The consuming country will be in a position to obtain the supply of drugs from any country it chooses and at any time it requires, within the limit set by the Convention.

(3) The plan does not designate a group of the countries monopolising the manufacture and export of drugs but gives all the countries freedom of commerce in the manufacture and export of narcotic drugs. At the same time, due consideration is given to the present exporting countries in the form of the percentage basis of manufacture for export without any actual order.

(4) The plan is based upon a simple principle which is clear and definite. In putting this plan into practice, it will minimise the complications and difficulties, reducing the onerous task of various League organs in executing the delicate scheme of limitation machinery.

7. CONTROL OF RE-EXPORT.

As long as re-export trade is carried on for legitimate traffic, it is within the right of any country to undertake it. But if it is not controlled, there may be an excessive accumulation of drugs which may be used for illicit traffic, and there will be over-production in excess of the

world requirements. For this reason, Article 14 of the draft Convention, with certain modifications, will be adopted, which provides that a special import certificate is required for re-export and that re-export is not permitted in excess of the quantity for the home total of that country, without previous importation of the drugs, etc.

8. THE CENTRAL NARCOTICS OFFICE.

Under the quota system, this organ functions as an important part in the distribution of the drugs to the consuming countries. Under our plan, such organ is not a necessary part of the scheme since the plan rests upon the import certificate system which is based upon the provisions of the International Convention. All the contracting parties are under international obligation to adopt this system. As it has been explained that the import certificate may be utilised to keep the record of the necessary data for the importing as well as the exporting countries, it will dispense with all the functions of the international organ such as Central Narcotics Office as provided for in the draft Convention. In fact, for the distant countries, there is a real practical inconvenience in having a Central Office which will be established in Europe. Furthermore, when there is a great number of orders applied for verification to the Central Office at any given moment, there may be difficulties in applying a strict priority in the execution. From these considerations, our plan rejects the provisions for establishing such an organ for controlling the distribution of drugs.

* * *

SCHEME OF THE DRAFT CONVENTION FOR LIMITING AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, PROPOSED BY THE JAPANESE DELEGATION.

[List of High Contracting Parties.]

Desiring to supplement the provisions of the International Opium Conventions, signed at The Hague on January 23rd, 1912, and at Geneva on February 19th, 1925, by facilitating the limitation of the manufacture of narcotic drugs to the world's legitimate requirements for medical and scientific purposes and regulating their distribution,

Have resolved to conclude a Convention to that effect and have appointed as their plenipotentiaries ;

[List of Plenipotentiaries.]

Who, having communicated to one another their full powers found in good and due form, have agreed as follows :

Article 1.

Except where otherwise expressly indicated, the following definitions shall apply throughout this Convention and the annex thereto :

From 1 to 9, as they are in the draft Convention ;
10 to 14 should be omitted ;
Consequently, 15 should be 10.

Article 2.

The High Contracting Parties will take all such legislative, executive, or other measures as may be necessary to give due effect within Their territories to the provisions of this Convention.

Article 3.

1. Each High Contracting Party shall furnish annually to the Permanent Central Opium Board, constituted under Chapter VI of the Geneva Convention, in respect of His territories, estimates of the requirements of those territories in the matter of narcotic drugs for use as such for domestic consumption and for conversion.

It is understood that full liberty is reserved to each country to purchase its supplies of narcotic drugs in any country it wishes and it may, when giving its estimates, mention the country or the countries from which it intends to purchase its supplies.

2. In the event of any High Contracting Party failing to furnish by the date specified in the annex to this Convention an estimate in respect of any of His territories, an estimate will be furnished in respect of that territory by the competent authority to be constituted in accordance with the provisions of Chapter I, paragraph 6, of the said annex.

3. This competent authority will similarly furnish an estimate in respect of any country which is not a party to this Convention and which does not furnish an estimate.

Article 4.

1. Any High Contracting Party may, if necessary, in any year furnish in respect of any of His territories a supplementary estimate of the requirements of the territory for that year with an explanation of the circumstances which justify such supplementary estimate.

2. The competent authority will similarly, if necessary, furnish a supplementary estimate in a case where it has furnished an original estimate.

Article 5.

Estimates furnished under the provisions of the two preceding articles shall be in the form, and shall be furnished in the manner, provided in Chapter I of the annex to this Convention.

Article 6.

Every estimate furnished in accordance with the preceding articles so far as it relates to narcotic drugs required for domestic consumption in the country or territory in respect of which it is made shall be based solely on the medical and scientific requirements of that country or territory.

It is understood that any High Contracting Party may include in His estimates such quantities as He considers necessary for the establishment or maintenance of reserve stocks under Government control for Government use or for general use to meet exceptional circumstances.

Article 7.

The total amount of any narcotic drug to be manufactured in any one year shall not exceed the amount of the world total for that drug for that year.

Article 8.

Any High Contracting Party may manufacture, within the limit of His home total, the quantity of narcotic drugs necessary for medical, scientific and conversion purposes. (Note.—For the sake of clearness, the original draft has been amended as above.)

The High Contracting Parties shall not manufacture narcotic drugs for export unless They receive actual orders for import accompanied by an import certificate issued in accordance with the procedure provided by Chapter V of the Geneva Convention.

Subject to the article above, any High Contracting Party may manufacture the quantity of narcotic drugs necessary to meet the actual order or the quantity necessary to fill the shortage of the domestic requirements caused by the export.

Any High Contracting Party having manufactured narcotic drugs for export may manufacture 50 per cent of the quantity of the previous year's export (excluding re-export) before receiving an actual order, provided that, if the said quantity exceeds that of the actual export (excluding re-export), the excess shall be carried forward to the stock and reduction is accordingly made from the quantity to be manufactured in the ensuing year.

Article 9.

The following provisions shall apply to the import of any narcotic drug for the purpose of re-export and to the re-export of any such drug so imported :

(i) The import certificate issued in respect of any such import shall state that the drug is intended for re-export ;

(ii) The quantities imported for re-export, domestic consumption and conversion shall not exceed the home total for that country, less the amount, if any, manufactured in the country, provided that it shall be permissible to import in excess of the quantity above mentioned :

(a) Up to the amount which has already been re-exported in that year, or,

(b) For the purpose of fulfilling export orders actually received for the supply of the drug for medical or scientific needs, duly supported by an import certificate issued in pursuance of the Geneva Convention.

Article 10.

1. No import from any source into the territories of the High Contracting Parties of any narcotic drug shall take place except in accordance with the provisions of the present Convention.

2. The following classes of imports are prohibited :
 - (a) The import of any narcotic drug for any purpose other than :
 - (i) The satisfaction of the medical and scientific needs of the importing country ;
 - (ii) Conversion ;
 - (iii) Re-export ;
 - (b) The import in any one year, save for the purpose of re-export, of any narcotic drug in excess of the home total for that drug as shown in the estimates for the country concerned for that year ;
 - (c) The import into any country in any one year, for the purpose of conversion of any narcotic drug in excess of the conversion total for that country for that year ;
 - (d) The import in any one year of any narcotic drug for use as such for domestic consumption in excess of the consumption total of that drug for the country concerned in that year ;
 - (e) The import in any one year, save for the purpose of conversion or re-export, into any country which manufactures the whole of its consumption total for that year of any narcotic drug, of any quantity of that drug whatever ;
 - (f) The import in any one year, save for the purpose of re-export or conversion, into any country which manufactures part only of its consumption total for that year of any narcotic drug, of any quantity of that drug in excess of the difference between that total and the manufacture quota for that country for that year.
3. In spite of the provisions of the paragraphs from (b) to (f) of the above clause, any High Contracting Party may import up to the quantity necessary to fill the shortage caused by export or re-export.
4. No export or re-export of any narcotic drug shall take place from the territories of the High Contracting Parties except in accordance with the provisions of the present Convention.

Article 11.

The text of the annex to this Convention shall be deemed to be an integral part of the Convention.

The regulations contained in the annex to this Convention shall be applied by the High Contracting Parties in order to facilitate the execution of the foregoing provisions.

The provisions of the annex may be revised in the following manner :

.....

Article 12.

The High Contracting Parties which are not Parties to the Geneva Convention undertake to apply the provisions contained in the following Chapters of that Convention : Chapter III—Internal Control of Manufactured Drugs ; Chapter V—Control of International Trade ; Chapter VI—Permanent Central Board.

Article 13.

[Control of prices.]

Article 14.

If any drugs confiscated by a High Contracting Party are appropriated by the Government for use as such for medical or scientific purposes or for conversion, a deduction to an equivalent amount shall be made from the amounts to be manufactured in or imported into that country.

Article 15.

The High Contracting Parties undertake to apply the following provisions of the Geneva Convention to all derivatives of morphine which are not controlled in pursuance of that Convention :

- (1) The provisions of Article 6, in so far as they relate to the manufacture, importation, exportation and wholesale sale of drugs ;
- (2) The provisions of Article 12, 13 and 18 : (a) except as regards preparations containing the substances, and, (b) except that the requirement as to the production of an import certificate shall only apply in the case of peronine or any other substance in respect of which the Health Committee of the League of Nations reports to the Council that it is capable commercially of being converted into a drug to which the Geneva Convention applies ;
- (3) The provisions of paragraph 1(b), (c) and (e) and paragraph 2 of Article 22, except as regards preparations containing the drugs and except that the statistics of imports and exports may be sent annually instead of quarterly.

Article 16.

The import certificate issued by the competent authorities of an importing country in accordance with the provisions of Article 13 of the Geneva Convention shall indicate the quantity of narcotic drugs previously authorised to import, together with the quantities which have been exported.

Article 17.

In an export authorisation or in the annual report as regards the export and import of opium, coca leaves and crude cocaine, which shall be furnished in pursuance of the provisions of the Geneva Convention, the High Contracting Parties shall indicate the rate of morphine content in case of opium and of cocaine and ecgonine content in case of coca leaves and crude cocaine.

Article 18.

In the event of a dispute arising between any two or more High Contracting Parties concerning the interpretation or application of the provisions of this Convention such disputes shall, unless settled directly between the Parties or by the employment of other means of reaching an agreement, be submitted to a tribunal to be agreed upon between the parties within . . . of the receipt by any High Contracting Party of a request from another High Contracting Party for the submission of the dispute. In event of failure to agree upon a tribunal within that period, the dispute shall, at the request of one Party, be referred to the Permanent Court of International Justice at The Hague.

Article 19.

Any High Contracting Party may, at the time of signature, ratification, or accession, declare that, in accepting the present Convention, He does not assume any obligations in respect of all or any of His colonies, protectorates, oversea territories or territories under suzerainty or mandate, and the present Convention shall not apply to any territories named in such declaration.

Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that He desires that the Convention shall apply to all or any of His territories which have been made the subject of a declaration under the preceding paragraph, and the Convention shall apply to all the territories named in such notice in the same manner as in the case of a country ratifying or acceding to the Convention.

Any High Contracting Party may, at any time after the expiration of the five years' period mentioned in Article 24, declare that He desires that the present Convention shall cease to apply to all or any of His colonies, protectorates, oversea territories or territories under suzerainty or mandate, and the Convention shall cease to apply to the territories named in such declaration as if it were a denunciation under the provisions of Article 24.

The Secretary-General of the League of Nations shall communicate to all the Members of the League and non-member States mentioned in Article 20 all declarations and notices received in virtue of this article.

Article 20.

The present Convention, of which the French and English texts shall both have equal force, shall bear this day's date, and shall, until the . . . be open for signature on behalf of any Member of the League of Nations, or of any non-member State which was represented at the Conference of Geneva, or to which the Council of the League of Nations shall have communicated a copy of the Convention for this purpose.

The present Convention shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League and to the non-member States referred to in the preceding paragraph.

Article 21.

As from the . . . the present Convention may be acceded to on behalf of any Member of the League of Nations or any non-member State mentioned in Article 20.

The instruments of accession shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all the Members of the League and to the non-member States mentioned in Article 20.

Article 22.

The High Contracting Parties agree that the Convention, in order to be brought into force, must have secured either ratification or accession of . . . countries.

Each of the High Contracting Parties shall have the right to inform the Secretary-General of the League of Nations at the moment of the deposit of His ratification or of the notification of His accession that He makes the entry into force of the Convention, in so far as He is concerned, conditional on ratification or accession on behalf of certain countries, without, however, being entitled to specify countries other than those named below.

[Names of those countries such as prominent exporting countries, manufacturing countries, consuming countries and countries where raw material is produced should be indicated here.]

Article 23.

Ratifications or accessions received after the date on which Articles 3 to 5 of this Convention have come into force shall take effect as from the . . . day following the date of their receipt by the Secretary-General of the League of Nations, but shall not entail any obligation on the Member of the League of Nations or non-member State making the ratification or accession to furnish estimates for the year succeeding that in which the ratification or accession is made unless such ratification or accession is made prior to the first day of . . .

Article 24.

After the expiration of five years from the date on which Articles 3 to 5 of this Convention have come into force, it may be denounced by an instrument in writing, deposited with the Secretary-General of the League of Nations. The denunciation, if received by the Secretary-General of the League of Nations on or before the first day of July in any year shall take effect on the first day of January in the succeeding year, and if received after the first day of July shall take effect as if it had been received on or before the first day of July in the succeeding year, and shall operate only as regards the Member of the League or non-member State on whose behalf it has been deposited.

The Secretary-General shall notify all the Members of the League and the non-member States mentioned in Article 20 of any denunciations received.

If, as a result of simultaneous or successive denunciations, the number of Members of the League and non-member States bound by the present Convention is reduced to less than . . . the Convention shall cease to be in force as from the date on which the last of such denunciations shall take effect in accordance with the provisions of this article.

Article 25.

A request for the revision of the present Convention may be made at any time by means of a notice addressed to the Secretary-General of the League of Nations. Such notice shall be communicated by the Secretary-General to the other Parties to the Convention, and if endorsed by not less than . . . of them, a conference will be convened by the Council of the League for the purpose of revising the Convention.

Article 26.

The present Convention shall be registered by the Secretary-General of the League of Nations on the day of the entry into force of Articles 3 to 5 of this Convention.

IN FAITH WHEREOF the above-mentioned Plenipotentiaries have signed the present Convention.

DONE at Geneva . . . in a single copy, which shall remain deposited in the archives of the Secretariat of the League of Nations, and certified true copies of which shall be delivered to all the Members of the League and to the non-member States referred to in Article 20.

ANNEX TO THE CONVENTION : REGULATIONS.

The regulations in this annex shall apply in regard to the estimates to be furnished in accordance with Articles 3 to 5 of this Convention.

1. Every such estimate, whether relating to requirements for domestic consumption or conversion, shall be in the form from time to time prescribed by the Permanent Central Board set up under the Geneva Convention and communicated by the Board to the High Contracting Parties.

2. Every estimate relating to the requirements for domestic consumption or conversion of the countries on behalf of which it is made shall, however, show separately for each year in respect of which it is made :

(a) The requirements of that country in the matter of each narcotic drug for use as such, whether in the form : (i) alkaloids or salts, (ii) preparations made direct from raw opium or the coca leaf. The amounts required under each of the above categories shall be shown separately.

(b) The amount of the reserve stocks of each narcotic drug intended for use as such for domestic consumption : (i) which it is desired to maintain, (ii) which it is estimated will exist in that country at the beginning of the year in respect of which the estimate is made.

(c) The amounts of each narcotic drug which it is desired : (i) to manufacture, (ii) to import for purposes of conversion, distinguishing the amount required in respect of each substance into which the drug is to be converted; the amount of the reserve stocks of any narcotic drug : (i) which it is desired to maintain, (ii) which it is estimated will exist in that country at the beginning of the year in respect of which the estimate is made and intended to be utilised for the purpose of conversion ;

(d) The proportion of the consumption total for that country in the matter of each narcotic drug which it is proposed to manufacture internally.

3. Every estimate shall be accompanied by a statement explaining the method by which the several amounts shown in it have been calculated. If these amounts are calculated so as to include a margin allowing for possible fluctuations in demand, the estimates should indicate the extent of the margin so included.

4. Every estimate shall reach the Permanent Central Board not later than August 1st in the year preceding that in respect of which the estimate is made.

5. Supplementary estimates shall be sent to the Permanent Central Board immediately on their completion.

6. The competent authority to be constituted in a manner set by the following provisions shall discharge the functions specified in Article 3, paragraphs 2 and 3, and Article 4, paragraph 2, of this Convention.

7. After examination by the competent authority of the estimates furnished by the Governments, and after the determination by that authority of the estimates for countries which have not furnished them, the Permanent Central Board shall forward through the Secretary-General of the League of Nations to each High Contracting Party one or more statements as may be necessary showing :

- (i) The amounts of the conversion and consumption totals for each country in respect of each narcotic drug with details as to how these totals are made up ;
- (ii) The home total for each country for each narcotic drug ;
- (iii) The world total for each narcotic drug.

The statement or statements shall reach the High Contracting Parties not later than in the year previous to that year.

8. Every supplementary estimate sent to the Permanent Central Board in the course of the year shall be dealt with by the competent authority and by the Board in a manner similar to that specified in paragraphs 6 and 7 of this annex.

Conf.L.F.S.67.

Geneva, June 13th, 1931.

ANNEX 9.

STOCK REPLACEMENT OR ROTATING STOCK PLAN FOR THE DIRECT LIMITATION OF THE MANUFACTURE OF NARCOTIC DRUGS PROPOSED BY THE DELEGATION OF THE UNITED STATES OF AMERICA.

EXPLANATORY NOTE.

The delegation of the United States of America presents this plan for the direct limitation of the manufacture of all dangerous or potentially dangerous narcotic drugs derived from opium or the coca leaf, and of the raw materials to be made available for the manufacture of these drugs.

There are two distinctive fundamental principles contained in this plan. First, amounts of raw materials which manufacturers may have in their possession are to be limited to the quantities necessary for the production of amounts of narcotic drugs appearing in the estimates of needs of all countries for strictly medical and scientific purposes. Second, such limitation is to extend to all derivatives of opium and coca leaves, although alkaloids admittedly harmless, such as narcotine or papaverin, will not be subject to control.

The principal features of the plan are as follows :

1. Each country is to submit to the Permanent Central Board, in advance, estimates of its needs for domestic consumption for the following year.

It will be noted that these estimates need not specify separately every drug obtainable from opium or coca leaves, but may group or classify together certain drugs having similar properties. This will be much less burdensome to Governments than if they were required to furnish estimates of their needs of each narcotic drug separately. If a new drug is discovered—an ether of morphine for instance—countries will be able to import that drug, although it was not specifically designated in their estimates of needs, within the limits of morphine to be imported in the form of ethers.

2. Each manufacturing country is to submit annually to the Permanent Central Board estimates of its needs of opium, coca leaves, or drugs obtained from them for the purpose of manufacture or conversion. Countries which propose to use opium for preparing medicinal opium, or manufactured drugs for compounding preparations are to submit similar estimates. Countries which propose to import for re-export are to submit estimates of their needs for such purpose.

3. No country may import quantities of opium, coca leaves, or narcotic drugs in excess of the quantities appearing in its estimates or export to any countries in excess of the latter's estimates.

Although this plan does not include provision for the establishment of a central narcotics office, the alternative suggested, already in part embodied in the Japanese amendments, would seem to serve the same purpose and to have the advantage of greater simplicity. Each import certificate would show the country's estimated annual needs of each drug and the amounts previously imported that year, thus indicating to exporting countries the amounts which it would be permissible to export under the Convention. Copies of all import and export certificates are to be sent by the issuing Governments to the Permanent Central Board.

4. This plan permits any country to manufacture as much of the drugs required for domestic consumption as it wishes. In addition, its manufacturers will be allowed a reasonable working stock, the amount to be determined by the Government and to be reported to the Permanent Central Board, which will have the right to question amounts of stocks which appear dangerously large.

Manufacturers may have stocks of drugs for export equal to 50 per cent of their exports during the preceding year. No additional opium, coca leaves, or narcotic drugs shall be allowed to these manufacturers for manufacture or conversion until orders for export are shipped from the country.

5. Countries not manufacturing for export or not manufacturing at all when the Convention become effective may fill legitimate orders for export out of their stocks for domestic consumption and may then manufacture an equal quantity. The following year they may allow their manufacturers stocks for manufacture for export on the same basis as countries having an export trade when the Convention first comes into force. In this way the right of any country to participate in the export trade is automatically safeguarded.

6. The import and export certificate system is extended to cover opium, coca leaves and narcotic drugs even when contained in preparations exempt under the Geneva Convention.

Since stocks of drugs available for export are to be replenished only after export certificates are issued, there can be no preparations exempt from the export certificate system, because if there were exemptions, countries would not be able to obtain the statistics necessary for the proper working of the plan. The import certificate also is necessary to prevent diversion and to enable importing countries to obtain statistics for use in their estimates of needs for the following year.

* * *

[List of High Contracting Parties.]

Desiring to supplement the provisions of the International Opium Conventions, signed at The Hague on January 23rd, 1912, and at Geneva on February 19th, 1925, by facilitating the limitation of the manufacture of narcotic drugs to the world's legitimate requirements for medical and scientific purposes and regulating their distribution,

Have resolved to conclude a Convention to that effect and have appointed as their plenipotentiaries :

[List of Plenipotentiaries.]

Who, having communicated to one another their full powers found in good and due form, have agreed as follows :

Article I.

Except where otherwise expressly indicated, the following definitions shall apply throughout this Convention :

1. The term " Geneva Convention " denotes the International Opium Convention signed at Geneva on February 19th, 1925.
2. The term " manufacture " means the application of any process which results in the concentration or separation of the physiologically active nitrogenous constituents of opium or of coca leaf ; the term shall be held to include the separation or purification of the opium alkaloids of ecgonine, cocaine, or any other alkaloid from coca leaf, and of all substances directly or indirectly prepared

- or preparable from any of them, but shall not apply to the preparation of medicinal opium as hereinafter defined.
3. The term "conversion" means the chemical transformation of any substance obtained or obtainable from opium or coca leaf into any product whatsoever.
 4. The term "narcotic drug" means the phenanthrene alkaloids of opium, or any preparation or compound involving opium or its constituent phenanthrene alkaloids as the source material; cocaine, ecgonine or any substance prepared from it, and all other alkaloids manufactured from coca leaf; and any of the foregoing substances, even though prepared synthetically.
 5. The term "raw opium" means the spontaneously coagulated juice obtained from the capsules of the *Papaver somniferum L.*, which has only been submitted to the necessary manipulations for packing and transport, whatever its content of morphine.
 6. The term "coca leaf" means the leaf of the *Erythroxylon coca* Lamarck and the *Erythroxylon novogranatense* (Morris), *Hieronymus* and their varieties belonging to the family of *Erythroxylaceæ*, and the leaf of other species of this genus from which it may be found possible to extract cocaine or ecgonine, either directly or by chemical transformation.
 7. The term "crude morphine" means any product manufactured from opium, which contains more than 20 per cent of morphine or its salts, but which does not satisfy the requirements of the national pharmacopœia for morphine.
 8. The term "crude cocaine" means any extract of the coca leaf which can be used directly or indirectly for the manufacture of cocaine.
 9. The term "medicinal opium" means raw opium which has undergone only the processes necessary to adapt it for medicinal use in accordance with the requirements of the national pharmacopœia, whether in powder form or granulated or otherwise, or mixed with neutral materials.
 10. The term "morphine" means the principal alkaloid of opium having the chemical formula $C_{17}H_{19}O_2N$, or any substance identical with it, from whatever source obtained.
 11. The term "derivative" means any product obtained by chemical transformation of an alkaloid, in which the fundamental carbon and nitrogen ring system remains essentially intact.
 12. The term "ester" means any compound in which the hydrogen atom(s) of a/ the hydroxyl group(s) present in the parent substance is/are replaced by any acid radical(s) regardless of the method by which such compound is prepared.
 13. The term "ether" means any compound in which the hydrogen atom(s) of a/ the hydroxyl group(s) present in the parent substance is/are replaced by alkyl, aryl, or aryl-alkyl group(s) or combinations of these groups, regardless of the method by which such compound is prepared.
 14. The term "diacetylmorphine" means the diacetyl ester of morphine, having the chemical formula $C_{21}H_{27}O_4N$.
 15. The term "thebaine" means the phenanthrene alkaloid from opium having the chemical formula $C_{18}H_{21}O_2N$, or any substance identical with it, from whatever source obtained.
 16. The term "cocaine" means methyl-benzoyl lævo-ecgonine having the chemical formula $C_{17}H_{21}O_4N$, or any substance identical with it, from whatever source obtained.
 17. The term "ecgonine" means lævo-ecgonine, having the chemical formula $C_8H_{15}O_3N$, or any substance identical with it, from whatever source obtained.

The articles of this Convention apply to all narcotic drugs as herein defined.

Article II.

The High Contracting Parties will take all such legislative, executive, or other measures as may be necessary to give due effect within their territories to the provisions of this Convention.

The terms of this Convention shall not prevent any High Contracting Party from exercising a greater degree of control over narcotic drugs than is provided for under this Convention or previous Conventions.

Article III.

Section 1.

Each High Contracting Party shall furnish annually to the Permanent Central Board constituted under Chapter 6 of the Geneva Convention estimates of the requirements of its

territory of each narcotic drug covered by this Convention for domestic consumption, whether in preparations containing these drugs in whatever proportion, or in the form of alkaloids or salts.

These estimates shall specify separately, on forms prepared and furnished by the Permanent Central Board, the aggregate net amounts needed of narcotic drugs classified as follows :

- (a) Morphine—whether in the form of alkaloids, salts, or other derivatives, exclusive of diacetylmorphine, morphine ethers and preparations containing more than 0.2 per cent of morphine, its salts or its other derivatives ;
- (b) Diacetylmorphine ;
- (c) Morphine ethers ;
- (d) Preparations made directly from raw opium and containing any diacetylmorphine whatsoever, or more than 20 per cent of morphine, or of drugs derivable directly or indirectly therefrom ;
- (e) Medicinal opium, exclusive of preparations containing not more than 0.45 per cent of opium ;
- (f) Derivatives of thebaine ;
- (g) Cocaine—whether in the form of alkaloids, salts, or other derivatives, exclusive of preparations containing not more than 0.1 per cent of cocaine ;
- (h) Ecgonine in the form of its derivatives other than cocaine ;
- (i) Preparations containing not more than 0.2 per cent of morphine, 0.45 per cent of opium, or 0.1 per cent of cocaine.

Drugs which can be derived directly or indirectly from morphine, cocaine or ecgonine but which are, in fact, manufactured or derived directly from raw opium or coca leaves, or prepared by synthesis, shall be included in the estimates as though they were in fact derived from morphine, cocaine or ecgonine.

Section 2.

Each High Contracting Party shall submit estimates of :

- (a) The amounts of raw opium, crude morphine, coca leaves, crude cocaine and ecgonine which its dealers or manufacturers will be permitted to use for the manufacture or preparations of narcotic drugs for :
 - (i) Domestic consumption ;
 - (ii) Stocks for export as provided for in Article VIII ;
- (b) The amounts of each narcotic drug, except ecgonine, to be imported for conversion within its territory, specifying the amount required for conversion into each of the classes of narcotic drugs described in section 1 of this article.
- (c) The amounts of each narcotic drug, as classified in section 1 of this article, to be imported into its territory for compounding into preparations not falling under (d) below.
- (d) The amounts of each narcotic drug, as classified in section 1 of this article, to be imported into its territory, for compounding into preparations containing not more than 0.2 per cent of morphine, 0.1 per cent of cocaine, or 0.45 per cent of opium.
- (e) The amounts of each narcotic drug, as classified in section 1 of this article, to be imported into its territory for re-export.

Section 3.

Each High Contracting Party shall submit to the Permanent Central Board not later than April 1st of each year a report of the amounts of raw opium, coca leaves, ecgonine, medicinal opium and each class of manufactured narcotic drugs as defined in section 1 of this article in stock within its territory on January 1st of that year.

Section 4.

- (a) Each High Contracting Party shall submit its estimates of needs for internal consumption to the Permanent Central Board not later than August 1st of the year preceding that in respect of which the estimate is made and shall submit therewith a statement explaining the method used to determine the several amounts shown in the estimate.
- (b) The Permanent Central Board shall furnish estimates of needs of narcotic drugs for domestic consumption for any country, whether or not party to this Convention, which fails to furnish an estimate by the date specified in the preceding paragraph.

Section 5.

Each High Contracting Party shall submit annually to the Permanent Central Board by October 1st, statements of the amounts of each narcotic drug, as classified under section 1 of this article, exported during the last twelve months' period ending June 30th.

Section 6.

Each High Contracting Party shall submit to the Permanent Central Board by October 1st the estimates provided for in section 2, paragraph (a), of this article.

Article IV.

Section 1.

Any High Contracting Party may furnish supplementary estimates of its requirements for that year which shall be accompanied by an explanation of the circumstances which necessitate such supplementary estimate.

Section 2.

The Permanent Central Board shall, if necessary, furnish supplementary estimates in a case where it has furnished an original estimate.

Article V.

Every estimate shall be examined by the Permanent Central Board, which may require any further details or explanations, except as regards requirements for Government purposes, which it may consider necessary in order to make such estimate complete or to explain any statement made therein, and may, with the consent of the Government concerned, amend any estimate in accordance with explanations so given.

Article VI.

Section 1.

Every estimate furnished in accordance with the preceding articles, so far as it relates to narcotic drugs required for domestic consumption, shall be based solely on medical and scientific requirements.

Section 2.

Each High Contracting Party shall include separately in its estimates such quantities of opium, coca leaves or narcotic drugs as it considers necessary for the establishment or maintenance of reserve stocks under Government control for Government use, or under Government control for general use to meet exceptional circumstances.

Section 3.

Each High Contracting Party shall submit annually to the Permanent Central Board on August 1st statements showing the proportion of its needs for domestic consumption of each narcotic drug, as classified under section 1 of Article III, to be supplied through domestic manufacture, conversion, or preparation.

Article VII.

The Permanent Central Board shall forward annually by November 1st to every Government a statement showing :

(a) The estimated needs of each Government for domestic consumption in terms of each class of drugs, as defined in section 1 of Article III. This report shall specify the proportion of the needs of each country which are to be supplied by domestic manufacture, conversion or preparation.

(b) The amount of opium, crude morphine, coca leaves, ecgonine, crude cocaine or other manufactured drugs as classified under section 1 of Article III which each country may permit its dealers and manufacturers to have in stock for purposes of export, under the provisions of Article VIII, during the year to which the estimates refer.

Article VIII.

Section 1.

Each High Contracting Party shall limit the amounts of raw opium, coca leaves, and narcotic drugs (as classified under section 1 of Article III) made available annually to its dealers and manufacturers for the purpose of manufacturing, converting, compounding, or preparing the quantities of each narcotic drug appearing in the estimates of needs of such Party for domestic consumption to the quantities necessary for such purposes.

In determining the amounts of raw opium, coca leaves, and narcotic drugs to be made available to dealers and manufacturers for the purposes mentioned in the preceding paragraph, the High Contracting Parties shall take account of the stocks of raw materials and narcotic

drugs on hand at the beginning of each year, and shall not permit dealers and manufacturers to have quantities of such stocks greater than are reasonably necessary for the conduct of their business.

Section 2.

Each High Contracting Party shall limit the amounts of stocks of raw opium, coca leaves and narcotic drugs made available annually to its dealers and manufacturers for the purpose of manufacturing, converting, compounding, or preparing narcotic drugs, *for export*, to the quantities sufficient to produce 50 per cent of the narcotic drugs exported from its territory during the previous year, on export certificates as defined by Article XV of this Convention;

Provided that additional stocks of opium, coca leaves and narcotic drugs may be made available to its dealers and manufacturers only in such amounts as are necessary to replace the quantities of narcotic drugs exported from its territory under export certificates.

Section 3.

Any quantities of raw opium or coca leaves which may be made available by any High Contracting Party to its dealers and manufacturers in addition to those necessary for manufacturing or preparing substances referred to in the two preceding sections shall be kept under strict Government control and supervision until the narcotic content thereof has been destroyed.

Section 4.

The provisions of this article shall come into force on the first of January of the year following the date the Convention comes into force.

Article IX.

The amounts of stocks of narcotic drugs made available to dealers and manufacturers under the provisions of Article VIII shall be adjusted annually on the basis set forth in that article.

Article X.

Section 1.

Each High Contracting Party in whose territory narcotic drugs are manufactured, converted, compounded or prepared for domestic consumption only, may permit its dealers and manufacturers to fill orders for export from their stocks for domestic consumption and then, if necessary, may permit them to manufacture, convert, compound, prepare or import equal quantities of the drugs exported. The export business done during such year will furnish the basis for allowances of stock for the export trade for the following year as provided for in Article VIII.

Section 2.

Each High Contracting Party in whose territory narcotic drugs are not manufactured, converted, compounded or prepared may permit its dealers to fill legitimate orders for export from stocks imported for domestic consumption and then, if necessary, to import, or manufacture equal quantities of the drugs exported.

The export business done during the year will furnish the basis for allowances of stocks to be manufactured, converted, compounded or prepared for export during the following year as provided for in Article VIII.

Article XI.

Section 1.

Each High Contracting Party in whose territory narcotic drugs are manufactured, converted, prepared or compounded, shall submit to the Permanent Central Board on April 1st the name and quantity of each narcotic drug manufactured, converted, prepared or compounded, in the country during the previous calendar year. This statement shall indicate the morphine, thebaine, cocaine or ecgonine equivalent of the narcotic drugs manufactured, converted, prepared or compounded.

Section 2.

If any High Contracting Party which was not manufacturing, converting, preparing or compounding any given narcotic drug, as classified under section 1 of Article III, when the Convention comes into force, proposes to do so, such High Contracting Party shall give notice of its decision to do so to the Permanent Central Board.

Section 3.

Each High Contracting Party shall submit to the Permanent Central Board, within ninety days after the Convention comes into force, a list of the names and addresses of all its licensed, or registered importers and exporters, and shall currently report changes in this list.

Article XII.

No High Contracting Party shall allow dealers or manufacturers within its territory to use the quantities of opium, coca leaves and narcotic drugs made available to them for the purpose of preparing, manufacturing, converting or compounding, a narcotic drug falling under any one of the classifications specified in section 1 of Article III for the purposes of manufacturing, converting, preparing or compounding, any narcotic drug falling under any other of those classifications.

Article XIII.

Section 1.

No High Contracting Party shall import any narcotic drug falling in any of the classifications specified in section 1 of Article III for purposes of domestic consumption, or for Government stocks for these purposes, in quantities exceeding those appearing in its estimates of needs for such purposes, less those quantities provided for by domestic manufacture, conversion, preparation or compounding.

Section 2.

No High Contracting Party shall import opium, coca leaves or any narcotic drug, as classified under section 1 of Article III, for purposes of manufacture, conversion, compounding or preparing, or for reserve stocks for these purposes, in quantities exceeding those necessary for these processes, for domestic consumption and for export under the provisions of Article VIII.

Section 3.

No High Contracting Party shall export or re-export any narcotic drugs to any other High Contracting Party in quantities exceeding those appearing in the latter's estimates of needs for purposes defined in sections 1 and 2 above, and in its estimates of needs for re-export.

Article XIV.

Section 1.

The provisions of this article shall apply to the import of raw opium, coca leaves or any narcotic drug for the purpose of re-export, either in the form imported or in a different form having the same chemical formula, and to the re-export of any such drug :

(i) The import certificate issued in respect of any such import of narcotic drugs shall state that the drugs are intended for re-export.

(ii) Each High Contracting Party agrees that the total quantities of each narcotic drug imported for re-export shall not exceed quantities equal to its needs for domestic consumption of such drug, provided that it shall be permissible to import for re-export in excess of the quantity above mentioned :

(a) For the purpose of fulfilling export orders actually received for the supply of the drug for medical or scientific needs duly supported by an import certificate issued in pursuance with this Convention by the Government of the country for which the re-export is intended ;

(b) And provided that it shall be permissible for a High Contracting Party to export narcotic drugs for the purpose of fulfilling orders duly supported by an import certificate without previous importation and then to import to replace the quantities exported ;

(c) For the purpose of storage in Government warehouses until export certificates have been issued for shipment to the country, or countries, for which re-export is intended, or until released under Government authorisation for the purpose of manufacturing, converting, preparing or compounding, within the country, under the provisions of Article VIII.

Section 2.

Each High Contracting Party undertakes that raw opium or coca leaves imported for the purpose of re-export shall be stored in Government warehouses until export certificates have been issued for shipment to the country or countries for which re-export is intended, or until released under Government authorisation for purposes of manufacturing or preparing within the country, under the provisions of Article VIII.

Article XV.

Section 1.

Every import certificate issued for the import of raw opium, coca leaves or any narcotic drug shall be numbered serially in respect of raw opium, coca leaves or narcotic drugs as classified in section 1 of Article III, and shall show the estimated needs of each of these groups

of substances for all purposes for the year to which the certificate applies. The import certificate must also show the quantity of each of these groups of substances for which import certificates have been issued previously for that year.

Section 2.

A copy of each import and each export certificate issued under the provisions of this Convention shall be immediately transmitted by the country of issue to the Permanent Central Board.

Section 3.

If any High Contracting Party receives an import certificate which does not indicate the information required under section 1 of this article, or receives an order from a country which does not issue import certificates, such High Contracting Party shall not issue an export certificate for the opium, coca leaves, or narcotic drugs for which the import certificate was issued, until it has been notified by the Permanent Central Board that the order can be filled, in part or in full, consistently with the terms of this Convention.

Article XVI.

Section 1.

No High Contracting Party shall import raw opium or coca leaves or narcotic drugs from any country which has not ratified this Convention within two years after it has come into force, until such country has ratified the Convention;

Provided that, in case it is impossible to obtain raw opium or coca leaves or their derivatives from any country party to the agreement, the High Contracting Parties may obtain such supplies of these drugs from countries which have not ratified as are necessary for legitimate purposes and further provided that in such case the importing countries will furnish the Central Board with written statements of the reasons for such importations.

Section 2.

If, in the opinion of the Permanent Central Board, any country is accumulating excessive stocks of opium, coca leaves or narcotic drugs or is becoming a centre of illicit traffic, the Board shall recommend that all High Contracting Parties cease to import raw materials or narcotic drugs from or export them to such country. Such recommendation shall not be made until the country in question has been given an opportunity to explain the apparently excessive stocks or the situation which leads the Central Board to feel that such country is in danger of becoming a centre of the illicit traffic.

Articles XVII and following.

[These articles will be submitted at a later date and will include provisions similar to those in Articles 19 to 30, inclusive, of the plan of the Opium Advisory Committee.]

Conf.L.F.S.73.

ANNEX 10.

PRELIMINARY DRAFT CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, DRAWN UP BY THE DELEGATIONS OF FRANCE, GERMANY, JAPAN, AND SPAIN, ASSISTED IN PART BY THE DELEGATION OF THE UNITED STATES OF AMERICA.

[Provisional Translation.]

[List of High Contracting Parties.]

Desiring to supplement the provisions of the International Opium Conventions, signed at The Hague on January 23rd, 1912, and at Geneva on February 19th, 1925, by facilitating the limitation of the manufacture of narcotic drugs to the world's legitimate requirements for medical and scientific purposes and regulating their distribution,

Have resolved to conclude a Convention to that effect and have appointed as their plenipotentiaries :

[List of Plenipotentiaries.]

Who, having communicated to one another their full powers found in good and due form, have agreed as follows :

Article 1.

Except where otherwise expressly indicated, the following definitions shall apply throughout this Convention and the annex thereto :

1. The term " Geneva Convention " denotes the International Opium Convention signed at Geneva on February 19th, 1925.
- 2 & 3. See decisions of Technical Committee (document Conf.L.F.S./C.Tech.8).
4. The term " manufacture " of any drug includes also any process of refining. The term " conversion " shall denote the transformation by a chemical process of a narcotic drug into another non-narcotic substance. The term " import certificate " denotes an import certificate as provided for in Article . . . of the present Convention.
5. The term " estimates " shall denote the estimates furnished in accordance with Articles 3 to 5 of this Convention and in accordance with the annex thereto.

[Paragraphs 6 to 15 of old Article 1 have been eliminated.]

Article 2.

The High Contracting Parties will take all such legislative, executive, or other measures as may be necessary to give due effect within their territories to the provisions of this Convention.

[This article was adopted by the Conference at its first reading.]

Article 3.

1. Each High Contracting Party shall furnish annually to the Permanent Central Opium Board, constituted under Chapter 6 of the Geneva Convention, in respect of His territories, estimates of the requirements of those territories in the matter of narcotic drugs for use as such for domestic consumption and for conversion.

It is understood that full liberty is reserved to each country to purchase its supplies of narcotic drugs in any country it wishes and it may, when giving its estimates, mention the country or the countries from which it intends to purchase its supplies.

2. In the event of any High Contracting Party failing to furnish by the date specified in the annex to *this Convention* an estimate in respect of any of *His* territories, an estimate will be furnished in respect of that territory by the competent authority to be constituted in accordance with the provisions of Chapter I, paragraph 6, of the *said* annex.

3. The competent authority shall invite countries to which this Convention does not apply to furnish estimates in accordance with the first paragraph of this article, being guided by the provisions of Article 6 of the Convention. In the event of no estimate being furnished on behalf of any such country, the competent authority shall itself make the estimate.

[This article was adopted by the Conference at its first reading.]

Article 4.

1. Any High Contracting Party may, if necessary, in any year, furnish in respect of any of His territories a supplementary estimate of the requirements of the territory for that year with an explanation of the circumstances which justify such supplementary estimate.

2. The competent authority will similarly, if necessary, invite any country to which this Convention does not apply to furnish a supplementary estimate and, in the event of no such estimate being furnished, the competent authority shall itself make the estimate.

[This article was adopted by the Conference at its first reading.]

Article 5.

Estimates furnished under the provisions of the two preceding articles shall be in the form and shall be furnished in the manner provided in Chapter I of the annex to this Convention.

[This article was adopted by the Conference at its first reading.]

Article 6.

Every estimate furnished in accordance with the preceding articles so far as it relates to narcotic drugs required for domestic consumption in the country or territory in respect of which it is made shall be based solely on the medical and scientific requirements of that country or territory.

It is understood that any High Contracting Party may include in *His* estimates such quantities as *He* considers necessary for the establishment or maintenance of reserve stocks under Government control for Government use or for general use to meet exceptional circumstances.

[This article was adopted by the Conference at its first reading.]

Article 7.

Every High Contracting Party desiring to manufacture or convert narcotic drugs shall notify the Secretary-General of the League of Nations thereof as well as the Central Authority, indicating if He intends to manufacture for His domestic needs only or also for export, and the period at which He will begin this manufacture or conversion, specifying the substances to be manufactured or converted.

In case any High Contracting Party desires that one of His territories ceases to manufacture or convert narcotic drugs, He shall notify the Secretary-General of the League of Nations, as well as the Central Authority, of this intention.

[Old Article 7 has been eliminated.]

Article 8.

No country may during any one year manufacture a quantity superior to the total of the following quantities :

(1) The quantity of narcotic drugs necessary for its medical and scientific needs within the limits of its estimates for that year.

(2) The quantity necessary to maintain in the factories a reserve intended to meet the needs in case of supplementary estimates made for that year. The quantity thus manufactured during the year may not exceed 25 per cent of the quantity mentioned in the preceding paragraph. No part of this reserve may leave the factory before the Central Authority has been advised.

(3) The quantity intended for conversion either : (a) for domestic consumption, or (b) for export.

(4) The quantity necessary for the exports (after deduction for re-export) of that country including :

(a) The exports of that country executed during the year against import certificates furnished in conformity with the procedure provided for in Article . . . of this Convention and under the control of the Central Authority provided for in Article . . . of this Convention ;

(b) The maintenance of a special stock which shall remain in the factories and be placed under the direct control of the Government and which may be replaced as exports are effected, but which at no time may exceed one-half of the total exports during the period of twelve months which ended on June 30th of the year preceding the current year.

Article 9.

All quantities of narcotic drugs which exceed the totals indicated in the preceding article during the year, whatever their origin may be—imports not intended for re-export, seizures which have not been destroyed, cancelled orders, under-deliveries or returned deliveries, etc.—shall be deducted from the quantity to be manufactured either during the current year or during the following year.

Article 10.

All quantities of narcotic drugs existing in a manufacturing country, at the time of the entry into force of the present Convention, in excess of the total of the quantities defined in paragraphs 1, 2, 3(a) and 4(b) of Article 8 plus normal supplies existing in the country shall be subjected to a special Government control and the Government shall take the necessary steps to ensure the disappearance of such excess quantities within one year either by a reduction of the manufacture or by conversion into a non-narcotic substance or by destruction or by any other suitable means.

Article 11.

Any High Contracting Party may notify the Secretary-General of the League of Nations of the existence on the market of any product which should be included in group III of Article 1, paragraph 2. The Secretary-General will communicate the information thus received to the Health Committee of the League of Nations, which Committee, after having submitted the question to the Comité permanent de l'Office international d'Hygiène publique de Paris, shall decide whether the product in question should come under the scope of the present Convention.

This decision shall be communicated to the High Contracting Parties and, if it is in the affirmative, the said Parties undertake to apply the stipulations of the present Convention to such product.

Article 12.

The High Contracting Parties undertake to exercise a strict supervision over :

(a) The amounts of raw material and manufactured drugs available to each manufacturer for the purpose of manufacture or conversion of narcotic drugs or otherwise ;

(b) The quantities of drugs or preparations produced in those factories ; and

(c) The disposal of the drugs and preparations so produced, and more especially the distribution of narcotic drugs to the trade at the time of delivery from the factories.

The High Contracting Parties agree not to allow the accumulation in the factories of quantities of raw materials in excess of those required for the economic conduct of business, having regard to the prevailing market conditions. Stocks of raw materials thus created shall not exceed the needs for six months' manufacture unless the respective Governments, after due investigation, consider that exceptional conditions warrant the accumulation of additional amounts, and in no case shall the total quantities which may be accumulated in the factories exceed one year's supply.

Article 13.

The following provisions shall apply to the import of any narcotic drug for the purpose of re-export and to the re-export of any such drug so imported :

(i) The import certificate issued in respect of any such import shall state that the drug is intended for re-export ;

(ii) In the case of a country which manufactures only for its own needs and in the case of a country which is not a manufacturing country, the quantities imported for re-export, domestic consumption and conversion shall not exceed the estimates for the domestic needs of that country, less the amount, *if any*, manufactured in the country, provided that it shall be permissible to import in excess of the quantity above mentioned :

(a) Up to the amount which has already been re-exported in that year, or,

(b) For the purpose of fulfilling export orders actually received for the supply of the drug for medical or scientific needs, duly supported by an import certificate issued in pursuance of Article of the present Convention.

[This Article corresponds to the old Article 14, revised, with paragraph (iii) eliminated.]

Article 14.

1. No import from any source into the territories of the High Contracting Parties of any narcotic drug shall take place except in accordance with the provisions of the present Convention.

2. The following classes of imports are prohibited :

(a) The import of any narcotic drug for any purpose other than :

(i) The satisfaction of the medical and scientific needs of the importing country ;

(ii) Conversion ;

(iii) Re-export ;

(b) The import in any one year, save for the purpose of re-export, of any narcotic drug in excess of its domestic needs for that drug as shown in the estimates for the country concerned for that year ;

(c) The import in any one year, for the purpose of conversion of any narcotic drug in excess of the conversion total for that country for that year ;

(d) The import in any one year of any narcotic drug for use as such for domestic consumption in excess of the consumption total of that drug for the country concerned in that year.

3. In spite of the provisions of the paragraphs from (b) to (d) of the above clause, any High Contracting Party may import up to the quantity necessary to fill the shortage caused by export or re-export.

4. No export or re-export of any narcotic drug shall take place from the territories of the High Contracting Parties except in accordance with the provisions of the present Convention.

[This article corresponds to the old Article 17, revised, with paragraphs (e) and (f) eliminated, and a new paragraph 3 added which incorporates the Japanese amendment to the old Article 17.]

Article 15.

The non-manufacturing countries undertake that the stocks held by the wholesale dealers shall not exceed a reasonable limit as compared with their medical and scientific needs. The amount of these stocks shall be communicated each year to the central authority.

Article 16.

The text of the annex to this Convention shall be deemed to be an integral part of the Convention.

The regulations contained in the annex to this Convention shall be applied by the High Contracting Parties in order to facilitate the execution of the foregoing provisions.

[Articles 8 to 13, 15 and 16 have been eliminated.]

Article 17.

[Reserved for the regulations regarding the constitution and functions of the Central Authority.]

Article 18.

[See old Article 19.]

Article 19.

[See old Article 21.]

Article 20.

[See decisions of the Technical Committee regarding the old Article 22.]
[Old Article 20 has been eliminated.]

Article 20(a).

The High Contracting Parties shall communicate to one another, through the Secretary-General of the League of Nations, the laws and regulations promulgated in order to give effect to the present Convention, and shall forward to the Secretary-General of the League of Nations an annual report on the working of the Convention in Their territories in accordance with a form drawn up by the Advisory Committee on Traffic in Opium and Other Dangerous Drugs of the League of Nations and approved by the Council of the League of Nations.

Article 21.

In the event of a dispute arising between any two or more High Contracting Parties concerning the interpretation or application of the provisions of this Convention, such disputes shall, unless settled directly between the Parties or by the employment of other means of reaching an agreement, be submitted to a tribunal to be agreed upon between the Parties within . . . of the receipt by any High Contracting Party of a request from another High Contracting Party for the submission of the dispute. In the event of failure to agree upon a tribunal within that period, the dispute shall, at the request of one Party, be referred to the Permanent Court of International Justice at The Hague.

[This article corresponds to old Article 23.]

Article 22.

[See old Article 24.]

Article 23.

[See old Article 25.]

Article 24.

[See old Article 26.]

Article 25.

[See old Article 27 (subject to the Japanese amendment to this article).]

Article 26.

[See old Article 28.]

Article 27.

[See old Article 29.]

Article 28.

[See old Article 30.]

Article 29.

[See old Article 31.]

* * *

The annex to the Convention has not been revised by the above-mentioned delegations.

Conf.L.F.S.28(c).

ANNEX 11.

NEW ARTICLES RELATING TO THE DISTRIBUTION AND CONTROL OF NARCOTIC SUBSTANCES, SUBMITTED BY THE ARGENTINE DELEGATE.

[*Translation.*]

Article . . .

The High Contracting Parties undertake to establish in their national capitals, in the capitals of their federated States or provinces, in the chief towns of the departments or cantons of their respective countries, wherever necessary and wherever the administrative organisation make such a procedure possible, Central Narcotics Offices to organise and centralise the campaign against drug addiction by applying the provisions of the Conventions of The Hague (1912) and Geneva (1925), and of the present Convention.

There shall be a National Central Office to centralise the activities of the regional offices.

In countries in which the organisation of the campaign against drug addiction and control over the traffic in narcotic drugs comes within the competence of several administrative services, measures shall be taken to establish the necessary liaison between such services

Article

The National Central Narcotics Offices shall be administered by a Director-General, assisted by a Supervisory Committee, of which, where possible, the following shall be members: the Minister of Social Welfare or the Director-General of Social Welfare Services, the Director-General of Public Welfare, the Director-General of the Public Health Services, the Chief of the General Police Services, the Director-General of Customs, the professors of mental diseases, hygiene, therapeutics and pharmacology and of criminal law in the Faculties of Medicine and Law.

The Supervisory Committee shall appoint its own officers and establish its own rules.

Article

The Central Narcotics Office or the competent authority shall supervise all those who manufacture, handle in any way, import, sell, buy, in any manner distribute or export the narcotic substances specified in this Convention, as well as the buildings in which these products are manufactured or in any way traded in and the commercial vessels which convey them.

To this end, the Office or the authority acting in lieu thereof shall:

(a) Limit, solely to duly authorised establishments and premises, the manufacture of the substances referred to in Article 1;

(b) Require that all those who grow, manufacture, import, export, distribute, buy or sell in any way the said substances or work as employees in the said establishments and premises should be provided with an authorisation to engage in these operations;

(c) Require persons who engage in commercial transactions to enter in their books the quantities of the said substances manufactured, imported, exported, sold, bought, exchanged or distributed in any manner.

To obtain a manufacturing permit, the factory must undertake not to manufacture, export or buy the raw material which it requires abroad without authorisation from the Geneva Narcotics Bureau, and not to buy or sell in the territory in which it resides except after authorisation issued by the National Office.

All persons who buy, sell, exchange or distribute narcotic substances or engage in any commercial transaction regarding such substances must undertake to perform such transactions only after having been authorised by the office or the competent authority.

This clause shall not apply to retail pharmaceutical purchases and sales on presentation of a medical prescription, or to purchases and sales effected on presentation of a certificate delivered by the Rector of the University and countersigned by the Director of the Central Office.

Article

No person may engage in the cultivation of the plants specified in Article 1 without obtaining an authorisation delivered by the Central Office or the competent authority.

The Office may limit the cultivation of these plants to the needs estimated by the Permanent Board on the basis of requirements arising out of the exclusively therapeutic or scientific use of the narcotic substances specified in Article 1 of this Convention.

Article

The Office or the competent authority shall take steps to prohibit in internal trade the cession of the substances covered by the present Convention to unauthorised persons and the possession of these substances by such persons.

The Office may authorise chemists to deliver on their own initiative and as drugs for immediate use in urgent cases the following medicinal opium preparations: tincture of opium, Sydenham laudanum, Dover's powder, pills of thebaic extract; nevertheless, the maximum dose which may be delivered in these cases must not contain more than 0.2 gramme of medicinal opium, and the chemist must enter the quantities supplied in his books in accordance with Article

Article

The Central Office shall draw up administrative regulations governing the exercise of the trade in narcotic substances specified in the present Convention, applying also the provisions laid down in Annex which together constitute the administrative code for the campaign against drug addiction and the illicit traffic in narcotic substances.

Article

Every year, at a date to be fixed by the Permanent Board, all the national offices shall communicate to this Board estimates of their annual requirements confined to therapeutic and scientific needs.

The national offices undertake not to consume quantities in excess of these estimates without informing the Permanent Board and without stating their reasons for the over-consumption.

Article . . .

Each national office of a consuming country shall send the orders which it receives to the national office of the producing or manufacturing country through the Permanent Board at Geneva, which undertakes to transmit these orders immediately if it has no observations to make.

In agreement with the national offices, the Permanent Board shall regulate these commercial transactions in such a way as to facilitate deliveries and to obviate illicit operations in international trade.

Article . . .

Each national office shall communicate to the Permanent Board the surnames, Christian names and particulars as to civil status of all persons, whether nationals or foreigners, who engage in the illicit traffic in narcotics and of all prostitutes who are drug addicts.

The Permanent Board shall communicate these particulars to the national offices.

The High Contracting Parties undertake to assist each other in their efforts towards the suppression of contraband by means of exchanges of information and views between the Directors of the different national offices, arranged by the Permanent Board.

Article . . .

Any commercial transaction relating to the narcotic substances specified in Article 1 of this Convention and effected without the authorisation of the competent central national office is declared to be illicit.

Article . . .

The High Contracting Parties undertake to create in the Customs and Police administrations of their respective countries services specially aimed at combating the illicit trade in drugs and the spread of the drug habit, in full agreement with the national Narcotics Office and through it with the Permanent Board at Geneva.

Conf.L.F.S.73(c).

ANNEX 12.

DRAFT CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS.

(Prepared for the Second reading.)

[List of High Contracting Parties.]

Desiring to supplement the provisions of the International Opium Convention, signed at The Hague on January 23rd, 1912, and at Geneva on February 19th, 1925, by facilitating the limitation of the manufacture of narcotic drugs to the world's legitimate requirements for medical and scientific purposes and by regulating their distribution,

Have resolved to conclude a Convention for that purpose and have appointed as their plenipotentiaries :

[List of Plenipotentiaries.]

Who, having communicated to one another their full powers, found in good and due form, have agreed as follows :

CHAPTER I.—DEFINITIONS.

Article 1.

Except where otherwise expressly indicated, the following definitions shall apply throughout this Convention :

- 1. The term "Geneva Convention" shall denote the International Opium Convention signed at Geneva on February 19th, 1925.

2. The term "the drugs" shall denote the following drugs whether partly manufactured or completely refined.

Group I :

Sub-group (a) :

- (i) Morphine and its salts, including preparations made directly from raw opium and containing more than 20 per cent of morphine ;
- (ii) Diacetylmorphine and the other esters of morphine and their salts ;
- (iii) Cocaine and its salts including preparations made direct from the coca leaf and containing more than 0.1 per cent of cocaine ; all the esters of ecgonine and their salts ;
- (iv) Dihydrohydroxycodeinone (of which the substance registered under the name of " eucodal " is a salt) ; dihydrocodeinone (of which the substance registered under the name of " dicodide " is a salt) ; dihydromorphinone (of which the substance registered under the name of " dilaudide " is a salt) ; acetyldihydrocodeinone or acetyldemethylodihydrothebaine (of which the substance registered under the name of " acedicone " is a salt) ; morphine-N-oxide (registered trade name " genomorphine "), and dihydromorphine (of which the substance registered under the name of " paramorfan " is a salt), their esters and salts ; also the morphine-N-oxide derivatives, their salts, and the other pentavalent nitrogen morphine derivatives.

Sub-group (b) :

Ecgonine, thebaine, and their salts ; benzylmorphine and the other ethers of morphine, and their salts, except methylmorphine (codeine), ethylmorphine and their salts.

Group II :

Methylmorphine (codeine), ethylmorphine and their salts.

Group III :

Every other product obtained from opium or the coca leaf which, in accordance with the procedure provided in Article 11, is determined to be a product capable of producing addiction or convertible into such a product.

The substances mentioned in this paragraph shall be considered as drugs even if produced by a synthetic process.

The terms " Group I " and " Group II " shall respectively denote Groups I and II of this paragraph.

3. " Raw opium " means the spontaneously coagulated juice obtained from the capsules of the *Papaver somniferum L.*, which has only been submitted to the necessary manipulations for packing and transport, whatever its content of morphine.

" Morphine " means the principal alkaloid of opium having the chemical formula $C_{17}H_{19}NO_5$.

" Crude morphine " means an intermediate product obtained from opium consisting principally of morphine or its salts and containing various impurities (such as resins or colouring matter) and sometimes other alkaloids.

" Diacetylmorphine " means diacetylmorphine (diamorphine, heroin) having the formula $C_{21}H_{27}NO_8$.

" Coca leaf " means the leaf of the *Erythroxylon coca* Lamarck and the *Erythroxylon novo-granatense* (Morris), *Hieronymus* and their varieties, belonging to the family of *Erythroxylacæ* and the leaf of other species of this genus from which it may be found possible to extract cocaine either directly or by chemical transformation.

" Cocaine " means methyl-benzoyl-*laevo*-ecgonine ($[\alpha]_D^{20} = -16.4$) in 20 per cent solution of chloroform, of which the formula is $C_{17}H_{21}NO_4$.

" Crude cocaine " means any extract of the coca leaf which can be used directly or indirectly for the manufacture of cocaine.

" Ecgonine " means *laevo*-ecgonine ($[\alpha]_D^{20} = -45.6$ in 5 per cent solution of water), of which the formula is $C_8H_{13}NO_5 \cdot H_2O$, and all the derivatives of *laevo*-ecgonine which might serve industrially for its recovery.

The following drugs are defined by their chemical formulæ as set out below :

Dihydrohydroxycodeinone	.. .. .	$C_{15}H_{21}O_4N$
Dihydrocodeinone	.. .. .	$C_{15}H_{21}O_3N$
Dihydromorphinone	.. .. .	$C_{17}H_{23}O_3N$
Acetyldihydrocodeinone or Acetyldemethylodihydrothebaine	}	$C_{20}H_{27}O_4N$
Morphine-N-oxide	.. .. .	$C_{17}H_{19}O_6N$
Dihydromorphine	.. .. .	$C_{17}H_{23}O_3N$
Thebaine	.. .. .	$C_{15}H_{21}O_3N$
Codeine (methylether of morphine)	.. .. .	$C_{18}H_{25}O_3N$
Ethylether of morphine	.. .. .	$C_{19}H_{27}O_3N$
Benzylether of morphine	.. .. .	$C_{21}H_{29}O_3N$

4. The term " manufacture " shall include any process of refining.
- The term " conversion " shall denote the transformation of a drug by a chemical process, with the exception of the transformation of alkaloids into their salts.
- The term " estimates " shall denote estimates furnished in accordance with Articles 2 to 5 of this Convention and, unless the context otherwise requires, shall include supplementary estimates.
- The term " reserve stocks " in relation to any of the drugs shall denote the stocks of that drug required (i) for the normal domestic consumption of the country in which they are maintained, (ii) for conversion in that country and (iii) for export.
- The term " Government stocks " in relation to any drug shall denote stocks of that drug kept under Government control for the use of the Government and to meet exceptional circumstances.
- Except where the context otherwise requires, the term " export " shall be deemed to include re-export.

CHAPTER II.—ESTIMATES.

Article 2.

1. Each High Contracting Party shall furnish annually to the Permanent Central Opium Board, constituted under Chapter VI of the Geneva Convention, in respect of His territories, estimates of the requirements of those territories in the matter of each of the drugs for use as such for domestic consumption, for conversion and for reserve stocks.
2. In the event of any High Contracting Party failing to furnish, by the date specified in paragraph . . . of Article . . . of this Convention, an estimate in respect of any of His territories, an estimate will, so far as possible, be furnished by the Supervisory Body, specified in paragraph . . . of Article . . .
3. The Permanent Central Board shall ask for estimates from countries to which this Convention does not apply to be made in accordance with the provisions of this Convention. In the event of no estimate being furnished on behalf of any such country, the Supervisory Body shall itself so far as possible make the estimates.

Article 3.

Any High Contracting Party may, if necessary, in any year furnish in respect of any of His territories supplementary estimates of the requirements of that territory for that year with an explanation of the circumstances which necessitate such supplementary estimates.

Article 4.

1. Every estimate furnished in accordance with the preceding articles, so far as it relates to any of the drugs required for domestic consumption in the country or territory in respect of which it is made, shall be based solely on the medical and scientific requirements of that country or territory.
2. It is understood that, in addition to reserve stocks, any High Contracting Party may create and maintain Government stocks.

Article 5.

1. Each estimate provided for in Articles 2 to 4 of this Convention shall be in the form from time to time prescribed by the Permanent Central Board and communicated by the Board to the High Contracting Parties.
2. Every estimate shall show separately for each year in respect of which it is made:
 - (a) The estimated requirements of the country in respect of which it is made in the matter of each of the drugs for use as such whether in the form of (1) alkaloids or salts, (2) preparations containing alkaloids or salts, (3) preparations made direct from raw opium and containing more than 20 per cent of morphine or (4) preparations made direct from the coca leaf and containing more than 0.1 per cent of cocaine. The amounts required under each of the above categories shall be shown separately.
 - (b) The estimated amounts of each of the drugs required for the purpose of conversion.
 - (c) The estimated amount of the reserve stock of each of the drugs (1) which it is desired to maintain, (2) which will exist in the country at the beginning of the year in respect of which the estimate is made.
 - (d) The quantity required for the establishment and maintenance of any Government stocks in accordance with Article 4.
 - (e) The quantity which it is proposed to manufacture in the country for domestic consumption, for conversion and for maintaining the reserve and Government stocks at the desired level.
 - (f) The quantity which it is proposed to manufacture for the making, whether for domestic consumption or for export, of preparations for the export of which export authorisations are not required.

In the event of the reserve stocks of any drug at the beginning of any year exceeding the level which it is desired to maintain in respect of that drug in that year, a deduction equal to the excess shall be made from the total of the estimates of the requirements of that drug.

3. Every estimate shall be accompanied by a statement explaining the method by which the several amounts shown in it have been calculated. If these amounts are calculated so as to include a margin allowing for possible fluctuations in demand the estimates should indicate the extent of the margin so included. It is understood that in the case of any of the drugs which are or may be included in Group II, a wider margin may be necessary than in the case of the other drugs.

4. Every estimate shall reach the Permanent Central Board not later than August 1st in the year preceding that in respect of which the estimate is made.

5. Supplementary estimates shall be sent to the Permanent Central Board immediately on their completion.

6. The estimates will be examined by a supervisory body. The Opium⁷ Advisory Committee of the League of Nations, the Permanent Central Board, the Office international d'Hygiène publique and the Health Committee of the League of Nations shall each have the right to appoint one member to this body.

The supervisory body may require any further details or explanations, except as regards requirements for Government purposes, which it may consider necessary in respect of any country on behalf of which an estimate has been furnished in order to make the estimate complete or to explain any statement made therein, and may, with the consent of the Government concerned, amend any estimate in accordance with any explanations so given.

It is understood that in the case of any of the drugs which are or may be included in Group II, a summary statement shall be deemed to be sufficient.

7. After examination by the supervisory body as provided in paragraph 6 of the estimates furnished, and after the determination by that body as provided in Article 3 of the estimates for countries on behalf of which no estimates have been furnished, the supervisory body shall forward to the Secretary-General of the League of Nations for transmission to all the Members of the League of Nations and non-member States, a statement containing the estimates for each country, together with an account of any explanations given or required in accordance with paragraph 6, and any observations which the supervisory body may desire to make in respect of any such estimate or explanation, or request for an explanation.

The statement shall be forwarded to the Secretary-General not later than November 1st in each year.

8. Every supplementary estimate sent to the Permanent Central Board in the course of the year shall be dealt with by the supervisory body in a manner similar to that specified in paragraphs 6 and 7 above.

CHAPTER III.—LIMITATION OF MANUFACTURE.

Article 6.

1. There shall not be manufactured in any country in any one year a quantity of any of the drugs superior to the total of the following quantities :

(i) The quantities specified in the estimates or required for the manufacture of preparations for the export of which export authorisations are not required, whether such preparations are intended for domestic consumption or for export ;

(ii) The quantity specified in the estimates for that country for that year as necessary for its medical and scientific needs, not including the quantities coming under paragraph 1 ;

(iii) The quantity specified in the estimates for that country for that year as being required for conversion, whether for domestic consumption or for export ;

(iv) Such quantities as may be required for the execution during the year of orders for export in accordance with the provisions of the Geneva Convention and of this Convention, not including the quantities coming under paragraph 1 ;

(v) The quantities, if any, required for the purpose of maintaining the reserve stocks at the level specified in the estimates for that year ;

(vi) The quantities, if any, required for the purpose of maintaining the Government stocks at the level specified in the estimates for that year.

2. No High Contracting Party shall be deemed to have violated His obligations under this article if the total amount of any drug manufactured in any year should exceed the total of the amounts specified above by a margin not exceeding 5 per cent of that total. Any such excess shall be deducted from the total of the estimates for the following year.

Article 7.

1. There shall be deducted from the total quantity of each drug permitted under Article 6 to be manufactured in any country during any one year :

(i) Any amounts of that drug imported into that country less quantities re-exported ;

(ii) Any returned deliveries of the drug.

2. If it should be impossible to make any of the above deductions during the course of the current year, any amounts remaining in excess at the end of the year shall be deducted from the estimates for the following year.

Article 8.

1. The full amount of any of the drugs imported into or manufactured in any country for the purpose of conversion in accordance with the estimates for that country shall be utilised for that purpose within the period for which the estimate applies.

2. In the event, however, of it being impossible to utilise the full amount for that purpose within the period in question, the portion remaining unused at the end of the year shall be deducted from the estimates for that country for the following year.

Article 9.

If at the moment when the Convention as a whole shall have come into force or at the beginning of any subsequent year the then existing stock of any of the drugs in any country exceeds the amount of the reserve stock of that drug, which, according to the estimates for that country, it is desired to maintain, such excess shall :

(a) In the case of a country which manufactures that drug, be deducted from the total quantity of that drug permitted under Article 6 to be manufactured during the current year ;

(b) In the case of a country which does not manufacture that drug, be deducted from the amount of that drug permitted under the provisions of this Convention to be imported into that country during the current year.

Alternatively, the excess stocks existing at the moment when the Convention as a whole shall have come into force shall be taken possession of by the Government, and released from time to time in such quantities only as may be in conformity with the present Convention. Any quantities so released during any year shall be deducted from the total amount permitted to be manufactured or imported as the case may be during that year.

CHAPTER IV.—PROHIBITIONS AND RESTRICTIONS.

Article 10.

1. The High Contracting Parties shall prohibit the export from Their territories of diacetylmorphine, its salts, and preparations containing diacetylmorphine or its salts.

2. Nevertheless, on the receipt of a request from the Government of any country in which diacetylmorphine is not manufactured, any High Contracting Party may authorise the export to that country of such quantities of diacetylmorphine, its salts, and preparations containing diacetylmorphine or its salts, as are necessary for the medical and scientific needs of that country, provided that the request is accompanied by an import certificate and is consigned to the Government Department indicated in the certificate.

3. Any quantities so imported shall be taken charge of by the Government of the importing country which shall regulate their distribution.

Article 11.

1. No trade in or manufacture for trade of any product obtained from any of the phenanthrene alkaloids of opium or from the alkaloids of the coca leaf not in use on this day's date for medical or scientific purposes shall take place in any country unless and until it has been ascertained to the satisfaction of the Government of that country that the product in question is of medical or scientific value.

2. Any High Contracting Party permitting trade in or manufacture for trade of any such product to be commenced shall immediately send a notification to that effect to the other High Contracting Parties and to the Secretary-General of the League of Nations, who shall communicate to the Health Committee of the League.

3. The Health Committee will thereupon, after consulting the Permanent Committee of the Office international d'Hygiène publique in Paris, decide whether or not the product in question is capable of producing addiction (and is, in consequence, assimilable to the substances mentioned in Group I(a) of paragraph 2 of Article 1) or whether or not it is convertible into such a product (and is, in consequence, assimilable to the substances mentioned in Group I(b) or Group II).

4. In the event of the Health Committee of the League deciding that the product is not itself a product capable of producing addiction, but is convertible into such a product, the question whether the product in question shall fall under Group I(b) or Group II shall be referred for decision to a body of three experts competent to deal with the scientific and technical aspects of the matter, of whom one member shall be selected by the Government concerned, one by the Opium Advisory Committee of the League, and one by agreement between the two members so selected.

5. Any decisions arrived at in accordance with the two preceding paragraphs shall be communicated to the Secretary-General of the League of Nations who will communicate it to all the Members of the League and non-member States mentioned in Article 27.

6. If the decisions are to the effect that the product in question is capable of producing addiction or is convertible into such a product, the High Contracting Parties will upon receipt of the communication from the Secretary-General apply to the product the appropriate regime laid down in the present Convention according as to whether the product falls under Group I or under Group II.

7. Any such decisions may be revised, in accordance with the foregoing procedure, in the light of further experience of an application addressed by any High Contracting Party to the Secretary-General.

Article 12.

1. No import of any of the drugs into the territories of any High Contracting Party or export from those territories shall take place except in accordance with the provisions of the present Convention.

2. The imports in any one year into any country of any of the drugs shall not exceed the total of the amount specified in the estimates for that country for that year and of the amount exported from that country during the year, less the amount manufactured in that country in that year.

CHAPTER V.—CONTROL.

Article 13.

1. (a) The High Contracting Parties shall apply to all the drugs which are or may be included in Group I the provisions of the Geneva Convention (or provisions in conformity therewith) which are applicable to the substances mentioned in Article 4 of that Convention except in so far as these provisions are modified by the provisions of the present Convention.

(b) The High Contracting Parties shall treat solutions or dilutions of morphine or cocaine or their salts in an inert, liquid or solid substance which contain 0.2 per cent or less of morphine or 0.1 per cent or less of cocaine in the same way as preparations containing more than these percentages.

2. The High Contracting Parties shall apply to the drugs which are or may be included in Group II the following provisions of the Geneva Convention, or provisions in conformity therewith :

(i) The provisions of Articles 6 and 7, in so far as they relate to the manufacture, import, export and wholesale trade in those drugs ;

(ii) The provisions of Chapter V, except as regards compounds containing any of these drugs other than compounds which are not adapted to a normal therapeutic use ;

(iii) The provisions of paragraphs 1(b), (c) and (e) and paragraph 2 of Article 22, provided :

(1) That the statistics of imports and exports may be sent annually instead of quarterly, and,

(2) That paragraph 1(b) and paragraph 2 of Article 22 shall not apply to preparations containing any of these drugs.

Article 14.

1. The High Contracting Parties agree, in regard to the export of any of the drugs which are or may be included in Group I to any country to which neither this Convention nor the Geneva Convention applies, that the Government issuing an authorisation for any such export shall immediately notify the Permanent Central Board of the issue of the authorisation ; provided that, if the export amounts to 25 kilogrammes or more, the authorisation shall not be issued until the Government has ascertained from the Permanent Central Board that the export will not cause the estimates for the importing country to be exceeded. If the Permanent Central Board sends a notification that such an excess would be caused the Government will not authorise the export of any amount which would have that effect.

2. If it appears from the import and export returns made to the Permanent Central Board, or from the notifications made to the Board in pursuance of the preceding paragraph, that the quantities exported or authorised to be exported to any country exceed the aggregate of the amounts shown in the estimates for that country for that year as being required for domestic consumption for conversion and for maintaining the reserve stock at the level specified in the estimate, after deduction of any amount which, according to those estimates, will be manufactured in that country in that year, the Board shall immediately notify the fact to all the High Contracting Parties, who will not during the currency of the year in question authorise any new exports to that country except (i) in the event of a supplementary estimate being furnished for that country in respect both of the quantities over-imported and of the additional quantities required, or (ii) in exceptional cases where the export is, in the opinion of the Government of the exporting country, essential in the interests of humanity or for the treatment of the sick.

3. The Permanent Central Board shall each year prepare a statement showing in respect of each country for the preceding year :

- (a) The estimates in respect of each drug ;
- (b) The amount of each drug consumed ;
- (c) The amount of each drug manufactured ;
- (d) The amount of each drug converted ;
- (e) The amount of each drug imported ;
- (f) The amount of each drug exported.

If such statement indicates that any High Contracting Party has or may have failed to carry out His obligations under this Convention the Board shall have the right to ask for explanations from that High Contracting Party and the procedure specified in paragraphs 2 to 7 of Article 24 of the Geneva Convention shall apply in any such case.¹

The Board shall, as soon as possible thereafter, publish the statement above mentioned, together with an account of any explanations given or required in accordance with the preceding paragraph and any observations which the Board may desire to make in respect of any such explanation or request for an explanation.

Article 15.

1. Each High Contracting Party shall exercise a strict supervision over :

- (a) The amounts of raw material and manufactured drugs in the possession of each manufacturer for the purpose of the manufacture or conversion of any of the drugs or otherwise ;
- (b) The quantities of the drugs or preparations containing the drugs produced ;
- (c) The disposal of the drugs and preparations so produced with especial reference to deliveries from the factories.

2. No High Contracting Party shall allow the accumulation in the possession of any manufacturer of quantities of raw materials in excess of those required for the economic conduct of business, having regard to the prevailing market conditions. The amounts of raw material in the possession of any manufacturer at any one time shall not exceed the amounts required by that manufacturer for manufacture during the ensuing six months unless the Government, after due investigation, considers that exceptional conditions warrant the accumulation of additional amounts, but in no case shall the total quantities which may be accumulated exceed one year's supply.

CHAPTER VI.—ADMINISTRATIVE PROVISIONS.

Article 16.

The High Contracting Parties shall take all necessary legislative or other measures in order to give effect within Their territories to the provisions of this Convention.

The High Contracting Parties undertake to create, if They have not already done so, a special administration for the purpose of :

- (1) Applying the provisions of the present Convention ;
- (2) Regulating, supervising and controlling the trade in the drugs ;
- (3) Organising the campaign against drug addiction, taking all suitable measures to combat the illicit traffic.

Article 17.

Each High Contracting Party shall require each manufacturer within His territories to submit quarterly reports stating :

- (1) The amount of raw materials and of each of the drugs received into the factory by such manufacturer and the quantities of that drug, or any other products whatever, produced from each of these substances. In reporting the amounts of raw materials so received, the manufacturer shall state the proportion of morphine, cocaine or ecgonine contained in or producible therefrom as determined by a method prescribed by the Government.
- (2) The quantities of either the raw material or the products manufactured therefrom which were disposed of during the quarter.
- (3) The quantities remaining in stock at the end of the quarter.

Article 18.

1. The High Contracting Parties undertake to destroy all narcotics seized in Their respective territories.

2. Stocks of narcotic drugs derived from seizures and stored under Government control at the time of signature of the present Convention shall also be destroyed within three months from the coming into force of the Convention in respect of the country concerned, or at the

¹ Adopted subject to a reservation regarding the place of the Secretary-General in this procedure.

latest within three months after the drugs seized have ceased to be placed under the control of the judicial authorities. A *communiqué*, specifying the quantities of narcotic drugs destroyed, shall be sent to the Permanent Central Board.

• *Article 19.*

The High Contracting Parties will require that the labels under which any of the drugs, or preparations containing those drugs, are offered for sale, shall show the percentage and name of the drug as provided for in the national legislation.

CHAPTER VII.—GENERAL PROVISIONS.

Article 20.

1. Every High Contracting Party in any of whose territories any of the drug is being manufactured or converted at the time of the coming into force of Articles 2 to 5 of this Convention, or in which He proposes to authorise such manufacture or conversion, shall notify the Secretary-General of the League of Nations to that effect, indicating whether the manufacture or conversion is for domestic needs only or also for export, the date on which such manufacture or conversion will begin, and the drugs to be manufactured or converted.

2. In the event of any High Contracting Party desiring that the manufacture or conversion of any of the drugs in any of His territories shall cease, He shall notify the Secretary-General to that effect, indicating the date on which such manufacture or conversion will cease, and specifying the territory and the drugs affected.

Article 21.

The High Contracting Parties shall communicate to one another through the Secretary-General of the League of Nations the laws and regulations promulgated in order to give effect to the present Convention, and shall forward to the Secretary-General of the League of Nations an annual report on the working of the Convention in Their territories in accordance with a form drawn up by the Advisory Committee on Traffic in Opium and other Dangerous Drugs.

Article 22.

The High Contracting Parties shall include in the annual statistics furnished by Them to the Permanent Central Board the amounts of any of the drugs used by manufacturers and wholesalers for the making of preparations, whether for domestic consumption or for export for the export of which export authorisations are not required.

They shall also include a summary of the returns made by the manufacturers in pursuance of Article 17.

Article 23.

1. The High Contracting Parties will communicate to each other, through the intermediary of the Secretary-General of the League of Nations, as soon as possible, particulars of each case of illicit traffic discovered in Their territories which may be of importance either because of the quantities involved or because of the light thrown on the working of the system of control.

2. The particulars given shall indicate as far as possible :

- (a) The kind and quantity of drugs involved ;
- (b) The origin of the drugs, their marks and labels ;
- (c) Points at which the drugs were diverted into the illicit traffic ;
- (d) Place from which the drugs were despatched, and the names of shipping or forwarding agents or consignors ;
- (e) Name and address of consignees or other destination ;
- (f) Methods and routes used by smugglers and names of ships, if any ;
- (g) Action taken by the Government in regard to persons involved, particularly those possessing authorisations or licenses, penalties imposed ;
- (h) Any other matter which would assist in the suppression of illicit traffic.

Article 24.

The present Convention shall supplement the Geneva Convention in the relations between the Parties to both Conventions.

Article 25.

If there should arise between the High Contracting Parties a dispute of any kind relating to the interpretation or application of the present Convention and if such dispute cannot be satisfactorily settled by diplomacy, it shall be settled in accordance with any applicable agreements in force between the parties providing for the settlement of international disputes.

In case there is no such agreement in force between the parties, the dispute shall be referred to arbitration or judicial settlement. In the absence of agreement on the choice of another tribunal, the dispute shall, at the request of any one of the Parties, be referred to the Permanent Court of International Justice, if all the Parties to the dispute are Parties to the Convention

of December 16th, 1920, relating to the Statute of that Court, and if any of the Parties to the dispute is not a Party to the Protocol of December 16th, 1920, to an arbitral tribunal constituted in accordance with the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Conflicts.

Article 26.

Any High Contracting Party may, at the time of signature, ratification, or accession, declare that, in accepting the present Convention, He does not assume any obligations in respect of all or any of His colonies, protectorates and oversea territories or territories under suzerainty or mandate : and the present Convention shall not apply to any territories named in such declaration.

Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that He desires that the Convention shall apply to all or any of His territories which have been made the subject of a declaration under the preceding paragraph, and the Convention shall apply to all the territories named in such notice in the same manner as in the case of a country ratifying or acceding to the Convention.

Any High Contracting Party may, at any time after the expiration of the five years' period mentioned in Article 32, declare that He desires that the present Convention shall cease to apply to all or any of His colonies, protectorates and oversea territories or territories under suzerainty or mandate, and the Convention shall cease to apply to the territories named in such declaration as if it were a denunciation under the provisions of Article 32.

The Secretary-General shall communicate to all the Members of the League and to the non-member States mentioned in Article 27, all declarations and notices received in virtue of this article.

Article 27.

The present Convention, of which the French and English texts shall both have equal force, shall bear this day's date, and shall, until January 1st, 1932, be open for signature on behalf of any Member of the League of Nations, or of any non-member State which was represented at the Conference which drew up this Convention, or to which the Council of the League of Nations shall have communicated a copy of the Convention for this purpose.

Article 28.

The present Convention shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League and to the non-member States referred to in the preceding article.

Article 29.

As from January 1st, 1932, the present Convention may be acceded to on behalf of any Member of the League of Nations or any non-member State mentioned in Article 27.

The instruments of accession shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all the Members of the League and to the non-member States mentioned in that Article.

Article 30.

The present Convention shall come into force, as regards the stipulations of Articles 2 to 5, three calendar months after the Secretary-General of the League of Nations has received the ratifications or accessions of twenty-five Members of the League of Nations or non-member States, including any five of the following States : France, Germany, the United Kingdom of Great Britain and Northern Ireland, Japan, the Netherlands, Switzerland, Turkey and the United States of America.

As regards its remaining provisions, the Convention shall come into force on the first day of January in the first year in respect of which estimates are furnished in conformity with Articles 2 to 5.

Article 31.

Ratifications or accessions received after the date on which Articles 2 to 5 of this Convention have come into force shall take effect as from the expiration of the period of from three calendar months.

Article 32.

After the expiration of five years from the date on which Articles 2 to 5 of this Convention shall have come into force, the Convention may be denounced by an instrument in writing, deposited with the Secretary-General of the League of Nations. The denunciation, if received by the Secretary-General on or before the first day of July in any year, shall take effect on the first day of January in the succeeding year, and if received after the first day of July shall take effect as if it had been received on or before the first day of July in the succeeding year. Each denunciation shall operate only as regards the Member of the League or non-member State on whose behalf it has been deposited.

The Secretary-General shall notify all the Members of the League and non-member States mentioned in Article 27 of any denunciations received.

If, as a result of simultaneous or successive denunciations, the number of Members of the League and non-member States bound by the present Convention is reduced to less than twenty-five, the Convention shall cease to be in force as from the date on which the last of such denunciations shall take effect in accordance with the provisions of this article.

Article 33.

A request for the revision of the present Convention may at any time be made by any High Contracting Party by means of a notice addressed to the Secretary-General of the League of Nations. Such notice shall be communicated by the Secretary-General to the other High Contracting Parties, and if endorsed by not less than one-third of them, the High Contracting Parties agree to meet for the purpose of revising the Convention.

Article 34.

The present Convention shall be registered by the Secretary-General of the League of Nations on the day of the entry into force of Articles 2 to 5 of this Convention.

IN FAITH WHEREOF the above-mentioned Plenipotentiaries have signed the present Convention.

DONE at Geneva in a single copy, which shall remain deposited in the archives of the Secretariat of the League of Nations, and certified true copies of which shall be delivered to all the Members of the League and to the non-member States referred to in Article 27.

Conf.L.F.S.73(e).

ANNEX 13.

NEW TEXTS OF ARTICLES 1, 5, 6, 12 AND 14, DRAWN UP BY THE DRAFTING COMMITTEE.

NOTE BY THE PRESIDENT.

In accordance with the decision of the Conference, the Drafting Committee met to-day, July 10th, at 9.30 a.m. for the purpose of modifying the text of certain articles of the draft Convention.

The Committee was composed of members of the following delegations: France, Germany, Great Britain, Greece, Japan, Portugal, Spain, Switzerland, United States of America, and it agreed to insert the following modifications in the text of Articles 1, 5, 6, 12 and 14.

The new texts of these articles are herewith communicated to the delegations.

Article 1.

4. The term "manufacture" shall include any process of refinement.

The term "conversion" shall denote the transformation of the drug by a chemical process, with the exception of the transformation of alkaloids into their salts. When a drug is converted into another drug, this conversion shall be considered as a conversion as regards the first-mentioned drug and as a manufacture as regards the other.

The term "estimates" shall denote, etc.

Article 5.

1. Each estimate provided for in Articles 2 to 4 of this Convention shall be in the form from time to time prescribed by the Permanent Central Board and communicated by the Board to all the Members of the League of Nations and the States non-members mentioned in Article 27.

2. For each drug and for each year the estimates shall show:

(a) The quantity necessary for use as such for medical and scientific needs, including the quantity required for the manufacture of preparations for the export of which export authorisations are not required, whether such preparations are intended for domestic consumption or for export;

(b) The quantities necessary for the purpose of conversion, whether for domestic consumption or for export;

(c) The amount of the reserve stock which it is desired to maintain;

(d) The quantity required for the establishment and maintenance of any Government stock as provided for in Article 4.

The total of the estimates for each country shall consist of the sum of the amounts specified under paragraph 2 (a) and (b) of this article with the addition of any amounts which may be necessary to bring the reserve and Government stocks up to the desired level, or after deduction of any amounts by which those stocks may exceed that level.

(Paragraphs 3 to 8 remain unchanged.)

Article 6.

1. There shall not be manufactured in any country in any one year a quantity of any of the drugs superior to the total of the following quantities :

(a) The quantity specified in the estimates for that year as necessary for use as such for medical and scientific needs, including the quantity required for the manufacture of preparations for the export of which export authorisations are not required, whether such preparations are intended for domestic consumption or for export ;

(b) The quantity specified in the estimates for that country for that year as being required for conversion, whether for domestic consumption or for export ;

(c) Such quantities as may be required for the execution during the year of orders for export in accordance with the provisions of this Convention ;

(d) The quantities, if any, required for the purpose of maintaining the reserve stocks at the level specified in the estimates for that year ;

(e) The quantities, if any, required for the purpose of maintaining the Government stocks at the level specified in the estimates for that year.

2. No High Contracting Party shall be deemed to have violated, etc.

Article 12.

1. No import of any of the drugs into the territories of any High Contracting Party or export from those territories shall take place except in accordance with the provisions of the present Convention.

2. The imports in any one year into any country of any of the drugs shall not exceed the total of the estimates as defined in Article 5 and of the amount exported from that country during the year, less the amount manufactured in that country in that year.

Article 14.

1. The High Contracting Parties agree, in regard to the export of any of the drugs which are or may be included in Group I to any country to which neither this Convention nor the Geneva Convention applies that the Government issuing an authorisation for any such export shall immediately notify the Permanent Central Board of the issue of the authorisation ; provided that, if the export amounts to 25 kilogrammes or more, the authorisation shall not be issued until the Government has ascertained from the Permanent Central Board that the export will not cause the estimates for the importing country to be exceeded. If the Permanent Central Board sends a notification that such an excess would be caused, the Government will not authorise the export of any amount which would have that effect.

2. If it appears from the import and export returns made to the Permanent Central Board or from the notifications made to the Board in pursuance of the preceding paragraph that the quantities exported or authorised to be exported to any country exceed the total of the estimates as defined in Article 5 for that country for that year increased with the exports proved to have been made, the Board shall immediately notify the fact to all the High Contracting Parties who will not, during the currency of the year in question, authorise any new exports to that country except (i) in the event of a supplementary estimate being furnished for that country in respect both of the quantities over-imported and of the additional quantities required, or (ii) in exceptional cases where the export in the opinion of the Government of the exporting country is essential in the interests of humanity or for the treatment of the sick.

3. The Permanent Central Board shall each year prepare a statement showing in respect of each country for the preceding year :

(a) The estimates in respect of each drug ;

(b) The amount of each drug consumed ;

(c) The amount of each drug manufactured ;

(d) The amount of each drug converted ;

(e) The amount of each drug imported ;

(f) The amount of each drug exported ;

(g) The amount of each drug used for the compounding of preparations, exports of which do not require export authorisation.

If such statement indicates, etc. (the rest of the two following paragraphs remains unchanged).

ANNEX 14.

SUMMARY OF DECISIONS TAKEN BY THE BUSINESS COMMITTEE AT
ITS MEETING AT 10 A.M. ON MONDAY, JUNE 8TH, 1931.

The following decisions were taken :

1. To call a meeting of the full Conference on Wednesday, June 10th, at 10.30 a.m., to hear a statement from the Secretariat in reply to a request by the American delegation for certain statistical information.

2. On the proposal of the Italian delegation, the Legal and Drafting Committee was asked to give its opinion whether the annex to the draft Convention contained questions of a principal character or only questions of application of the principles found in the draft Convention itself. This matter needed to be settled before the Committee could discuss the filling in of the blank left in Article 18 of the draft Convention.

3. Dr. Barandon was asked to give an opinion on the question whether a stipulation could be inserted in the draft Convention providing for a right of appeal on the part of the contracting parties against a decision taken by any organ created for the revision of the annex to the Convention.

4. Article 22 of the draft Convention (question of prices on manufactured drugs) was referred to the Committee for Limitation.

5. The Committee decided that the Secretariat should daily circulate to the delegations an agenda for the following day, indicating meetings to be held and the principal questions to be dealt with.

6. The Committee further decided to ask the Secretariat to circulate, before the distribution of the Minutes of Committees, a short summary of the decisions taken in Committees.

ANNEX 15.

SUMMARY OF DECISIONS TAKEN BY THE BUSINESS COMMITTEE AT
ITS MEETING AT 10 A.M. ON TUESDAY, JUNE 16TH, 1931.

With regard to the Note by the Legal Adviser concerning certain questions raised in connection with Article 18 of the draft Convention (Annex 2, Vol. II), it was decided, on the proposal of the President, to recommend to the Plenary Conference that Article 18 should be cancelled. In case any delegation wishes to retain this article, proposals regarding the text should be submitted to the President not later than Monday, June 22nd.

ANNEX 16.

SUMMARY OF DECISIONS TAKEN BY THE BUSINESS COMMITTEE AT
ITS MEETING ON MONDAY, JUNE 22ND, 1931.

1. The Committee asked the Secretariat to prepare a document showing :

- (a) Articles, the texts of which have already been adopted ;
- (b) The blanks still remaining in the Convention ;
- (c) The final text of the plan for limitation adopted by the Conference.

2. The Committee decided that the final text of the plan for limitation adopted by the Conference (document Conf.L.F.S./C.L.1(c), see page 124) should not be on the Conference agenda until forty-eight hours after its circulation in order to give delegations time to submit amendments to the final text.

3. The Committee did not adopt the proposal of the American delegation for the appointment of a sub-committee to make a final draft of the plan for limitation adopted by the Conference. The authors of the plan will continue to elaborate a final text in collaboration with other delegates who have already assisted them for this purpose.

4. With reference to its decision taken on June 16th (document Conf.L.F.S.51(a)) (Annex 15), the Business Committee unanimously decided that, as no proposals regarding the retaining of the second paragraph of Article 18 had been received to-day, it would recommend to the Conference the suppression of paragraph 2 of Article 18 of the draft Convention.

Conf.L.F.S.51(c).

ANNEX 17.

SUMMARY OF DECISIONS TAKEN BY THE BUSINESS COMMITTEE AT
ITS MEETING ON THURSDAY, JULY 2ND, 1931.

I. DISCREPANCY BETWEEN THE FRENCH AND ENGLISH TEXTS OF ARTICLE 24
OF THE GENEVA CONVENTION (Document Conf.L.F.S.59).

At the suggestion of the President, the Business Committee decided to inform the Conference of the resolution on this point adopted by the Legal and Drafting Committee. The Conference should further be informed that the Business Committee was of opinion that all the Business Committee could do in this case was to inform the Conference and the parties to the Geneva Convention present at the Conference of the position but that neither the Conference nor its President could take any initiative. However, the services of the President and of the Secretariat would be at the disposal of the parties to the Geneva Convention if they desired to avail themselves thereof for the purpose of discussing the question of Article 24 of the Geneva Convention.

2. PROTOCOL SUGGESTED BY THE YUGOSLAV DELEGATION (Document Conf.L.F.S.71)
(see Annex 23).

At the request of the Yugoslav delegation, which informed the Committee that they expected instructions from the Yugoslav Government on certain points raised with the delegation by the President of the Conference, the Committee decided to put this question on the agenda for the Plenary Conference on Saturday next for general discussion. After the general discussion, the matter will again be taken up in the Business Committee in public session.

3. THE QUESTION OF STATE MONOPOLY FOR NARCOTIC DRUGS : SOVIET AMENDMENT
(Document Conf.L.F.S.30(a)) AND POLISH AMENDMENT (Document Conf.L.F.S.31).

The suggestion that there should be a State Monopoly on narcotic drugs was accepted by the Committee by ten votes to seven. The Committee therefore decided to suggest to the Conference that a recommendation should be made to that effect.

The Committee also discussed the question raised in the second paragraph of the Polish amendment (document Conf.L.F.S.31), but rejected by eight votes to three the suggestion that the Convention should make a recommendation to the effect that the Governments should require wholesale dealers holding licences to trade in narcotic drugs to furnish cash securities.

4. ARTICLE 20 OF THE DRAFT CONVENTION (Document Conf.L.F.S.13) *vs* CONTROL OF PRICES.

The Committee noted that there had been no text submitted for this article and decided that it should be suppressed, in view of the suppression of the quota system contained in the draft Convention.

ANNEX 18.

REPORT OF THE TECHNICAL COMMITTEE ON THE WORDING OF
ARTICLE I, PARAGRAPHS 2 AND 3.

EXPLANATORY NOTE.

The Technical Committee was asked to frame a final draft of paragraphs 2 and 3 of Article I, and in particular, if possible, to define the expression "habit-forming narcotic drug" in its fullest and widest sense, to draw up a list of all the substances covered by the Convention, and to develop and define more specifically the tenor of the Spanish amendment (document Conf.L.F.S.38) voted at the meeting of the Technical Committee on June 10th on the basis of the experts' report (document Conf.L.F.S./C.Tech.1(1), Annex 3, Vol. II).

Finding it impossible to arrive at a perfect definition of the expression "habit-forming narcotic drug" either on the basis of physiological properties or on that of chemical constitution, the Technical Committee decided to limit the definition to "the purposes of the Convention"; it has, in fact, omitted any definition, and merely enumerated the drugs to which it proposes that the special measures aimed at by this Convention should be applied.

The substances enumerated have been divided into three groups, one of which—the second—has been subdivided into two sub-groups.

Group I comprises compounds described as "narcotic drugs".

As regards diacetylmorphine, which comes into this group, any decision on the subject must be deferred until the Technical Committee has come to a decision on the Austrian delegation's amendment (document Conf.L.F.S.35).

Group II comprises substances convertible into narcotic drugs. These are subdivided, for convenience as regards the rules to be applied to them later, into two sub-groups (a) and (b).

Group III covers compounds as yet unknown which may fall into either of the two previous groups.

Paragraph 3 of Article I has been accordingly adapted to the more complete list given in paragraph 2 of the present draft.

This draft did not, however, cover the entire substance of the Spanish amendment; it was necessary to produce a text embodying the decision regarding limitation which was voted at an earlier meeting. This is the object of the three paragraphs entitled "Paragraphs concerning Limitation", each of which applies to a certain class of substances enumerated in paragraph 2. These three paragraphs may be inserted after paragraph 3 of the draft Convention, or anywhere else in the draft Convention, when the final wording is decided upon, or they may be omitted if, at a later stage, they are not thought necessary. It was, however, essential that they should appear in this report in order to give a complete idea of the Spanish amendment as accepted by the Technical Committee.

TEXT PROPOSED FOR PARAGRAPHS 2 AND 3 OF ARTICLE I.

*Article I.**Paragraph 2 (A) :*

Group I.—For the purposes of this Convention the expression "narcotic drugs" shall denote the following drugs in a manufactured state :

- (i) Crude morphine, morphine and its salts, including preparations made directly from raw opium and containing more than 20 per cent of morphine ;
- (ii) Diacetylmorphine and the other esters of morphine and their salts ;
- (iii) Crude cocaine, cocaine and its salts, all the esters of ecgonine and their salts ;
- (iv) Dihydrohydroxycodine (the hydrochloride of which bears the registered trade name of "eucodal"), dihydrocodeinone (the salt of which bears the registered trade name of "dicodide"), dihydromorphinone (the hydrochloride of which bears the registered trade name of "dilaudide"), acetyldihydrocodeinone or acetylde-methylodihydrothebaine (the hydrochloride of which bears the registered trade name of "acedicone"), morphine-N-oxide (registered trade name "genomorphine"), and dihydromorphine (the hydrochloride of which bears the registered trade name of "paramorfan"), their esters and salts ; also the morphine-N-oxide derivatives, their salts, and the other pentavalent nitrogen morphine derivatives.

Group II.—Substances convertible into narcotic drugs : Sub-group (a) : Ecgonine, thebaine, benzylmorphine and their salts, all the ethers of morphine and their salts, except codeine (methylmorphine), ethylmorphine and their salts ; Sub-group (b) : Codeine (methylmorphine) and ethylmorphine (the hydrochloride of which bears the registered trade name "dionine") and their salts.

Group III.—Every other manufactured product capable of producing addiction or convertible into such a product, and obtained from opium or the coca leaf.

Paragraph 2 (B) :

Any of the foregoing drugs produced by a synthetic process shall be treated for the purposes of this convention in the same way as if produced from opium or the coca leaf.

Explanatory Note.—The paragraphs which follow refer to the limitation of the substances covered by the three Groups I, II and III. They may be inserted after paragraph 3, or anywhere else in the draft, when the final wording is decided upon.

Paragraphs concerning limitation :

(i) The substances covered by Group I and sub-group (a) of Group II shall be subject to limitation as provided in Article . . . (strict limitation).

(ii) The substances covered by sub-group (b) of Group II shall be subject to limitation as provided in Article . . . (more elastic limitation).

(iii) The substances covered by Group III shall be subject to the procedure referred to in Article . . . (May proposal, Spanish amendment, Sir Malcolm Delevingne's suggestion).

Paragraph 3.

The definitions of morphine, diacetylmorphine, cocaine, crude cocaine and ecgonine contained in Article 1 of the Geneva Convention shall apply for the purposes of the present Convention.

For the other drugs belonging to the three groups specified in paragraph 2 above, the following definitions shall apply for the purposes of the present Convention :

Crude morphine is an intermediate product obtained from opium consisting principally of morphine or its salts and containing various impurities (such as resins, colouring matter, etc.) and sometimes other alkaloids.

Esters of morphine or of another of the above-mentioned products : the word "ester" is used in accordance with chemical nomenclature.

Ethers of morphine : the word "ether" is employed in accordance with chemical nomenclature.

Dihydrohydroxycodeinone	C ₁₇ H ₁₉ O ₅ N
Dihydrocodeinone	C ₁₇ H ₁₉ O ₄ N
Dihydromorphinone	C ₁₇ H ₁₉ O ₃ N
Acetyldihydrocodeinone or acetyldemethyl- odihydrothebaine	C ₂₁ H ₂₃ O ₅ N
Morphine-N-oxide	C ₁₇ H ₁₇ O ₄ N
Dihydromorphine	C ₁₇ H ₁₉ O ₃ N
Thebaine	C ₁₅ H ₁₇ O ₂ N
Codeine (methylether of morphine)	C ₁₈ H ₂₁ O ₃ N
Ethylether of morphine	C ₁₉ H ₂₃ O ₃ N
Benzylether of morphine	C ₂₁ H ₂₅ O ₃ N

ANNEX 19.

Conf.L.F.S./C.Tech.10.

REPORT ON THE WORK OF THE TECHNICAL COMMITTEE.

The Technical Committee has held nine meetings, during which it has taken decisions on all amendments which have been submitted to it by the Conference and of which some have been rejected, some referred to the Legal and Drafting Committee or to the Committee for Limitation, and of which the following have been adopted :

Amendment by the Spanish delegation to Article 1, paragraph 2 (document Conf.L.F.S.38) ;

Addition to this amendment proposed by the delegation of the Irish Free State (document Conf.L.F.S.36(a)) ;

Amendment by the Belgian delegation to Article 1 (document Conf.L.F.S.33) ;

Amendment by the delegation for Panama to Article 1 (document Conf.L.F.S. 34).

The Technical Committee has considered all the above-mentioned amendments in the report regarding the wording of Article 1, paragraphs 2 and 3, which report it adopted at its meeting on June 17th, 1931 (document Conf.L.F.S./C.Tech.8) (Annex 18). According to a decision by the Technical Committee, this report was transmitted to the President of the Committee for Limitation.

Two reservations were made to this report : one by the American delegation concerning the suppression of Paragraph 2(A), Group II, sub-group (c) (apomorphine and its salts), and the other by the delegates of Great Britain and Austria in regard to the paragraphs regarding limitation, inserted after Paragraph 2(B) of the report.

It should further be mentioned that the amendment by the Austrian delegation regarding the prohibition of the manufacture of diacetylmorphine (document Conf.L.F.S.35) mentioned in the explanatory note to document Conf.L.F.S./C.Tech.8 (Annex 18) was not adopted by the Committee.

At its meeting on June 19th, 1931, the Committee adopted, with certain modifications, the proposal regarding Article 2 submitted by the Polish delegation (document Conf.L.F.S. 31(a)) and the sub-amendment to this Polish proposal by the Austrian delegation (document Conf.L.F.S.35(a)(1)), which reads as follows :

“ To insert as Article 2(a) :

“ The High Contracting Parties undertake to prohibit the export from their territories of diacetylmorphine and its salts and of the preparations of diacetylmorphine and of its salts.

“ Nevertheless, at the definite request of a non-manufacturing country, based on import certificates, as provided for in this Convention, a manufacturing country may export to the competent department of the Government designated by the non-manufacturing country in question in the above-mentioned import certificates, such quantities of diacetylmorphine and its salts and preparations of diacetylmorphine and of its salts as are necessary for the medical and scientific needs of the said country.

“ Any stocks which may thus accumulate shall be kept at the disposal of the Government and under strict Government control.”

Conf.L.F.S.81.

ANNEX 20.

REPORT OF THE SUB-COMMITTEE ON QUESTIONS REFERRING TO CONTROL.

The Sub-Committee on Questions referring to Control, appointed by the Committee for Limitation, presents, in accordance with the decision by the Conference on June 29th, directly to the Plenary Conference, the following report, referring to Chapters III and IV of the annex to the draft Convention (document Conf.L.F.S.13, Annex 7).

The Sub-Committee decided to examine, in the first instance, the question which functions the Central Organ should have and to take as a basis for its discussions the principle contained in the German-Japanese amendment (document Conf.L.F.S.45(a)).

The discussions dealt principally with the question as to whether notifications would have to be made prior to the order or not. At the request of the Sub-Committee, the German-Japanese amendment was revised by a group of delegates. Amendments to the thus-modified text were submitted by the Argentine and British delegations.

The Sub-Committee, having decided that notification to the Central Organ prior to the execution of orders was not essential to the effective operation of the Convention, discussed the question as to whether the Central Organ should be notified immediately after the execution of the order or each month or quarter. The President of the Permanent Central Board, who was consulted by the Committee on the practical aspects of the question, stated that, whilst the Board was prepared to accept any duty in this connection which the Conference might decide upon, immediate notification seemed hardly necessary and would involve a large increase of staff. At present, the Board met only quarterly to examine the quarterly statistics and its work had shown that there were now few leakages into the illicit traffic of drugs sent under the certificate system.

The Sub-Committee decided in favour of immediate notifications for countries without the certificate system and of quarterly returns in the case of other countries.

The Sub-Committee defined the functions of the Central Organ with regard to the suspension of the international trade and decided that these functions should be exercised by the Permanent Central Board.

The following is the text as finally adopted subject to the necessary drafting alterations :

“ Paragraph 1.

“ The provisions of paragraph 2 of Article 22 of the Geneva Convention shall be applied to all the substances covered by the present Convention coming within Groups in Article

“ Paragraph 2.

“ The High Contracting Parties agree, in regard to the export of any of the drugs mentioned in Groups . . . of Article . . . of this Convention to countries to which neither this Convention nor the Geneva Convention applies, that the Government issuing an authorisation for any such export shall immediately notify the Permanent Central Board of the issue of the authorisation.

“ Paragraph 3.

“ If it appears from the returns made to the Permanent Central Board in pursuance of paragraph 1, or from the notifications made to the Board in pursuance of paragraph 2, that the quantities exported or authorised to be exported to any country exceed the aggregate of the amounts shown in the estimates for that country for that year as being required for domestic consumption for conversion and for maintaining the reserve stock at the level specified in the estimate, after deduction of any amount which according to those estimates will be manufactured in that country in that year, the Board shall immediately notify the fact to all the High Contracting Parties who will not, during the currency of the year in question, authorise any new exports to that country except (i) in the event of a supplementary estimate being furnished for that country and being communicated to the High Contracting Parties, or (ii) in exceptional cases where the export is in the opinion of the Government of the exporting country essential in the interests of humanity or for the treatment of the sick.

“ Paragraph 4.

“ The Permanent Central Board shall, upon the close of each year, prepare a statement showing in respect of each country for that year:

- “ (a) The estimates in respect of each drug ;
- “ (b) The amount of each drug consumed ;
- “ (c) The amount of each drug manufactured ;
- “ (d) The amount of each drug converted ;
- “ (e) The amount of each drug imported ;
- “ (f) The amount of each drug exported.

“ If such statement indicates that any High Contracting Party has or may have failed to carry out its obligations under this Convention, the Board shall have the right to ask for explanations from that High Contracting Party and the procedure specified in paragraphs 2 to 7 of Article 24 of the Geneva Convention shall apply in any such case.¹

“ The Board shall, as soon as possible thereafter, publish the statement above mentioned, together with an account of any explanations given or required in accordance with the preceding paragraph and any observations which the Board may desire to make in respect of any such explanation or request for an explanation.”

Conf.L.F.S.61.

ANNEX 21.

STATEMENT BY THE SECRETARIAT SUMMARISING THE RESULTS OF ITS ANALYSIS OF THE INTERNATIONAL TRADE IN MORPHINE, DIACETYLMORPHINE AND COCAINE FOR THE YEARS 1925 TO 1930.²

- I. The world needs as regards narcotic drugs.
- II. The amounts of the drugs in the international legitimate trade.
- III. The amounts of the drugs diverted into the illicit traffic.

¹ Adopted subject to a reservation regarding the place of the Secretary-General in this procedure.

² This analysis was the outcome of a request made by the Opium Advisory Committee at its thirteenth session in January 1930, that the Secretariat should make an exhaustive study of the annual exports of the manufacturing countries with a view to ascertaining the amounts of the drugs which have passed into the illicit traffic.

The figures contained in the present statement are based on the following documents and are subject to the explanations and qualifications given in these documents :

Conf.L.F.S.5, Part I : Analysis of the International Trade in Morphine, Diacetylmorphine and Cocaine for the Years 1925 to 1929 ;

Conf.L.F.S.3, Part II : General Analysis : Morphine and Diacetylmorphine, 1925 to 1930 ;

Conf.L.F.S.3, Part III : General Analysis : Cocaine, 1925 to 1930 ;

Conf.L.F.S.8 : Imports and Exports of Morphine, Diacetylmorphine and Cocaine for the Years 1929 and 1930 ;

Conf.L.F.S.16 : Codeine Statistics 1925 to 1930 ;

Conf.L.F.S.60 : Raw Opium Statistics 1925 to 1930.

I.—MAXIMUM WORLD NEEDS OF MORPHINE, DIACETYLMORPHINE AND COCAINE
(BASED ON A STUDY OF AVAILABLE STATISTICS OF MANUFACTURE, EXPORTS,
IMPORTS, CONSUMPTION AND OF THE ILLICIT TRAFFIC).

Table 1.—Maximum World Needs of Morphine per Year.

	Morphine as such annual world needs			Average amount of morphine needed per year for conversion into other drugs (diacetylmorphine, codeine, etc.)	Approximate total world needs of morphine (maximum per year) for all purposes		
	1928	1929	1930				
Consumption by manufacturing countries	Kg. 6,955	Kg. 6,830	Kg. 7,146	No exact figures can be given but a maximum figure would appear to be approximately 23 tons made up as follows : 16½ tons for codeine ; 4½ tons for dionine, etc. ; 2 tons for diacetylmorphine.	31½ to 32½ tons made up as follows :		
Exports by manufacturing to non-manufacturing countries (less re-export and illicit traffic)	2,510	2,649	1,453		Mor. as such	8½/9½	
Morphine as such : World total : Maximum	9,465	9,479	8,599		Mor. for conversion into codeine	16½	
In tons	9½	9½	8½		Mor. for conversion into dionine, etc. ..	4½	
					Mor. for conversion into diacetylmorphine	2	
					Maximum world total	31½/32½	
The known world manufacture of morphine as such was (excluding Turkey)	Tons 13½	Tons 14	Tons 9½	The known world manufacture of morphine for all purposes was (excluding Turkey)	1928	1929	1930
					Tons	Tons	Tons
					45½	59½	38½

Table 2.—Diacetylmorphine (Heroin) : Maximum World Needs per Year.

	1928	1929	1930
	Kg.	Kg.	Kg.
1. Consumption by the manufacturing countries (including 1,384 kg. for Japan)	1,696	1,646	1,695
2. Exports by manufacturing to non-manufacturing countries (less known illicit traffic and re-export) ..	487	481	271
Total	2,183	2,127	1,966

Note.—Taking the year 1930 as a normal year with a minimum illicit traffic element, maximum world needs per year (excluding Japan) would be about half a ton (582 kilogrammes) (if the 1,384 kilogrammes for Japan are included, total maximum world needs per year would be less than two tons).

The total known world manufacture of diacetylmorphine (excluding Turkey) was as follows (in tons) :

1928	1929	1930
7½	3½	4

Seizures are not included in these figures.

Table 3.—Cocaine : Maximum World Needs per Year.

	1929	1930
	Kg.	Kg.
1. Consumption by the manufacturing countries	3,873	3,778
2. Exports to non-manufacturing countries ¹	1,836	1,444
Total	5,709	5,222

¹ Re-export is practically nil. The illicit traffic element in this figure is probably not considerable.

Note.—Taking the year 1930 as a normal year maximum world needs would not, on the above calculation, exceed 5.2 tons per year. When more accurate consumption data are available for some of the manufacturing countries, this figure may be reduced to less than 5 tons. The total known manufacture of cocaine in tons was :

	1929	1930
	6.4	6

II.—THE AMOUNTS OF MORPHINE (AS SUCH), DIACETYLMORPHINE AND COCAINE IN THE INTERNATIONAL LEGITIMATE TRADE.

Note.—Export and import data for codeine, dionine, etc., are incomplete and the amounts of these drugs in the international trade cannot be ascertained with any degree of accuracy.

Table 4.—Morphine.

	1928 Kg.	1929 Kg.	1930 Kg.
1. Home market of Japan, the United States of America and the Union of Soviet Socialist Republics	4,280	4,113	4,595
2. Home market of other manufacturing countries ..	2,675	2,717	2,551
3. Export of manufacturing to non-manufacturing countries ..	2,510	2,649	1,453
World total ..	9,465	9,479	8,599

Table 5.—Diacetylmorphine.

	1928 Kg.	1929 Kg.	1930 Kg.
1. Home market of Japan and the Union of Soviet Socialist Republics ..	1,460	1,432	1,518
2. Home market of other manufacturing countries ..	236	214	177
3. Export of manufacturing to non-manufacturing countries ..	487	481	271
World total..	2,183	2,127	1,966

Table 6.—Cocaine (in Round Figures).

	1929 Kg.	1930 Kg.
1. Home market of Japan, the United States of America and the Union of Soviet Socialist Republics ..	2,800	2,800
2. Home market of other manufacturing countries ..	1,100	1,000
3. Export of manufacturing to non-manufacturing countries ..	1,800	1,400
World total..	5,700	5,200

III.—ESTIMATED MINIMUM AMOUNTS OF MORPHINE, DIACETYLMORPHINE AND COCAINE PASSING INTO THE ILLICIT TRAFFIC IN THE YEARS 1925-1930.

Note.—The figures indicated here are given subject to all the explanations and qualifications given in documents Conf.L.F.S.3, Parts I, II and III.

1. Morphine from all known sources and in all forms including diacetylmorphine and other esters and ethers of morphine ..	Not less than 100 tons
2. Cocaine ..	Not less than 6 tons

Note.—The figures of consumption arrived at by the Health Section in document O.C.III2 on the basis of a generalisation from the limited consumption data available were as follows :

	Tons	Or alternatively with a different method of estimating for the Indian States Tons
Medicinal opium ..	56.00	(49.6)
Morphine ..	10.43	(9.74)
Diacetylmorphine ..	0.87	(0.79)
Codeine ..	10.43	(9.74)
Cocaine ..	6.80	(6.05)

It should be noted that these estimates were arrived at on the basis of a generalisation from consumption data, whereas the figures indicated in this statement are based upon known consumption figures plus known export figures.

Conf.L.F.S.12 and 12(a).

ANNEX 22.

STUDY OF THE METHODS USED IN VARIOUS COUNTRIES IN
ASCERTAINING AND ACCOUNTING FOR THE MORPHINE
CONTENT OF OPIUM.

I. REPLIES FROM MEMBERS OF THE ADVISORY COMMITTEE REPRESENTING
THE COUNTRIES MANUFACTURING OPIUM ALKALOIDS
(Document Conf.L.F.S.12).

In a letter of April 2nd, 1931, the League Secretariat asked the Members of the Advisory Committee representing countries manufacturing opium alkaloids (France, Germany, India, Italy, Japan, Netherlands, Switzerland, United Kingdom, United States of America, Yugoslavia) to reply to a questionnaire, the purpose of which was to ascertain the methods adopted in those countries to ensure that the whole morphine content of raw opium had been accounted for. This information seemed essential for the Conference on the Limitation of the Manufacture of Narcotic Drugs.

Up to May 25th, 1931,¹ replies had been received from the following States : France (May 21st, 1931), Germany (May 8th, 1931), India (April 7th, 1931), Japan (April 8th, 1931—acknowledgment of receipt only ; no information yet received), Netherlands (May 13th, 1931), Switzerland (April 7th, 1931), United Kingdom (May 21st, 1931), United States of America (May 23rd, 1931).

A detailed summary of the above Governments' replies to the various points of the questionnaire is attached hereto.

POINTS 1 AND 2.—METHODS OF ANALYSIS AND POINTS AT WHICH THEY ARE APPLIED.

1. *What method of ascertaining the morphine content of raw opium imported for manufacturing purposes is adopted by your Government ?*
2. *At what points are these methods employed : by the Customs as the opium enters the country or when it enters the factory ?*

Except in the case of the United States of America, most of the replies show that there is usually no official administrative control. The imported raw opium is analysed to ascertain its morphine content by the manufacturers, who usually follow the rules for analysis of Messrs. Harrison & Self, London ; the analyses of the manufacturers are used by the Governments as a basis.

1. *United States of America :*

All raw opium imported into the United States is analysed in accordance with the United States Pharmacopœia method by Government officials before the opium is cleared through the Customs. Raw opium is of course analysed also by the manufacturers, who report to the Government the results of their analyses. The results of the two analyses (by the Government and by the manufacturers) are compared and checked against the alkaloid output of the factory in which the opium is worked up. According to the United States Government's information, the analyses of the manufacturers show a slightly higher morphine content than those carried out by the Government chemists.

2. *Other Countries :*

United Kingdom.—All raw opium used for the manufacture of morphine and heroin in Great Britain is purchased on the basis of an independent analysis made by the well-known firm of analysts, Messrs. Harrison & Self, of London. The results of the analysis are available, if required, for comparison with the annual returns which are made by the manufacturers to the Government of the amount of raw opium used in the manufacture of the drugs, and the amount of the drugs produced.

France.—French manufacturers of alkaloids also use the analyses of Messrs. Harrison & Self, London, as control analyses (these are the analyses usually recognised as between purchasers and vendors of opium). On the other hand, the French Pharmacopœia gives a method of analysis which does not very closely resemble that used by alkaloid manufacturers.

¹ See, under II, the replies received from Italy and Japan after this date.

The French Government suggests that an analysis should be made when the opium enters the factory. A copy of Messrs. Harrison & Self's analysis might be sent by the purchaser to the French Narcotics Office giving the number of kilogrammes analysed.

Germany.—Germany has no administrative regulations for ascertaining the morphine content of imported raw opium. The German opium trade, too, ordinarily uses Messrs. Harrison & Self's rules for analysis, which, according to the information possessed by the German Government, are likewise employed in Gilbert's Analytical Laboratory at Hamburg. Some factories may also, for control purposes, adopt methods of their own for ascertaining the morphine content of raw opium. Apart from the analysis made in their own establishments, the factories have a separate analysis made by a public analyst, either by sending some unopened cases to a commercial laboratory such as Gilbert's at Hamburg, or by taking from a consignment, with the agreement of the seller or his representative, a sample which is forwarded to the commercial laboratory. The purpose of such analysis is to ensure that the opium really has the morphine content stated by the vendor.

Netherlands.—The percentage on which the price has been based is taken as the morphine content of imported raw opium. This percentage, as a rule, is the result of an analysis made by a laboratory such as Harrison & Self, Gilbert, etc. No analysis is made by the Customs.

Switzerland.—Switzerland adopts, not the average content of 10 per cent laid down in the Geneva Convention, but the 11 per cent content given by Swiss manufacturers, and the actual yield of manufactured opium is also checked on the spot by means of the factories' books. In the Swiss Government's opinion, absolutely accurate results can be obtained only by analysing a sample of all imported opium and discovering a standard method of analysis.

India.—According to the Indian representative on the Advisory Committee, the question does not arise in the case of that country, as drugs there are manufactured by the Government, in a Government factory, from Government materials. The drugs made are controlled absolutely by the Government and there is a Government chemist in charge of the operations.

POINTS 3 AND 4.—PREPARATION AND CONTROL OF STATISTICS FOR THE MANUFACTURE OF MORPHINE AND ITS DERIVATIVES.

3. *Are your statistics for the manufacture of morphine and its derivatives based upon a method of analysis which indicates with a fair degree of accuracy the morphine content of the raw opium entering the factory, or upon a calculation of the average morphine content made without analysis in the country itself, or merely on the basis of an analysis which may have been made in the country producing the raw opium?*
4. *If statistics are established on the basis of analyses made by the manufacturing firms themselves, are such analyses effectively controlled by Government inspectors both as regards methods used and results?*

The present methods of preparing statistics for the manufacture of morphine and its derivatives may be classified as follows; they are, generally speaking, based on the information supplied by manufacturers and, in some countries, no official control is applied.

India, United Kingdom.—According to the replies of these Governments, the question does not arise for their countries in view of the system explained under 1 and 2.

In the *United States of America*, all statistics of manufacture of morphine and its derivatives are based upon actual returns made to the Treasury Department by the manufacturers and the output of manufactured drugs is checked against the analysis as closely as possible, allowance being made for the fact that morphine manufacture is usually a continuing process, no break in manufacture occurring between the lots of raw material.

In *Germany*, the statistics furnished to Geneva of imports of raw opium, manufacture and transformation of morphine, are also based on the statements of manufacturers, who must indicate the amount of morphine actually produced in their factories. The morphine content of imported raw opium is not reported to Geneva. The exact morphine content is not immediately notified to the Reich Public Health Office, either on the importation of the raw opium or when it is received by the manufacturers; only when making the quarterly returns must the manufacturers state the morphine content of imported raw opium (as ascertained by the Harrison & Self or Gilbert method). If imported raw opium is re-exported, the morphine content is not reported to the Public Health Office.

Dealings in raw opium are never effected on the basis of an average estimated morphine content, but solely on the content as ascertained by analysis.

Control of manufacture is based on the morphine content of raw opium as given by manufacturers, but no official analysis is made to check the accuracy of such data.

Paragraph 2, Section 2, of the Opium Law, however, invests the Reich Public Health Office with very wide powers of control, enabling it to examine at any time factory documents and the registers of stocks and manufacture which the various works have to keep. It can thus ascertain the morphine content of raw opium as given in the purchase contract, the morphine content as ascertained by the public analyst and the actual yield of morphine according to the firm's books.

In the German Government's opinion, permanent and detailed supervision by special inspectors would be costly: in its view, sufficient guarantees are afforded by permitting only reliable firms to manufacture narcotic drugs and by excluding suspicious concerns. So far there has been no case of a manufacturer deliberately making false declarations regarding the manufacture of morphine or, for instance, producing narcotics without the knowledge of the authorities and supplying them to traffickers.

In *France*, the Narcotics Office has hitherto, as a rule, based its return on the average morphine content without a special analysis in each case.

The French Government believes it would be advisable for an inspector to make sure that the manufacturer's analysis actually applies to the particular lot in question.

In *Switzerland*, as mentioned above, statistics are based on the average content of 11 per cent given by manufacturers, and the actual yield of manufactured opium is ascertained on the spot by means of the factory's books.

Netherlands.—The statistics are based on the same percentage as mentioned under 1.

POINT 5.—INCREASING BY ARTIFICIAL MEANS THE MORPHINE CONTENT OF RAW OPIUM.

Can the morphine content of raw opium be increased by artificial means without affecting the normal appearance of the opium, so that unless subjected to a chemical analysis it might pass an ordinary inspection at the port of entry as raw opium with a normal morphine content? If the morphine content can be so increased, by what methods, and do these methods present any special difficulties?

The replies received from *France*, *Germany*, *India*, the *Netherlands*, and the *United Kingdom* show that, theoretically, the morphine content of raw opium can be increased by artificial means without any effect on its normal appearance; the French Government thinks it a positive certainty.

The *United States* and *Swiss* Governments are unable to give a reply on this point, but the Swiss delegate on the Advisory Committee thinks it improbable that the morphine content of raw opium can be increased.

In the *German* Government's opinion, however, it is questionable whether such an operation can be carried out in practice; manipulations of the kind have never been known in Germany. The use of such a process would mean that the exporting country possessed morphine which would have to be specially manufactured for the purpose. Opium extract might also be used for the same object. There is little likelihood of anyone attempting to insert morphine in raw opium in order to recover it by an expensive process and re-export it. Similarly, the *French* Government believes it would not pay to reintroduce morphine into opium, since the recovery of such morphine and of the other alkaloids is a costly and delicate operation. On the other hand, the *Netherlands* expert, Dr. Coeberg, although he had no special experience of the matter, thinks that the morphine content could be increased "without difficulty" by working morphine into the opium.

Lastly, the representative of *India* on the Advisory Committee gives it as his personal opinion on this point that the operation could be carried out as follows:

"I understand that the morphine content of raw opium can be increased by a variety of measures, such as the selection of high morphine content strains, the adoption of measures to prevent diminution of the morphine content due to a slow chemical action, to exposure to strong sunlight, etc., and by limiting the cutting of the capsules to one operation. The last method—the method ordinarily used in Turkey, for example—is doubtless the most important practical method. I understand that a raw opium, containing something like 16 per cent of morphia, can readily be obtained in this manner. But I have no doubt that this method, while increasing the morphine content, will lower the total quantity of raw opium obtained. The Indian method—where four or five incisions are resorted to—produces a low-content opium, which has a characteristic flavour. I have never heard of any method by which raw opium can be 'artificially' fortified, as it were. But it would seem, *prima facie*, that dried raw opium could be made to absorb, say 30 per cent of a high percentage solution of morphia salts. That, of course, would be mere trickery; apart from fraud, it would not be a commercial transaction."

II. FURTHER REPLIES RECEIVED FROM THE ITALIAN AND JAPANESE GOVERNMENTS

(Document Conf.L.F.S.12(a)).

1. Italy.

(1) The method adopted for determining the percentage of morphine contained in opium is that laid down in the official pharmacopœia of Italy (fifth edition), which is explained hereunder.

(2) In accordance with Article 13 of the regulations of April 11th, 1929 (No. 1086), the Customs take three samples of 40 grammes each when the opium is imported, one of which is sent to the recipient and the other two are forwarded to the Public Health Department of the Ministry of the Interior for examination if considered necessary.

(3) and (4) The quantity of morphine and other opium derivatives extracted in Italy being very small, the particulars supplied in this respect by the manufacturing firms, which are verified at irregular intervals by the laboratories of the Public Health Department, have been found to be sufficiently accurate.

(5) It is not known whether, in the countries exporting raw opium, methods are used for artificially increasing the morphine content, as a result of which a partial extraction can be made without modifying the normal appearance of the raw opium.

Method employed for the Determination of Morphine Content.—Seven grammes of opium dried at 60° C. is crushed and mixed with 7 grammes of water. The paste is placed in a small retort and the mixture brought up to 63 grammes by the addition of water, being shaken from time to time. At the end of one hour, it is filtered through a dry folded filter of a diameter of 10 cm. Forty-two grammes of the filtrate is taken (corresponding to 4.88 grammes of opium) and to this quantity is added 2 c.c. dilute ammonia solution (ammonia solution D = 0.925 gramme 8.5 water grammes 91.5). This is mixed by shaking slightly and passed through another filter like the first. To 36 grammes of the filtrate (corresponding to 4 grammes of opium), is added 10 c.c. neutral acetic ether and 5 c.c. of the same ammonia solution. The retort is then stopped and shaken hard for ten minutes, another 20 c.c. acetic ether is added and the mixture is left for a quarter of an hour, being shaken slightly from time to time. As far as possible, the whole of the acetic ether is poured on to a smooth filter of a diameter of 8 cm. Another 10 c.c. of acetic ether is added to the aqueous liquid, which is shaken slightly for a few moments, this ether too being poured on to the filter. When the ether has been entirely filtered, the aqueous liquid is poured in without detaching the morphine crystals adhering to the sides of the retort, and both the latter and the filter are washed three times with 5 c.c. of water saturated with ether. When the liquid has completely run through the filter, the latter is dried at 100° C., and so is the retort. The morphine adhering to the retort and that collected from the filter are then dissolved in 25 c.c. of 1 : 10 hydrochloric acid. The retort, stopper and filter are washed with water and the liquid is diluted to a volume of 100 c.c. ; of this, 50 c.c. is taken (corresponding to 2 grammes of opium), poured into a flask of about 200 c.c. capacity and diluted with an equal volume of water. Enough ethylic ether is then added to form a layer about 1 cm. thick. Ten drops of alcoholic solution of iodesine (1 : 500) are then added, and also enough 1 : 10 solution of potassium hydroxide, the flask being shaken hard, to give a pink colour to the aqueous layer ; 5.5 c.c. of potassium hydroxide should be used, 7 c.c. of 1 : 10 hydrochloric acid being then neutralised by the morphine, which corresponds to a morphine content of 10 per cent (1 c.c. of 1 : 10 hydrochloric acid corresponds to 0.02852 gramme of morphine).

2. Japan.

All the raw opium produced in Japan and also imported from abroad is in the hands of the Government under the Government monopoly system. The content of morphine is examined by the authorities in accordance with the Japanese pharmacopœia before it is sold to the drug-manufacturing companies authorised to manufacture drugs. In consequence, the whole of the morphine content is ascertained by the authorities before the manufacturers can use it as raw material for manufacturing narcotic drugs.

III. REPLIES FROM THE COMMITTEE OF EXPERTS FOR THE STANDARDISATION OF METHODS FOR ASCERTAINING THE MORPHINE CONTENT OF OPIUM

(Document Conf.L.F.S.12(a)).

As decided by the Advisory Committee, the Opium Traffic and Social Questions Section asked the Committee of Experts for the Standardisation of Methods of ascertaining the Morphine Content of Opium which met at Geneva on April 9th and 10th, 1931, to reply to the following questionnaire, which, with certain alterations, is a copy of that sent to the members of the Advisory Committee representing the countries manufacturing opium alkaloids with the addition of two new questions, 4 and 6.

1. Can the morphine content of raw opium be increased by artificial means without affecting the normal appearance of the opium so that, unless subjected to a chemical analysis, it might pass an ordinary inspection as raw opium with a normal morphine content. If the morphine content can be so increased, what methods might be adopted ? Do they present any special difficulties ? (Point 5 of the above questionnaire.)

2. What methods of ascertaining the morphine content of raw opium which enters the manufacturing countries are adopted by the Governments of these countries? (Point 1 of the above questionnaire.)

3. At what points are these methods employed—by the Customs, as the opium enters the country, or when it enters the factory, or is delivered to the wholesaler? (Point 2 of the above questionnaire.)

4. Does any simple method of analysis exist which is capable of being applied easily and effectively by the Customs authorities at the port of entry, or do such methods require a well-equipped laboratory and an expert analyst?

5. Are Government statistics of the manufacture of morphine and its derivatives based upon a method of analysis which indicates with some degree of accuracy the morphine content of the raw opium entering the factories, or upon a calculation of average morphine content made without analysis? (Point 3 of the above questionnaire.)

6. Is a strict control of the manufactured drugs produced in the factory possible unless an analysis of each consignment of raw opium entering the factory is made by a Government authority or controlled by the Government?

7. If analysis is made only by the manufacturing firms, is this analysis effectively controlled by Government inspectors both as regards methods used and results? (Point 4 of the above questionnaire.)

In reply to these questions the Commission makes the following statements:

Question 1.—It seems possible to prepare opium with a morphine content greater than normal without the appearance of such opium differing greatly from that of normal opium. An abnormal morphine content can only be revealed by chemical analysis; if a suitable method is employed, this analysis presents no special difficulty.

Questions 2, 3 and 5.—As far as the Members of the Commission are aware, no chemical examination is carried out by Governments in the case of raw opium entering the manufacturing countries.

Question 4.—These methods of analysis require well-equipped laboratories and an expert analyst.

Question 6.—No strict control is possible in these conditions.

Question 7.—As far as the Members of the Commission are aware, the analyses made by the manufacturers are not effectively checked by Government inspectors.

The above replies with regard to the possibility of a strict control of the morphine content of raw opium also apply, *mutatis mutandis*, to crude morphine and to the verifications of the alkaloid content of coca leaves, crude cocaine, ecgonine and its derivatives.

Whilst the question of the methods of analysis of these latter substances is not strictly within the competence of the Commission, the latter is of opinion that it is desirable to extend its competence to include these substances.

It regrets, however, that, owing to the complexity of the subject and the necessity of conducting laboratory tests, it will not be in a position to frame a standard process for determining the morphine content of the various types of opium before the Conference on the Limitation of the Manufacture of Narcotic Drugs.

ANNEX 23.

Conf.L.F.S.71.

SPECIAL PROTOCOL RELATING TO THE IMPORTATION OF RAW OPIUM,
PROPOSED BY THE YUGOSLAV DELEGATION.

The undersigned representatives of the States signatories of the Convention relating to the limitation of the manufacture of narcotic drugs signed this day, being duly authorised for that purpose;

Recognising that the application of the said Convention would considerably restrict the market for opium intended for the manufacture of narcotics and would thereby place certain of the countries which produce such opium in an extremely difficult position;

Being anxious to facilitate the adjustment of the production of those countries to the state of affairs created by the said Convention by providing them during the period of transition with certain guarantees for the disposal of their opium;

And realising that those guarantees, though exceptional and temporary, could be furnished only subject to certain reservations safeguarding the interests of the States which purchase raw opium;

Hereby agree upon the following provisions :

Article 1.

The High Contracting Parties undertake, subject to the reservations set out in Article 3 and during the period specified in Article 4 of the present Protocol, to import annually for their requirements of raw opium for the manufacture of opiates and the preparation of medicinal opium not less than . . . per cent of their total requirements of opium from Turkey and not less than . . . per cent from Yugoslavia.¹

Article 2.

The High Contracting Parties shall bear in mind the undertaking given in Article 1 of the present Protocol when issuing import certificates for raw opium. Out of the total of import certificates applied for in respect of raw opium, they shall reserve . . . per cent for imports from Turkey and . . . per cent for imports from Yugoslavia.

Article 3.

The provisions of Articles 1 and 2 of the present Protocol shall not be binding on the High Contracting Parties if the price of raw opium exceeds . . . Swiss francs per unit of morphine to the kilogramme of standard Turkish opium or . . . Swiss francs per unit of morphine to the kilogramme of standard Yugoslav opium. These prices shall be calculated according to the method of analysis generally accepted in the raw opium trade (the Harrison method), carriage paid to the frontier of the importing country.

Article 4.

The present Protocol shall come into force on the same day as the Convention relating to the limitation of the manufacture of narcotic drugs. It shall lapse on the expiry of . . . years from this day's date.

DONE at Geneva, June . . . , 1931.

Conf.L.F.S.28(g).

ANNEX 24.

RECOMMENDATION TO BE INCLUDED IN THE FINAL ACT OF THE
CONFERENCE, PROPOSED BY THE ARGENTINE DELEGATION.

The Conference recommends that, in order to facilitate the campaign against drug addiction and illicit traffic, the contracting parties in future treaties and commercial agreements exclude from the advantages of the most-favoured-nation clause those opium and coca-leaf derivatives covered by this Convention.

Conf.L.F.S.30(x).

ANNEX 25.

RESOLUTION TO BE INSERTED IN THE FINAL ACT, PROPOSED BY THE
DELEGATION OF THE SOVIET UNION.

Paragraph I (to be inserted before paragraph I of the draft Final Act) (document Conf. L.F.S.73(d)).

The Conference,

In view of the impossibility of achieving a genuine limitation of the manufacture of dangerous drugs in the absence of limitation of the production of raw materials :

Recommends the summoning, at the earliest possible date and, in any case, during the current year, of a conference for the limitation of the production of all raw materials used in the manufacture of dangerous drugs, without exception.

¹ The percentage will be determined on the basis of the exports of those countries for the manufacture of opiates and the preparation of medicinal opium during the period 1925 to 1930 (document C.O.F.60).

ANNEX 26.

RECOMMENDATION FOR INSERTION IN THE FINAL ACT OF THE
CONFERENCE, PROPOSED BY THE AUSTRIAN DELEGATION.

Considering the moral and social dangers presented by diacetylmorphine :

The Conference recommends that, with a view to arriving as soon as possible at the total suppression of this drug, all Governments should :

(1) Adopt the principle of reducing the manufacture of diacetylmorphine and its salts, and preparations of diacetylmorphine or its salts, within their territories, to the barest minimum ;

(2) Ask their respective medical professions to make a further thorough study of the question of replacing diacetylmorphine by other less dangerous drugs.

Conf.L.F.S.35(e).

ANNEX 27.

RECOMMENDATION FOR INSERTION IN THE FINAL ACT OF THE
CONFERENCE, PROPOSED BY THE AUSTRIAN DELEGATION.

The Conference recommends the Governments to bring under the provisions of the Geneva Convention all preparations containing drugs included in Group I, whatever their alkaloid content, unless the preparations in question are excepted under Article 8 of the said Convention.

Conf.L.F.S.48(r).

ANNEX 28.

PROPOSAL OF THE BRITISH DELEGATION FOR INSERTION
IN THE FINAL ACT.

In view of the effect which the scheme of limitation of the drugs provided for in the Convention signed on this day's date will have upon the economic situation in the countries producing the major portion of the raw material required for the manufacture of these drugs which are required in all countries for the treatment of the sick, the Conference considers that (a) arrangements for stabilising the market in the raw materials and securing a fair price for the producers of the raw materials and (b) the adoption of measures for facilitating the replacement of the cultivation of the raw materials, as far as may be necessary, by other crops, would help to ensure the effective operation of the scheme of limitation, and accordingly recommends that these questions should be given careful examination by the Governments and parties interested.

Conf.L.F.S.22.

ANNEX 29.

DRAFT REGULATIONS CONCERNING THE STATE NARCOTICS
MONOPOLY IN ROUMANIA.

LETTER FROM THE ROUMANIAN DELEGATE DATED MAY 26TH, 1931.

Geneva, May 26th, 1931.

I have the honour to forward to you herewith a French copy of the " Regulations concerning the State Narcotics Monopoly ", which the Roumanian Government proposes to put into force shortly in accordance with Article 4 of the Health Law already promulgated.

(Signed) Professor Dr. N. I. DELEANU,

Roumanian Delegate to the Conference.

[Translation.]

REGULATIONS CONCERNING THE STATE NARCOTICS MONOPOLY.

Article 1.

Article 4 of the Health Law of the Kingdom of Roumania creates a State monopoly on narcotics. It aims at supervising their manufacture, importation, deposit, control, sale and distribution within the limits fixed by these regulations.

Article 2.

The " Law concerning the Campaign against the Abuse of Narcotics " voted on March 26th, 1928, and the Regulations with regard to this Law promulgated by Royal Decree No. 40, both published on December 28th, 1929, in the *Official Gazette*, give a definition of narcotics and a list thereof, provide penalties for offences, fix the normal profits for handling and sale, determine the use of narcotics, stipulate the keeping of a control register for these products and lay down the means of control.

In all operations relating to the manufacture and sale of the products described as narcotics, the provisions of the Law and Regulations mentioned in this article shall be strictly observed.

Article 3.

Throughout Roumanian territory the importation, deposit and sale of all products classed as narcotics and of pharmaceutical specialities containing narcotics, as well as their manufacture and make-up in any pharmaceutical form and the possession of these products, shall constitute an exclusive right of the State.

As the State monopoly applies to the purchase, deposit, control and manufacture of the different narcotics or specialities containing narcotics (with the exception of those not exceeding the proportion allowed for free sale) and as the institution of this monopoly demands a special organisation and measures to ensure a strict control, the State may, through the Ministry of Labour, Health, and Social Welfare, give a concession on contract for purchase, deposit and sale to Roumanian firms (drug depots) offering sufficient moral and material guarantees.

Similarly, should the Galenic Laboratory of the Chémico-Pharmaceutical Institute be unable to satisfy all demands, the State may conclude contracts with the private laboratories of the country for the manufacture and make-up of narcotics, provided that these laboratories offer sufficient material, scientific, technical and moral guarantees.

Article 4.

The State Narcotics Monopoly Service will hold a current register containing daily entries relating to narcotics, with particulars of the quantities coming in, of the nature of the packing, and of the purchase price per unit (price of the raw material plus the different costs : transport, packing, etc.). In respect of outgoing narcotics, the name of the product, the quantity, the nature of the packing and the sale price shall be entered.

Article 5.

As the State cannot sell on credit and possesses no commercial organisation for purchase and delivery, and as such an organisation cannot be set up for want of the necessary funds, the State may, at the outset and for a short period (at least five years), give a concession to not more than two big Roumanian firms for the deposit and sale of all narcotics in whatever form.

To be qualified to receive the concession referred to above, a commercial undertaking (drug depot) must deposit a guarantee of 6,000,000 lei in cash or Government securities at the Savings Bank. Bank guarantees shall not be accepted.

The firms holding concessions shall operate according to the rules established by the Chémico-Pharmaceutical Commission of the Ministry.

In order to avoid the various risks and to facilitate strict control, the creation of all depots is prohibited.

Article 6.

Supplies shall be obtained exclusively by the concessionaire on his own responsibility and at his own commercial risk.

Whatever the destination of the goods, the State has the right of judgment on prices, which shall be fixed according to the rates established by the big factories abroad ; those of the firms of Merck of Darmstadt, Smith of London, Böhringer of Mannheim, and Poulenc Bros. of Paris shall be taken as a basis of comparison.

A delegate of the Ministry (the Director or Deputy-Director of the Chémico-Pharmaceutical Institute) shall be present at the receipt of the goods in the warehouses of the concessionaires, shall verify the quantities and shall take duplicate samples in the quantities necessary for identification and analysis.

Article 7.

The chemists of the public dispensaries and laboratories and the chemists of the State Health Institutions shall alone be authorised to use narcotics in the raw state (drugs, salts, etc.) for the preparation of officinal or magistral drugs.

Article 8.

Narcotics and pharmaceutical specialities containing narcotics shall be kept in the packings required by their nature and in normal quantities.

The Chémico-Pharmaceutical Commission shall determine for each product the extent and nature of the packing.

Article 9.

Each chemist must compulsorily supply himself with narcotics and products containing narcotics for a minimum of three months.

He shall submit his request at the beginning of each quarter: in December for the January-March quarter, in March for the April-June quarter, in June for the July-September quarter, and in September for the October-December quarter.

Article 10.

Goods coming from abroad shall undergo Customs inspection at the general Customs warehouse and at the postal Customs office at Bucharest.

Article 11.

Firms holding concessions shall be obliged to deliver goods at least within 72 hours from receiving the order.

Article 12.

Products containing narcotics in any pharmaceutical form may only be prepared in chemico-pharmaceutical laboratories which are directed by specialised chemists with at least five years' practice, which have equipment of a minimum value of 2 million lei and which have deposited a guarantee of at least a million lei in Government securities at the Savings Bank.

Supplies of narcotics shall be obtained solely through the depots holding concessions.

Made-up goods shall be delivered to the depots holding concessions.

Article 13.

The concession and authorisation shall be withdrawn from the depots and laboratories holding concessions in the event of false declarations as to quantity, proportion or identity of products or of failure to observe the formalities imposed by the Law and the Regulations on narcotics. The same measure shall be taken against those who do not observe the special prescriptions regarding the contracts concluded and those who do not observe the prices laid down, which shall be fixed and compulsory.

Compensation shall be deducted from the caution money deposited.

Article 14.

The prices of narcotics subject to monopoly shall be fixed as follows:

1. Raw materials (drugs, alkaloids) shall be calculated:

(a) By adding to the cost price of the goods arriving at the depot (factory price plus packing, transport, Customs and insurance) a supplement of 20 per cent (share accruing to the State) which shall constitute a special fund for purposes to be decided by the Cabinet.

This 20 per cent shall be charged on the goods sold.

Payment shall be made into this fund on a schedule at the end of each month. The schedule shall be verified by the Director of the Chémico-Pharmaceutical Institute. The sum shall be deposited at the National Bank in the account indicated by the Cabinet.

(b) To the price thus calculated shall be added the profit of the concessionnaire, which shall be fixed at 20 per cent, with the obligation for him to despatch the goods free of carriage and packing to the buyer's address.

(c) The price resulting from the stipulations indicated under (a) and (b) constitutes the basic price of the goods at the chemist's shop; to this price should be added the pharmaceutical tax.

2. The prices of made-up pharmaceutical preparations (home or foreign pharmaceutical specialities) shall be calculated according to points 1(a) and (b) indicated above, to which should be added, for the purpose of sale to the public, the amounts provided for in Article 366 of the Health Law.

3. The prices of the products manufactured in the laboratories holding concessions shall be calculated as follows :

To the price resulting from the calculation of the value of the raw material (manufacture, packing, State tax, *régie*) shall be added 25 per cent (net, for the concessionnaire), subject to the obligation to despatch the goods to the depot free of carriage and packing.

The depots and laboratories holding concessions may on no pretext announce or grant rebates on the fixed prices.

Article 15.

Narcotics and drugs shall be packed according to their nature and quantity ; they shall carry a label with the following printed inscription :

“ KINGDOM OF ROUMANIA.

“ Ministry of Labour, Health and Social Welfare.”

The name of the product must be printed in black. The quantity contained and the price must be printed in red.

The inscription must be in clear and distinct characters.

Boxes, phials and other containers shall be provided with a label bearing the following inscription :

“ KINGDOM OF ROUMANIA.

“ Ministry of Labour, Health and Social Welfare.

“ 10 flasks of 5 grammes.

“ *Pure Morphinum Muriatricum.*”

The name of the product shall be printed in red. Packets containing 10 phials, boxes, etc., shall be packed in cases of 10 packets—*i.e.*, 100 phials, boxes, etc.—and shall bear the following inscription :

“ KINGDOM OF ROUMANIA.

“ Ministry of Labour, Health and Social Welfare.

“ 100 phials (boxes) of 5 grammes.

“ *Pure Morphinum Muriatricum.*”

The name of the product shall be printed in red.

It is understood that, in the case of phials of the same product made up in other quantities, the packages shall be labelled according to the contents.

In the case of pharmaceutical specialities which contain narcotics, for example, pills, capsules, cachets, tablets, ampoules, etc., with a light make-up and of small size, the packing shall be made in the same way as for the products indicated in the previous paragraphs.

When drugs or pharmaceutical products or specialities are presented in heavy or voluminous packings (300 to 1,000 grammes gross) they shall be packed in parcels of flasks, boxes, packets, etc. As regards labelling, the rules given above shall be observed. The guarantee bands shall be printed at the expense of the concessionnaire and shall be inspected and stamped by the Chémico-Pharmaceutical Institute and then delivered to the firms holding concessions.

As the prices of the different narcotics or specialities are subject to market fluctuations, they shall be printed on a band which shall also serve as a guarantee band.

Article 16.

Supplies of ether shall be obtained from factories in the country which can prove that they possess a sufficient equipment and that their product answers to the requirements of the Roumanian Pharmacopœia.

The net profits must not exceed 25 per cent.

Orders shall be distributed among all the firms capable of supplying the goods in proportion to their manufacturing capacity.

Prices shall be calculated free at the concessionary depot.

The packing shall be in conformity with the standard models fixed by the Chémico-Pharmaceutical Commission.

ANNEX 30.

RÉSUMÉ OF THE DRUG MONOPOLY IN FORCE IN GREECE.

LETTER FROM THE GREEK GOVERNMENT DATED MAY 27TH, 1931.

MINISTRY OF FOREIGN AFFAIRS,
No. 7337.

Athens, May 27th, 1931.

I have the honour to communicate certain particulars with regard to the operation of the Greek Government Monopoly of narcotic drugs, which may be of use to countries desiring to adopt our system with a view to combating more effectively the scourge of noxious drugs.

I. The Narcotic Drug Monopoly was established in Greece in 1926 by a law which is at present in process of being revised. The transition from the system of unrestricted traffic in narcotics to the monopoly system was relatively simple. The Law of 1926 fixed a time-limit within which the pharmacists were to hand over the narcotics in their possession to the Monopoly officials against payment. After the expiry of this period, anyone in possession of narcotics not derived from the Monopoly was proceeded against and punished. The stocks of narcotics handed over were partly used by the Monopoly and partly destroyed.

II. The Monopoly procures the stocks of drugs which it requires by open public competition—for which reason it is impossible to specify the exporting country in advance. Notice of the competition is published in the principal newspapers of the capital. The specification contains the conditions which the drugs to be supplied have to fulfil and the period within which they have to be delivered. The conditions vary according to the requirements. All genuine manufacturers are entitled to take part in the competition. Orders are placed for periods of one year, or two years at most.

III. Retail sales are exclusively in the hands of the pharmacists or, in villages more than five kilometres distant from places where there is a pharmacy, dispensary doctors. The Monopoly is not allowed to deliver narcotics to the drug establishments for retailing. The annual amount delivered to the pharmacists is fixed under the present system after consultation of the Supreme Health Council at the Ministry of Health. Under the system proposed in the Bill for the Revision of the Legislation with regard to the Monopoly, the functions of the Supreme Health Council in this connection are transferred to a Permanent Narcotics Committee at the Ministry of Health. In determining the above amount, the Health Council takes into account the requirements of each pharmacy on the basis of the medical prescriptions made up during the past year, which have to be kept separate. They are subject at any moment to supervision by the inspectors.

IV. The retail prices of the pharmacists are fixed by a Permanent Drug Tariff Committee on the basis of the rules of price-fixing generally followed in countries which have this system. The tariff for 1930 will be found annexed.¹

V. The inspection of pharmacies is directed by a special Inspector of Pharmacies, who works hand in hand with the departmental doctors, the Pan-Hellenic Association of Pharmacists and the local Associations of Pharmacists. A recent law provides for the appointment of five local inspectors, to be under the orders of the Inspector-General at the Ministry of Health.

Pharmacies, clinics and hospitals are compelled to keep a record of the daily consumption of narcotics, which is checked together with the prescriptions. The new Bill has an additional regulation compelling pharmacists and directors of hospitals or clinics to send in a quarterly statement of the consumption of narcotics.

VI. The monopolisation of narcotics has been of great value to the country by facilitating the suppression of the illicit traffic in drugs. During the five years in which the system has been in force there has only been one case of confiscation of drugs derived from the Monopoly. In all other cases of confiscation, the drugs had been imported through contraband channels.

It may therefore be said, on the basis of the experience acquired, that the only effective method of combating this scourge is the system of monopolisation on as general a scale as possible. Where that is not possible, the system of direct supervision by an official in the factory, sharing the responsibility with the manufacturer, may give relatively satisfactory results.

I hope later to send you some particulars of the suppression of the trade in and illicit use of drugs.

For the Minister :
(Signed) N. MAVROUDIS,
Minister Plenipotentiary,
Director-General.

¹ Preserved in the files of the Secretariat.

ANNEX 31.

CONVENTION AND SUPPLEMENTARY CONVENTION BETWEEN CANADA
AND THE UNITED STATES OF AMERICA FOR THE SUPPRESSION
OF THE ILLICIT TRAFFIC.

(Communicated by the Canadian Delegation.)

I.

CONVENTION BETWEEN CANADA AND THE UNITED STATES OF AMERICA TO
AID IN SUPPRESSING SMUGGLING OPERATIONS ALONG THE BORDER
BETWEEN THE DOMINION OF CANADA AND THE UNITED STATES AND IN
THE ARREST AND PROSECUTION OF PERSONS VIOLATING THE NARCOTIC
LAWS OF EITHER GOVERNMENT.¹

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, in
respect of the Dominion of Canada, and THE PRESIDENT OF THE UNITED STATES OF AMERICA,

Being desirous of suppressing smuggling operations along the boundary between the
Dominion of Canada and the United States of America, and of assisting in the arrest and
prosecution of persons violating the narcotic laws of either Government, and of providing as
to the omission of penalties and forfeitures in respect to the carriage of alcoholic liquors through
Alaska into the Yukon Territory :

Have agreed to conclude a Convention to give effect to these purposes and have named as
their Plenipotentiaries :

His Britannic Majesty, in respect of the Dominion of Canada :

The Honourable Ernest LAPOINTE, K.C., a member of His Majesty's Privy
Council for Canada and Minister of Justice in the Government of that Dominion ; and

The President of the United States of America :

Charles Evans HUGHES, Secretary of State of the United States ;

Who, having communicated to each other their respective full powers, which were found
to be in due and proper form, have agreed upon the following articles :

Article I.

The High Contracting Parties agree that the appropriate officers of the Governments of
Canada and of the United States of America respectively shall be required to furnish upon
request to duly authorised officers of the other Government, information concerning clearances
of vessels or the transportation of cargoes, shipments or loads of articles across the
international boundary when the importation of the cargo carried or of articles transported
by land is subject to the payment of duties ; also to furnish information respecting clearances
of vessels to any ports when there is ground to suspect that the owners or persons in possession
of the cargo intend to smuggle it into the territory of Canada or of the United States.

Article II.

The High Contracting Parties agree that clearance from Canada or from the United
States shall be denied to any vessel carrying cargo consisting of articles the importation of which
into the territory of Canada or of the United States, as the case may be, is prohibited, when it
is evident from the tonnage, size and general character of the vessel, or the length of the
voyage and the perils or conditions of navigation attendant upon it, that the vessel will be
unable to carry its cargo to the destination proposed in the application for clearance.

Article III.

Each of the High Contracting Parties agrees with the other that property of all kinds
in its possession which, having been stolen and brought into the territory of Canada or of the
United States, is seized by its Customs authorities shall, when the owners are nationals of the
other country, be returned to such owners, subject to satisfactory proof of such ownership and
the absence of any collusion, and subject moreover to payment of the expenses of the seizure
and detention and to the abandonment of any claims by the owners against the Customs,
or the Customs officers, warehousemen or agents, for compensation or damages for the seizure,
detention, warehousing or keeping of the property.

¹ This Convention was signed at Washington, June 6th, 1924. Ratifications exchanged at Washington, July 17th,
1925.

Article IV.

The High Contracting Parties reciprocally agree to exchange information concerning the names and activities of all persons known or suspected to be engaged in violations of the narcotic laws of Canada or of the United States respectively.

Article V.

It is agreed that the Customs and other administrative officials of the respective Governments of Canada and of the United States shall, upon request, be directed to attend as witnesses and to produce such available records and files or certified copies thereof as may be considered essential to the trial of civil or criminal cases, and as may be produced compatibly with the public interest.

The cost of transcripts of records, depositions, certificates and letters rogatory in civil or criminal cases, and the cost of first-class transportation both ways, maintenance and other proper expenses involved in the attendance of such witnesses shall be paid by the nation requesting their attendance at the time of their discharge by the court from further attendance at such trial. Letters rogatory and commissions shall be executed with all possible despatch and copies of official records or documents shall be certified promptly by the appropriate officials in accordance with the provisions of the laws of the respective countries.

Article VI.

The following offences are added to the list of offences numbered 1 to 3 in Article I of the Treaty concluded between Great Britain and the United States on May 18th, 1908, with reference to reciprocal rights for Canada and the United States in the matters of conveyance of prisoners and wrecking and salvage—that is to say :

4. Offences against the narcotic laws of the respective Governments.

Article VII.

No penalty or forfeiture under the laws of the United States shall be applicable or attached to alcoholic liquors or to vessels, vehicles or persons by reason of the carriage of such liquors when they are in transit under guard by Canadian authorities through the territorial waters of the United States to Skagway, Alaska, and thence by the shortest route, via the White Pass and Yukon Railway, upwards of twenty miles to Canadian territory, and such transit shall be as now provided by law with respect to the transit of alcoholic liquors through the Panama Canal or on the Panama Railroad, provided that such liquors shall be kept under seal continuously while the vessel or vehicle on which they are carried remains within the United States, its territories or possessions, and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

Article VIII.

This Convention shall be ratified, and the ratifications shall be exchanged at Washington as soon as possible. The Convention shall come into effect at the expiration of ten days from the date of the exchange of ratifications, and it shall remain in force for one year. If, upon the expiration of one year after the Convention shall have been in force, no notice is given by either Party of a desire to terminate the same, it shall continue in force until thirty days after either Party shall have given notice to the other of a desire to terminate the Convention.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed the present Convention in duplicate and have thereunto affixed their seals.

DONE at the City of Washington, this 6th day of June, 1924.

(L.S.) Ernest LAPOINTE.

(L.S.) Charles Evans HUGHES.

II.

SUPPLEMENTARY CONVENTION BETWEEN CANADA AND THE UNITED STATES OF AMERICA TO PROVIDE FOR EXTRADITION ON ACCOUNT OF CRIMES OR OFFENCES COMMITTED AGAINST THE LAWS FOR THE SUPPRESSION OF THE TRAFFIC IN NARCOTICS.¹

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, in respect of the Dominion of Canada, and THE PRESIDENT OF THE UNITED STATES OF AMERICA,

Being desirous of enlarging the list of crimes on account of which extradition may be granted with regard to certain offences committed in the United States or in the Dominion

¹ This Convention was signed at Washington, January 8th, 1925. Ratifications exchanged at Washington, July 17th, 1925.

of Canada under the Conventions concluded between the United States and Great Britain on July 12th, 1889, and December 13th, 1900, and April 12th, 1905, and May 15th, 1922, with a view to the better administration of justice and the prevention of crime :

Have resolved to conclude a Supplementary Convention for this purpose, and have appointed as their Plenipotentiaries, to wit :

His Britannic Majesty :

The Honourable Ernest LAPOINTE, Minister of Justice to the Dominion of Canada ;
and

The President of the United States of America :

Charles Evans HUGHES, Secretary of State of the United States of America ;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles :

Article I.

The following crimes are, subject to the provisions contained in Article II hereof, added to the list of crimes numbered 1 to 10 in the first article of the said Convention of July 12th, 1889, and to the list of crimes numbered 11 to 13 in Article I of the Supplementary Convention concluded between the United States and Great Britain on December 13th, 1900, and to the list of crimes numbered 14 and 15 in Article I of the Supplementary Convention concluded between the United States and Great Britain on April 12th, 1905, and to the list of crimes numbered 16 in Article I of the Supplementary Convention concluded between the United States and Great Britain on May 15th, 1922—that is to say :

17. Crimes and offences against the laws for the suppression of the traffic in narcotics.

Article II.

The operation of the present Convention is confined to cases in which, the offences mentioned in the preceding article having been committed in the United States or in the Dominion of Canada, the person charged with the offence is found in the Dominion of Canada or in the United States respectively.

Article III.

The present Convention shall be considered as an integral part of the said extradition Conventions of July 12th, 1889, and December 13th, 1900, and April 12th, 1905, and May 15th, 1922, and the first article of the said Convention of July 12th, 1889, shall be read as if the lists of crimes therein contained had originally comprised the additional crimes specified and numbered 17 in the first article of the present Convention, subject to the provision contained in Article II.

The present Convention shall be ratified, and the ratifications shall be exchanged either at Washington or Ottawa as soon as possible.

It shall come into force ten days after its publication, in conformity with the laws of the High Contracting Parties, and it shall continue and terminate in the same manner as the said Convention of July 12th, 1889.

IN TESTIMONY WHEREOF, the respective plenipotentiaries have signed the present Supplementary Convention and have affixed their seals thereto.

DONE in duplicate at the City of Washington this eighth day of January, in the year one thousand nine hundred and twenty-five.

(L.S.) Ernest LAPOINTE.

(L.S.) Charles Evans HUGHES.

ANNEX 32.

ORGANISATION AND CONTROL OF THE PRODUCTION, MANUFACTURE
AND DISTRIBUTION OF NARCOTIC DRUGS IN THE UNION OF
SOVIET SOCIALIST REPUBLICS.

(Communicated by the Soviet Union Delegation.)

CONTENTS.

1. Decree of the Council of the People's Commissars of the R.S.F.S.R. of November 6th, 1924, regarding the Regulations of Trade in Narcotic Drugs.
2. Extracts from the Criminal Code of the R.S.F.S.R.
3. Decree of the All-Russian Executive Committee and the Council of People's Commissars of January 21st, 1925.
4. Decree of the Central Executive Committee and the Council of the People's Commissars of the U.S.S.R. of August 27th, 1926, concerning the State Monopoly of Opium.
5. Amendment to the Decree of the Central Executive Committee and the Council of the People's Commissars of the U.S.S.R. of August 27th, 1926, concerning the State Monopoly of Opium.
6. Decree of the Council of the People's Commissars of the U.S.S.R. of March 28th, 1927, concerning the Regulations for the Sowing of Opium Poppy and Registration of Opium Crops.
7. Amendment concerning Article 3 of the Decree of the Council of People's Commissars of the U.S.S.R. of March 28th, 1927, relating to the Regulations for the Sowing of Opium Poppy and Registration of Opium Crops.
8. Statutes of April 3rd, 1930, of "LEKTEKHSIRYE", an All-Union Combine for the Production, Preparation, the Supply of the Home Market and the Export Trade with Medicinal Raw Materials, Technical Plants and Raw Tobacco.
- 9.¹ Instructions concerning Storage and Despatch of Opium.
- 10.¹ Instructions concerning Packing and Despatch of Opium from the District Warehouses.
- 11.¹ Instruction concerning Registration of Opium Plantations.
- 12.¹ Copy of a Typical Agreement concluded between the "Acospo", Ltd., and Individual Growers of Opium.

Document No. 1.

DECREE OF THE COUNCIL OF THE PEOPLE'S COMMISSARS OF THE R.S.F.S.R. OF
NOVEMBER 6TH, 1924, REGARDING THE REGULATION OF TRADE IN NARCOTIC DRUGS.

The Council of People's Commissars of the R.S.F.S.R. has decreed :

1. Unrestricted trade in the territory of the R.S.F.S.R. in all narcotic drugs producing or capable of producing various kinds of intoxication, having a destructive effect on the national health (cocaine and its salts, opium and its products, such as morphine, heroin, etc.), shall be prohibited.
2. A list of drugs covered by Article 1 shall be issued and supplemented by the People's Commissariat for Health.
3. The People's Commissariat for Health of the R.S.F.S.R. shall determine each year the quantity of narcotic drugs enumerated in Article 1 required for medical purposes within the country.
4. The production of narcotic drugs shall be carried out by the organisations of the Supreme Economic Council, in conjunction with the People's Commissariat for Health, and import and export operations by the organisations of the Commissariat for Foreign Trade, according to the list of consumers and nomenclatures of narcotic drugs compiled by the Supreme Economic Council of the R.S.F.S.R. and the representative of the People's Commissariat for Foreign Trade attached to the Council of People's Commissars of the R.S.F.S.R.

¹ These documents are kept in the Archives of the Secretariat, where they are available for consultation.

5. All the enterprises permitted to manufacture and trade in narcotic drugs, indicated in Article 1, shall supply information to the People's Commissariat for Health regarding the quantity of the above-mentioned drugs at their disposal and prepared by them, and shall not be authorised to distribute them without express permission from the People's Commissariat of Health or organisation representing it.

6. Products acquired by the enterprise mentioned in Article 5 from foreign countries and also from factories within the country for the requirements of the R.S.F.S.R. shall be directed to the sole address of the People's Commissariat for Health, with the necessary permits and licences of the People's Commissariat for Health of the R.S.F.S.R. concerning the release of these products.

7. The infringement of the regulations of the present decree shall be punishable under Articles 136-141 of the Criminal Code of the R.S.F.S.R.

8. The People's Commissariat for Health of the R.S.F.S.R. shall be charged with the fortnightly issue of instructions concerning the order of acceptance, storage, accounts and distribution of the narcotic drugs enumerated, and with the control of trade in the said drugs.

Document No. 2.

EXTRACTS FROM THE CRIMINAL CODE OF THE R.S.F.S.R.

Infringement of Regulations concerning National Health, Public Safety and Order.—
179. The preparation, keeping and selling of narcotic drugs by persons not having special permission is punishable by compulsory labour for a term not exceeding six months or by a fine not exceeding 1,000 roubles.

104. The preparation and keeping for the purpose of sale and the actual sale of cocaine, opium, morphine, ether and other narcotic drugs without proper permission is punishable by imprisonment or compulsory labour for a term of one year with confiscation of a part of the offender's property or without the said confiscation.

The same offence, indulged in as a profession, also the keeping of dens in which are sold or consumed the drugs enumerated in the present article, is punishable by imprisonment with strict solitary confinement for a term not exceeding three years, with the confiscation of the offender's entire property.

Document No. 3.

DECREE OF THE ALL-RUSSIAN EXECUTIVE COMMITTEE AND THE COUNCIL OF
PEOPLE'S COMMISSARS OF JANUARY 21ST, 1925.

33. *Criminal Code supplemented by Article 140(d).*—The all-Russian Central Executive Committee and the Council of People's Commissars of the R.S.F.S.R., in accordance with Article 2 of the regulation passed by the Second Meeting of the all-Russian Central Executive Committee of the tenth convocation concerning the order of amendments of the legal codes (Code and Regulations 1923, No. 54, page 530), has decreed :

To supplement the Criminal Code by Article 140(d), which shall read as follows :

“ The manufacture and keeping for the purpose of sale or the actual sale of cocaine, opium, morphine, ether and other narcotic drugs without proper permission shall be punishable by imprisonment for a term not exceeding three years with confiscation of a portion of the offender's property or without the said confiscation and with deprivation of right of residence in Moscow, Leningrad, the frontier areas and port towns—a list of which shall be compiled by the People's Commissariat for Home Affairs, in conjunction with the People's Commissariat for Justice—for a term not exceeding three years.

“ The same offence, indulged in as a profession, also the keeping of dens in which are sold or consumed cocaine, opium, morphine and other narcotic drugs, shall be punishable by imprisonment for a term of no less than three years with strict solitary confinement, confiscation of the offender's property, deprivation of civic rights and of right of residence, after the term of imprisonment, in the frontier areas and the towns mentioned above for a period not exceeding three years.”

[Signatures.]

Document No. 4.

DECREE OF THE CENTRAL EXECUTIVE COMMITTEE AND THE COUNCIL OF THE PEOPLE'S COMMISSARS OF THE U.S.S.R. OF AUGUST 27TH, 1926, CONCERNING THE STATE MONOPOLY OF OPIUM.

In order to combat the extensive use of opium for other than medicinal purposes, the Central Executive Committee and the Council of People's Commissars have decreed :

1. To establish an all-Union State monopoly for the purchase, manufacture and sale of opium.

2. The general direction in regard to the realisation of the monopoly shall be under the charge of the Permanent Advisory Council to the Supreme Council of National Economy of the U.S.S.R., which regulates matters concerning production, collection of supplies and sale of medicinal raw materials.

3. The whole of the collected supplies of raw opium in the territory of the U.S.S.R. shall be handed over by the opium growers to the Acospo limited company and to no other body.

4. The order of registration of raw opium, produced in the territory of the U.S.S.R., and also the order of supplying raw opium to factories for manufacture shall be determined by the instruction of the Supreme Council of National Economy of the U.S.S.R. made in conjunction with the People's Commissariats for Health of the Union Republics.

[Signatures.]

Moscow-Kremlin.

Document No. 5.

151. AMENDMENT TO THE DECREE OF THE CENTRAL EXECUTIVE COMMITTEE AND THE COUNCIL OF THE PEOPLE'S COMMISSARS OF THE U.S.S.R. OF AUGUST 27TH, 1926, CONCERNING THE STATE MONOPOLY OF OPIUM.

The Central Executive Committee and the Council of People's Commissars of the U.S.S.R. have decreed :

Articles 2 and 4 of the decree of the Central Executive Committee and the Council of People's Commissars of the U.S.S.R. concerning the State monopoly of opium (Legal Code of the U.S.S.R. 1926, No. 58, page 424) shall read as follows :

" *Article 2.*—The general direction of the realisation of the monopoly shall be the charge of the People's Commissariat for Home and Foreign Trade of the U.S.S.R.

" *Article 4.* The order of registration of raw opium produced on the territory of the U.S.S.R., also the supply of raw opium to the factories for manufacture shall be determined by the Instruction issued by the People's Commissariat for Home and Foreign Trade of the U.S.S.R. in conjunction with the Supreme Council of National Economy of the U.S.S.R. and the respective representatives of the Union Republics to the Government of the U.S.S.R."

[Signatures.]

Document No. 6.

DECREE OF THE COUNCIL OF THE PEOPLE'S COMMISSARS OF THE U.S.S.R. OF MARCH 28TH, 1927, CONCERNING THE REGULATIONS FOR THE SOWING OF OPIUM POPPY AND REGISTRATION OF OPIUM CROPS.

203. The Council of People's Commissars of the U.S.S.R. has decreed :

1. No later than August 15th of each year the Supreme Council of National Economy of the U.S.S.R. in conjunction with the Commissariat for Home and Foreign Trade of the U.S.S.R. and the representatives of the Union Republics to the Government of the U.S.S.R. shall determine :

(a) The quantity of medicinal opium, in kilo-percentages, required for home consumption and for export in the forthcoming year ;

(b) The extent of the area to be sown with opium poppy on the territory of the U.S.S.R. in the next year.

2. Growers of opium poppy shall each year make a declaration concerning the forthcoming sowing of opium poppy to the Acospo Company charged with the collection and manufacture of opium, and keeping of accounts of opium crops.

3. The order of division of the sown area of opium poppy among the different Union Republics and the making of declarations concerning the sowing of opium, also the order in which the Acospo Company shall register the said crops shall be laid down in the instruction issued by the Supreme Council of National Economy of the U.S.S.R. in conjunction with the People's Commissariat for Home and Foreign Trade of the U.S.S.R. and the representatives of the Union Republics to the Government of the U.S.S.R.

4. The prices to be paid for raw opium shall be fixed by the People's Commissariat for Home and Foreign Trade of the U.S.S.R., in conjunction with the Supreme Council of National Economy of the U.S.S.R. for each year, not later than a month before the commencement of the sowing season.

(Signed) A. ZURUPA.
N. GORBUNOV.

Moscow-Kremlin.

Document No. 7.

122. AMENDMENT CONCERNING ARTICLE 3 OF THE DECREE OF THE COUNCIL OF PEOPLE'S COMMISSARS OF THE U.S.S.R. OF MARCH 28TH, 1927, RELATING TO THE REGULATIONS FOR THE SOWING OF OPIUM POPPY AND REGISTRATION OF OPIUM CROPS.

The Council of People's Commissars of the U.S.S.R. has decreed :

Article 3 of the decree of the Council of People's Commissars of the U.S.S.R. of March 28th, 1927, concerning the sowing and registration of opium poppy crops (Legal Code of the U.S.S.R. 1927, No. 18, Article 203) to read as follows :

" The order for dividing the area under opium poppy among the different Union Republics, of making declarations for the sowing of opium poppy, and also the registration of crops by the Acospo Company, Limited, shall be laid down in an instruction issued by the Council of People's Commissars for Home and Foreign Trade of the U.S.S.R., in conjunction with the respective representatives of the Union Republics to the Government of the U.S.S.R."

(Signed) A. I. RYKOV.
N. GORBUNOV.

Moscow-Kremlin.

Document No. 8.

STATUTES OF APRIL 3RD, 1930, OF "LEKTEKHSIRYE", AN ALL-UNION COMBINE FOR THE PRODUCTION, PREPARATION, THE SUPPLY OF THE HOME MARKET AND THE EXPORT TRADE WITH MEDICINAL RAW MATERIALS, PLANTS USED FOR INDUSTRIAL PURPOSES AND RAW TOBACCO.

I.

1. For the purpose of conducting operations on a monopoly basis for the export from the U.S.S.R. of medicinal raw products, technical plants, tobacco, essential oils, aromatic and kindred kinds of raw materials, plants and preparations, and for the purpose of the production, preparation, initial manufacture and supply of the raw materials enumerated to the home market of the U.S.S.R., in particular to the chemical and pharmaceutical industries, and the perfumery and essential oil industries, as well as for the direct conduct of the operations enumerated, in accordance with the planning objectives of the People's Commissariat for Trade of the U.S.S.R., there shall be formed an all-Union combine under the name of "Lektekhsirye", the all-Union combine for the production, preparation, the supply of the home market and the export trade with medicinal raw materials, plants used for industrial purposes and raw tobacco.

2. The all-Union combine "Lektekhsirye" shall form part of the People's Commissariat for Trade of the U.S.S.R., as an organ acting on business principles and enjoying the rights of an independent juridical person.

3. Liability for the operations of the combine shall be limited to the capital amount for which it can be sued under the existing law. The State Treasury shall not be liable for the operations of the combine, and the combine shall likewise not be held liable for claims on the State Treasury, or other combines and State organisations.

II. Functions of the Combine.

4. In regard to the conduct of operations, referred to in § 1 of the present Statutes, the functions of the combine shall be the following :

(a) The preparation of estimates and elaboration of schemes for prospective plans of operation in regard to the objectives enumerated in § 1 of the present Statutes ;

(b) The examination of the foreign-trade plans of the institutions, organisations and enterprises, which, through the medium of the combine, participate in the conduct of operations enumerated in § 1 of the present Statutes ;

(c) The direct conduct of operations, in accordance with the planning objectives of the People's Commissariat for Trade of the U.S.S.R., referred to in § 1 of the present Statutes ;

(d) The direction of those business activities of all the institutions and enterprises which have relation to the preparation and export of the goods indicated in § 1 of the present Statutes, and the control and supervision of the said activities.

(e) The elaboration and application of measures for the organisation and development of the production of the raw materials indicated in § 1 of the present Statutes, and also the increase and improvement of the quality of the respective export resources ;

(f) The working out and introduction in due order of standardised types and standardised technical conditions in regard to the raw materials and goods enumerated in § 1 of the present Statutes ;

(g) The working out and introduction of measures for the preparation and formation of staffs for the respective branches of agriculture, preparatory, manufacturing and industrial enterprises, and for export organisations ;

(h) The study of foreign markets and the technical achievements of foreign industry and trade in regard to the raw materials and goods mentioned in § 1 of the present Statutes, and the introduction of measures for the application of the technical achievements of foreign markets to the development and rationalisation of the respective supplies of raw material in the U.S.S.R.

(i) The elaboration of plans and schemes of capital construction connected with the development of supplies of raw materials for the goods indicated in § 1 of the present Statutes and the carrying out of the said plans and schemes in due order ;

(j) The granting, within the limitation of the general licences accorded to the combine, of permits for the export and sale abroad of the goods indicated in § 1 of the present Statutes.

5. In regard to business activities, the functions of the combine are the following :

(a) The realisation of the duly confirmed plans in regard to the different kinds of goods, enumerated in § 1 of the present Statutes, in accordance with the planning objectives of the People's Commissariat for Trade of the U.S.S.R.

(b) The conduct of operations, on a monopoly basis, for the export and sale abroad of the goods and raw materials enumerated in § 1 of the present Statutes, on the combine's own account, and on account of other organisations and enterprises ;

(c) The participation in all kinds of associations, companies, societies and organisations which pursue similar aims to those of the combine, and the establishment in due order of new undertakings, including enterprises auxiliary to the objectives of the combine ;

(d) The production of crops, either through its own organisations, or through other appropriate organisations, of medicinal and technical plants, essential oils, aromatic plants and tobacco both for experimental purposes and agricultural education and propaganda, as well as for industrial purposes ;

(e) The organisation of experimental and scientific research work in regard to the supplies of the raw materials mentioned in § 1 of the present Statutes, both through its own organisations or through other appropriate institutions and organisations ;

(f) The sale on the home market of the U.S.S.R. of the raw materials and goods enumerated in § 1 of the present Statutes ;

(g) The participation in foreign exhibitions and fairs and the organisation of same in conjunction with the People's Commissariat for Trade of the U.S.S.R. ;

(h) The publication of periodical bulletins and other printed matter giving information concerning the raw materials and goods enumerated in § 1 of the present Statutes.

6. In carrying out its functions in regard to control, the combine is authorised to issue orders and regulations which must be carried out by all the institutions, organisations, enterprises and persons participating in the operations referred to in § 1 of the present Statutes.

7. In carrying out its productive and business functions, the combine is authorised to make all kinds of agreements and conclude deals and other juridical acts, including those relating to credits and bills, necessary for the operations enumerated in § 1 of the present Statutes, with institutions, organisations, enterprises and private persons, residing in the U.S.S.R. and in foreign countries, as well as to sue and defend at law.

III. *Form of Administration.*

8. The combine shall be administered by a Board which is to have its offices in the town of Moscow and shall be appointed by the People's Commissariat for Trade of the U.S.S.R. The Board shall consist of a President, Vice-President and of members, the number of which shall be fixed by the People's Commissariat for Trade of the U.S.S.R.

9. The Board, in accordance with the planning objectives of the People's Commissariat for Trade of the U.S.S.R., shall have immediate control of all the activities of the combine and shall carry out, in the name of the combine, all the business and economic functions entrusted to the combine.

10. The following must be presented to the People's Commissariat for Trade of the U.S.S.R. for ratification :

- (a) The estimates, also projected plans of work concerning the raw materials and goods mentioned in § 1 of the present Statutes ;
- (b) The trade and financial plans of the combine ;
- (c) Estimates, accounts and balance-sheets of the combine ;
- (d) The opening of offices, departments and agencies by the combine ;
- (e) Forms and methods of work of the combine ;
- (f) The expenditure of special monies by the combine ;
- (g) Composition of the combine and the staff of its central administration ;
- (h) Projects for production, sale, fixation of prices, cost of production and overhead charges in regard to the goods in which the combine has to deal.

11. The division of functions among members of the Board shall be decided by the President.

In the business of the combine, the Board shall deal directly with all the institutions and organisations, other than higher State organisations of the U.S.S.R., and carry out, in the name of the combine, all operations and juridical acts necessary for the fulfilment of the combine's functions.

12. The decisions of the Board shall be arrived at by a majority vote. In the event of the President disagreeing with the majority decision, he is authorised to carry out his own decision, on his own responsibility, immediately taking steps to inform the People's Commissariat for Trade of the U.S.S.R. about the matter in dispute and the decision he has come to about it.

13. All business done in the name of the Board may be carried out by the President, the Vice-President or by any one of the members, in accordance with the division of functions referred to in § 11.

However, the issue of bills and the contracting of money obligations and the conclusion of agreements and deals, including such obligations and powers entitling to enter into such obligations, shall be signed by no less than two members of the Board, or by one member and another person, specially authorised by the Board to do so.

Monetary documents must be confirmed by the head accountant of the Board.

14. The Board shall summon periodic general meetings of the combine. At these meetings there shall be present the Board and the representatives of organisations included in the combine. The meetings shall examine general questions concerning the combine's activities.

The dates of the meetings and their agendas shall be settled by the People's Commissariat for Trade of the U.S.S.R.

IV. *Resources of the Combine.*

15. The initial capital of the combine shall be composed of the value of the property and the sums invested in the combine by the People's Commissariat for Trade of the U.S.S.R. and also the amounts so invested by the institutions, enterprises and organisations included in the combine, and shall be limited to a sum of 6,000,000 roubles.

Note.—To the all-Union combine "Lektexsirye" shall be transferred the live assets and liabilities of the State all-Union Limited Company for the preparation, production, export and supply of the home market with medicinal raw materials and technical plants, entitled "Lektexsirye", the articles of which were confirmed by the People's Commissariat for Trade of the U.S.S.R. on September 27th, 1929 (Legal Code 1930, Section II, No. 5, page 53) and which shall be considered as defunct from the time of ratification of the present Statutes.

16. The combine shall form special funds for special purposes, in accordance with the rules laid down in the appropriate laws.

17. The confirming of accounts, balance-sheets and the distribution of the profits of the combine shall be carried out in accordance with the rules laid down in the appropriate laws.

18. The financial year of the combine shall date from January 1st to December 31st, inclusive.

ANNEX 33.

LAW ON THE IMPORTATION AND DISTRIBUTION OF
NARCOTIC DRUGS AT PRESENT IN FORCE IN COSTA RICA.
(Communicated by the Costa Rican Delegate.)

Legislative Authority : No. 3.

The Constitutional Congress of the Republic of Costa Rica decrees as follows :

Article 1.

The importation, exportation, transit through the territory of the Republic, purchase, sale, transfer by gift or use in any form whatsoever of the prepared opium referred to in Article 1 of Decree No. 3 of March 15th, 1927, shall continue to be strictly prohibited.

The definition of prepared opium shall be that of the International Opium Convention—namely,

“ By prepared opium is understood the product of raw opium obtained by a series of special operations, especially by dissolving, boiling, roasting and fermentation, designed to transform it into an extract suitable for consumption. Prepared opium includes dross and all other residues remaining when opium has been smoked.”

Any quantity of prepared opium found in the possession of any person or commercial establishment shall be deemed to be contraband, and the owner shall be liable to the confiscation of the drug and to the penalty laid down in Article 19 of this Law.

Article 2.

The importation, exportation, transit through the territory of the Republic, purchase, sale, transfer by gift, possession, warehousing or use in any form whatsoever of raw opium shall also be prohibited for the future. The definition of raw opium shall be that of the International Opium Convention—namely :

“ By raw opium is understood the spontaneously coagulated juice obtained from the capsules of the *papaver somniferum* which has only been submitted to the necessary manipulations for packing and transport.”

Any violation of the foregoing prohibitions shall be punished in the manner laid down in Article 19 of the present Law.

Provisional Clause.—All authorised pharmaceutical establishments which, having obtained permits under Decree No. 3 of March 15th, 1927, have imported and possess any quantity of raw opium shall send to the Dangerous Drugs Board within thirty days of the publication of this Law an exact return of the quantities they have in stock, together with a reference to the licence used for import or particulars of the manner, being lawful, in which the goods were obtained, and also the original invoice. If the said Board thinks fit, it shall be empowered to require the establishment in question to sell the whole of its stock to the Board at the price indicated on the invoice. If the Board is unable to accept the price asked, the stock shall be valued by two experts nominated by itself and by the owner of the drug respectively. In the event of the two experts failing to agree, they shall co-opt a third. If the Board is unable to accept the owner's statements in respect of the degree of purity and the condition of the drug, the point shall be submitted to the adjudication of chemists and pharmacists nominated in a similar manner.

Article 3.

The importation, exportation, transit through the territory of the Republic, purchase, sale, transfer by gift, possession, warehousing or use in whatsoever form of heroin—diacetylmorphine—and of any preparations containing them as mentioned in Decree No. 4 of October 24th, 1928, shall continue to be strictly prohibited.

Any quantity of heroin or preparations containing it, found in the possession of any persons or commercial establishments, shall be deemed to be contraband, and the owner shall be liable to confiscation of the drug, together with the penalty laid down in Article 19 of this Law.

Article 4.

The importation, exportation, transit through the territory of the Republic, purchase, sale, transfer by gift, possession, warehousing or use in whatsoever form of Indian Hemp (*Cannabis indica*), in any of its forms as referred to in Decree No. 5 of October 24th, 1928, shall continue to be prohibited.

Similarly, the cultivation of the aforementioned plant shall continue to be prohibited; the police and public health authorities shall, after summary investigation, confiscate the hemp and destroy the seeds.

Any violation of the foregoing provision shall be punished in accordance with Article 19 of the present Law.

Any person found working as a labourer in an Indian hemp plantation shall be liable to a fine of from 50 to 500 colons or to imprisonment for not less than one and not exceeding two months.

Article 5.

Medicinal opium, its extracts, alkaloids and their salts, cocaine and its salts, as well as products derived from all these drugs, shall be imported exclusively by the Government, which shall also be alone authorised to sell them in the manner regulated by the present Law.

Provisional Clause.—Authorised pharmaceutical establishments which, through permits obtained under Decree No. 3 of March 15th, 1927, have imported and possess any quantity of the drugs mentioned in this article shall send to the Dangerous Drugs Board within thirty days of the publication of this Law a detailed return of the exact quantity of stock they hold, together with a reference to the licence used for import or particulars of the manner, being lawful, in which the goods were obtained, and also the original invoice. The Board shall pay the owner for such stocks, and in the event of disagreement as to the price, the degree of purity or the condition of the drug, the procedure described in the provisional clause of Article 2 shall be followed.

Article 6.

On expiry of the period of thirty days mentioned in the preceding article and Article 2, any quantity of the drugs mentioned therein which has not been declared and which is found in the possession of any establishment whatsoever shall be deemed to be contraband, and the owner shall be liable to confiscation of the goods and to the penalty laid down in Article 19 of the present Law.

Article 7.

The executive authorities shall take such steps as may be necessary for the opening of a department to deal in narcotic drugs the importation of which is not prohibited. This department shall sell only to private and hospital pharmacies and to doctors' dispensaries the authorised narcotic drugs of which they wish to obtain a supply.

The said department shall be placed under the control of an Administrative Board whose duty it shall be to supervise and verify the importation, stocks and sales of dangerous drugs. This Board shall comprise one representative each of the Department of Health, the Faculty of Medicine and the Faculty of Pharmacy respectively. The Board shall be responsible for supplying the department with such drugs as shall be necessary for the maintenance of the requisite assortment. If the drugs bought in the country under Article 5 of this Law do not suffice, or if certain of those necessary for making up the assortment are lacking, the Board shall order the necessary quantities.

The executive power shall be authorised to spend such sums as may be necessary for acquiring drugs in the country or for such new purchases as may be required, and the necessary credits shall be included in the present and future budgets.

The Administrative Board shall obtain the exclusive services of a qualified pharmacist who shall be responsible for the despatch of authorised dangerous drugs and to whom the Board shall assign a suitable salary. The said Board may be composed of persons who are not practitioners, and all members shall give their services free of charge.

Article 8.

The members of the Board delegated by the Faculties of Medicine and Pharmacy shall be selected at the general assemblies of the respective faculties. The pharmacist responsible for the Department of Dangerous Drugs shall be appointed by the Health Department from a list of three persons submitted by the Administrative Board. The members of the Board shall remain in office two years and shall be eligible for re-election.

Article 9.

Liability to serve as member of the Administrative Board for Dangerous Drugs shall be compulsory for all citizens. Exemption may, however, be granted to those who :

- (a) Can furnish legal proof of chronic ill-health ;
- (b) Have occupied the same or some other municipal office during the previous two years ;
- (c) Have been appointed to a public post the holding of which is legally incompatible with membership of the Board ;
- (d) Are 60 years of age ;
- (e) Have eight or more legitimate or legally recognised children ;
- (f) Are obliged to move their residence to a place other than that at which the Board's headquarters are situated.

Article 10.

No person shall be able to make purchases from the Department and the latter shall not be able to sell authorised drugs without a special authorisation issued by the Health Department in the name of the establishment making the application. The Health Department shall only issue an authorisation after ascertaining the use to which the purchaser's previous stock has been put, and in accordance with prescriptions of doctors or other practitioners entitled to issue them. The quantity delivered shall not exceed that indicated in the prescription presented.

The purchaser shall take the authorisation of the Health Department to the Central Revenue Office and deposit the value of the article or articles which he desires to buy : he shall then hand the receipt for his deposit to the Department of Narcotic Drugs, which will issue the goods.

Article 11.

The Department of Narcotic Drugs shall keep a record of transactions and submit to the Board a daily statement of sales effected, accompanied by the necessary vouchers.

As need arises, the pharmacist shall inform the Board of such drugs as should be ordered in order to keep the stock at an adequate level ; the Board shall communicate such information to the Treasury Department, which shall place the orders and deliver the drugs to the Board, a list of the goods being provided and an acknowledgment of receipt being given.

Such drugs shall be sold at cost price, plus 25 centimos of a colon per gramme, together with a surcharge of five centimos on each flask containing authorised dangerous drugs. The profits shall be utilised for the payment of salaries and for defraying the costs of the Department.

Article 12.

The Administrative Board for Dangerous Drugs shall each month make a detailed inventory of the Department's stocks. As an exceptional measure, inventories shall also be made at such times as the Health Department may require.

Article 13.

The Board shall publish in the *Official Journal* a monthly statement of sales effected by the Department, particulars being given of the names and addresses of purchasers, date, purchases, and the description and quantity of articles purchased.

Article 14.

The administration of narcotic drugs in therapeutic doses shall be prescribed only by qualified doctors, surgeons, dentists and veterinary surgeons.

Article 15.

Pharmacies and dispensaries shall deliver narcotic drugs only on receipt of a prescription written in ink or indelible pencil and signed with the full name of the qualified practitioner who prescribes them in therapeutic doses.

Doctors shall sign three copies of any prescription for narcotic drugs or their derivatives, one copy being given to the patient to be presented at the pharmacy or dispensary, a second being retained and filed by the doctor and the third being sent by the doctor in a sealed envelope to the Department of Health.

Pharmacies and dispensaries shall retain the said prescriptions and shall, whenever required, produce them to the competent authorities or to the Health Department in pursuance of Article 9.

Prescriptions shall be written in indelible pencil in interleaved notebooks, two carbon copies being taken : the latter should be as legible as possible.

Article 16.

The Department of Narcotic Drugs shall prepare and sell to pharmacies and dispensaries paregoric and laudanum, without the special authorisation of the Health Department being required.

The alcohol required for such preparations shall be supplied by the National Distillery, full records being kept of transactions. The mixture shall be prepared under the supervision of the Board or of the official appointed by it.

Article 17.

The same department shall prepare and sell to pharmacies and dispensaries any preparation containing narcotic drugs, provided that the formula is considered efficacious and is approved by the College of Pharmacists and the Faculty of Medicine.

Article 18.

Any person proved, after an investigation in which he shall be examined, to have habitually and without medical prescription used opium, its extracts or alkaloids of their

salts, cocaine or its salts or Indian hemp, shall be liable to a penalty of from thirty to ninety days' imprisonment without the option of a fine, and shall be confined until cured in a suitable institution.

Article 19.

Any person proved to have sold narcotic drugs, the importation of which is carried on exclusively by the Government or its accredited representative, without a doctor's prescription : any doctor illicitly prescribing such drugs in doses which in the opinion of the Faculty of Medicine are not justified by therapeutical requirements, and any persons attempting to induce others illicitly to use opium, its extracts, alkaloids and their salts, or salts of cocaine and heroin, or illegally trafficking in such drugs, shall be liable to imprisonment for not less than one and not exceeding two years without the option of a fine ; in the event of the persons thus convicted being proprietors of pharmaceutical establishments or medical practitioners, they shall, in addition to the penalties described above, be absolutely and permanently prohibited from trading in drugs of any class whatever, or from exercising their profession.

Any person suspected of offences punishable under the present law shall not be admitted to bail, the presumption of guilt remaining established against them *juris tantum*. All cases of violation of the law enumerated in this article shall be judged in accordance with the provisions of the Code of Criminal Procedure, the jurisdiction being determined by the provisions of the Organic Law on Judicial Tribunals.

Article 20.

The Board of Health, acting through the sanitary and police authorities, may, whenever there are reasonable grounds for doing so, order the registration of all suspected houses and houses in which it is believed that the smoking of opium and Indian hemp is practised, in pursuance of the rules and provisions of domiciliary registration laid down in Article 227 and those following of the Code of Criminal Procedure.

Article 21.

The judicial proceedings in respect of offences mentioned in the present law shall be governed by the tenth chapter of the law for the protection of Public Health, March 12th, 1923e

Article 22.

Executive decrees No. 3, of March 15th, 1927, and Nos. 4 and 5, of October 2nd, 1928, together with all laws containing provisions contrary to the present law, shall be abrogated.
To be communicated to the Executive Authorities.

DONE in the Salón des Sesiones del Congreso, Palacio Nacional, San José, the twenty-sixth day of September, 1930.

(Signed) O. F. ROHRMOSER,
President.

(Signed) Asdrúbal VILLALOBOS,
First Secretary.

(Signed) A. BALTODANO B.,
Second Secretary.

San José, the twenty-ninth day of September, 1930.
To be put into effect.

(Signed) Cleto González VIQUEZ.

Secretary of State in the Public Health Office:
(Signed) Solón NUÑEZ.

Conf.L.F.S.91.

ANNEX 34.

CHILEAN LEGISLATION AT PRESENT IN FORCE WITH
REGARD TO NARCOTIC DRUGS.

(Communicated by the Chilean Delegation.)

Chile has always endeavoured to prevent the immoderate use of narcotic drugs in her territory and is one of the countries in which their sale and use has been most strictly regulated.

The immoderate use of these products (opium and its derivatives, morphine, heroin, etc., cocaine) is considered harmful by the various countries, and the Governments have accordingly recognised the necessity of establishing international supervision, without which all the independent measures taken by any one of them would have no effect.

Chile was one of the first countries to accept and apply all the international measures designed to regulate the traffic in opium.

The following provisions are contained in Articles 313 and 314 of the *Penal Code* :

“ *Article 313.*—Any person who, without a proper authorisation, prepares substances or products harmful to health or engages in commerce therein—this being prohibited—shall be punished by penal internment of the middle degree (penal servitude varying from 541 days to three years).

“ *Article 314.*—Any person not duly authorised to manufacture or deal in the substances or products mentioned in the previous article, who manufactures or sells them without complying with the formalities laid down in the respective regulations, shall be sentenced to penal internment of the lowest degree (penal servitude varying from 61 to 540 days) and to a fine varying from 100 to 300 pesos.”

The regulations governing the importation and sale of opium and its derivatives and of coca, cocaine and the like, of January 8th, 1925, contain the following provisions :

“ *Article 1.*—No opium, either in paste or powder, or its derivatives, and no coca, cocaine and its substitutes may be imported into the country except for medicinal and pharmaceutical purposes and with the authorisation of the Director-General of Health

“ *Article 2.*—All pharmacists, druggists or laboratories making pharmaceutical preparations shall be required to keep an up-to-date register in which must be recorded the substances referred to in Article 1 entering or leaving the establishment, with particulars of the dates and quantities, the surnames, Christian names and addresses of the sellers and purchasers and, in the latter case, those of the medical practitioner who prescribed the said substances.

“ *Article 4.*—No notice shall be taken of any application for a permit to import into the country any of the substances in question unless it is accompanied by a copy of the narcotics register referred to in the previous article and satisfactory proof of the *bona fide* nature of the latter is furnished to the Director-General of Health, except in the case of a first application.

“ *Article 5.*—Should a pharmacist wish to purchase one of the substances in question from a druggist he must produce the record of the previous purchase, except in the case of a first request, and must prove that this previous purchase has been used for legitimate purposes. The pharmacist and his dispenser must then sign the alkaloids register kept by the druggist.”

Articles 6 and 7 deal with the destruction or confiscation of substances seized on account of illicit importation or sale.

Articles 39, 41 and 42 of the Regulations concerning Pharmacies, of October 26th, 1926, contain the following provisions :

“ *Article 39.*—No prescription containing a dangerous medicament, whatever the dose, shall be made up unless the manner in which it is to be used and the purpose for which it is intended are clearly explained therein.

“ Neither shall any prescription containing a simple medicament or pharmaceutical preparation against which there is an asterisk in the National Pharmacopœia or ‘ *Petitorio* ’ be made up if the dose prescribed exceeds the maximum laid down in the said Pharmacopœia or ‘ *Petitorio* ’, unless the dose is written out in words and a clear and unequivocal statement ordering this dose is made at the foot of the prescription and signed by the practitioner.

“ *Article 41.*—Prescriptions containing one or more medicaments qualified as dangerous in the National Pharmacopœia or ‘ *Petitorio* ’ shall not be made up a second or further time except when an order to this effect is given and signed by the practitioner. In this case a stamp shall be placed crosswise on the prescription to show that it is to be repeated.

“ *Article 42.*—No opium or coca and its derivatives may be sold by druggists except to the owners of pharmacies legally established in the country.

“ All druggists must keep up to date two registers in which must be entered the purchases and sales respectively of the substances indicated by the General Directorate of Health, with particulars of the quantities, surnames and Christian names of the sellers and purchasers ; each register must be submitted to the health or judicial authorities at their request.”

As regards the illicit traffic, the Chamber of Deputies has approved the following *Draft Law* :

“ *Article 1.*—The importation, retail sale and consumption of opium in powder or paste and its derivatives (with the exception of codeine and its combinations) ; coca and cocaine and other substances producing like effects shall be subject to the provisions of the present law

“ A previous authorisation must be obtained from the Health Directorate for the transit of these products.

“ *Article 2.*—Any person clandestinely importing, selling retail or facilitating the illicit consumption of the substances referred to in the previous article shall be liable to the penalties laid down in Article 313 of the *Penal Code*.

“ If the offence is committed by a civil or commercial company or by a corporation or foundation with legal personality, the manager or director of the said company or the chairman of the said corporation or foundation shall be held responsible in the absence of proof to the contrary. The products forming the *corpus delicti* shall be confiscated.

“ *Article 3.*—The retail sale of the products referred to in Article 1 in quantities which might be harmful shall only be authorised by medical prescription. The doctor prescribing them shall state on each prescription after what interval and in what manner it may be repeated.

“ *Article 4.*—Any establishment selling retail or employing the products referred to in this law shall keep up to date a special register which shall be inspected by the General Directorate of Health and in which the products entering and leaving the establishment shall be recorded.

“ *Article 5.*—The establishment or businesses found to be using these products for illicit purposes shall be closed without prejudice to the penalties applicable to their owners or managers in accordance with Article 2.

“ *Article 6.*—The General Directorate of Health and the General Directorate of Carbineers of the Republic shall supervise the application of this Law.”

In accordance with Article 13 of the Geneva Convention signed on February 19th, 1925, certain conditions are laid down for the importation of narcotic drugs (our country does not export those substances).

Supervision over narcotics is exercised by the *General Directorate of Health*. This very strict supervision, which is carried out by the *Foodstuffs and Drugs Section*, begins with the granting of an import licence to the druggist and ends with ascertaining that the substances have been used for legitimate purposes.

Only legally established druggists' shops or pharmacies are allowed to deal in heroic drugs. The owner or his representative desirous of importing one of these products is required first of all to submit a request to the General Directorate of Health, which grants or refuses the import licence.

As soon as the drug purchased abroad reaches the country—consigned to a first-class Customs office (Arica, Iquique, Antofagasta, Valparaiso, Talcahuano, Valdivia, Magallanes), a further application must be made for permission to clear it.

The General Directorate of Health then issues the necessary authorisation.

The new *Health Code* promulgated on May 29th, 1931, contains the following provisions which relate directly or indirectly to this problem :

“ BOOK II.—PROPHYLAXIS.

“ Chapter I.—Preventive Centres.

“ *Article 36.*—The National Health Service shall establish centres to protect the population from factors harmful to health. These establishments shall for preference be attached to the hospital services . . .

“ BOOK IV.—HEALTH REGULATIONS.

“ Chapter I.—Medicinal or Pharmaceutical Products and Foodstuffs.

“ *Article 171.*—A medicinal product shall be regarded as falsified :

“ (a) If the exact formula of its composition is not mentioned on the container or if there is a statement or design thereon relating to the ingredient or ingredients composing it which is in any way false or misleading.

“

“ (d) If the label on the container or packet does not specify the quantity of alcohol, opium, morphine, heroin, cocaine, chloroform, Indian hemp, chloral hydrate or any other substitute or derivative of those or other substances likely to produce addiction contained in the product.

“ *Article 178.*—No pharmaceutical speciality may be imported into or manufactured in the country without a previous authorisation from the General Directorate of Health ; it must also be registered by the said Directorate before it can be sold or distributed in any way.

“ Nevertheless, the General Directorate may provisionally authorise the importation, distribution and sale of not more than 20 units of a pharmaceutical speciality for urgent medicinal use, without previous registration.

“ Samples of no value intended for medical propaganda and submitted with a view to obtaining a licence and registration shall be exempted from the provisions of this article in the quantities laid down in the Regulations.

Article 180.—The General Directorate of Health may not authorise the manufacture, importation, preparation, packing or sale of, and shall refuse to register a pharmaceutical speciality in the following cases :

“(1) If any of the provisions concerning contaminated, adulterated or falsified medicinal products have been infringed ;

“(2) If the formula is inaccurate or contains an excessive number of components, or if these components are chemically or therapeutically incompatible ;

“(3) If, as a result of analysis, it is found that the formula specified by the manufacturer, agent or seller does not correspond to the contents ;

“(4) If, in the opinion of the General Directorate of Health, this remedy is harmful to health.

Article 191.—The importation, manufacture, sale, consumption or possession of opium, either in powder or paste, and its derivatives, of coca and its preparations, cocaine and its substitutes, and, in general, of any narcotic product or drug and other substances producing like effects, shall be subject to the provisions of the special regulations to be promulgated by the President of the Republic.

Article 192.—The transit through Chilian territory of the substances mentioned in the previous article, intended for foreign countries, shall be governed by the provisions of the respective regulations, without prejudice to the obligations contracted by the Government in its international conventions and treaties.

Article 193.—The possession of these substances, when this has not been legally authorised by the General Directorate of Health or by a medical prescription, shall be regarded as an infringement of one of the above-mentioned articles.

Chapter VI.—Penalties for Infringement of the Health Regulations.

Article 244.—Without prejudice to the provisions of Articles 188 and 189, any infringement relating to the manufacture, importation and sale of narcotic drugs and substances likely to produce addiction, and any infringement concerning the adulteration, falsification or contamination of any other product mentioned in this law shall further be punished by the seizure and confiscation of those substances or products, and, where this is considered expedient, by the closing of the premises in which they were prepared or sold, until such time as their reopening is authorised by the General Director of Health.”

* * *

This survey shows that the Chilian Government is doing its utmost to carry out the obligations undertaken by it in ratifying the Hague Opium Convention of 1912.

The strict application of these legal provisions as a whole has largely contributed to the reduction of addiction and of the illicit traffic in drugs.

C. 45. M. 1931. XI.
[Conf. L. F. S. 73 (1) - (1).]

Genève, le 26 août 1931.

ANNEXE 35.

CONVENTION POUR LIMITER LA FABRICATION
ET RÉGLEMENTER LA DISTRIBUTION DES STUPÉFIANTS,
PROTOCOLE DE SIGNATURE
ET ACTE FINAL

ANNEX 35.

CONVENTION FOR LIMITING THE MANUFACTURE AND
REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS,
PROTOCOL OF SIGNATURE
AND FINAL ACT.

CONVENTION POUR LIMITER LA FABRICATION ET RÉGLEMENTER LA DISTRIBUTION DES STUPÉFIANTS

Désirant compléter les dispositions des Conventions internationales de l'opium signées à La Haye le 23 janvier 1912 et à Genève le 19 février 1925, en rendant effective par voie d'accord international la limitation de la fabrication des stupéfiants aux besoins légitimes du monde pour les usages médicaux et scientifiques, et en réglementant leur distribution,

Ont décidé de conclure une Convention à cet effet, et ont désigné pour leurs plénipotentiaires :

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes :

CHAPITRE I. — DÉFINITIONS.

Article premier.

Sauf indication expresse contraire, les définitions ci-après s'appliquent à toutes les dispositions de la présente Convention :

- 1. Par « Convention de Genève », on entend la Convention internationale de l'opium signée à Genève le 19 février 1925.
- 2. Par « Drogues », on entend les drogues suivantes, qu'elles soient partiellement fabriquées ou entièrement raffinées :

Groupe I.

Sous-groupe (a) :

- i) La morphine et ses sels, y compris les préparations faites en partant directement de l'opium brut ou médicinal et contenant plus de 20% de morphine ;
- ii) La diacétylmorphine et les autres esters (éthers-sels) de la morphine et leurs sels ;
- iii) La cocaïne et ses sels, y compris les préparations faites en partant directement de la feuille de coca et contenant plus de 0,1% de cocaïne, tous les esters de l'ecgonine et leurs sels ;
- iv) La dihydrooxycodéinone (dont l'eucodal, nom déposé, est un sel), la dihydrocodéinone (dont le dicodide, nom déposé, est un sel), la dihydromorphinone (dont le dilaudide, nom déposé, est un sel), l'acétylodihydrocodéinone ou l'acétylodéméthylodihydrothébaïne (dont l'acédicone, nom déposé, est un sel), la dihydromorphine (dont le paramorfan, nom déposé, est un sel), leurs esters et les sels de l'une quelconque de ces substances et leurs esters, la N-oxymorphine (génomorphine, nom déposé), les composés N-oxymorphiniques, ainsi que les autres composés morphiniques à azote pentavalent.

Sous-groupe (b) :

L'ecgonine, la thébaïne et leurs sels, les éthers-oxydes de la morphine, tels que la benzylmorphine, et leurs sels, à l'exception de la méthylmorphine (codéine), de l'éthylmorphine et de leurs sels.

Groupe II.

La méthylmorphine (codéine), l'éthylmorphine et leurs sels.

Les substances mentionnées dans le présent paragraphe seront considérées comme « drogues », même lorsqu'elles seront produites par voie synthétique.

Les termes « Groupe I » et « Groupe II » désignent respectivement les groupes I et II du présent paragraphe.

3. Par « opium brut », on entend le suc coagulé spontanément, obtenu des capsules du pavot somnifère (*Papaver somniferum L.*) et n'ayant subi que les manipulations nécessaires à son emballage et à son transport, quelle que soit sa teneur en morphine.

Par « opium médicinal », on entend l'opium qui a subi les préparations nécessaires pour son adaptation à l'usage médical, soit en poudre ou granulé, soit en forme de mélange avec des matières neutres, selon les exigences de la pharmacopée.

CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING
THE DISTRIBUTION OF NARCOTIC DRUGS.

.....

Desiring to supplement the provisions of the International Opium Conventions, signed at The Hague on January 23rd, 1912, and at Geneva on February 19th, 1925, by rendering effective by international agreement the limitation of the manufacture of narcotic drugs to the world's legitimate requirements for medical and scientific purposes and by regulating their distribution,

Have resolved to conclude a Convention for that purpose and have appointed as their Plenipotentiaries:

.....

Who, having communicated to one another their full powers, found in good and due form, have agreed as follows:

CHAPTER I. — DEFINITIONS.

Article I.

Except where otherwise expressly indicated, the following definitions shall apply throughout this Convention:

1. The term " Geneva Convention " shall denote the International Opium Convention signed at Geneva on February 19th, 1925.

2. The term " the drugs " shall denote the following drugs whether partly manufactured or completely refined:

Group I.

Sub-group (a):

(i) Morphine and its salts, including preparations made directly from raw or medicinal opium and containing more than 20 per cent of morphine;

(ii) Diacetylmorphine and the other esters of morphine and their salts;

(iii) Cocaine and its salts, including preparations made direct from the coca leaf and containing more than 0.1 per cent of cocaine, all the esters of ecgonine and their salts;

(iv) Dihydrohydroxycodone (of which the substance registered under the name of eucodal is a salt); dihydrocodeinone (of which the substance registered under the name of dicodide is a salt), dihydromorphinone (of which the substance registered under the name of dilaudide is a salt), acetyldihydrocodeinone or acetyldemethyldihydrothebaine (of which the substance registered under the name of acedicone is a salt); dihydromorphine (of which the substance registered under the name of paramorfan is a salt), their esters and the salts of any of these substances and of their esters, morphine-N-oxide (registered trade name genomorphine), also the morphine-N-oxide derivatives, and the other pentavalent nitrogen morphine derivatives.

Sub-group (b):

Ecgonine, thebaine and their salts, benzylmorphine and the other ethers of morphine, and their salts, except methylmorphine (codeine), ethylmorphine and their salts.

Group II.

Methylmorphine (codeine), ethylmorphine and their salts.

The substances mentioned in this paragraph shall be considered as drugs even if produced by a synthetic process.

The terms " Group I " and " Group II " shall respectively denote Groups I and II of this paragraph.

3. " Raw opium " means the spontaneously coagulated juice obtained from the capsules of the *Papaver somniferum L.*, which has only been submitted to the necessary manipulations for packing and transport, whatever its content of morphine.

" Medicinal opium " means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the national pharmacopœia, whether in powder form or granulated or otherwise or mixed with neutral materials.

“Morphine” means the principal alkaloid of opium having the chemical formula $C_{17}H_{19}O_3N$.

“Diacetylmorphine” means diacetylmorphine (diamorphine, heroin) having the formula $C_{21}H_{23}O_5N$ ($C_{17}H_{17}(C_2H_3O)_2O_3N$).

“Coca leaf” means the leaf of the *Erythroxylon Coca* Lamarck and the *Erythroxylon novogranatense* (Morris) *Hieronymus* and their varieties, belonging to the family of Erythroxylaceæ and the leaf of other species of this genus from which it may be found possible to extract cocaine, either directly or by chemical transformation.

“Cocaine” means methyl-benzoyl laevo-ecgonine ($[\alpha]_D^{20} = -16.4$) in 20 per cent solution of chloroform of which the formula is $C_{17}H_{21}O_4N$.

“Ecgonine” means laevo-ecgonine ($[\alpha]_D^{20} = -45.6$ in 5 per cent solution of water), of which the formula is $C_9H_{15}O_3N.H_2O$, and all the derivatives of laevo-ecgonine which might serve industrially for its recovery.

The following drugs are defined by their chemical formulæ as set out below:

Dihydrohydroxycodone	$C_{18}H_{21}O_4N$	
Dihydrocodeinone	$C_{18}H_{21}O_3N$	
Dihydromorphinone	$C_{17}H_{19}O_3N$	
Acetyldihydrocodeinone or Acetyldemethylodihydrothebaine }	$C_{20}H_{23}O_4N$	$(C_{18}H_{20}(C_2H_3O)O_3N)$
Dihydromorphine	$C_{17}H_{21}O_3N$	
Morphine-N-Oxide	$C_{17}H_{19}O_4N$	
Thebaine	$C_{19}H_{21}O_3N$	
Methylmorphine (codeine)	$C_{18}H_{21}O_3N$	$(C_{17}H_{18}(CH_3O)O_2N)$
Ethylmorphine	$C_{19}H_{23}O_3N$	$(C_{17}H_{18}(C_2H_5O)O_2N)$
Benzylmorphine	$C_{24}H_{26}O_3N$	$(C_{17}H_{18}(C_7H_7O)O_2N)$

4. The term “manufacture” shall include any process of refining.

The term “conversion” shall denote the transformation of a drug by a chemical process, with the exception of the transformation of alkaloids into their salts.

When one of the drugs is converted into another of the drugs this operation shall be considered as conversion in relation to the first-mentioned drug and as manufacture in relation to the other.

The term “estimates” shall denote estimates furnished in accordance with Articles 2 to 5 of this Convention and, unless the context otherwise requires, shall include supplementary estimates.

The term “reserve stocks” in relation to any of the drugs shall denote the stocks required

- (i) For the normal domestic consumption of the country or territory in which they are maintained,
- (ii) For conversion in that country or territory, and
- (iii) For export.

The term “Government stocks” in relation to any of the drugs shall denote stocks kept under Government control for the use of the Government and to meet exceptional circumstances.

Except where the context otherwise requires, the term “export” shall be deemed to include re-export.

CHAPTER II. — ESTIMATES.

Article 2.

1. Each High Contracting Party shall furnish annually, for each of the drugs in respect of each of his territories to which this Convention applies, to the Permanent Central Board, constituted under Chapter VI of the Geneva Convention, estimates in accordance with the provisions of Article 5 of this Convention.

2. In the event of any High Contracting Party failing to furnish, by the date specified in paragraph 4 of Article 5, an estimate in respect of any of his territories to which this Convention applies, an estimate will, so far as possible, be furnished by the Supervisory Body specified in paragraph 6 of Article 5.

3. The Permanent Central Board shall request estimates for countries or territories to which this Convention does not apply to be made in accordance with the provisions of this Convention. If for any such country estimates are not furnished, the Supervisory Body shall itself, as far as possible, make the estimate.

Article 3.

Any High Contracting Party may, if necessary, in any year furnish in respect of any of his territories supplementary estimates for that territory for that year with an explanation of the circumstances which necessitate such supplementary estimates.

“Morphine” means the principal alkaloid of opium having the chemical formula $C_{17}H_{19}O_3N$.

“Diacetylmorphine” means diacetylmorphine (diamorphine, heroin) having the formula $C_{21}H_{23}O_5N$ ($C_{17}H_{17}(C_2H_3O)_2O_3N$).

“Coca leaf” means the leaf of the *Erythroxylon Coca* Lamarck and the *Erythroxylon novogranatense* (Morris) *Hieronymus* and their varieties, belonging to the family of Erythroxylaceæ and the leaf of other species of this genus from which it may be found possible to extract cocaine, either directly or by chemical transformation.

“Cocaine” means methyl-benzoyl laevo-ecgonine ($[\alpha]_D^{20} = -16.4$) in 20 per cent solution of chloroform of which the formula is $C_{17}H_{21}O_4N$.

“Ecgonine” means laevo-ecgonine ($[\alpha]_D^{20} = -45.6$ in 5 per cent solution of water), of which the formula is $C_9H_{15}O_3N.H_2O$, and all the derivatives of laevo-ecgonine which might serve industrially for its recovery.

The following drugs are defined by their chemical formulæ as set out below:

Dihydrohydroxycodone	$C_{18}H_{21}O_4N$	
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Acetyldihydrocodeinone or Acetyldemethylodihydrothebaine }	$C_{20}H_{23}O_4N$	$(C_{18}H_{20}(C_2H_3O)O_3N)$
Dihydromorphine	$C_{17}H_{21}O_3N$	
Morphine-N-Oxide	$C_{17}H_{19}O_4N$	
Thebaine	$C_{19}H_{21}O_3N$	
Methylmorphine (codeine)	$C_{18}H_{21}O_3N$	$(C_{17}H_{18}(CH_3O)O_2N)$
Ethylmorphine	$C_{19}H_{23}O_3N$	$(C_{17}H_{18}(C_2H_5O)O_2N)$
Benzylmorphine	$C_{24}H_{26}O_3N$	$(C_{17}H_{18}(C_7H_7O)O_2N)$

4. The term “manufacture” shall include any process of refining.

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- (i) For the normal domestic consumption of the country or territory in which they are maintained,
- (ii) For conversion in that country or territory, and
- (iii) For export.

The term “Government stocks” in relation to any of the drugs shall denote stocks kept under Government control for the use of the Government and to meet exceptional circumstances.

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CHAPTER II. — ESTIMATES.

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3. The Permanent Central Board shall request estimates for countries or territories to which this Convention does not apply to be made in accordance with the provisions of this Convention. If for any such country estimates are not furnished, the Supervisory Body shall itself, as far as possible, make the estimate.

Article 3.

Any High Contracting Party may, if necessary, in any year furnish in respect of any of his territories supplementary estimates for that territory for that year with an explanation of the circumstances which necessitate such supplementary estimates.

Article 4.

1. Toute évaluation fournie conformément aux articles précédents se rapportant à l'une quelconque des « drogues » requises pour la consommation intérieure du pays ou du territoire pour lequel elle est établie, sera fondée uniquement sur les besoins médicaux et scientifiques de ce pays ou de ce territoire.
2. Les Hautes Parties contractantes pourront, en dehors des stocks de réserve, constituer et maintenir des stocks d'Etat.

Article 5.

1. Les évaluations prévues aux articles 2 à 4 de la présente Convention devront être établies selon le modèle qui sera prescrit de temps à autre par le Comité central permanent et communiqué par les soins de ce Comité à tous les Membres de la Société des Nations et aux Etats non membres mentionnés à l'article 27.

2. Pour chacune des « drogues », soit sous la forme d'alcaloïdes ou sels ou de préparations d'alcaloïdes ou sels, pour chaque année et pour chaque pays ou territoire, les évaluations devront indiquer :

- a) La quantité nécessaire pour être utilisée comme telle pour les besoins médicaux et scientifiques, y compris la quantité requise pour la fabrication des préparations pour l'exportation desquelles les autorisations d'exportation ne sont pas requises, que ces préparations soient destinées à la consommation intérieure ou à l'exportation;
- b) La quantité nécessaire aux fins de transformation, tant pour la consommation intérieure que pour l'exportation;
- c) Les stocks de réserve que l'on désire maintenir;
- d) La quantité requise pour l'établissement et le maintien des stocks d'Etat, ainsi qu'il est prévu à l'article 4.

Par total des évaluations pour chaque pays ou territoire, on entend la somme des quantités spécifiées sous les alinéas a) et b) du présent paragraphe augmentée des quantités qui peuvent être nécessaires pour porter les stocks des réserves et les stocks d'Etat au niveau désiré, ou déduction faite de toute quantité dont ces stocks pourraient dépasser ce niveau. Il ne sera tenu compte, toutefois, de ces augmentations ou de ces diminutions que pour autant que les Hautes Parties contractantes intéressées auront fait parvenir en temps utile au Comité central permanent les évaluations nécessaires.

3. Chaque évaluation sera accompagnée d'un exposé de la méthode employée pour calculer les différentes quantités qui y seront inscrites. Si les quantités calculées comportent une marge tenant compte des fluctuations possibles de la demande, l'évaluation devra préciser le montant de la marge ainsi prévue. Il est entendu que, dans le cas de l'une quelconque des « drogues » qui sont ou peuvent être comprises dans le groupe II, il peut être nécessaire de laisser une marge plus large que pour les autres « drogues ».

4. Toutes les évaluations devront parvenir au Comité central permanent au plus tard le 1^{er} août de l'année qui précédera celle pour laquelle l'évaluation aura été établie.

5. Les évaluations supplémentaires devront être adressées au Comité central permanent dès leur établissement.

6. Les évaluations seront examinées par un Organe de contrôle. La Commission consultative du trafic de l'opium et autres drogues nuisibles de la Société des Nations, le Comité central permanent, le Comité d'hygiène de la Société des Nations et l'Office international d'Hygiène publique auront le droit de désigner chacun un membre de cet Organe. Le Secrétariat de l'Organe de contrôle sera assuré par le Secrétaire général de la Société des Nations en s'assurant la collaboration étroite du Comité central.

Pour tout pays ou territoire pour lequel une évaluation aura été fournie, l'Organe de contrôle pourra demander, sauf en ce qui concerne les besoins de l'Etat, toute indication ou précision supplémentaire qu'il jugera nécessaire, soit pour compléter l'évaluation, soit pour expliquer les indications qui y figurent; à la suite des renseignements ainsi recueillis, il pourra modifier les évaluations avec le consentement de l'Etat intéressé. Dans le cas de l'une quelconque des « drogues » qui sont ou peuvent être comprises dans le groupe II, une déclaration sommaire sera suffisante.

7. Après avoir examiné, conformément au paragraphe 6 ci-dessus, les évaluations fournies et après avoir fixé, conformément à l'article 2, les évaluations pour les pays ou territoires pour lesquels il n'en aura pas été fourni, l'Organe de contrôle adressera, par l'entremise du Secrétaire général et au plus tard le 1^{er} novembre de chaque année, à tous les Membres de la Société des Nations et aux Etats non membres mentionnés à l'article 27 un état contenant les évaluations pour chaque pays ou territoire; cet état sera accompagné, pour autant que l'Organe de contrôle le jugera nécessaire, d'un exposé des explications fournies ou demandées, conformément au paragraphe 6 ci-dessus, et de toutes observations que l'Organe de contrôle tiendrait à présenter relativement à toute évaluation, explication ou demande d'explication.

8. Toute évaluation supplémentaire communiquée au Comité central permanent au cours de l'année doit être traitée sans délai par l'Organe de contrôle suivant la procédure spécifiée aux paragraphes 6 et 7 ci-dessus.

Article 4.

1. Every estimate furnished in accordance with the preceding Articles, so far as it relates to any of the drugs required for domestic consumption in the country or territory in respect of which it is made, shall be based solely on the medical and scientific requirements of that country or territory.
2. The High Contracting Parties may, in addition to reserve stocks, create and maintain Government stocks.

Article 5.

1. Each estimate provided for in Articles 2 to 4 of this Convention shall be in the form from time to time prescribed by the Permanent Central Board and communicated by the Board to all the Members of the League of Nations and to the non-member States mentioned in Article 27.
2. Every estimate shall show for each country or territory for each year in respect of each of the drugs whether in the form of the alkaloid or salts or of preparations of the alkaloids or salts:
 - (a) The quantity necessary for use as such for medical and scientific needs, including the quantity required for the manufacture of preparations for the export of which export authorisations are not required, whether such preparations are intended for domestic consumption or for export ;
 - (b) The quantity necessary for the purpose of conversion, whether for domestic consumption or for export ;
 - (c) The amount of the reserve stocks which it is desired to maintain ;
 - (d) The quantity required for the establishment and maintenance of any Government stocks as provided for in Article 4.

The total of the estimates for each country or territory shall consist of the sum of the amounts specified under (a) and (b) of this paragraph with the addition of any amounts which may be necessary to bring the reserve stocks and the Government stocks up to the desired level, or after deduction of any amounts by which those stocks may exceed that level. These additions or deductions shall, however, not be taken into account except in so far as the High Contracting Parties concerned shall have forwarded in due course the necessary estimates to the Permanent Central Board.

3. Every estimate shall be accompanied by a statement explaining the method by which the several amounts shown in it have been calculated. If these amounts are calculated so as to include a margin allowing for possible fluctuations in demand, the estimates must indicate the extent of the margin so included. It is understood that in the case of any of the drugs which are or may be included in Group II, a wider margin may be necessary than in the case of the other drugs.
4. Every estimate shall reach the Permanent Central Board not later than August 1st in the year preceding that in respect of which the estimate is made.
5. Supplementary estimates shall be sent to the Permanent Central Board immediately on their completion.
6. The estimates will be examined by a Supervisory Body. The Advisory Committee on the Traffic in Opium and other Dangerous Drugs of the League of Nations, the Permanent Central Board, the Health Committee of the League of Nations and the Office international d'Hygiène publique shall each have the right to appoint one member of this Body. The Secretariat of the Supervisory Body shall be provided by the Secretary-General of the League of Nations; who will ensure close collaboration with the Permanent Central Board.

The Supervisory Body may require any further information or details, except as regards requirements for Government purposes, which it may consider necessary, in respect of any country or territory on behalf of which an estimate has been furnished in order to make the estimate complete or to explain any statement made therein, and may, with the consent of the Government concerned, amend any estimate in accordance with any information or details so obtained. It is understood that in the case of any of the drugs which are or may be included in Group II a summary statement shall be sufficient.
7. After examination by the Supervisory Body as provided in paragraph 6 above of the estimates furnished, and after the determination by that Body as provided in Article 2 of the estimates for each country or territory on behalf of which no estimates have been furnished, the Supervisory Body shall forward, not later than November 1st in each year, through the intermediary of the Secretary-General, to all the Members of the League of Nations and non-member States referred to in Article 27, a statement containing the estimates for each country or territory, and, so far as the Supervisory Body may consider necessary, an account of any explanations given or required in accordance with paragraph 6 above, and any observations which the Supervisory Body may desire to make in respect of any such estimate or explanation, or request for an explanation.
8. Every supplementary estimate sent to the Permanent Central Board in the course of the year shall be dealt with without delay by the Supervisory Body in accordance with the procedure specified in paragraphs 6 and 7 above.

CHAPITRE III. — LIMITATION DE LA FABRICATION.

Article 6.

1. Il ne sera fabriqué dans aucun pays ou territoire, au cours d'une année quelconque, de quantité d'une « drogue » quelconque supérieure au total des quantités suivantes :

a) La quantité requise, dans les limites des évaluations pour ce pays ou ce territoire, pour cette année, pour être utilisée comme telle pour ses besoins médicaux et scientifiques, y compris la quantité requise pour la fabrication des préparations pour l'exportation desquelles les autorisations d'exportation ne sont pas requises, que ces préparations soient destinées à la consommation intérieure ou à l'exportation ;

b) La quantité requise dans les limites des évaluations pour ce pays ou ce territoire, pour cette année, aux fins de transformation, tant pour la consommation intérieure que pour l'exportation ;

c) La quantité qui pourra être requise par ce pays ou ce territoire, pour l'exécution, au cours de l'année, des commandes destinées à l'exportation et effectuées conformément aux dispositions de la présente Convention ;

d) La quantité éventuellement requise par ce pays ou territoire pour maintenir les stocks de réserve au niveau spécifié dans les évaluations de l'année envisagée ;

e) La quantité éventuellement requise pour maintenir les stocks d'Etat au niveau spécifié dans les évaluations de l'année envisagée.

2. Il est entendu que si, à la fin d'une année, une Haute Partie contractante constate que la quantité fabriquée dépasse le total des quantités spécifiées ci-dessus, compte tenu des déductions prévues à l'article 7, premier alinéa, cet excédent sera déduit de la quantité qui doit être fabriquée au cours de l'année suivante. En transmettant leurs statistiques annuelles au Comité central permanent, les Hautes Parties contractantes donneront les raisons de ce dépassement.

Article 7.

Pour chaque « drogue », il sera déduit de la quantité dont la fabrication est autorisée, conformément à l'article 6, au cours d'une année quelconque, dans un pays ou territoire quelconque :

i) Toute quantité de la « drogue » importée, y compris ce qui aurait été retourné et déduction faite de ce qui aurait été réexporté ;

ii) Toute quantité de ladite « drogue » saisie et utilisée comme telle pour la consommation intérieure ou la transformation.

S'il est impossible d'effectuer pendant l'exercice en cours l'une des déductions susmentionnées, toute quantité demeurant en excédent à la fin de l'exercice sera déduite des évaluations de l'année suivante.

Article 8.

La quantité d'une « drogue » quelconque, importée ou fabriquée dans un pays ou territoire aux fins de transformation, conformément aux évaluations de ce pays ou de ce territoire, devra être utilisée, si possible, en totalité à cet effet pendant la période visée par l'évaluation.

Toutefois, s'il est impossible d'utiliser ainsi la quantité totale dans la période en question, la fraction demeurant inutilisée à la fin de l'année sera déduite des évaluations de l'année suivante pour ce pays ou ce territoire.

Article 9.

Si, au moment où toutes les dispositions de la présente Convention deviendront applicables, les stocks d'une « drogue » existant à ce moment dans un pays ou territoire dépassent le montant des stocks de réserve de cette « drogue » que ce pays ou territoire désire maintenir, conformément à ses évaluations, cet excédent sera déduit de la quantité qui, normalement, pourrait être fabriquée ou importée, selon le cas, au cours de l'année, conformément aux dispositions de la présente Convention.

Si cette procédure n'est pas appliquée, le gouvernement prendra en charge les stocks en excédent existant au moment où toutes les dispositions de la présente Convention deviendront applicables. Le gouvernement n'en délivrera, à certains intervalles, que les quantités qui peuvent être délivrées, conformément à la Convention. Toutes les quantités ainsi délivrées au cours de l'année seront déduites de la quantité totale destinée à être fabriquée ou importée, selon le cas, au cours de cette même année.

CHAPITRE IV. — INTERDICTIONS ET RESTRICTIONS.

Article 10.

1. Les Hautes Parties contractantes interdiront l'exportation de leurs territoires de la diacétylmorphine et de ses sels, ainsi que des préparations contenant de la diacétylmorphine ou ses sels.

CHAPTER III. — LIMITATION OF MANUFACTURE.

Article 6.

1. There shall not be manufactured in any country or territory in any one year a quantity of any of the drugs greater than the total of the following quantities:

(a) The quantity required within the limits of the estimates for that country or territory for that year for use as such for its medical and scientific needs including the quantity required for the manufacture of preparations for the export of which export authorisations are not required, whether such preparations are intended for domestic consumption or for export;

(b) The quantity required within the limits of the estimates for that country or territory for that year for conversion, whether for domestic consumption or for export;

(c) Such quantity as may be required by that country or territory for the execution during the year of orders for export in accordance with the provisions of this Convention;

(d) The quantity, if any, required by that country or territory for the purpose of maintaining the reserve stocks at the level specified in the estimates for that year;

(e) The quantity, if any, required for the purpose of maintaining the Government stocks at the level specified in the estimates for that year.

2. It is understood that, if at the end of any year, any High Contracting Party finds that the amount manufactured exceeds the total of the amounts specified above, less any deductions made under Article 7, paragraph 1, such excess shall be deducted from the amount to be manufactured during the following year. In forwarding their annual statistics to the Permanent Central Board, the High Contracting Parties shall give the reasons for any such excess.

Article 7.

There shall be deducted from the total quantity of each drug permitted under Article 6 to be manufactured in any country or territory during any one year:

(i) Any amounts of that drug imported including any returned deliveries of the drug, less quantities re-exported.

(ii) Any amounts of the drug seized and utilised as such for domestic consumption or for conversion.

If it should be impossible to make any of the above deductions during the course of the current year, any amounts remaining in excess at the end of the year shall be deducted from the estimates for the following year.

Article 8.

The full amount of any of the drugs imported into or manufactured in any country or territory for the purpose of conversion in accordance with the estimates for that country or territory shall, if possible, be utilised for that purpose within the period for which the estimate applies.

In the event, however, of it being impossible to utilise the full amount for that purpose within the period in question, the portion remaining unused at the end of the year shall be deducted from the estimates for that country or territory for the following year.

Article 9.

If at the moment when all the provisions of the Convention shall have come into force, the then existing stocks of any of the drugs in any country or territory exceeds the amount of the reserve stocks of that drug, which, according to the estimates for that country or territory, it is desired to maintain, such excess shall be deducted from the quantity which, during the year, could ordinarily be imported or manufactured as the case may be under the provisions of this Convention.

Alternatively, the excess stocks existing at the moment when all the provisions of the Convention shall have come into force shall be taken possession of by the Government and released from time to time in such quantities only as may be in conformity with the present Convention. Any quantities so released during any year shall be deducted from the total amount to be manufactured or imported as the case may be during that year.

CHAPTER IV. — PROHIBITIONS AND RESTRICTIONS.

Article 10.

1. The High Contracting Parties shall prohibit the export from their territories of diacetylmorphine, its salts, and preparations containing diacetylmorphine, or its salts.

2. Toutefois, sur demande émanant du gouvernement d'un pays où la diacétylmorphine n'est pas fabriquée, toute Haute Partie contractante pourra autoriser l'exportation à destination de ce pays des quantités de diacétylmorphine, de ses sels et des préparations contenant de la diacétylmorphine ou ses sels, qui sont nécessaires pour les besoins médicaux et scientifiques de ce pays, à la condition que cette demande soit accompagnée d'un certificat d'importation et soit adressée à l'administration officielle indiquée dans le certificat.

3. Toutes les quantités ainsi importées seront distribuées par le gouvernement du pays importateur et sous sa responsabilité.

Article 11.

1. Le commerce et la fabrication commerciale de tout produit dérivé de l'un des alcaloïdes phénanthrènes de l'opium ou des alcaloïdes ecgoniniques de la feuille de coca, qui ne sera pas utilisé à la date de ce jour pour des besoins médicaux ou scientifiques, ne pourront être permis dans un pays ou territoire quelconque que si la valeur médicale ou scientifique de ce produit a été constatée d'une manière jugée probante par le gouvernement intéressé.

Dans ce cas, à moins que le gouvernement ne décide que le produit en question n'est pas susceptible d'engendrer la toxicomanie ou d'être converti en un produit susceptible d'engendrer la toxicomanie, les quantités dont la fabrication est autorisée ne devront pas, dans l'attente des décisions mentionnées ci-après, dépasser le total des besoins intérieurs du pays ou du territoire pour des fins médicales et scientifiques et la quantité nécessaire pour satisfaire aux commandes d'exportation, et les dispositions de la présente Convention seront appliquées audit produit.

2. La Haute Partie contractante qui autorisera le commerce ou la fabrication commerciale d'un de ces produits en avisera immédiatement le Secrétaire général de la Société des Nations, qui communiquera cette notification aux autres Hautes Parties contractantes et au Comité d'hygiène de la Société.

3. Le Comité d'hygiène, après avoir soumis la question au Comité permanent de l'Office international d'hygiène publique, décidera si le produit dont il s'agit peut engendrer la toxicomanie (et doit être assimilé de ce fait aux « drogues » mentionnées dans le sous-groupe *a*) du groupe I, ou s'il peut être transformé en une de ces mêmes drogues (et être, de ce fait, assimilé aux « drogues » mentionnées dans le sous-groupe *b*) du groupe I ou dans le groupe II).

4. Si le Comité d'hygiène décide que, sans être une « drogue » susceptible d'engendrer la toxicomanie, le produit dont il s'agit peut être transformé en une telle « drogue », la question de savoir si ladite « drogue » rentre dans le sous-groupe *b*) du groupe I ou dans le groupe II sera soumise pour décision à un Comité de trois experts qualifiés pour en examiner les aspects scientifiques et techniques. Deux de ces experts seront désignés respectivement par le gouvernement intéressé et par la Commission consultative de l'opium; le troisième sera désigné par les deux précités.

5. Toute décision prise conformément aux deux paragraphes précédents sera portée à la connaissance du Secrétaire général de la Société des Nations, qui la communiquera à tous les Membres de la Société et aux Etats non membres mentionnés à l'article 27.

6. S'il résulte de ces décisions que le produit en question peut engendrer la toxicomanie ou peut être transformé en une « drogue » susceptible de l'engendrer, les Hautes Parties contractantes, dès la réception de la communication du Secrétaire général, soumettront ladite « drogue » au régime prévu par la présente Convention, suivant qu'elle sera comprise dans le groupe I ou dans le groupe II.

7. Sur la demande de toute Haute Partie contractante adressée au Secrétaire général, toute décision de cette nature pourra être révisée à la lumière de l'expérience acquise et conformément à la procédure indiquée ci-dessus.

Article 12.

1. L'importation ou l'exportation d'une « drogue » quelconque, en provenance ou à destination du territoire d'une Haute Partie contractante, ne pourront être effectuées que conformément aux dispositions de la présente Convention.

2. Les importations d'une « drogue » quelconque, dans un pays ou territoire quelconque et pour une année quelconque, ne pourront excéder le total des évaluations définies à l'article 5 et de la quantité exportée de ce pays ou territoire pendant la même année, déduction faite de la quantité fabriquée dans le pays ou territoire pendant la même année.

CHAPITRE V. — CONTRÔLE.

Article 13.

1. *a*) Les Hautes Parties contractantes appliqueront à toutes les « drogues » du groupe I les dispositions de la Convention de Genève, dont celle-ci prévoit l'application aux substances spécifiées à son article 4 (ou des dispositions équivalentes). Les Hautes Parties contractantes appliqueront aussi ces dispositions aux préparations de la morphine et cocaïne visées à cet article 4 et à toutes les préparations des autres « drogues » du groupe I, sauf les préparations qui peuvent être soustraites au régime de la Convention de Genève, conformément à l'article 8 de cette Convention.

b) Les Hautes Parties contractantes appliqueront aux solutions ou dilutions de morphine ou de cocaïne, ou de leurs sels, dans une substance inerte, liquide ou solide, et contenant 0,2% ou moins de morphine ou 0,1% ou moins de cocaïne, le même traitement qu'aux préparations contenant un pourcentage plus élevé.

2. Nevertheless, on the receipt of a request from the Government of any country in which diacetylmorphine is not manufactured, any High Contracting Party may authorise the export to that country of such quantities of diacetylmorphine, its salts, and preparations containing diacetylmorphine or its salts, as are necessary for the medical and scientific needs of that country, provided that the request is accompanied by an import certificate and is consigned to the Government Department indicated in the certificate.

3. Any quantities so imported shall be distributed by and on the responsibility of the Government of the importing country.

Article 11.

1. No trade in or manufacture for trade of any product obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca leaf, not in use on this day's date for medical or scientific purposes shall take place in any country or territory unless and until it has been ascertained to the satisfaction of the Government concerned that the product in question is of medical or scientific value.

In this case (unless the Government determines that such product is not capable of producing addiction or of conversion into a product capable of producing addiction) the quantities permitted to be manufactured, pending the decision hereinafter referred to, shall not exceed the total of the domestic requirements of the country or territory for medical and scientific needs, and the quantity required for export orders and the provisions of this Convention shall apply.

2. Any High Contracting Party permitting trade in or manufacture for trade of any such product to be commenced shall immediately send a notification to that effect to the Secretary-General of the League of Nations, who shall advise the other High Contracting Parties and the Health Committee of the League.

3. The Health Committee will thereupon, after consulting the Permanent Committee of the Office international d'Hygiène publique, decide whether the product in question is capable of producing addiction (and is in consequence assimilable to the drugs mentioned in Sub-group (a) of Group I), or whether it is convertible into such a drug (and is in consequence assimilable to the drugs mentioned in Sub-group (b) of Group I or in Group II).

4. In the event of the Health Committee deciding that the product is not itself a drug capable of producing addiction, but is convertible into such a drug, the question whether the drug in question shall fall under sub-group (b) of Group I or under Group II shall be referred for decision to a body of three experts competent to deal with the scientific and technical aspects of the matter, of whom one member shall be selected by the Government concerned, one by the Opium Advisory Committee of the League, and the third by the two members so selected.

5. Any decisions arrived at in accordance with the two preceding paragraphs shall be notified to the Secretary-General of the League of Nations, who will communicate it to all the Members of the League and to the non-member States mentioned in Article 27.

6. If the decisions are to the effect that the product in question is capable of producing addiction or is convertible into a drug capable of producing addiction, the High Contracting Parties will, upon receipt of the communication from the Secretary-General, apply to the drug the appropriate régime laid down in the present Convention according as to whether it falls under Group I or under Group II.

7. Any such decisions may be revised, in accordance with the foregoing procedure, in the light of further experience, on an application addressed by any High Contracting Party to the Secretary-General.

Article 12.

1. No import of any of the drugs into the territories of any High Contracting Party or export from those territories shall take place except in accordance with the provisions of this Convention.

2. The imports in any one year into any country or territory of any of the drugs shall not exceed the total of the estimates as defined in Article 5 and of the amount exported from that country or territory during the year, less the amount manufactured in that country or territory in that year.

CHAPTER V. — CONTROL.

Article 13.

1. (a) The High Contracting Parties shall apply to all the drugs in Group I the provisions of the Geneva Convention which are thereby applied to substances specified in its fourth Article (or provisions in conformity therewith). The High Contracting Parties shall also apply these provisions to preparations made from morphine and cocaine and covered by Article 4 of the Geneva Convention and to all other preparations made from the other drugs in Group I except such preparations as may be exempted from the provisions of the Geneva Convention under its eighth Article.

(b) The High Contracting Parties shall treat solutions or dilutions of morphine or cocaine or their salts in an inert substance, liquid or solid, which contain 0.2 per cent or less of morphine or 0.1 per cent or less of cocaine in the same way as preparations containing more than these percentages.

2. Les Hautes Parties contractantes appliqueront aux « drogues » qui sont ou qui peuvent être comprises dans le groupe II les dispositions suivantes de la Convention de Genève ou des dispositions équivalentes:

- a) Les dispositions des articles 6 et 7, en tant qu'elles s'appliquent à la fabrication, à l'importation, à l'exportation et au commerce de gros de ces « drogues »;
- b) Les dispositions du chapitre V, sauf en ce qui concerne les compositions qui contiennent l'une de ces « drogues » et qui se prêtent à une application thérapeutique normale;
- c) Les dispositions des alinéas 1b), c) et e) et de l'alinéa 2 de l'article 22, étant entendu:
 - i) Que les statistiques des importations et des exportations pourront être envoyées annuellement et non trimestriellement, et
 - ii) Que l'alinéa 1b) et l'alinéa 2 de l'article 22 ne seront pas applicables aux préparations qui contiennent ces « drogues ».

Article 14.

1. Les gouvernements qui auront délivré une autorisation d'exportation, à destination de pays ou de territoires auxquels ne s'appliquent ni la présente Convention ni la Convention de Genève, pour une « drogue » qui est ou pourra être comprise dans le groupe I en aviseront immédiatement le Comité central permanent. Il est entendu que si les demandes d'exportation s'élèvent à 5 kilogrammes ou davantage, l'autorisation ne sera pas délivrée avant que le gouvernement soit assuré auprès du Comité central permanent que l'exportation ne provoquera pas un dépassement des évaluations pour le pays ou territoire importateur. Si le Comité central permanent fait savoir qu'il y aura un dépassement, le gouvernement n'autorisera pas l'exportation de la quantité qui provoquerait ce dépassement.

2. S'il ressort des relevés des importations et des exportations adressés au Comité central permanent ou des notifications faites à ce Comité, conformément au paragraphe précédent, que la quantité exportée ou dont l'exportation a été autorisée à destination d'un pays ou territoire quelconque dépasse le total des évaluations définies à l'article 5 pour ce pays ou ce territoire, pour cette année, augmenté de ses exportations constatées, le Comité en avisera immédiatement toutes les Hautes Parties contractantes. Celles-ci ne pourront plus autoriser, pendant l'année en question, aucune nouvelle exportation à destination dudit pays ou territoire, sauf

- i) Dans le cas où une évaluation supplémentaire sera fournie, en ce qui concerne à la fois toute quantité importée en excédent et la quantité supplémentaire requise, ou
- ii) Dans les cas exceptionnels où l'exportation est, de l'avis du gouvernement du pays exportateur, essentielle aux intérêts de l'humanité ou au traitement des malades.

3. Le Comité central permanent préparera chaque année un état indiquant pour chaque pays ou territoire et pour l'année précédente:

- a) Les évaluations de chaque « drogue »;
- b) La quantité de chaque « drogue » consommée;
- c) La quantité de chaque « drogue » fabriquée;
- d) La quantité de chaque « drogue » transformée;
- e) La quantité de chaque « drogue » importée;
- f) La quantité de chaque « drogue » exportée;
- g) La quantité de chaque « drogue » employée à la confection des préparations pour l'exportation desquelles les autorisations d'exportation ne sont pas requises.

S'il résulte dudit état que l'une des Hautes Parties contractantes a ou peut avoir manqué aux obligations prévues par la présente Convention, le Comité sera en droit de lui demander des explications par l'entremise du Secrétaire général de la Société des Nations, et la procédure prévue par les paragraphes 2 à 7 de l'article 24 de la Convention de Genève sera applicable.

Le Comité publiera, le plus tôt possible, l'état visé ci-dessus, et, à moins qu'il ne le juge pas nécessaire, un résumé des explications données ou demandées conformément à l'alinéa précédent, ainsi que toutes observations qu'il tiendrait à faire concernant ces explications ou demandes d'explications.

En publiant les statistiques et autres informations qu'il reçoit en vertu de la présente Convention, le Comité central permanent aura soin de ne faire figurer dans ces publications aucune indication susceptible de favoriser les opérations des spéculateurs ou de porter préjudice au commerce légitime d'une quelconque des Hautes Parties contractantes.

CHAPITRE VI. — DISPOSITIONS ADMINISTRATIVES.

Article 15.

Les Hautes Parties contractantes prendront toutes les mesures législatives ou autres nécessaires pour donner effet dans leurs territoires aux dispositions de la présente Convention.

Les Hautes Parties contractantes établiront, si elles ne l'ont déjà fait, une administration spéciale ayant pour mission:

- a) D'appliquer les prescriptions de la présente Convention;
- b) De réglementer, surveiller et contrôler le commerce des « drogues »;
- c) D'organiser la lutte contre la toxicomanie, en prenant toutes les mesures utiles pour en empêcher le développement et pour combattre le trafic illicite.

2. The High Contracting Parties shall apply to the drugs which are or may be included in Group II the following provisions of the Geneva Convention (or provisions in conformity therewith):

(a) The provisions of Articles 6 and 7 in so far as they relate to the manufacture, import, export and wholesale trade in those drugs;

(b) The provisions of Chapter V, except as regards compounds containing any of these drugs which are adapted to a normal therapeutic use;

(c) The provisions of paragraphs 1 (b), (c) and (e) and paragraph 2 of Article 22¹ provided:

(i) That the statistics of import and export may be sent annually instead of quarterly, and

(ii) That paragraph 1 (b) and paragraph 2 of Article 22 shall not apply to preparations containing any of these drugs.

Article 14.

1. Any Government which has issued an authorisation for the export of any of the drugs which are or may be included in Group I to any country or territory to which neither this Convention nor the Geneva Convention applies shall immediately notify the Permanent Central Board of the issue of the authorisation; provided that, if the request for export amounts to 5 kilogrammes or more, the authorisation shall not be issued until the Government has ascertained from the Permanent Central Board that the export will not cause the estimates for the importing country or territory to be exceeded. If the Permanent Central Board sends a notification that such an excess would be caused, the Government will not authorise the export of any amount which would have that effect.

2. If it appears from the import and export returns made to the Permanent Central Board or from the notifications made to the Board in pursuance of the preceding paragraph that the quantity exported or authorised to be exported to any country or territory exceeds the total of the estimates for that country or territory as defined in Article 5, with the addition of the amounts shown to have been exported, the Board shall immediately notify the fact to all the High Contracting Parties, who will not, during the currency of the year in question, authorise any new exports to that country except:

(i) In the event of a supplementary estimate being furnished for that country in respect both of any quantity over-imported and of the additional quantity required; or

(ii) In exceptional cases where the export in the opinion of the Government of the exporting country is essential in the interests of humanity or for the treatment of the sick.

3. The Permanent Central Board shall each year prepare a statement showing, in respect of each country or territory for the preceding year:

(a) The estimates in respect of each drug;

(b) The amount of each drug consumed;

(c) The amount of each drug manufactured;

(d) The amount of each drug converted;

(e) The amount of each drug imported;

(f) The amount of each drug exported;

(g) The amount of each drug used for the compounding of preparations, exports of which do not require export authorisations.

If such statement indicates that any High Contracting Party has or may have failed to carry out his obligations under this Convention, the Board shall have the right to ask for explanations, through the Secretary-General of the League of Nations, from that High Contracting Party, and the procedure specified in paragraphs 2 to 7 of Article 24 of the Geneva Convention shall apply in any such case.

The Board shall, as soon as possible thereafter, publish the statement above mentioned together with an account, unless it thinks it unnecessary, of any explanations given or required in accordance with the preceding paragraph and any observations which the Board may desire to make in respect of any such explanation or request for an explanation.

The Permanent Central Board shall take all necessary measures to ensure that the statistics and other information which it receives under this Convention shall not be made public in such a manner as to facilitate the operations of speculators or to injure the legitimate commerce of any High Contracting Party.

CHAPTER VI. — ADMINISTRATIVE PROVISIONS.

Article 15.

The High Contracting Parties shall take all necessary legislative or other measures in order to give effect within their territories to the provisions of this Convention.

The High Contracting Parties shall, if they have not already done so, create a special administration for the purpose of:

(a) Applying the provisions of the present Convention;

(b) Regulating, supervising and controlling the trade in the drugs;

(c) Organising the campaign against drug addiction, by taking all useful steps to prevent its development and to suppress the illicit traffic.

Article 16.

1. Chacune des Hautes Parties contractantes exercera une surveillance rigoureuse sur :

- a) Les quantités de matières premières et de « drogues » manufacturées qui se trouvent en la possession de chaque fabricant aux fins de fabrication ou de transformation de chacune de ces « drogues » ou à toutes autres fins utiles ;
- b) Les quantités de « drogues » (ou de préparations contenant ces drogues) produites ;
- c) La manière dont il est disposé des « drogues » et préparations ainsi produites, notamment leur distribution au commerce, à la sortie de la fabrique.

2. Les Hautes Parties contractantes ne permettront pas l'accumulation entre les mains d'un fabricant quelconque de quantités de matières premières dépassant les quantités requises pour le fonctionnement économique de l'entreprise, en tenant compte des conditions du marché. Les quantités de matières premières en la possession de tout fabricant, à un moment quelconque, ne dépasseront pas les quantités nécessaires pour les besoins de la fabrication pendant le semestre suivant, à moins que le gouvernement, après enquête, n'estime que des conditions exceptionnelles justifient l'accumulation de quantités additionnelles, mais, en aucun cas, les quantités totales qui pourront être accumulées ainsi ne devront dépasser l'approvisionnement d'une année.

Article 17.

Chacune des Hautes Parties contractantes astreindra chaque fabricant établi sur ses territoires à fournir des rapports trimestriels indiquant :

- a) Les quantités de matières premières et de chaque « drogue » qu'il a reçues dans sa fabrique, ainsi que les quantités de « drogues » ou de tout autre produit, quel qu'il soit, fabriqué avec chacune de ces substances. En signalant les quantités de matières premières ainsi reçues par lui, le fabricant indiquera la proportion de morphine, de cocaïne ou d'ecgonine contenue dans celles-ci ou qui peut en être retirée — proportion qui sera déterminée par une méthode prescrite par le gouvernement et dans des conditions que le gouvernement considère comme satisfaisantes ;
- b) Les quantités, soit de matières premières, soit de produits manufacturés à l'aide de ces matières, qui ont été utilisées au cours du trimestre ;
- c) Les quantités restant en stock à la fin du trimestre.

Chacune des Hautes Parties contractantes astreindra chaque négociant en gros établi sur ses territoires à fournir, à la fin de chaque année, un rapport spécifiant pour chaque « drogue » la quantité de cette « drogue » contenue dans les préparations exportées ou importées au cours de l'année et pour l'exportation ou l'importation desquelles il n'est pas requis d'autorisation.

Article 18.

Chacune des Hautes Parties contractantes s'engage à ce que toutes les « drogues » du groupe I qu'elle saisira dans le trafic illicite soient détruites ou transformées en substances non stupéfiantes ou réservées à l'usage médical ou scientifique, soit par le gouvernement, soit sous son contrôle, une fois que ces « drogues » ne sont plus nécessaires pour la procédure judiciaire ou toute autre action de la part des autorités de l'Etat. Dans tous les cas, la diacétylmorphine devra être détruite ou transformée.

Article 19.

Les Hautes Parties contractantes exigeront que les étiquettes sous lesquelles est mise en vente une « drogue » quelconque ou une préparation contenant cette « drogue » indiquent le pourcentage de celle-ci. Elles devront aussi en indiquer le nom de la manière prévue par la législation nationale.

CHAPITRE VII. — DISPOSITIONS GÉNÉRALES.

Article 20.

1. Toute Haute Partie contractante dans l'un quelconque des territoires de laquelle une « drogue » quelconque sera fabriquée ou transformée au moment de l'entrée en vigueur de la présente Convention ou qui, à ce moment ou ultérieurement, se proposera d'autoriser sur son territoire cette fabrication ou transformation, enverra une notification au Secrétaire général de la Société des Nations en indiquant si la fabrication ou la transformation est destinée aux besoins intérieurs seulement ou également à l'exportation, et à quelle époque cette fabrication ou transformation commencera ; elle spécifiera également les « drogues » qui doivent être fabriquées ou transformées, ainsi que le nom et l'adresse des personnes ou des maisons autorisées.

2. Au cas où la fabrication ou la transformation de l'une quelconque des « drogues » cesserait sur son territoire, la Haute Partie contractante enverra une notification à cet effet au Secrétaire général en indiquant la date et le lieu où cette fabrication ou transformation a cessé ou cessera et en spécifiant les « drogues » visées, les personnes ou maisons visées, ainsi que leur nom et leur adresse.

3. Les renseignements fournis conformément aux paragraphes 1 et 2 seront communiqués par le Secrétaire général aux Hautes Parties contractantes.

Article 16.

1. Each High Contracting Party shall exercise a strict supervision over:

(a) The amounts of raw material and manufactured drugs in the possession of each manufacturer for the purpose of the manufacture or conversion of any of the drugs or otherwise;

(b) The quantities of the drugs or preparations containing the drugs produced;

(c) The disposal of the drugs and preparations so produced with especial reference to deliveries from the factories.

2. No High Contracting Party shall allow the accumulation in the possession of any manufacturer of quantities of raw materials in excess of those required for the economic conduct of business, having regard to the prevailing market conditions. The amounts of raw material in the possession of any manufacturer at any one time shall not exceed the amounts required by that manufacturer for manufacture during the ensuing six months, unless the Government, after due investigation, considers that exceptional conditions warrant the accumulation of additional amounts, but in no case shall the total quantities which may be accumulated exceed one year's supply.

Article 17.

Each High Contracting Party shall require each manufacturer within his territories to submit quarterly reports stating:

(a) The amount of raw materials and of each of the drugs received into the factory by such manufacturer and the quantities of the drugs, or any other products whatever, produced from each of these substances. In reporting the amounts of raw materials so received, the manufacturer shall state the proportion of morphine, cocaine or ecgonine contained in or producible therefrom as determined by a method prescribed by the Government and under conditions considered satisfactory by the Government;

(b) The quantities of either the raw material or the products manufactured therefrom which were disposed of during the quarter;

(c) The quantities remaining in stock at the end of the quarter.

Each High Contracting Party shall require each wholesaler within his territories to make at the close of each year a report stating, in respect of each of the drugs, the amount of that drug contained in preparations, exported or imported during the year, for the export or import of which authorisations are not required.

Article 18.

Each High Contracting Party undertakes that any of the drugs in Group I which are seized by him in the illicit traffic shall be destroyed or converted into non-narcotic substances or appropriated for medical or scientific use, either by the Government or under its control, when these are no longer required for judicial proceedings or other action on the part of the authorities of the State. In all cases diacetylmorphine shall either be destroyed or converted.

Article 19.

The High Contracting Parties will require that the labels under which any of the drugs, or preparations containing those drugs, are offered for sale, shall show the percentage of the drugs. These labels shall also indicate the name of the drugs as provided for in the national legislation.

CHAPTER VII. — GENERAL PROVISIONS.

Article 20.

1. Every High Contracting Party in any of whose territories any of the drugs is being manufactured or converted, at the time when this Convention comes into force, or in which he proposes either at that time or subsequently to authorise such manufacture or conversion, shall notify the Secretary-General of the League of Nations indicating whether the manufacture or conversion is for domestic needs only or also for export, the date on which such manufacture or conversion will begin, and the drugs to be manufactured or converted, as well as the names and addresses of persons or firms authorised.

2. In the event of the manufacture or conversion of any of the drugs ceasing in the territory of any High Contracting Party, he shall notify the Secretary-General to that effect, indicating the place and date at which such manufacture or conversion has ceased or will cease and specifying the drugs affected, as well as the names and addresses of persons or firms concerned.

3. The information furnished under this Article shall be communicated by the Secretary-General to the High Contracting Parties.

Article 21.

Les Hautes Parties contractantes se communiqueront par l'entremise du Secrétaire général de la Société des Nations les lois et règlements promulgués pour donner effet à la présente Convention, et lui transmettront un rapport annuel relatif au fonctionnement de la Convention sur leurs territoires, conformément à un formulaire établi par la Commission consultative du trafic de l'opium et autres « drogues » nuisibles.

Article 22.

Les Hautes Parties contractantes feront figurer dans les statistiques annuelles fournies par elles au Comité central permanent les quantités de chacune des « drogues » employées par les fabricants et grossistes pour la confection de préparations, destinées à la consommation intérieure ou à l'exportation, pour l'exportation desquelles les autorisations ne sont pas requises.

Les Hautes Parties contractantes feront également figurer dans leurs statistiques un résumé des relevés établis par les fabricants, conformément à l'article 17.

Article 23.

Les Hautes Parties contractantes se communiqueront par l'entremise du Secrétaire général de la Société des Nations, dans un délai aussi bref que possible, des renseignements sur tout cas de trafic illicite découvert par elles et qui pourra présenter de l'importance, soit en raison des quantités de « drogues » en cause, soit en raison des indications que ce cas pourra fournir sur les sources qui alimentent en « drogues » le trafic illicite ou les méthodes employées par les trafiquants illicites.

Ces renseignements indiqueront, dans toute la mesure possible :

- a) La nature et la quantité des « drogues » en cause;
- b) L'origine des « drogues », les marques et étiquettes;
- c) Les points de passage où les « drogues » ont été détournées dans le trafic illicite;
- d) Le lieu d'où les « drogues » ont été expédiées et les noms des expéditeurs, agents d'expédition ou commissionnaires, les méthodes de consignation et les noms et adresses des destinataires s'ils sont connus.
- e) Les méthodes employées et routes suivies par les contrebandiers et éventuellement les noms des navires qui ont servi au transport;
- f) Les mesures prises par les gouvernements en ce qui concerne les personnes impliquées (et, en particulier, celles qui posséderaient des autorisations ou des licences), ainsi que les sanctions appliquées;
- g) Tous autres renseignements qui pourraient aider à la suppression du trafic illicite.

Article 24.

La présente Convention complétera les Conventions de La Haye de 1912 et de Genève de 1925 dans les rapports entre les Hautes Parties contractantes liées par l'une au moins de ces dernières Conventions.

Article 25.

S'il s'élève entre les Hautes Parties contractantes un différend quelconque relatif à l'interprétation ou à l'application de la présente Convention, et si ce différend n'a pu être résolu de façon satisfaisante par voie diplomatique, il sera réglé conformément aux dispositions en vigueur entre les Parties concernant le règlement des différends internationaux.

Au cas où de telles dispositions n'existeraient pas entre les Parties au différend, elles le soumettront à une procédure arbitrale ou judiciaire. À défaut d'un accord sur le choix d'un autre tribunal, elles soumettront le différend, à la requête de l'une d'elles, à la Cour permanente de Justice internationale, si elles sont toutes parties au Protocole du 16 décembre 1920, relatif au Statut de ladite Cour, et, si elles n'y sont pas toutes parties, à un tribunal d'arbitrage, constitué conformément à la Convention de La Haye du 18 octobre 1907, pour le règlement pacifique des conflits internationaux.

Article 26.

Toute Haute Partie contractante pourra déclarer, au moment de la signature, de la ratification ou de l'adhésion, qu'en acceptant la présente Convention, elle n'assume aucune obligation pour l'ensemble ou une partie de ses colonies, protectorats, territoires d'outre-mer ou territoires placés sous sa souveraineté ou sous son mandat, et la présente Convention ne s'appliquera pas aux territoires mentionnés dans cette déclaration.

Toute Haute Partie contractante pourra ultérieurement donner, à tout moment, avis au Secrétaire général de la Société des Nations qu'elle désire que la présente Convention s'applique à l'ensemble ou à une partie de ses territoires qui auront fait l'objet d'une déclaration aux termes de l'alinéa précédent, et la présente Convention s'appliquera à tous les territoires mentionnés dans cet avis, comme dans le cas d'un pays ratifiant la Convention ou y adhérant.

Chacune des Hautes Parties contractantes pourra déclarer à tout moment, après l'expiration de la période de cinq ans prévue à l'article 32, qu'elle désire que la présente Convention cesse de s'appliquer à l'ensemble ou à une partie de ses colonies, protectorats, territoires d'outre-mer

Article 21.

The High Contracting Parties shall communicate to one another through the Secretary-General of the League of Nations the laws and regulations promulgated in order to give effect to the present Convention, and shall forward to the Secretary-General an annual report on the working of the Convention in their territories, in accordance with a form drawn up by the Advisory Committee on Traffic in Opium and other Dangerous Drugs.

Article 22.

The High Contracting Parties shall include in the annual statistics furnished by them to the Permanent Central Board the amounts of any of the drugs used by manufacturers and wholesalers for the compounding of preparations whether for domestic consumption or for export for the export of which export authorisations are not required.

The High Contracting Parties shall also include a summary of the returns made by the manufacturers in pursuance of Article 17.

Article 23.

The High Contracting Parties will communicate to each other, through the Secretary-General of the League of Nations, as soon as possible, particulars of each case of illicit traffic discovered by them which may be of importance either because of the quantities involved or because of the light thrown on the sources from which drugs are obtained for the illicit traffic or the methods employed by illicit traffickers.

The particulars given shall indicate as far as possible:

- (a) The kind and quantity of drugs involved ;
- (b) The origin of the drugs, their marks and labels;
- (c) The points at which the drugs were diverted into the illicit traffic;
- (d) The place from which the drugs were despatched, and the names of shipping or forwarding agents or consignors; the methods of consignment and the name and address of consignees, if known ;
- (e) The methods and routes used by smugglers and names of ships, if any, in which the drugs have been shipped;
- (f) The action taken by the Government in regard to the persons involved, particularly those possessing authorisations or licences and the penalties imposed.
- (g) Any other information which would assist in the suppression of illicit traffic.

Article 24.

The present Convention shall supplement the Hague Convention of 1912 and the Geneva Convention of 1925 in the relations between the High Contracting Parties bound by at least one of these latter Conventions.

Article 25.

If there should arise between the High Contracting Parties a dispute of any kind relating to the interpretation or application of the present Convention and if such dispute cannot be satisfactorily settled by diplomacy, it shall be settled in accordance with any applicable agreements in force between the Parties providing for the settlement of international disputes.

In case there is no such agreement in force between the Parties, the dispute shall be referred to arbitration or judicial settlement. In the absence of agreement on the choice of another tribunal, the dispute shall, at the request of any one of the Parties, be referred to the Permanent Court of International Justice, if all the Parties to the dispute are Parties to the Protocol of December 16th, 1920, relating to the Statute of that Court, and, if any of the parties to the dispute is not a party to the Protocol of December 16th, 1920, to an arbitral tribunal constituted in accordance with the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

Article 26.

Any High Contracting Party may, at the time of signature, ratification, or accession, declare that, in accepting the present Convention, he does not assume any obligation in respect of all or any of his colonies, protectorates and overseas territories or territories under suzerainty or mandate, and the present Convention shall not apply to any territories named in such declaration.

Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that he desires that the Convention shall apply to all or any of his territories which have been made the subject of a declaration under the preceding paragraph, and the Convention shall apply to all the territories named in such notice in the same manner as in the case of a country ratifying or acceding to the Convention.

Any High Contracting Party may, at any time after the expiration of the five-years period mentioned in Article 32, declare that he desires that the present Convention shall cease to apply

ou territoires placés sous sa souveraineté ou sous son mandat, et la Convention cessera de s'appliquer aux territoires mentionnés dans cette déclaration, comme s'il s'agissait d'une dénonciation faite conformément aux dispositions de l'article 32.

Le Secrétaire général communiquera à tous les Membres de la Société, ainsi qu'aux Etats non membres mentionnés à l'article 27, toutes les déclarations et tous les avis reçus aux termes du présent article.

Article 27.

La présente Convention, dont les textes français et anglais feront également foi, portera la date de ce jour et sera, jusqu'au 31 décembre 1931, ouverte à la signature au nom de tout Membre de la Société des Nations ou de tout Etat non membre qui s'est fait représenter à la Conférence qui a élaboré la présente Convention, ou auquel le Conseil de la Société des Nations aura communiqué copie de la présente Convention à cet effet.

Article 28.

La présente Convention sera ratifiée. Les instruments de ratification seront transmis au Secrétaire général de la Société des Nations, qui en notifiera le dépôt à tous les Membres de la Société ainsi qu'aux Etats non membres visés à l'article précédent.

Article 29.

A dater du 1^{er} janvier 1932, tout Membre de la Société des Nations et tout Etat non membre visé à l'article 27 pourra adhérer à la présente Convention.

Les instruments d'adhésion seront transmis au Secrétaire général de la Société des Nations, qui en notifiera le dépôt à tous les Membres de la Société ainsi qu'aux Etats non membres visés audit article.

Article 30.

La présente Convention entrera en vigueur quatre-vingt-dix jours après que le Secrétaire général de la Société des Nations aura reçu les ratifications ou les adhésions de vingt-cinq Membres de la Société des Nations ou Etats non membres, y compris quatre Etats parmi les suivants :

Allemagne, Etats-Unis d'Amérique, France, Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, Japon, Pays-Bas, Suisse, Turquie.

Les dispositions autres que les articles 2 à 5 ne deviendront toutefois applicables que le 1^{er} janvier de la première année pour laquelle les évaluations seront fournies, conformément aux articles 2 à 5.

Article 31.

Les ratifications ou adhésions déposées après la date de l'entrée en vigueur de la présente Convention prendront effet à l'expiration d'un délai de quatre-vingt-dix jours à partir du jour de leur réception par le Secrétaire général de la Société des Nations.

Article 32.

A l'expiration d'un délai de cinq ans à partir de l'entrée en vigueur de la présente Convention, celle-ci pourra être dénoncée par un instrument écrit déposé auprès du Secrétaire général de la Société des Nations. Cette dénonciation, si elle est reçue par le Secrétaire général le 1^{er} juillet d'une année quelconque ou antérieurement à cette date, prendra effet le 1^{er} janvier de l'année suivante, et, si elle est reçue après le 1^{er} juillet, elle prendra effet comme si elle avait été reçue le 1^{er} juillet de l'année suivante ou antérieurement à cette date. Chaque dénonciation ne sera opérante que pour le Membre de la Société des Nations ou l'Etat non membre au nom duquel elle aura été déposée.

Le Secrétaire général notifiera à tous les Membres de la Société et aux Etats non membres mentionnés à l'article 27 les dénonciations ainsi reçues.

Si, par suite de dénonciations simultanées ou successives, le nombre des Membres de la Société des Nations et des Etats non membres qui sont liés par la présente Convention se trouve ramené à moins de vingt-cinq, la Convention cessera d'être en vigueur à partir de la date à laquelle la dernière de ces dénonciations prendra effet, conformément aux dispositions du présent article.

Article 33.

Une demande de révision de la présente Convention pourra être formulée en tout temps par tout Membre de la Société des Nations ou Etat non membre lié par la Convention, par voie de notification adressée au Secrétaire général de la Société des Nations. Cette notification sera communiquée par le Secrétaire général à tous les autres Membres de la Société des Nations et Etats non membres ainsi liés, et, si elle est appuyée par un tiers au moins d'entre elles, les Hautes Parties contractantes s'engagent à se réunir en une conférence aux fins de révision de la Convention.

Article 34.

La présente Convention sera enregistrée par le Secrétaire général de la Société des Nations le jour de l'entrée en vigueur de la Convention.

to all or any of his colonies, protectorates and overseas territories or territories under suzerainty or mandate, and the Convention shall cease to apply to the territories named in such declaration as if it were a denunciation under the provisions of Article 32.

The Secretary-General shall communicate to all the Members of the League and to the non-member States mentioned in Article 27, all declarations and notices received in virtue of this Article.

Article 27.

The present Convention, of which the French and English texts shall both be authoritative, shall bear this day's date, and shall, until December 31st, 1931, be open for signature on behalf of any Member of the League of Nations, or of any non-member State which was represented at the Conference which drew up this Convention, or to which the Council of the League of Nations shall have communicated a copy of the Convention for this purpose.

Article 28.

The present Convention shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League and to the non-member States referred to in the preceding Article.

Article 29.

As from January 1st, 1932, the present Convention may be acceded to on behalf of any Member of the League of Nations or any non-member State mentioned in Article 27.

The instruments of accession shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all the Members of the League and to the non-member States mentioned in that Article.

Article 30.

The present Convention shall come into force ninety days after the Secretary-General of the League of Nations has received the ratifications or accessions of twenty-five Members of the League of Nations or non-member States, including any four of the following:

France, Germany, United Kingdom of Great Britain and Northern Ireland, Japan, Netherlands, Switzerland, Turkey, and the United States of America.

Provided always that the provisions of the Convention other than Articles 2 to 5 shall only be applicable from the first of January in the first year in respect of which estimates are furnished in conformity with Articles 2 to 5.

Article 31.

Ratifications or accessions received after the date of the coming into force of this Convention shall take effect as from the expiration of the period of ninety days from the date of their receipt by the Secretary-General of the League of Nations.

Article 32.

After the expiration of five years from the date of the coming into force of this Convention, the Convention may be denounced by an instrument in writing, deposited with the Secretary-General of the League of Nations. The denunciation, if received by the Secretary-General on or before the first day of July in any year, shall take effect on the first day of January in the succeeding year, and, if received after the first day of July, shall take effect as if it had been received on or before the first day of July in the succeeding year. Each denunciation shall operate only as regards the Member of the League or non-member State on whose behalf it has been deposited.

The Secretary-General shall notify all the Members of the League and the non-member States mentioned in Article 27 of any denunciations received.

If, as a result of simultaneous or successive denunciations, the number of Members of the League and non-member States bound by the present Convention is reduced to less than twenty-five, the Convention shall cease to be in force as from the date on which the last of such denunciations shall take effect in accordance with the provisions of this Article.

Article 33.

A request for the revision of the present Convention may at any time be made by any Member of the League of Nations or non-member State bound by this Convention by means of a notice addressed to the Secretary-General of the League of Nations. Such notice shall be communicated by the Secretary-General to the other Members of the League of Nations or non-member States bound by this Convention, and, if endorsed by not less than one-third of them, the High Contracting Parties agree to meet for the purpose of revising the Convention.

Article 34.

The present Convention shall be registered by the Secretary-General of the League of Nations on the day of its entry into force.

EN FOI DE QUOI les plénipotentiaires sus-mentionnés ont signé la présente Convention.

FAIT à Genève, le treize juillet mil neuf cent trente et un, en un seul exemplaire, qui sera déposé dans les archives du Secrétariat de la Société des Nations, et dont les copies certifiées conformes seront remises à tous les Membres de la Société des Nations et aux Etats non membres mentionnés à l'article 27.

IN FAITH WHEREOF the above-mentioned Plenipotentiaries have signed the present Convention.

DONE at Geneva the thirteenth day of July, one thousand nine hundred and thirty-one, in a single copy, which shall remain deposited in the archives of the Secretariat of the League of Nations, and certified true copies of which shall be delivered to all the Members of the League and to the non-member States referred to in Article 27.

ALLEMAGNE

Freiherr VON RHEINBABEN

GERMANY

ÉTATS-UNIS D'AMÉRIQUE

John K. CALDWELL
Harry J. ANSLINGER
Walter Lewis TREADWAY
Sanborn YOUNG

UNITED STATES OF AMERICA

(1) The Government of the United States of America reserves the right to impose, for purpose of internal control and control of import into and export from territory under its jurisdiction, of opium, coca leaves, all of their derivatives and similar substances produced by synthetic process, measures stricter than the provisions of the Convention.

(2) The Government of the United States of America reserves the right to impose, for purposes of controlling transit through its territories of raw opium, coca leaves, all of their derivatives and similar substances produced by synthetic process, measures by which the production of an import permit issued by the country of destination may be made a condition precedent to the granting of permission for transit through its territory.

(3) The Government of the United States of America finds it impracticable to undertake to send statistics of import and export to the Permanent Central Opium Board short of sixty days after the close of the three-months period to which such statistics refer.

(4) The Government of the United States of America finds it impracticable to undertake to state separately amounts of drugs purchased or imported for Government purposes.

(5) Plenipotentiaries of the United States of America formally declare that the signing of the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs by them on the part of the United States of America on this date is not to be construed to mean that the Government of the United States of America recognises a regime or entity which signs or accedes to the Convention as the Government of a country when that regime or entity is not recognised by the Government of the United States of America as the Government of that country.

(6) The plenipotentiaries of the United States of America further declare that the participation of the United States of America in the Convention for limiting the Manufacture of and regulating the Distribution of Narcotics Drugs, signed on this date, does not involve any contractual obligation on the part of the United States of America to a country represented by a regime or entity which the Government of the United States of America does not recognise as the Government of that country until such country has a Government recognised by the Government of the United States of America.¹

J. K. C.
H. J. A.
W. L. T.
S. Y.

RÉPUBLIQUE ARGENTINE

Ad referendum
Fernando PEREZ

ARGENTINE REPUBLIC

¹ Traduction par le Secrétariat de la Société des Nations.

(1) Le Gouvernement des Etats-Unis d'Amérique se réserve le droit d'appliquer, en vue de l'exercice d'un contrôle intérieur et d'un contrôle des importations et des exportations d'opium, de feuilles de coca et de tous leurs dérivés, et de produits synthétiques analogues, effectués par les territoires placés sous sa juridiction, des mesures plus strictes que les dispositions de la Convention.

(2) Le Gouvernement des Etats-Unis d'Amérique se réserve le droit d'appliquer, en vue de l'exercice d'un contrôle sur le transit à travers ses territoires de l'opium brut, des feuilles de coca, de tous leurs dérivés et des produits synthétiques analogues, des mesures en vertu desquelles l'octroi d'une autorisation de transit à travers son territoire pourra être subordonné à la production d'un permis d'importation délivré par le pays de destination.

(3) Le Gouvernement des Etats-Unis d'Amérique ne voit pas la possibilité de s'engager à envoyer au Comité central permanent de l'opium des statistiques des importations et des exportations avant un délai de soixante jours à dater de la fin de la période de trois mois à laquelle se rapportent ces statistiques.

(4) Le Gouvernement des Etats-Unis d'Amérique ne voit pas la possibilité de s'engager à indiquer séparément les quantités de stupéfiants achetés ou importés pour les besoins de l'Etat.

(5) Les plénipotentiaires des Etats-Unis d'Amérique déclarent formellement que le fait qu'ils ont signé ce jour, pour le compte des Etats-Unis d'Amérique, la Convention pour la limitation de la fabrication et la réglementation de la distribution des stupéfiants, ne doit pas être interprété comme signifiant que le Gouvernement des Etats-Unis d'Amérique reconnaît un régime ou une entité qui signe la Convention ou y accède comme constituant le gouvernement d'un pays, lorsque ce régime ou cette entité n'est pas reconnu par le Gouvernement des Etats-Unis d'Amérique comme constituant le gouvernement de ce pays.

(6) Les plénipotentiaires des Etats-Unis d'Amérique déclarent, en outre, que la participation des Etats-Unis d'Amérique à la Convention pour la limitation de la fabrication et la réglementation de la distribution des stupéfiants, signée ce jour, n'implique aucune obligation contractuelle de la part des Etats-Unis d'Amérique à l'égard d'un pays représenté par un régime ou une entité que le Gouvernement des Etats-Unis d'Amérique ne reconnaît pas comme constituant le gouvernement de ce pays, tant que ce pays n'a pas un gouvernement reconnu par le Gouvernement des Etats-Unis d'Amérique.

AUTRICHE

E. PFLÜGL
D^r Bruno SCHULTZ

AUSTRIA

BELGIQUE

D^r F. DE MYTTENAERE

BELGIUM

BOLIVIE

M. CUELLAR

BOLIVIA

GRANDE-BRETAGNE
ET IRLANDE DU NORD

GREAT BRITAIN
AND NORTHERN IRELAND

ainsi que toutes parties de l'Empire britanni-
que non Membres séparés de la Société des
Nations.

and all parts of the British Empire which are
not separate Members of the League of Nations.

Malcolm DELEIVINGNE

CANADA

C. H. L. SHARMAN
W. A. RIDDELL

CANADA

INDE

R. P. PARANJPYE

INDIA

CHILI

Enrique J. GAJARDO V.

CHILE

COSTA-RICA

Viriato FIGUEREDO LORA.

COSTA RICA

CUBA

G. DE BLANCK
D^r B. PRIMELLES

CUBA

DANEMARK

Gustav RASMUSSEN

DENMARK

RÉPUBLIQUE DOMINICAINE

Ch. ACKERMANN

DOMINICAN REPUBLIC

ÉGYPTE

T. W. RUSSELL

EGYPT

ESPAGNE	Julio CASARES	SPAIN.
ÉTHIOPIE	C ^{te} LAGARDE duc d'ENTOTTO	ABYSSINIA
FRANCE	Le Gouvernement français fait toutes ses réserves en ce qui concerne les colonies, protectorats et pays sous mandat dépendant de son autorité, sur la possibilité de produire régulièrement dans le délai strictement imparti les statistiques trimestrielles visées par l'article 13 ¹ .	FRANCE
	G. BOURGOIS	
GUATÉMALA	Luis MARTINEZ MONT.	GUATEMALA
HEDJAZ, NEDJED ET DÉPENDANCES	HEJAZ, NEJD AND DEPENDENCIES	
	HAFIZ WAHBA	
ITALIE	CAVAZZONI Stefano	ITALY
JAPON	S. SAWADA S. OHDACHI	JAPAN
LIBÉRIA	D ^r A. SOTTILE Sous réserve de ratification du Sénat de la République de Libéria ² .	LIBERIA
LUXEMBOURG	Ch. G. VERMAIRE	LUXEMBURG
MEXIQUE	S. MARTINEZ DE ALVA	MEXICO
MONACO	C. HENTSCH.	MONACO

¹ Translation by the Secretariat of the League of Nations.

The French Government makes every reservation, with regard to the Colonies, Protectorates and Mandated Territories under its authority, as to the possibility of regularly producing the quarterly statistics referred to in Article 13 within the strict time-limit laid down.

² Translated by the Secretariat of the League of Nations.

Subject to ratification by the Senate of the Republic of Liberia.

PANAMA

D^r Ernesto HOFFMANN.

PANAMA

PARAGUAY

R. V. CABALLERO DE BEDOYA

PARAGUAY

PAYS-BAS

V. WETTUM

THE NETHERLANDS

PORTUGAL

Augusto DE VASCONCELLOS
A. M. FERRAZ DE ANDRADE

PORTUGAL

SAINT-MARIN

FERRI Charles Emile

SAN MARINO

SIAM

DAMRAS

As our Harmful Habit-forming Drugs Law goes beyond the provisions of the Geneva Convention and the present Convention on certain points, my Government reserves the right to apply our existing law. ¹

SIAM

SUISSE

Paul DINICHERT
Dr. H. CARRIÈRE

SWITZERLAND

TCHÉCOSLOVAQUIE

Zd. FIERLINGER

CZECHOSLOVAKIA

URUGUAY

Alfredo DE CASTRO

URUGUAY

VENEZUELA

Ad referendum
L. G. CHACIN ITRIAGO

VENEZUELA

¹ Traduction par le Secrétariat de la Société des Nations.

Etant donné que la loi siamoise relative aux drogues donnant lieu à une toxicomanie va plus loin que la Convention de Genève et que la présente Convention, en ce qui concerne certains points, mon gouvernement se réserve le droit d'appliquer la loi en question.

PROTOCOLE DE SIGNATURE

I. En signant la Convention pour limiter la fabrication et réglementer la distribution des stupéfiants en date de ce jour, les Plénipotentiaires soussignés, dûment autorisés à cet effet, et au nom de leurs gouvernements respectifs, déclarent être convenus de ce qui suit:

Si, à la date du 13 juillet 1933, ladite Convention n'est pas entrée en vigueur conformément aux dispositions de l'article 30, le Secrétaire général de la Société des Nations soumettra la situation au Conseil de la Société des Nations, qui pourra, soit convoquer une nouvelle conférence de tous les Membres de la Société des Nations et Etats non membres au nom desquels la Convention aura été signée ou des ratifications ou des adhésions auront été déposées, en vue d'examiner la situation, soit prendre les mesures qu'il considérerait comme nécessaires. Le gouvernement de chaque Membre de la Société des Nations ou Etat non membre signataire ou adhérent s'engage à se faire représenter à toute conférence ainsi convoquée.

II. Le Gouvernement du Japon a fait la réserve exprimée ci-dessous, qui est acceptée par les autres Hautes Parties contractantes:

La morphine brute produite au cours de la fabrication de l'opium à fumer dans la fabrique du Gouvernement général de Formose et tenue en stock par ce gouvernement, ne sera pas soumise aux mesures de limitation prévues à la présente Convention.

Il ne sera retiré de temps à autre de ces stocks de morphine brute que les quantités qui pourront être requises pour la fabrication de la morphine raffinée dans les fabriques munies d'une licence par le Gouvernement japonais conformément aux dispositions de la présente Convention.

PROTOCOL OF SIGNATURE.

I. When signing the Convention for limiting the manufacture and regulating the distribution of narcotic drugs dated this day, the undersigned Plenipotentiaries, duly authorised to that effect and in the name of their respective Governments, declare to have agreed as follows:

If, on July 13th, 1933, the said Convention is not in force in accordance with the provisions of Article 30, the Secretary-General of the League of Nations shall bring the situation to the attention of the Council of the League of Nations, which may either convene a new Conference of all the Members of the League and non-member States on whose behalf the Convention has been signed or ratifications or accessions deposited, to consider the situation, or take such measures as it considers necessary. The Government of every signatory or acceding Member of the League of Nations or non-member State undertakes to be present at any Conference so convened.

II. The Japanese Government made the following reservation, which is accepted by the other High Contracting Parties:

Crude morphine resulting from the manufacture of prepared opium in the factory of the Government-General of Formosa and held in stock by that Government shall not be subjected to the limitation measures provided for in this Convention.

Such stocks of crude morphine will only be released from time to time in such quantities as may be required for the manufacture of refined morphine in factories licensed by the Japanese Government in accordance with the provisions of the present Convention.

EN FOI DE QUOI les soussignés ont apposé leur signature au bas du présent protocole.

IN FAITH WHEREOF the undersigned have affixed their signatures to this Protocol.

FAIT à Genève, le treize juillet mil neuf cent trente et un, en simple expédition qui sera déposée dans les archives du Secrétariat de la Société des Nations; copie conforme en sera transmise à tous les Membres de la Société des Nations et à tous les Etats non membres représentés à la Conférence.

DONE at Geneva, the thirteenth day of July, one thousand nine hundred and thirty-one, in a single copy, which will remain deposited in the archives of the Secretariat of the League of Nations; certified true copies will be transmitted to all Members of the League of Nations and to all non-member States represented at the Conference.

ALLEMAGNE

Freiherr VON RHEINBABEN
Dr. KAHLER

GERMANY

ÉTATS-UNIS D'AMÉRIQUE

John K. CALDWELL
Harry J. ANSLINGER
Walter Lewis TREADWAY.
Sanborn YOUNG.

UNITED STATES OF AMERICA

RÉPUBLIQUE ARGENTINE

Ad referendum
Fernando PEREZ.

ARGENTINE REPUBLIC

AUTRICHE

E. PFLÜGL
Bruno SCHULTZ

AUSTRIA

BELGIQUE

Dr. F. DE MYTTENAERE

BELGIUM

BOLIVIE

M. CUELLAR

BOLIVIA

GRANDE-BRETAGNE
ET IRLANDE DU NORD

ainsi que toutes parties de l'Empire
britannique non membres séparés de la
Société des Nations.

GREAT BRITAIN
AND NORTHERN IRELAND

and all parts of the British
Empire which are not separate
Members of the League of Nations.

Malcolm DELEIVINGNE

CANADA

C. H. L. SHARMAN.
W. A. RIDDELL

CANADA

INDE

R. P. PARANJPYE

INDIA

CHILI

Enrique J. GAJARDO V.

CHILE

COSTA-RICA

Viriato FIGUEREDO LORA.

COSTA RICA

CUBA

G. DE BLANCK
Dr. B. PRIMELLES.

CUBA

DANEMARK

Gustav RASMUSSEN.

DENMARK

RÉPUBLIQUE DOMINICAINE

Ch. ACKERMANN.

DOMINICAN REPUBLIC

ÉGYPTE

T. W. RUSSELL

EGYPT

ESPAGNE

Julio CASARES

SPAIN

ÉTHIOPIE

C^{te} LAGARDE duc d'ENTOTTO

ABYSSINIA

FRANCE

G. BOURGOIS

FRANCE

GUATÉMALA

Luis MARTINEZ MONT

GUATEMALA

HEDJAZ, NEDJED ET DÉPENDANCES

HEJAZ, NEJD AND DEPENDENCIES

HAFIZ WAHBA

ITALIE

CAVAZZONI Stefano

ITALY

JAPON

S. SAWADA
S. OHDACHI

JAPAN

LITHUANIE

J. SAKALAUSKAS

LITHUANIA

LUXEMBOURG

Ch. G. VERMAIRE

LUXEMBURG

MEXIQUE

S. MARTINEZ DE ALVA

MEXICO

MONACO

C. HENTSCH.

MONACO

PANAMA

Dr. Ernesto HOFFMANN.

PANAMA

PARAGUAY

R.V. CABALLERO DE BEDOYA

PARAGUAY

PAYS-BAS

THE NETHERLANDS

My signature is subject to the reserve made by me
on § 2 of Article 22 in the morning meeting of
July 12th, 1931¹.

V. WETTUM

PORTUGAL

PORTUGAL

Augusto DE VASCONCELLOS
A. M. FERRAZ DE ANDRADE

SAINT-MARIN

SAN MARINO

FERRI Charles Emile

SIAM

SIAM

DAMRAS

SUISSE

SWITZERLAND

Paul DINICHERT
Dr. H. CARRIÈRE

URUGUAY

URUGUAY

Alfredo DE CASTRO

VENEZUELA

VENEZUELA

Ad referendum
L. G. CHACÍN ITRIAGO

¹ Traduction par le Secrétariat de la Société des Nations:

Ma signature est subordonnée à la réserve faite par moi relativement au paragraphe 2 de l'article 22, à la séance du matin du 12 juillet 1931.

ACTE FINAL

Les Gouvernements de l'ALBANIE, de l'ALLEMAGNE, des ETATS-UNIS D'AMÉRIQUE, de la RÉPUBLIQUE ARGENTINE, de l'AUTRICHE, de la BELGIQUE, de la BOLIVIE, du ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD, du CANADA, du CHILI, de la CHINE, de COSTA-RICA, de CUBA, du DANEMARK, de la VILLE LIBRE DE DANTZIG, de la RÉPUBLIQUE DOMINICAINE, de l'ÉGYPTE, de l'ESPAGNE, de l'ÉTHIOPIE, de la FINLANDE, de la FRANCE, de la GRÈCE, du GUATÉMALA, du HEDJAZ, NEDJED ET DÉPENDANCES, de la HONGRIE, de l'INDE, de l'ÉTAT LIBRE D'IRLANDE, de l'ITALIE, du JAPON, de la LETTONIE, du LIBÉRIA, de la LITHUANIE, du LUXEMBOURG, du MEXIQUE, de MONACO, de la NORVÈGE, de PANAMA, du PARAGUAY, des PAYS-BAS, du PÉROU, de la PERSE, de la POLOGNE, du PORTUGAL, de la ROUMANIE, de SAINT-MARIN, du SIAM, de l'UNION DES RÉPUBLIQUES SOVIÉTISTES SOCIALISTES, de la SUÈDE, de la SUISSE, de la TCHÉCOSLOVAQUIE, de la TURQUIE, de l'URUGUAY, du VENEZUELA et de la YOUGOSLAVIE,

Désirant compléter les dispositions des Conventions internationales de l'opium, signées à La Haye le 23 janvier 1912 et à Genève le 19 février 1925, en rendant effective par voie d'accord international la limitation de la fabrication des stupéfiants aux besoins légitimes du monde pour les usages médicaux et scientifiques, et en réglementant leur distribution;

Ayant reçu l'invitation qui leur a été adressée par le Conseil de la Société des Nations en exécution des résolutions adoptées par l'Assemblée de la Société des Nations, les 24 septembre 1929 et 1^{er} octobre 1930, afin d'étudier un projet de convention pour faciliter la limitation de la fabrication des stupéfiants aux besoins légitimes du monde pour les usages médicaux et scientifiques et régler leur distribution,

Ont, en conséquence, désigné les délégués ci-après:

ALBANIE

Délégué:

Son Excellence M. Lec KURTI, Ministre résident, Délégué permanent auprès de la Société des Nations.

ALLEMAGNE

Délégués:

M. Werner Freiherr VON RHEINBABEN, « Staatssekretär », z. D.
Le Dr Waldemar KAHLER, Conseiller ministériel au Ministère de l'Intérieur du Reich.

ÉTATS-UNIS D'AMÉRIQUE

Délégués:

M. John K. CALDWELL, Consul général, Président de la Délégation.
M. Harry J. ANSLINGER, Commissaire des stupéfiants.
M. Walter Lewis TREADWAY, M.D., F.A.C.P., Chirurgien général adjoint, Chef du Service de l'Hygiène publique des Etats-Unis, division de l'Hygiène mentale.
M. Sanborn YOUNG, Membre du Sénat de l'Etat de Californie.

FINAL ACT.

The Governments of ALBANIA, GERMANY, the UNITED STATES OF AMERICA, the ARGENTINE REPUBLIC, AUSTRIA, BELGIUM, BOLIVIA, the UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, CANADA, CHILE, CHINA, COSTA RICA, CUBA, DENMARK, the FREE CITY OF DANZIG, the DOMINICAN REPUBLIC, EGYPT, SPAIN, ABYSSINIA, FINLAND, FRANCE, GREECE, GUATEMALA, HEJAZ, NEJD AND DEPENDENCIES, HUNGARY, INDIA, the IRISH FREE STATE, ITALY, JAPAN, LATVIA, LIBERIA, LITHUANIA, LUXEMBURG, MEXICO, MONACO, NORWAY, PANAMA, PARAGUAY, the NETHERLANDS, PERU, PERSIA, POLAND, PORTUGAL, ROUMANIA, SAN MARINO, SIAM, the UNION OF SOVIET SOCIALIST REPUBLICS, SWEDEN, SWITZERLAND, CZECHOSLOVAKIA, TURKEY, URUGUAY, VENEZUELA and YUGOSLAVIA,

Desiring to supplement the provisions of the International Opium Conventions, signed at The Hague on January 23rd, 1912, and at Geneva on February 19th, 1925, by rendering effective by international agreement the limitation of the manufacture of narcotic drugs to the world's legitimate requirements for medical and scientific purposes, and by regulating their distribution,

Having received the invitation extended to them by the Council of the League of Nations in accordance with the resolutions adopted by the Assembly of the League of Nations on September 24th, 1929, and October 1st, 1930, in order to study a Draft Convention for facilitating the limitation of the manufacture of narcotic drugs to the world's legitimate requirements for medical and scientific purposes, and for regulating their distribution:

Have, in consequence, appointed the following Delegates:

ALBANIA

Delegate:

His Excellency M. Lec KURTI, Resident Minister, Permanent Delegate accredited to the League of Nations.

GERMANY

Delegates:

M. Werner Freiherr VON RHEINBABEN, "Staatssekretär" z. D.
Dr. Waldemar KAHLER, Ministerial Counsellor at the Ministry of Interior of the Reich.

UNITED STATES OF AMERICA

Delegates:

Mr. John K. CALDWELL, Consul-General, President of the Delegation.
Mr. Harry J. ANSLINGER, Commissioner of Narcotics.
Mr. Walter Lewis TREADWAY, M.D., F.A.C.P., Assistant Surgeon-General, United States Public Health, Service Chief, Division of Mental Hygiene.
Mr. Sanborn YOUNG, Member of the Senate of the State of California.

Conseillers techniques :

M. Lawrence B. DUNHAM.
M. John D. FARNHAM.
Le D^r Lyndon F. SMALL.

Secrétaire :

M. Winthrop S. GREENE, Secrétaire de la Légation des Etats-Unis d'Amérique à Berne.

RÉPUBLIQUE ARGENTINE

Délégué :

Son Excellence le D^r Fernando PEREZ, Ambassadeur extraordinaire et plénipotentiaire près Sa Majesté le Roi d'Italie.

AUTRICHE

Délégués :

M. Emerich PFLÜGL, Envoyé extraordinaire et Ministre plénipotentiaire, Représentant permanent auprès de la Société des Nations.
Le D^r Bruno SCHULTZ, Directeur de Police et Conseiller aulique, Membre de la Commission consultative du trafic de l'opium et autres drogues nuisibles.

BELGIQUE

Délégué :

Le D^r DE MYTTENAERE, Inspecteur principal des pharmacies.

BOLIVIE

Délégué :

Le D^r M. CUELLAR, Membre de la Commission consultative du trafic de l'opium et autres drogues nuisibles.

GRANDE-BRETAGNE ET IRLANDE DU NORD
ainsi que toutes parties de l'Empire britannique
non Membres séparés de la Société des Nations.

Délégué :

Sir Malcolm DELEVINGNE, K.C.B., Adjoint permanent au Secrétaire d'Etat, Ministère de l'Intérieur.

Conseillers techniques :

M. M. D. FERRIS, du Ministère de l'Intérieur.
M. G. G. FITZMAURICE, du Ministère des Affaires étrangères, Conseiller juridique de la délégation.

CANADA

Délégués :

Le colonel C. H. L. SHARMAN, C.M.G., C.B.E., Chef de la Division des stupéfiants, Département des Pensions et de l'Hygiène publique.
Le D^r Walter A. RIDDELL, M.A., Ph.D. « Advisory Officer » du Dominion du Canada auprès de la Société des Nations.

Secrétaire :

M. E. D'ARCY MCGREEV, deuxième Secrétaire à la Légation du Canada à Paris.

CHILI

Délégué :

M. Enrique GAJARDO, Membre de la Délégation permanente auprès de la Société des Nations.

Technical Advisers:

Mr. Lawrence B. DUNHAM,
Mr. John D. FARNHAM,
Dr. Lyndon F. SMALL.

Secretary:

Mr. Winthrop S. GREENE, Secretary of the Legation of the United States of America at Berne.

ARGENTINE REPUBLIC

Delegate:

His Excellency Dr. Fernando PEREZ, Ambassador Extraordinary and Plenipotentiary to His Majesty the King of Italy.

AUSTRIA

Delegates:

M. Emerich PFLÜGL, Envoy Extraordinary and Minister Plenipotentiary, Permanent Representative accredited to the League of Nations.
Dr. Bruno SCHULTZ, Police Director and "Conseiller aulique", Member of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

BELGIUM

Delegate:

Dr. DE MYTTENAERE, Principal Inspector of Chemistry.

BOLIVIA

Delegate:

Dr. M. CUELLAR, Member of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

GREAT BRITAIN AND NORTHERN IRELAND
and all parts of the British Empire which are not
separate Members of the League of Nations

Delegate:

Sir Malcolm DELEIVINGNE, K.C.B., Permanent Deputy Under-Secretary in the Home Office.

Technical Advisers:

Mr. M. D. PERRINS, of the Home Office;
Mr. G. G. FITZMAURICE, of the Foreign Office, Legal Adviser of the Delegation.

CANADA

Delegates:

Colonel C. H. L. SHARMAN, C.M.G., C.B.E., Chief, Narcotic Division, Department of Pensions and National Health;
Dr. Walter A. RIDDELL, M.A., Ph.D., Dominion of Canada Advisory Officer accredited to the League of Nations.

Secretary:

Mr. E. D'ARCY MCGREER, Second Secretary to the Canadian Legation at Paris.

CHILE

Delegate:

M. Enrique GAJARDO, Member of the Permanent Delegation accredited to the League of Nations.

CHINE

Délégués :

Le D^r WU LIEN-TEH, Directeur et fonctionnaire médical principal du Service antiseptique mandchourien à Kharbine, Directeur du Service national de quarantaine à Chang-Hai, Expert technique en chef de l'Administration de l'hygiène publique.
Son Excellence le D^r WOO KAISENG, Ministre plénipotentiaire, Directeur du Bureau permanent de la Délégation chinoise auprès de la Société des Nations.

Conseiller technique :

Le professeur Westel Woodbury WILLOUGHBY.

Délégué adjoint et Conseiller technique :

M. CHENG TING, Premier Secrétaire de Légation.

Secrétaire :

M. Roland H. OUANG, Attaché à la Légation de Chine à Berne.

COSTA-RICA

Délégué :

Le D^r Viriato FIGUEREDO LORA, Consul à Genève.

CUBA

Délégués :

Son Excellence M. Guillermo DE BLANCK, Envoyé extraordinaire et Ministre plénipotentiaire, Délégué permanent auprès de la Société des Nations.
Le D^r Benjamin PRIMELLES.

DANEMARK

Délégué :

M. Gustav RASMUSSEN, Chargé d'affaires à Berne.

VILLE LIBRE DE DANTZIG

Délégués :

Son Excellence le D^r Witold CHODZKO, Ancien Ministre, Chef de la Délégation.
Le D^r Guillaume ROZENBAUM, Conseiller médical, Chef du Service d'hygiène.

RÉPUBLIQUE DOMINICAINE

Délégué :

M. Charles ACKERMANN, Consul général à Genève.

EGYPTE

Délégué :

T. W. RUSSELL pacha, Commandant de la police du Caire et Directeur du Bureau central des informations relatives aux narcotiques.

ESPAGNE

Délégué :

M. Julio CASARES, Chef de section au Ministère des Affaires étrangères.

Délégué adjoint :

M. Paulino SUAREZ, Conseiller de l'Hygiène.

CHINA

Delegates:

Dr. WU LIEN-TEH, Director and Chief Medical Officer, Manchurian Plague Prevention Service, Harbin; Director, National Quarantine Service, Shanghai; Chief Technical Expert, National Health Administration.

His Excellency Dr. WOO KAISENG, Minister Plenipotentiary, Director of the Permanent Office of the Chinese Delegation to the League of Nations.

Technical Adviser:

Professor Westel Woodbury WILLOUGHBY.

Substitute and Technical Adviser:

M. CHENG TING, First Secretary of Legation.

Secretary:

M. Roland H. OUANG, Attaché to the Chinese Legation at Berne.

COSTA RICA

Delegate:

Dr. Viriato FIGUEREDO LORA, Consul at Geneva.

CUBA

Delegates:

His Excellency M. Guillermo DE BLANCK, Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations.

Dr. Benjamin PRIMELLES.

DENMARK

Delegate:

M. Gustav RASMUSSEN, Chargé d'affaires at Berne.

FREE CITY OF DANZIG

Delegates:

His Excellency Dr. Witold CHODZKO, Former Minister, Head of the Delegation.
Dr. Guillaume ROZENBAUM, Medical Adviser, Head of the Health Service.

DOMINICAN REPUBLIC

Delegate:

M. Charles ACKERMANN, Consul-General at Geneva.

EGYPT

Delegate:

T. W. RUSSELL PASHA, Chief of Police of Cairo and Director of the Central Bureau for Information with regard to Narcotics.

SPAIN

Delegate:

M. Julio CASARES, Head of Section at the Ministry for Foreign Affairs.

Substitute:

M. Paulino SUAREZ, Health Adviser.

ÉTHIOPIE

Délégué:

Son Excellence le comte LAGARDE, duc d'ENTOTTO, Ministre plénipotentiaire, Représentant auprès de la Société des Nations.

FINLANDE

Délégué:

M. Evald GYLLENBÖGEL, Chargé d'affaires p.i. à Berne, Délégué permanent p.i. auprès de la Société des Nations.

Délégué adjoint:

M. P. K. TARJANNE, Secrétaire de bureau au Ministère des Affaires étrangères.

FRANCE

Délégué:

M. Gaston BOURGOIS, Consul de France, Chef de la Délégation.

Conseillers techniques:

M. BOUGAULT, Professeur de chimie analytique à la Faculté de pharmacie de Paris.
M. RAZET, Inspecteur principal du Service de la répression des fraudes, Chef du Bureau des stupéfiants au Ministère de l'Agriculture.

GRÈCE

Délégué:

M. R. RAPHAEL, Délégué permanent auprès de la Société des Nations.

Délégué adjoint:

M. Alexandre CONTOUMAS, Premier Secrétaire de la Délégation permanente auprès de la Société des Nations.

GUATÉMALA

Délégué:

M. Luis MARTINEZ MONT, Professeur de psychologie expérimentale aux Ecoles secondaires de l'Etat.

HEDJAZ, NEDJED ET DÉPENDANCES

Délégué:

Son Excellence Cheik HAFIZ WAHBA, Envoyé extraordinaire et Ministre plénipotentiaire près Sa Majesté Britannique.

Secrétaire:

ABD EL HAMID ELBABA.

HONGRIE

Délégué:

M. Jean PELÉNYI, Ministre résident, Chef de la Délégation auprès de la Société des Nations.

Délégués adjoints:

M. Zoltán BARANYAI, Conseiller à la Délégation auprès de la Société des Nations.
M. Alexandre MOZSONYI, Conseiller de section au Ministère de la Prévoyance sociale et du Travail.

Conseillers techniques:

Le Dr André UNGAR, Directeur général adjoint de la fabrique « Chinois » de Ujpest.
M. Nicolas WENDLER, Directeur de la Fabrique « Alcaloïda », de Büdszentzihály.

ABYSSINIA

Delegate:

His Excellency Count LAGARDE, Duc d'ENTOTTO, Minister Plenipotentiary, Representative accredited to the League of Nations.

FINLAND

Delegate:

M. Evald GYLLENBÖGEL, Chargé d'Affaires *p. i.* at Berne, Permanent Delegate *p. i.* accredited to the League of Nations.

Substitute:

M. P. K. TARJANNE, "Secrétaire de Bureau" in the Ministry for Foreign Affairs.

FRANCE

Delegate:

M. Gaston BOURGOIS, Consul of France, Head of the Delegation.

Technical Advisers:

M. BOUGAULT, Professor of Analytical Chemistry at the Pharmaceutical Faculty of Paris.

M. RAZET, Chief Inspector of the Service for the Repression of Frauds, Head of the Bureau for Narcotics to the Ministry of Agriculture.

GREECE

Delegate:

M. R. RAPHAEL, Permanent Delegate accredited to the League of Nations.

Substitute:

M. Alexandre CONTOUMAS, First Secretary of the Permanent Delegation accredited to the League of Nations.

GUATEMALA

Delegate:

M. Luis MARTINEZ MONT, Professor of Experimental Psychology in Secondary Schools of State.

HEJAZ, NEJD AND DEPENDENCIES

Delegate:

His Excellency Cheik HAFIZ WAHBA, Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty.

Secretary:

ABD EL HAMID ELBABA.

HUNGARY

Delegate:

M. Jean PELÉNYI, Resident Minister, Head of the Delegation accredited to the League of Nations.

Substitutes:

M. Zoltán BARANYAI, Counsellor at the Delegation accredited to the League of Nations.

M. Alexandre MOZSONYI, Counsellor of Section at the Ministry of Social Welfare and Labour.

Technical Advisers:

Dr. André UNGAR, Assistant Director-General of the "Chinoïn" Factory at Ujpest.

M. Nicolas WENDLER, Director of the "Alcaloïda" Factory at Bűdszentzihály.

INDE

Délégué :

Le D^r R. P. PARANJPYE, Membre du Conseil de l'Inde.

Conseiller :

M. G. GRAHAM DIXON, de l'« India Office ».

ÉTAT LIBRE D'IRLANDE

Délégué :

M. Sean LESTER, Délégué permanent auprès de la Société des Nations.

Délégué adjoint et Conseiller technique :

M. J. J. ANDERSON, Pharmacien-expert, Département de la Justice, Section des drogues nuisibles.

ITALIE

Délégués :

Son Excellence M. le Sénateur CAVAZZONI, ancien Ministre du Travail.
M. Giuseppe TEDALDI, du Ministère de l'Intérieur, Délégué sanitaire à l'étranger.
Le professeur C. E. FERRI, Avocat.

JAPON

Délégués :

Son Excellence M. Setsuzo SAWADA, Ministre plénipotentiaire, Directeur du Bureau du Japon auprès de la Société des Nations.
M. Shigeo OHDACHI, Secrétaire au Ministère de l'Intérieur, Chef de la Section administrative.

Conseillers techniques :

M. Jin MATSUI, Expert au Ministère de l'Intérieur.
M. Shiko KUSAMA, Secrétaire du Bureau du Japon auprès de la Société des Nations.

Secrétaires :

M. Wazaburo YAMAZAWA, Secrétaire du Bureau des monopoles du Gouvernement général de la Corée.
M. Shinichi SHIBUSAWA, Secrétaire d'Ambassade, Secrétaire du Bureau du Japon auprès de la Société des Nations.
M. Sabroh OHTA, Attaché à l'Ambassade du Japon à Londres.
M. Takeji KUSANOBU.

LETTONIE

Délégué :

M. Jules FELDMANS, Ministre plénipotentiaire, Délégué permanent auprès de la Société des Nations.

Délégué adjoint :

M. Wilhelm KALNIN, Secrétaire de la Délégation permanente auprès de la Société des Nations.

LIBÉRIA

Délégué :

Son Excellence le D^r Antoine SOTTILE, Envoyé extraordinaire et Ministre plénipotentiaire, Délégué permanent auprès de la Société des Nations.

LITHUANIE

Délégué :

M. Juozas SAKALAUSKAS, Chef de section au Ministère des Affaires étrangères.

INDIA

Delegate:

Dr. R. P. PARANJPYE, Member of the Council of India.

Adviser:

Mr. G. GRAHAM DIXON, of the India Office.

IRISH FREE STATE

Delegate:

Mr. Sean LESTER, Permanent Delegate accredited to the League of Nations.

Substitute Delegate and Technical Adviser:

Mr. J. J. ANDERSON, Pharmacist, Department of Justice, Dangerous Drugs Section.

ITALY

Delegates:

His Excellency Senator CAVAZZONI, former Minister of Labour.
M. Giuseppe TEDALDI, of the Ministry of Interior, Health Delegate abroad.
Professor C. E. FERRI, Advocate.

JAPAN

Delegates:

His Excellency M. Setsuzo SAWADA, Minister Plenipotentiary, Director of the Japanese Bureau accredited to the League of Nations.
M. Shigeo OHDACHI, Secretary at the Ministry for Home Affairs, Head of the Administrative Section.

Technical Advisers:

M. Jan MATSUO, Expert to the Ministry for Home Affairs.
M. Shiko KUSAMA, Secretary to the Japanese Bureau accredited to the League of Nations.

Secretaries:

M. Wazaburo YAMAZAWA, Secretary of the Monopolies Office of the Government-General of Chosen.
M. Shinichi SHIBUSAWA, Secretary of Embassy, Secretary to the Japanese Bureau accredited to the League of Nations.
M. Sabroh OHTA, Attaché to the Japanese Embassy in London.
M. Takeji KUSANOBU.

LATVIA

Delegate:

M. Jules FELDMANS, Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations.

Substitute:

M. Wilhelm KALNIN, Secretary to the Permanent Delegation accredited to the League of Nations.

LIBERIA

Delegate:

His Excellency Dr. Antoine SOTTILE, Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations.

LITHUANIA

Delegate:

M. Juozas SAKALAUSKAS, Head of Section at the Ministry for Foreign Affairs.

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LUXEMBOURG

Délégué:

M. Charles VERMAIRE, Consul à Genève.

MEXIQUE

Délégué:

M. Salvador MARTINEZ DE ALVA, Observateur permanent auprès de la Société des Nations.

MONACO

Délégué:

M. Conrad E. HENTSCH, Consul général à Genève.

NORVÈGE

Délégué:

M. Th. G. THORSEN, Secrétaire général du Ministère de la Prévoyance sociale.

PANAMA

Délégué:

Le D^r Ernesto HOFFMANN, Consul général à Genève.

PARAGUAY

Délégué:

Son Excellence le D^r Ramon V. CABALLERO DE BEDOYA, Envoyé extraordinaire et Ministre plénipotentiaire près le Président de la République française, Délégué permanent auprès de la Société des Nations.

PAYS-BAS

Délégué:

M. W. G. VAN WETTUM, Conseiller du Gouvernement pour les Affaires internationales de l'opium.

Secrétaire:

Le D^r A. H. PHILIPSE, Attaché de Légation.

PÉROU

Délégué:

Son Excellence M. F. GARCIA CALDERON, Envoyé extraordinaire et Ministre plénipotentiaire près le Président de la République française.

Délégué adjoint:

M. José-Maria BARRETO, Délégué permanent auprès de la Société des Nations.

PERSE

Délégué:

Son Excellence M. A. SEPAHBODI, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse, Délégué permanent auprès de la Société des Nations.

Délégué adjoint:

M. N. ENTÉZAM-WÉZIKY, Premier secrétaire de Légation.

LUXEMBURG

Delegate:

M. Charles VERMAIRE, Consul at Geneva.

MEXICO

Delegate:

M. Salvador MARTINEZ DE ALVA, Permanent Observer accredited to the League of Nations.

MONACO

Delegate:

M. Conrad E. HENTSCH, Consul-General at Geneva.

NORWAY

Delegate:

M. Th. G. THORSEN, Secretary-General of the Norwegian Ministry of Social Welfare.

PANAMA

Delegate:

Dr. Ernesto HOFFMANN, Consul-General at Geneva.

PARAGUAY

Delegate:

His Excellency Dr. Ramon V. CABALLERO DE BEDOYA, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic, Permanent Delegate accredited to the League of Nations.

THE NETHERLANDS

Delegate:

M. W. G. VAN WETTUM, Government Adviser for International Opium Questions.

Secretary:

Dr. A. H. PHILIPSE, Attaché of Legation.

PERU

Delegate:

His Excellency M. F. GARCIA CALDERON, Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic.

Substitute:

M. José-Maria BARRETO, Permanent Delegate accredited to the League of Nations.

PERSIA

Delegate:

His Excellency M. A. SEPAHBODI, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, Permanent Delegate accredited to the League of Nations.

Substitute:

M. N. ENTÉZAM-WÉZIRY, First Secretary of Legation.

POLOGNE

Délégués :

Son Excellence le D^r Witold CHODŹKO, Ancien Ministre, Chef de la Délégation.
M. Jan TAYLOR, Chef adjoint de la Section des Traités au Ministère des Affaires étrangères.

Délégué adjoint :

M. Henri STEBELSKI, Rapporteur au Ministère des Affaires étrangères.

PORTUGAL

Délégués :

Son Excellence le D^r Augusto DE VASCONCELLOS, Ministre plénipotentiaire, Directeur général du Secrétariat portugais de la Société des Nations.
Le D^r Alexandro FERRAZ DE ANDRADE, Premier Secrétaire de Légation, Chef de la Chancellerie portugaise auprès de la Société des Nations.

ROUMANIE

Délégués :

Son Excellence M. Constantin ANTONIADE, Envoyé extraordinaire et Ministre plénipotentiaire auprès de la Société des Nations.
Le D^r Nicolas DELEANU, Professeur à l'Université de Bucarest.

SAINT-MARIN

Délégué :

Le professeur C. E. FERRI, avocat.

SIAM

Délégué :

Son Altesse Sérénissime le Prince DAMRAS, Envoyé extraordinaire et Ministre plénipotentiaire près Sa Majesté Britannique, Représentant permanent auprès de la Société des Nations

Secrétaire :

M. S. VARASIRI, Attaché de Légation à Londres.

UNION DES RÉPUBLIQUES SOVIÉTISTES SOCIALISTES

Délégués :

M. Dimitri BOGOMOLOFF, Conseiller de l'Ambassade de l'Union des Républiques soviétistes socialistes à Londres.
M. Georges LACHKEVITCH, Conseiller juridique de l'Ambassade de l'Union des Républiques soviétistes socialistes à Paris.
M. Haim WEINBERG, Secrétaire de l'Ambassade de l'Union des Républiques soviétistes socialistes à Rome.

SUÈDE

Délégué :

Le D^r Erik Rudolf SJÖSTRAND, Conseiller pour les Affaires sociales.

Conseiller technique :

M. Ernst MATERN, Chef de section à la Direction générale des Services médicaux.

SUISSE

Délégués :

M. Paul DINICHERT, Ministre plénipotentiaire, Chef de la Division des Affaires étrangères du Département politique fédéral.
Le D^r Henri CARRIÈRE, Directeur du Service fédéral de l'Hygiène publique.

Conseiller juridique :

M. Camille GORGÉ, Premier Chef de section au Département politique fédéral.

POLAND

Delegates:

His Excellency Dr Witold CHODŹKO, Former Minister, Head of the Delegation.
M. Jan TAYLOR, Assistant Head of the Treaty Section at the Ministry for Foreign Affairs.

Substitute:

M. Henri STEBELSKI, " Rapporteur " to the Ministry for Foreign Affairs.

PORTUGAL

Delegates:

His Excellency Dr. Augusto DE VASCONCELLOS, Minister Plenipotentiary, General Director of the Portuguese Secretariat of the League of Nations.
Dr. Alexandro FERRAZ DE ANDRADE, First Secretary of Legation, Chief of the Portuguese Office accredited to the League of Nations.

ROUMANIA

Delegates:

His Excellency M. Constantin ANTONIADE, Envoy Extraordinary and Minister Plenipotentiary accredited to the League of Nations.
Dr. Nicolas DELEANU, Professor at the University of Bucharest.

SAN MARINO

Delegate:

Professor C. E. FERRI, Advocate.

SIAM

Delegate:

His Serene Highness Prince DAMRAS, Envoy Extraordinary and Minister Plenipotentiary to His Britannic Majesty, Permanent Representative accredited to the League of Nations.

Secretary:

M. S. VARASIRI, Attaché of Legation in London.

UNION OF SOVIET SOCIALIST REPUBLICS

Delegates:

M. Dimitri BOGOMOLOFF, Counsellor to the Embassy of the Union of Soviet Socialist Republics at London.
M. Georges LACHKEVITCH, Legal Adviser to the Embassy of the Union of Soviet Socialist Republics at Paris.
M. Haim WEINBERG, Secretary of the Embassy of the Union of Soviet Socialist Republics at Rome.

SWEDEN

Delegate:

Dr. Erik Rudolf SJÖSTRAND, Adviser on Social Questions.

Technical Adviser:

M. Ernst MATERN, Head of Section in the General Direction of Medical Services.

SWITZERLAND

Delegates:

M. Paul DINICHERT, Minister Plenipotentiary, Chief of the Division for Foreign Affairs of the Federal Political Department.
Dr. Henri CARRIÈRE, Director of the Federal Service of Public Health.

Legal Adviser:

M. Camille GORGÉ, First Chief of Section to the Federal Political Department.

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TCHÉCOSLOVAQUIE

Délégué:

Son Excellence M. Zdeněk FIERLINGER, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse, Délégué permanent auprès de la Société des Nations, Chef de la délégation.

Délégué adjoint:

Le Dr Jaroslav HRDLIČKA, Conseiller ministériel au Ministère de l'Hygiène publique.

Conseillers techniques:

M. Ph. M. Jaroslav BOHUTÍNSKÝ, Conseiller supérieur en pharmacie au Ministère de l'Hygiène publique.

M. Robert FRANK, Directeur de la Manufacture chimique de Chrást.

Secrétaire:

M. Karol TRPÁK, Secrétaire de la Légation tchécoslovaque à Berne.

TURQUIE

Délégués:

HÜSNÜ HASSAN bey, Vice-Président de la Grande Assemblée Nationale de Turquie.

SUBET ZIYA bey, Conseiller politique au Ministère des Affaires étrangères.

ASSIM ISMAIL bey, Directeur général de l'Hygiène publique au Ministère de l'Hygiène et de l'Assistance sociale.

Conseiller technique:

MEHMET ALI TAYYAR bey, Conseiller technique pour l'agriculture au Ministère de l'Economie

URUGUAY

Délégué:

Son Excellence le Dr Alfredo DE CASTRO, Envoyé extraordinaire et Ministre plénipotentiaire près le Conseil fédéral suisse.

Secrétaire:

M. Juan Carlos RISSO SIENRA, Secrétaire de la Légation d'Uruguay en Suisse.

VENEZUELA

Délégué:

Le Dr L. G. CHACÍN-ITRIAGO, Chargé d'affaires à Berne, Membre de l'Académie de médecine de Caracas.

YOUGOSLAVIE

Délégué:

Son Excellence M. I. CHOUMENKOVITCH, Ministre plénipotentiaire, Délégué permanent auprès de la Société des Nations.

Délégués adjoints:

M. S. OBRADOVITCH, Chef de section au Ministère du Commerce et de l'Industrie.

M. D. MILITCHEVITCH, Secrétaire de la Chambre de l'Industrie à Belgrade.

Conseiller technique:

M. V. DJOUREDJEVITCH, Secrétaire de la Chambre de commerce de Skoplje.

CZECHOSLOVAKIA

Delegate:

His Excellency M. Zdeněk FIERLINGER, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council, Permanent Delegate accredited to the League of Nations, Head of the Delegation.

Substitute:

Dr. Jaroslav HRDLIČKA, Ministerial Counsellor in the Ministry of Public Health.

Technical Advisers:

M. Ph. M. Jaroslav BOHUTÍNSKÝ, Senior Adviser in Chemistry in the Ministry of Public Health.
M. Robert FRANK, Director of the Chemical Factory of Chrást.

Secretary:

M. Karel TRPÁK, Secretary of the Czechoslovak Legation in Berne.

TURKEY

Delegates:

HÜSNÜ HASSAN Bey, Vice-President of the Great National Assembly of Turkey.
SUBET ZIYA Bey, Political Adviser to the Ministry for Foreign Affairs.
ASSIM ISMAIL Bey, Director-General of Public Health in the Ministry of Health and Social Welfare.

Technical Adviser:

MEHMET ALI TAYYAR Bey, Technical Adviser for Agriculture in the Ministry of Economy

URUGUAY

Delegate:

His Excellency Dr. Alfredo DE CASTRO, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Federal Council.

Secretary:

M. Juan Carlos RISSO SIENRA, Secretary of the Legation of Uruguay in Switzerland.

VENEZUELA

Delegate:

Dr. L. G. CHACÍN-ITRIAGO, Chargé d'affaires at Berne, Member of the Medical Academy of Caracas.

YUGOSLAVIA

Delegate:

His Excellency M. I. CHOUMENKOVITCH, Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations.

Substitutes:

M. S. OBRADOVITCH, Head of Section in the Ministry of Commerce and Industry.
M. D. MILITCHEVITCH, Secretary of the Chamber of Industry at Belgrade.

Technical Adviser:

H. V. DJOURDJEVITCH, Secretary of the Chamber of Commerce of Skoplje.

Participants à la Conférence à titre d'observateurs :

AFGHANISTAN

Son Excellence ABDUL HUSSEIN AZIZ, Envoyé extraordinaire et Ministre plénipotentiaire près Sa Majesté le Roi d'Italie.

ÉTATS-UNIS DU BRÉSIL

M. Carlos DE CARVALHO SOUZA, Consul général à Genève.

ESTONIE

Son Excellence M. A. SCHMIDT, Envoyé extraordinaire et Ministre plénipotentiaire, Délégué permanent auprès de la Société des Nations.

Participants à la Conférence à titre d'experts en vertu d'une décision du Conseil :

- M. W. E. DIXON, Docteur en médecine, Professeur à l'Université de Cambridge, Expert en questions pharmacologiques.
- M. Erich VON KNAFFL-LENZ, Docteur en médecine et philosophie (chimie), Professeur à l'Université de Vienne, Expert en questions pharmacologiques et pharmaceutiques.
- M. M. TIFFENEAU, Docteur en médecine, Professeur à la Faculté de médecine de Paris, Expert en questions pharmacologiques et chimiques.
- M. P. WOLFF, Docteur en médecine et philosophie (chimie), Privat-docent à l'Université de Berlin, Expert en questions médicales.

Participant à la Conférence à titre consultatif en vertu d'une décision du Conseil :

Son Excellence le Dr Augusto DE VASCONCELLOS, Président de la Commission consultative du trafic de l'opium et autres drogues nuisibles.

COMITÉ CENTRAL PERMANENT DE L'OPIUM

M. L. A. LYALL, Président du Comité, présent à la Conférence à titre consultatif en vertu d'une décision du Conseil.

Assisté de :

- Dr Otto ANSELMINO, Membre du Comité.
- M. Herbert L. MAY, Membre du Comité.

qui, en conséquence, se sont réunis à Genève.

Le Conseil de la Société des Nations a appelé aux fonctions de président de la Conférence :

M. le Sénateur Louis DE BROUCKÈRE.

Les travaux du Secrétariat étaient confiés par le Secrétaire général de la Société des Nations à :

M. E. E. EKSTRAND, Directeur des Sections du trafic de l'opium et des questions sociales, Secrétaire général de la Conférence,

et aux Membres suivants de la Section du trafic de l'opium et de la Section juridique du Secrétariat de la Société des Nations : M. H. DUNCAN HALL, secrétaire ; M. Bertil A. RENBORG, secrétaire adjoint ; M. P. BARANDON, conseiller juridique de la Conférence.

Participating at the Conference as Observers:

AFGHANISTAN

His Excellency **ABDUL HUSSEIN AZIZ**, Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Italy.

UNITED STATES OF BRAZIL

M. Carlos DE CARVALHO SOUZA, Consul-General at Geneva.

ESTONIA

His Excellency **M. A. SCHMIDT**, Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations.

Participating at the Conference as Experts in virtue of a decision of the Council:

- Mr. **W. E. DIXON**, Doctor of Medicine, Professor at the University of Cambridge, Expert on Pharmacological Questions.
- M. Erich VON KNAFFL-LENZ**, Doctor of Medicine and Philosophy (Chemistry), Professor at the University of Vienna, Expert in Pharmacological and Pharmaceutical Questions.
- M. M. TIFFENEAU**, Doctor of Medicine, Professor at the Medical Faculty of Paris, Expert in Pharmacological and Chemical Questions.
- M. P. WOLFF**, Doctor of Medicine and Philosophy (Chemistry), Privat-docent at the University of Berlin, Expert in Medical Questions.

Participating at the Conference in an advisory capacity in virtue of a decision of the Council:

His Excellency **Dr. Augusto DE VASCONCELLOS**, President of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

PERMANENT CENTRAL OPIUM BOARD

Mr. L. A. LYALL, President of the Board, attending the Conference in an advisory capacity, in virtue of a decision of the Council.

Assisted by:

- Dr. Otto ANSELMINO**, Member of the Board,
- Mr. Herbert L. MAY**, Member of the Board,

who accordingly assembled at Geneva.

The Council of the League of Nations appointed as President of the Conference:

M. le Sénateur Louis DE BROUCKÈRE.

The Secretarial work of the Conference was entrusted by the Secretary-General of the League of Nations to:

M. E. E. EKSTRAND, Director of the Sections for Opium Traffic and for Social Questions, Secretary-General of the Conference,

and to the following members of the Section for Opium Traffic and of the Legal Section of the Secretariat of the League of Nations: **Mr. H. DUNCAN HALL**, Secretary; **M. Bertil A. RENBORG**, Assistant Secretary; and **M. P. BARANDON**, Legal Adviser to the Conference.

A la suite des réunions tenues du 27 mai au 13 juillet 1931, les Actes ci-après énumérés ont été arrêtés:

- I. Convention pour limiter la fabrication et réglementer la distribution des stupéfiants.
- II. Protocole de signature de la Convention.

La Conférence a également adopté les recommandations ci-après:

I.

La Conférence,

Rappelant la proposition faite par la Commission consultative du trafic de l'opium et autres drogues nuisibles, dans le Code modèle destiné au contrôle administratif du trafic des stupéfiants¹ qui a été établi lors de sa onzième session, proposition tendant à ce que dans les pays dont l'organisation administrative permet une telle procédure, la surveillance du commerce des stupéfiants, dans son ensemble, soit aux mains d'une autorité unique, en vue de l'unification de toutes les mesures de contrôle applicables à ce commerce, et à ce que dans les pays où cette surveillance est aux mains de plusieurs autorités, des mesures soient prises pour établir une coordination entre ces autorités:

Recommande que les Membres de la Société des Nations et les Etats non membres qui ne possèdent pas actuellement une autorité unique, envisagent aussitôt l'intérêt qu'il y aurait à en établir une, ayant pour mission de réglementer, de surveiller et de contrôler le trafic de l'opium et autres drogues nuisibles, ainsi que d'empêcher et de combattre la toxicomanie et le trafic illicite, et que lesdits Membres de la Société des Nations et Etats non membres fassent rapport au Secrétaire général de la Société des Nations, dans un délai d'une année à partir de la présente date, sur les résultats de leur examen de cette question.

II.

La Conférence,

Reconnaissant que le Code modèle susmentionné a été d'une valeur considérable pour un certain nombre de gouvernements auxquels il a servi de guide pour l'établissement d'une législation et de mesures administratives tendant à l'application de la Convention de Genève sur leurs territoires,

Recommande qu'un code semblable soit établi avant l'entrée en vigueur de la Convention signée à la date de ce jour et soit communiqué aux gouvernements, en les priant de s'inspirer autant que possible de ce code pour établir les mesures législatives et administratives nécessaires en vue de l'application dans leurs territoires de ladite Convention,

Prie le Conseil de la Société des Nations de demander à la Commission consultative du trafic de l'opium et autres drogues nuisibles d'établir ce code.

III.

La Conférence,

Ayant décidé, conformément à l'avis des experts attachés à la Conférence, de comprendre parmi les « drogues » qui doivent être soumises pleinement aux dispositions de la présente Convention et de la Convention de Genève (Groupe I) certaines drogues qui ne tombent pas actuellement sous le coup de la Convention de Genève et de la Convention de La Haye de 1912,

Recommande:

1. Que le Conseil de la Société des Nations demande au Comité d'hygiène de la Société d'envisager immédiatement l'intérêt qu'il y aurait à faire tomber ces « drogues » sous le coup de la Convention de Genève, conformément à la procédure de l'article 10 de cette Convention,

2. Que le Conseil attire l'attention des gouvernements des pays auxquels la Convention de La Haye s'applique, mais auxquels la Convention de Genève ne s'applique pas sur la proposition formulée dans la présente Convention et sur le rapport des experts, relativement aux dispositions de l'article 14 d) de la Convention de La Haye.

IV.

La Conférence,

Recommande que les gouvernements envisagent la question de savoir s'il est désirable d'établir un monopole d'Etat sur le commerce et, si c'est nécessaire, sur la fabrication des « drogues » visées par la Convention signée à la date de ce jour.

[La délégation allemande a déclaré qu'elle ne pouvait pas accepter cette recommandation.]

V.

La Conférence,

Considérant qu'en vue de combattre, d'une manière plus efficace, la contrebande et l'abus des substances visées dans la Convention en date de ce jour, il est nécessaire de compléter, par un accord

¹ Document C.241.1928.XI, Annexe VIII.

In the course of a series of meetings between May 27th and July 13th, 1931, the instruments hereinafter enumerated were drawn up:

- I. Convention limiting the Manufacture and regulating the Distribution of Narcotic Drugs;
- II. Protocol of Signature of the Convention.

The Conference also adopted the following recommendations:

I.

The Conference:

Recalling the proposal made by the Advisory Committee on Traffic in Opium and Other Dangerous Drugs in the Model Code for the Administrative Control of the Drug Traffic,¹ which was drawn up at its eleventh session to the effect that, in countries the administrative organisation of which allows of such a procedure, the supervision of the trade in narcotics as a whole should be in the hands of a single authority, so that all supervisory measures over this trade may be unified; and that, in countries where this supervision is in the hands of several authorities, steps should be taken to establish co-ordination among them:

Recommends that such Members of the League of Nations and non-member States as do not at present possess such a single authority should forthwith consider the desirability of establishing one, with the duty of regulating, supervising and controlling the traffic in opium and other dangerous drugs and of preventing and combating drug addiction and the illicit traffic; and that they should report to the Secretary-General of the League of Nations within a period of one year from the present date on the results of their examination of this question.

II.

The Conference:

Recognising that the Model Code above referred to has been of considerable value to a number of Governments as a guide in the framing of legislation and administrative measures for the application of the Geneva Convention in their territories:

Recommends that a similar Code should be drawn up before the entry into force of the Convention signed this day, and should be circulated to Governments with a request that they should be guided as far as possible by the Code in framing the necessary legislative and administrative measures for the application in their territories of the said Convention;

Requests the Council of the League of Nations to ask the Advisory Committee on Traffic in Opium and Other Dangerous Drugs to prepare such a Code.

III.

The Conference:

Having decided, in accordance with the advice of the Experts attached to the Conference, to include among the drugs which should be subject to the full provisions of this Convention and of the Geneva Convention (Group I) certain drugs not at present brought under the Geneva Convention and the Hague Convention of 1912:

Recommends :

(1) That the Council of the League of Nations should request the Health Committee of the League to consider forthwith the desirability of bringing these drugs under the Geneva Convention, in accordance with the procedure of Article 10 of that Convention;

(2) That the Council should call the attention of Governments of countries to which the Hague Convention applies, but to which the Geneva Convention does not apply, to the proposal in this Convention and to the report of the Experts, with reference to the provisions of Article 14 (d) of the Hague Convention.

IV.

The Conference:

Recommends that Governments should consider the desirability of establishing a State monopoly over the trade in, and, if necessary, over the manufacture of, the drugs covered by the Convention signed on this day's date.

[The German delegation stated that it could not accept this recommendation.]

V.

The Conference:

Considering that, in order to combat more efficiently the smuggling and abuse of the substances covered by the Convention of this day's date, it is necessary by means of an international agreement

¹ Document C.241.1928.XI, Annex VIII.

international, les sanctions pénales prévues à l'article 20 de la Convention de La Haye de 1912 et à l'article 28 de la Convention de Genève;

Considérant que la Commission consultative du trafic de l'opium et autres drogues nuisibles a été saisie par la Commission internationale de police criminelle, d'un projet de convention internationale pour la répression du trafic illicite des drogues nuisibles s'inspirant dans ses grandes lignes de la Convention du 20 avril 1929 contre le faux monnayage:

Emet le vœu que sur la base des travaux entrepris par la Commission consultative, une convention soit conclue, dans le plus bref délai, pour la poursuite et la punition des infractions à la réglementation de la fabrication, du commerce et de la détention des drogues nuisibles;

Et prie le Conseil d'attirer l'attention des gouvernements sur l'importance d'une telle convention, afin de hâter la réunion de la Conférence qui doit conclure une convention sur ce sujet.

VI.

La Conférence,

Reconnaissant le caractère très dangereux de la diacétylmorphine comme drogue engendrant la toxicomanie et la possibilité dans la plupart des cas, sinon dans tous, de la remplacer par d'autres drogues moins dangereuses,

Recommande que chaque gouvernement examine avec le corps médical la possibilité d'abolir ou de restreindre son usage et communique les résultats de cet examen au Secrétaire général de la Société des Nations.

VII.

La Conférence,

Recommande que les gouvernements étudient la possibilité d'appliquer le système de contrôle international prévu dans la Convention de Genève à toute préparation contenant l'une quelconque des « drogues » comprise dans le groupe I, quelle que soit la teneur en drogue de cette préparation.

La Conférence recommande en outre que le Conseil de la Société des Nations invite la Commission consultative du trafic de l'opium et autres drogues nuisibles à examiner la question.

[La délégation allemande a déclaré qu'elle ne pourrait pas accepter ces recommandations.]

VIII.

La Conférence,

Recommande qu'en vue de faciliter l'application des mesures tendant à empêcher la toxicomanie et le trafic illicite, les gouvernements envisagent la possibilité d'exclure du bénéfice de la clause de la nation la plus favorisée, dans les traités et accords commerciaux conclus à l'avenir, les substances auxquelles la Convention de Genève et la présente Convention s'appliquent.

[Les délégations de l'Allemagne, du Danemark, des Pays-Bas, de la Suisse, de la Suède et du Siam ont déclaré qu'elles ne pouvaient pas accepter cette recommandation.]

IX.

La Conférence,

Considérant que, sous réserve des fluctuations possibles dans les besoins mondiaux pour des fins médicales et scientifiques, les quantités de morphine, de diacétylmorphine, et de cocaïne fabriquées pour être utilisées comme telles pendant la période antérieure à l'entrée en vigueur de la Convention signée à la date de ce jour, ne doivent pas dépasser le total moyen des besoins mondiaux, basés sur la moyenne des besoins médicaux et scientifiques des divers pays, et que les études effectuées par le Secrétariat de la Société des Nations dans les documents de la Conférence (document L.F.S.3(1) — Parties I, II, et III, 8, 61 et 65), pour les années 1928, 1929 et 1930, évaluent approximativement comme suit le total actuel des besoins mondiaux de ces drogues pour leur usage comme telles:

	Tonnes
Morphine	9
Diacétylmorphine	2
Cocaïne	5½

Prie le Conseil de la Société des Nations de charger le Secrétaire général d'attirer l'attention des Membres de la Société des Nations et des Etats non membres sur ces documents et sur la présente résolution; et

Recommande qu'en attendant ladite entrée en vigueur de la Convention signée à la date de ce jour, les pays fabriquant ces drogues limitent autant que possible leur fabrication pour leur usage comme telles aux quantités requises pour la consommation intérieure et l'exportation pour les fins médicales et scientifiques.

X.

La Conférence,

Emet le vœu que la Société des Nations soit mise en mesure d'attribuer des prix comme récompense pour les résultats des recherches entreprises dans le but de trouver des médicaments qui, tout en produisant les mêmes effets thérapeutiques que les drogues, ne donnent pas lieu à l'accoutumance.

to supplement the penalties provided for in Article 20 of the Hague Convention of 1912 and in Article 28 of the Geneva Convention;

Considering that the Advisory Committee on Traffic in Opium and Other Dangerous Drugs has been presented by the International Criminal Police Commission with a draft international convention for the suppression of the illicit traffic in narcotic drugs the main features of which are based on the Convention of April 20th, 1929, against Counterfeit Currency:

Expresses the wish that, on the basis of the work undertaken by the Advisory Committee, a Convention may be concluded with the least possible delay for the prosecution and punishment of breaches of the law relating to the manufacture of, trade in, and possession of, narcotic drugs;

And requests the Council to draw the attention of Governments to the importance of such a Convention, in order to hasten the meeting of a Conference to conclude a convention on this question.

VI.

The Conference:

Recognising the highly dangerous character of diacetylmorphine as a drug of addiction and the possibility in most, if not all, cases of replacing it by other drugs of a less dangerous character;

Recommends that each Government should examine in conjunction with the medical profession the possibility of abolishing or restricting its use, and should communicate the results of such examination to the Secretary-General of the League of Nations.

VII.

The Conference:

Recommends that the Governments should study the possibility of applying the system of international control provided in the Geneva Convention to every preparation containing any of the drugs included in Group I, whatever the drug content of the preparation.

The Conference further recommends that the Council of the League of Nations should invite the Advisory Committee on Traffic in Opium and Other Dangerous Drugs to examine the question.

[The German delegation stated that it could not accept these recommendations.]

VIII.

The Conference:

Recommends that, in order to facilitate the application of the measures directed against drug addiction and the illicit traffic, Governments should consider the possibility of excluding from the benefits of most-favoured-nation clauses in future commercial treaties and agreements the substances to which the Geneva Convention and this Convention apply.

[The delegations of Denmark, Germany, the Netherlands, Siam, Sweden and Switzerland stated that they could not accept this recommendation.]

IX.

The Conference:

Considering that, subject to possible fluctuations in world requirements for medical and scientific purposes, the amounts of morphine, diacetylmorphine and cocaine manufactured for use as such during the period prior to the coming into force of the Convention signed to-day should not exceed the average amount of the total world needs, based on the average medical and scientific requirements of the individual countries and that the studies made by the Secretariat of the League of Nations in documents of the Conference (documents L.F.S.3(1)—Parts I, II and III, 8, 61 and 65) for the years 1928, 1929 and 1930 have resulted in an estimate of the total present world requirements of these drugs for use as such which is approximately as follows:

	Tons
Morphine	9
Diacetylmorphine	2
Cocaine	5½

Requests the Council of the League of Nations to instruct the Secretary-General to draw the attention of the Members of the League and the States non-members to these documents and to the present resolution; and

Recommends that, pending the entry into force of the Convention signed to-day, the countries manufacturing these drugs shall limit the manufacture of these drugs for use as such as nearly as possible to the quantities required for domestic consumption, and export for medical and scientific purposes.

X.

The Conference:

Recommends that the League of Nations be enabled to give prizes as a reward for results obtained by research work for the purpose of discovering medicines which, although producing the same therapeutic effects as the drugs, do not give rise to drug addiction.

international, les sanctions pénales prévues à l'article 20 de la Convention de La Haye de 1912 et à l'article 28 de la Convention de Genève;

Considérant que la Commission consultative du trafic de l'opium et autres drogues nuisibles a été saisie par la Commission internationale de police criminelle, d'un projet de convention internationale pour la répression du trafic illicite des drogues nuisibles s'inspirant dans ses grandes lignes de la Convention du 20 avril 1929 contre le faux monnayage:

Emet le vœu que sur la base des travaux entrepris par la Commission consultative, une convention soit conclue, dans le plus bref délai, pour la poursuite et la punition des infractions à la réglementation de la fabrication, du commerce et de la détention des drogues nuisibles;

Et prie le Conseil d'attirer l'attention des gouvernements sur l'importance d'une telle convention, afin de hâter la réunion de la Conférence qui doit conclure une convention sur ce sujet.

VI.

La Conférence,

Reconnaissant le caractère très dangereux de la diacétylmorphine comme drogue engendrant la toxicomanie et la possibilité dans la plupart des cas, sinon dans tous, de la remplacer par d'autres drogues moins dangereuses,

Recommande que chaque gouvernement examine avec le corps médical la possibilité d'abolir ou de restreindre son usage et communique les résultats de cet examen au Secrétaire général de la Société des Nations.

VII.

La Conférence,

Recommande que les gouvernements étudient la possibilité d'appliquer le système de contrôle international prévu dans la Convention de Genève à toute préparation contenant l'une quelconque des « drogues » comprise dans le groupe I, quelle que soit la teneur en drogue de cette préparation.

La Conférence recommande en outre que le Conseil de la Société des Nations invite la Commission consultative du trafic de l'opium et autres drogues nuisibles à examiner la question.

[La délégation allemande a déclaré qu'elle ne pourrait pas accepter ces recommandations.]

VIII.

La Conférence,

Recommande qu'en vue de faciliter l'application des mesures tendant à empêcher la toxicomanie et le trafic illicite, les gouvernements envisagent la possibilité d'exclure du bénéfice de la clause de la nation la plus favorisée, dans les traités et accords commerciaux conclus à l'avenir, les substances auxquelles la Convention de Genève et la présente Convention s'appliquent.

[Les délégations de l'Allemagne, du Danemark, des Pays-Bas, de la Suisse, de la Suède et du Siam ont déclaré qu'elles ne pouvaient pas accepter cette recommandation.]

IX.

La Conférence,

Considérant que, sous réserve des fluctuations possibles dans les besoins mondiaux pour des fins médicales et scientifiques, les quantités de morphine, de diacétylmorphine, et de cocaïne fabriquées pour être utilisées comme telles pendant la période antérieure à l'entrée en vigueur de la Convention signée à la date de ce jour, ne doivent pas dépasser le total moyen des besoins mondiaux, basés sur la moyenne des besoins médicaux et scientifiques des divers pays, et que les études effectuées par le Secrétariat de la Société des Nations dans les documents de la Conférence (document L.F.S.3(1) — Parties I, II, et III, 8, 61 et 65), pour les années 1928, 1929 et 1930, évaluent approximativement comme suit le total actuel des besoins mondiaux de ces drogues pour leur usage comme telles:

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Diacétylmorphine	2
Cocaïne	5½

Prie le Conseil de la Société des Nations de charger le Secrétaire général d'attirer l'attention des Membres de la Société des Nations et des Etats non membres sur ces documents et sur la présente résolution; et

Recommande qu'en attendant ladite entrée en vigueur de la Convention signée à la date de ce jour, les pays fabriquant ces drogues limitent autant que possible leur fabrication pour leur usage comme telles aux quantités requises pour la consommation intérieure et l'exportation pour les fins médicales et scientifiques.

X.

La Conférence,

Emet le vœu que la Société des Nations soit mise en mesure d'attribuer des prix comme récompense pour les résultats des recherches entreprises dans le but de trouver des médicaments qui, tout en produisant les mêmes effets thérapeutiques que les drogues, ne donnent pas lieu à l'accoutumance.

to supplement the penalties provided for in Article 20 of the Hague Convention of 1912 and in Article 28 of the Geneva Convention;

Considering that the Advisory Committee on Traffic in Opium and Other Dangerous Drugs has been presented by the International Criminal Police Commission with a draft international convention for the suppression of the illicit traffic in narcotic drugs the main features of which are based on the Convention of April 20th, 1929, against Counterfeit Currency:

Expresses the wish that, on the basis of the work undertaken by the Advisory Committee, a Convention may be concluded with the least possible delay for the prosecution and punishment of breaches of the law relating to the manufacture of, trade in, and possession of, narcotic drugs;

And requests the Council to draw the attention of Governments to the importance of such a Convention, in order to hasten the meeting of a Conference to conclude a convention on this question.

VI.

The Conference:

Recognising the highly dangerous character of diacetylmorphine as a drug of addiction and the possibility in most, if not all, cases of replacing it by other drugs of a less dangerous character;

Recommends that each Government should examine in conjunction with the medical profession the possibility of abolishing or restricting its use, and should communicate the results of such examination to the Secretary-General of the League of Nations.

VII.

The Conference:

Recommends that the Governments should study the possibility of applying the system of international control provided in the Geneva Convention to every preparation containing any of the drugs included in Group I, whatever the drug content of the preparation.

The Conference further recommends that the Council of the League of Nations should invite the Advisory Committee on Traffic in Opium and Other Dangerous Drugs to examine the question.

[The German delegation stated that it could not accept these recommendations.]

VIII.

The Conference:

Recommends that, in order to facilitate the application of the measures directed against drug addiction and the illicit traffic, Governments should consider the possibility of excluding from the benefits of most-favoured-nation clauses in future commercial treaties and agreements the substances to which the Geneva Convention and this Convention apply.

[The delegations of Denmark, Germany, the Netherlands, Siam, Sweden and Switzerland stated that they could not accept this recommendation.]

IX.

The Conference:

Considering that, subject to possible fluctuations in world requirements for medical and scientific purposes, the amounts of morphine, diacetylmorphine and cocaine manufactured for use as such during the period prior to the coming into force of the Convention signed to-day should not exceed the average amount of the total world needs, based on the average medical and scientific requirements of the individual countries and that the studies made by the Secretariat of the League of Nations in documents of the Conference (documents L.F.S.3(1)—Parts I, II and III, 8, 61 and 65) for the years 1928, 1929 and 1930 have resulted in an estimate of the total present world requirements of these drugs for use as such which is approximately as follows:

	Tons
Morphine	9
Diacetylmorphine	2
Cocaine	5½

Requests the Council of the League of Nations to instruct the Secretary-General to draw the attention of the Members of the League and the States non-members to these documents and to the present resolution; and

Recommends that, pending the entry into force of the Convention signed to-day, the countries manufacturing these drugs shall limit the manufacture of these drugs for use as such as nearly as possible to the quantities required for domestic consumption, and export for medical and scientific purposes.

X.

The Conference:

Recommends that the League of Nations be enabled to give prizes as a reward for results obtained by research work for the purpose of discovering medicines which, although producing the same therapeutic effects as the drugs, do not give rise to drug addiction.

EN FOI DE QUOI les délégués ont signé le présent Acte.

IN FAITH WHEREOF the Delegates have signed the present Act.

FAIT à Genève, le treize juillet mil neuf cent trente et un en simple expédition, qui sera déposée dans les archives du Secrétariat de la Société des Nations; copie conforme en sera remise à tous les Etats représentés à la Conférence.

DONE at Geneva, the thirteenth day of July, one thousand nine hundred and thirty-one, in a single copy which shall be deposited in the archives of the Secretariat of the League of Nations and of which authenticated copies shall be delivered to all States represented at the Conference.

Le Président de la Conférence:

The President of the Conference:

L. DE BROUCKÈRE

Le Secrétaire général de la Conférence:

The Secretary-General of the Conference:

Eric Einar EKSTRAND

ALLEMAGNE

GERMANY

Freiheit VON RHEINBABEN
Dr. KAHLER

RÉPUBLIQUE ARGENTINE

ARGENTINE REPUBLIC

Ad referendum
Fernando PEREZ

AUTRICHE

AUSTRIA

E. PFLÜGL
Dr. Bruno SCHULTZ

BELGIQUE

BELGIUM

Dr. F. DE MYTTENAERE

BOLIVIE

BOLIVIA

M. COELLAR

GRANDE-BRETAGNE ET
IRLANDE DU NORD

GREAT BRITAIN AND
NORTHERN IRELAND

ainsi que toutes parties de l'Empire
britannique non membres séparés
de la Société des Nations.

and all parts of the British Empire
which are not separate Members
of the League of Nations.

Malcolm DELEVINOR

CANADA

C. H. L. SHARMAN
W. A. RIDDEL

CANADA

CHILI

Enrique J. GAJARDO V.

CHILE

COSTA-RICA

Viriato FIGUEREDO LORA.

COSTA RICA

CUBA

G. DE BLANCK
Dr. B. PRIMELLES.

CUBA

DANEMARK

Gustav RASMUSSEN

DENMARK

RÉPUBLIQUE DOMINICAINE

Ch. ACKERMANN

DOMINICAN REPUBLIC

ÉGYPTE

T. W. RUSSELL

EGYPT

ESPAGNE

Julio CASARES

SPAIN

ÉTHIOPIE

C^{te} LAGARDE duc d'ENTOTTO

ABYSSINIA

FRANCE

G. BOURGOIS

FRANCE

GRÈCE

R. RAPHAËL
A. CONTOUMAS

GREECE

GUATÉMALA

Luis MARTINEZ MONT

GUATEMALA

HEDJAZ, NEDJED ET DÉPENDANCES

HEJAZ, NEJD AND DEPENDENCIES

HAFIZ WAHBA

HONGRIE

Jean PELÉNYI

HUNGARY

INDE

R. P. PARANJPYE

INDIA

ITALIE

CAVAZZONI Stefano

ITALY

JAPON

S. SAWADA.
S. OHDACHI

JAPAN

LITHUANIE

J. SAKALAUSKAS

LITHUANIA

LUXEMBOURG

Ch. G. VERMAIRE

LUXEMBURG

MEXIQUE

S. MARTINEZ DE ALVA

MEXICO

MONACO

C. HENTSCH.

MONACO

PANAMA

Dr. Ernesto HOFFMANN.

PANAMA

PARAGUAY

R. V. CABALLERO DE BEDOYA

PARAGUAY

PAYS-BAS

V. WETTUM

THE NETHERLANDS

PORTUGAL

Augusto DE VASCONCELLOS
A. M. FERRAZ DE ANDRADE

PORTUGAL

SAINT-MARIN

FERRI Carlo Emilio

SAN MARINO

SIAM

DAMRAS

SIAM

SUÈDE

Erik SjöSTRAND

SWEDEN

SUISSE

Paul DINICHERT
Dr. H. CARRIÈRE

SWITZERLAND

TCHÉCOSLOVAQUIE

Ed. FIERLINGER

CZECHOSLOVAKIA

URUGUAY

Alfredo DE CASTRO

URUGUAY

VENEZUELA

Ad referendum
L. G. CHACÍN ITRIAGO

VENEZUELA

*Le Président de la Commission consulta-
tive du trafic de l'opium et autres dro-
gues nuisibles:*

*The President of the Advisory Committee
on Traffic in Opium and Other Dan-
gerous Drugs:*

Augusto DE VASCONCELLOS.

[Distributed to the Council
and the Members of the League]

Official No. : C. 509. M. 214. 1931. XI
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Geneva, 1932.

LEAGUE OF NATIONS

**RECORDS OF THE CONFERENCE FOR THE
LIMITATION OF THE MANUFACTURE OF NARCOTIC DRUGS**

Geneva, May 27th to July 13th, 1931.

Volume II

**Meetings of the Committees
and the Sub-Committee on Control**

Series of League of Nations Publications
XI. OPIUM AND OTHER DANGEROUS DRUGS
1931. XI 10 ^{II} .

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BUSINESS COMMITTEE.

FIRST MEETING.

Tuesday, June 2nd, 1931, at 10 a.m.

Chairman: M. DE BROUCKÈRE (Belgium).

1.—PUBLICITY OF MEETINGS.

This question was reserved until the Business Committee had agreed on its procedure.

2.—BASIS OF THE DISCUSSIONS OF THE CONFERENCE.

The Chairman said that the Secretariat had prepared a list of the proposals and suggestions made during the general discussion. There were two methods of examining these proposals:

(1) Each might be considered in turn, and an endeavour made to deduce certain guiding ideas. That system would be very complicated and would necessitate the re-examination of the same subject several times over. Further, it would almost entirely rule out the possibility of compromise.

(2) The other system was to follow normal parliamentary practice and take one draft as a basis of discussion. This, of course, would not in any way affect the final decision as to the draft so chosen. The other proposals would be regarded as amendments to that draft. The Advisory Committee's draft Convention was presented in such a manner that the various proposals that had been put forward could be regarded as amendments to it, and hence it might be adopted as a basis of discussion, on the understanding that a decision to this effect would not be taken as a decision in favour of the Committee's draft. In this way, the discussion in plenary session could begin immediately. Objections, whether of substance or of form, would be referred as they arose to the various committees, as to which a proposal would be made later.

M. Perez (Argentine) agreed to the Chairman's suggestions. He thought, however, that the first step would be to determine the general structure of the Convention, of which the Advisory Committee had given only an incomplete draft. In M. Perez' view, the draft Convention should be subdivided as follows:

1. Definitions.
2. The setting up of bodies for the prevention of drug addiction.
3. Limitation.
4. Penalties.
5. General provisions.

Moreover, there were in the draft submitted to the Conference certain points on which delegates disagreed. No Convention could be really effective unless it secured the acceptance of all nations.

The Chairman, in reply to a further suggestion by M. Perez concerning proposed additions to Articles 3 and 8, pointed out that these proposals could be more appropriately discussed in conjunction with the articles in question.

M. Cavazzoni (Italy) approved the Chairman's proposals. The plenary Conference was the appropriate place for the discussion of points of substance and of each article in turn. Draft amendments, etc., could be referred to the various competent committees.

M. Perez (Argentine) had understood that part of the Business Committee's function was to examine any proposals concerning which there was a divergency of opinion and to submit proposals for a compromise to the plenary Conference.

The Chairman, in reply, read Article 3 of the Rules of Procedure¹ defining the Business Committee's powers. The function of the Committee would be far from negligible. The Conference would be faced with many difficulties, which would make it necessary for the Business Committee to meet, and it would be for the latter to solve them by laying before the Conference suggestions primarily as to procedure. Further, the Committee would have to co-ordinate the work of the various other Committees.

M. Perez (Argentine) asked whether he could submit to the plenary Conference suggestions concerning the general structure of the Convention.

The Chairman replied in the affirmative and urged that the discussions should deal with written texts and not with abstract ideas, since otherwise they would stray from the point and lead to no conclusion.

He noted that, in the Committee's opinion, the Advisory Committee's draft Convention should be accepted as the basis for the discussions in the Conference.

3.—CONSTITUTION OF COMMITTEES.

The Chairman announced that the Bureau had worked out a scheme for various Committees as follows:

- (1) The Credentials Committee, already appointed.

¹ See Vol. I, Annex 1, page 275.

- (2) The Business Committee, already appointed.
- (3) A Legal Committee, which it had already been decided to set up and which would be known as the Legal and Drafting Committee. This Committee would deal with questions raising legal issues; matters involving issues of substance would be referred to the other competent Committees.
- (4) A Technical Committee.
- (5) A Committee on the Allocation of Manufacture, to study the question of quotas, or any other system.
- (6) A Distribution Committee.
- (7) A Prices Committee.
- (8) A Raw Materials Committee.

M. Cavazzoni (Italy) felt that there would be too many Committees, and that some of the points enumerated by the Chairman might be grouped together, so as to have fewer Committees. The questions of distribution, prices and raw materials might, for instance, be combined. This would avoid the possibility of the same question being subdivided and examined by a number of Committees.

M. Sawada (Japan) agreed that there would be too many Committees. The central question before the Conference was the method of limitation, and that should accordingly be solved before the discussion proceeded further. The results of the work done by the Committee studying this point would make it possible to decide as to the other Committees to be set up.

Dr. Wu Lien-Teh (China) agreed with M. Sawada. The whole problem submitted to the Conference turned upon the question of the method of limitation. Once that had been settled, it would be easier to examine the other issues and to determine what Committees should be set up.

M. Perez (Argentine) asked whether there would be a Committee on Control.

The Chairman replied that control would be one of the points referred to the Committee on the Distribution of Drug Manufactures.

In answer to the Japanese delegate's suggestion, he observed that the Bureau's first idea had been to begin with a discussion of Article 8, which would afford an occasion for a debate on limitation, and then to go on to Article 1. Article 7, however, raised a question of principle, which it would be very desirable to settle before taking up Article 8. The same remark applied to Articles 3 to 5. Article 1, again, raised the question of definitions, which must be determined at the outset. Lastly, the wording of the Preamble might have an effect on the final wording of Article 8.

It followed from the foregoing observations that, although the Conference's fundamental task was to settle finally the question in Article 8, certain preliminary work would have to be performed, and this would require the advice of the Technical Committee, of the Committee on Distribution and of that on Allocation. The Conference might perhaps limit itself provisionally to setting up these three Committees, thus meeting

M. Cavazzoni's wishes; it could always set up the other two Committees—those on prices and raw materials—later.

M. de Vasconcellos (Portugal) observed that three points had been left blank in the Advisory Committee's draft—those dealing with quotas, the organ of control, and prices. These were difficult issues, and the work of the Conference would be shortened if they were taken first.

M. Cavazzoni (Italy) pointed out that, of these questions, two were not urgent. The chief points to be examined at the moment were Article 1 and Article 8. To take into account M. Sawada's observations, it would be possible for the moment to set up merely the Legal and Drafting Committee, the Technical Committee and the Limitation Committee, and the latter perhaps might be somewhat enlarged and consider distribution as well, which should not be taken separately from the question of quotas.

M. Bourgois (France) agreed with the Japanese delegate that the question of quotas dominated the entire work of the Conference. The latter could proceed in a far clearer atmosphere if it took up this question at once.

Mr. Riddell (Canada) said that his delegation had come to Geneva with very definite instructions to take an active part in the Conference. It would, in particular, like to be associated with the Technical Committee and the Distribution Committee. It did not seem necessary to set up all the Committees simultaneously, and their constitution could be decided as and when the various questions to be examined by the Conference arose.

M. Obradovitch (Yugoslavia) supported M. Cavazzoni's proposals. The solution of certain fundamental questions was a necessary condition for the settlement of nearly all the other problems, and among the fundamental questions he might single out the system of limitation and the list of drugs the manufacture of which ought to be limited. M. Obradovitch might mention the question of prices as an instance of the interdependence of the various questions. This question would arise if the Advisory Committee's scheme were adopted; but if another more elastic system of limitation ensuring free competition in manufacture and trade, within the limit of legitimate requirements, were adopted, the question of prices would not arise, and the need for setting up a special committee would disappear. He proposed that there should first of all be a discussion of these fundamental questions; the result would be submitted to the plenary Conference and, according to the decisions reached by the latter, it would be possible to form a judgment on the other problems.

Dr. Paranjpye (India) agreed with Mr. Riddell's views. He thought, moreover, that, with a view to keeping all the delegations in touch with the work of the various Committees, it would be advisable for the

Chairman to request the secretariat of each Committee to circulate its Minutes to all the delegations, so that, if they had any suggestions to make, they could either send them to the competent Committee or put them directly before the plenary Conference.

M. von Rheinbaben (Germany) concurred in the Italian delegate's proposals. A Legal Committee and a Business Committee had already been set up, and the Technical Committee could not begin work until the experts arrived. The three Committees referred to by M. Cavazzoni would suffice to begin with.

The Chairman said that the Canadian delegation's suggestion as to its participation in the work of certain Committees would not be overlooked. However, if the number of Committees were reduced, certain delegations would be unable to take an active part in the work of the Conference outside the plenary meetings. How far should the number of Committees be reduced? The Japanese delegate had proposed that to begin with there should be only a Committee on Limitation. The Italian delegate advocated setting up immediately a Technical Committee and a Committee on Limitation. The solution really depended on whether Article 8 or Article 1 was to be considered first, and, in this connection, the Chairman would repeat that, in any case, it would be necessary to return to Article 1, thus entailing the immediate establishment of a Technical Committee. The Bureau would take steps to effect a slight increase in the membership of the two Committees in question so as to satisfy those delegations which desired to take a more active part in the work of the Conference.

The Chairman noted that it was agreed that the title of "Committee on the Distribution of Manufacture" should be replaced by "Limitation Committee", and that this Committee should be appointed at once; also that the Technical Committee should be set up at once. The Bureau would work out proposals on these lines.

M. Dinichert (Switzerland) suggested that the title "Limitation Committee" should be replaced by "Committee on Methods of Limitation", so as to make it quite clear that the principle of limitation had been definitely accepted and that only the methods for putting it into effect were to be discussed.

Mr. Caldwell (United States of America) thought that, from the point of view of the progress of the Conference's work, it would be better to set up only a limited number of Committees for the moment. The object of appointing a Limitation Committee before the substance of the question had been considered in plenary session was not clear to him.

The Chairman said that if the partisans of the different systems succeeded in agreeing in the Committee, the Conference would certainly prefer to consider their compromise in place of the draft. If, on the other hand, there was no agreement before the discussion of Article 8 began, it would always be possible

to consider the question at a plenary meeting; but the position would be clearer if the Conference had a majority and a minority report before it.

M. Cavazzoni (Italy) pointed out that the procedure suggested by the Chairman did not prevent the discussions on limitation being reserved for the plenary meetings.

M. Bogomoloff (Union of Soviet Socialist Republics), referring to the Swiss delegate's proposal, thought it preferable to maintain the title of "Limitation Committee". He feared that, if the Committee was stated to be dealing with "methods of limitation", the scope of its work would be restricted. Moreover, a discussion on limitation would always imply a discussion on the methods of limitation.

M. Dinichert (Switzerland) explained once again that the object of his proposal was to avoid the impression that the principle of limitation might still be a matter for discussion. The question to be considered was simply to find the best method and one that would be acceptable to all.

The Chairman suggested as a compromise the title "Committee for Limitation".

Dr. Wu Lien-Teh (China) shared the view of the Soviet delegate, and accepted the Chairman's proposal.

M. Bogomoloff (Union of Soviet Socialist Republics) also accepted the Chairman's proposal.

The Chairman's proposal was adopted.

The Business Committee further decided to give the Legal Committee the title of "Legal and Drafting Committee".

4.—PUBLICITY OF MEETINGS.

The Chairman said that the Business Committee would be concerned mainly with questions of procedure, which were indeed very important for the progress of the Conference. In these circumstances, it seemed that the Business Committee's meetings ought in principle to be considered private, though the Committee would have the right to hold public meetings, if necessary; for instance, if the Conference should refer a very important question to it.

M. Bogomoloff (Union of Soviet Socialist Republics) had no objection to this proposal, on condition that the procedure would be the same as that referred to by M. Cavazzoni.

M. Casares (Spain) thought that the Business Committee was in reality a kind of enlarged Bureau, questions of substance being left to the special Committees. It might therefore be well to change its title.

The Chairman pointed out that the Business Committee's task, as defined at the morning's discussion, was exactly as laid down in Article 3 of the Rules of Procedure. Moreover, the essential work would be carried out, not by the various Committees, but by the Conference itself. Experience

and reflection had shown that the problem for which the Conference had been convened could be solved only if examined by a very large body of representatives. The Business Committee would, however, still have a very important function to perform. It would guide the work of the Conference and provide it with suggestions; it would have to foresee difficulties and devise effective methods of procedure for solving them; lastly, it would have to co-ordinate the work of the other Committees. The responsibility of deciding on rules of procedure would have been too heavy for a general committee of

three members; it required a body like the Business Committee, which was really representative of the whole Conference. Although the Business Committee might not be discussing questions of substance, he was sure that its work would soon be seen to be none the less important and perhaps even decisive.

The Chairman, in reply to M. Sawada (Japan), stated that the various Committees could not begin their work until the plenary Conference had referred to them the questions they would have to consider.

SECOND MEETING.

Monday, June 8th, 1931, at 10 a.m.

Chairman: M. DE BROUCKÈRE (Belgium).

5.—QUESTIONS REFERRED TO THE BUSINESS COMMITTEE.

The Chairman asked the Committee to make a preliminary examination of certain important questions which had been or would be referred to it by the Conference.

Article 24 of the Geneva Convention.

The Chairman, in anticipation of the report of the Legal and Drafting Committee, drew attention to the position of this question. There were obvious differences between the French and English texts of Article 24 of the Geneva Convention. The Permanent Central Board had felt that the English text was better and had asked the Council to have the French text brought into conformity with it. There were various methods by which this object might be attained:

(1) The Conference could interpret the article in the sense indicated by the Permanent Board. This procedure could not be followed, however, because it appeared, on investigation, that the French text was authentic and the English only a translation.

(2) An amendment to Article 24 of the Geneva Convention could be adopted in some form or other. In the absence, however, of a specific clause providing for the amendment of a Convention, this procedure might lead to great confusion. Some States would ratify the new text only, while the old text would lose its authority owing to doubts having been raised as to its authenticity.

(3) A provision adding a supplementary rule to the Geneva Convention could be embodied in the present Convention. Such a procedure would have to be introduced by one or more delegations; it would be very difficult for the Business Committee to do so itself.

The Chairman proposed to invite the Legal Adviser of the Secretariat of the League of Nations and the President of the Permanent

Board to attend the Business Committee during the discussion of this question.

M. van Wettum (Netherlands) asked whether it was correct that the Permanent Board requested, in its letter to the Council, that the English text should be declared authentic.

The Chairman replied that, in any case, that was clear from M. Fotitch's report to the Council. Even if the Permanent Board contemplated some other solution, however, the difficulties to which the Chairman had drawn attention would still remain.

Sir Malcolm Delevingne (Great Britain) explained that there was an important principle involved. According to the French text of the Geneva Convention, the duty of the Permanent Board was confined to considering whether there was a danger of a country becoming a centre of the illicit traffic owing to the accumulation of excessive quantities of drugs in its territory. According to the English text, the Permanent Board could declare that a country was in danger of becoming a centre of the illicit traffic for reasons other than those provided for in the French text. That, however, covered questions which had always been, and should remain, within the competence of the Advisory Committee. Every year, the Advisory Committee addressed to the Council reports on questions of this kind and proposals as to the measures to be taken (representations to, or steps to be taken in connection with, Governments, and so on). It was very undesirable that there should be any overlapping, or any dispute as to their respective competence, between the two bodies. Perhaps the best solution would be to call a meeting of representatives of the Permanent Committee who were attending the Conference, and representatives of the Advisory Committee, with a view to delimiting, if possible, the respective fields of action. In view of the relations between the two organisations, agreement could probably be reached easily.

The Chairman said that, when the results of the discussion to which Sir Malcolm had referred were available, the Business Committee could meet again in order to consider them with the President of the Permanent Board.

Mr. Caldwell (United States of America) wondered why, in these circumstances, the Legal and Drafting Committee should intervene.

The Chairman replied that it was understood that the procedure suggested by Sir Malcolm would be applied only after the Legal and Drafting Committee had made its report. The report would be very simple, since the Committee would merely state that the French text was authentic.

M. Casares (Spain) did not understand what would be the result of the discussions proposed by Sir Malcolm. Either the Permanent Board and the Advisory Committee would agree to accept the French text, and then the problem would arise in its present form, or they would accept the English text, or an intermediate solution would be adopted, and there would then be three texts. In any case, it would apparently be necessary to insert some article or provision in the present Convention.

The Chairman agreed that the Conference was dealing with a question which had been referred to it somewhat hurriedly. He felt, with M. Casares, that the final solution should be to insert an article in the new Convention; but a more satisfactory text could be drawn up after the conversations suggested by Sir Malcolm, which would put the Conference in possession of the most authoritative views. Briefly the procedure would be: (1) To await the report of the Legal and Drafting Committee; (2) To call a meeting of representatives of the Permanent Board and the Advisory Committee; (3) When the results of that meeting were available, to hold a meeting of the Business Committee to examine the substance of the question and the conclusions to be submitted to the Conference. As all the members of the Board and the Committee were not in Geneva, their President and Chairman might be consulted and would give an informal opinion.

The Chairman's proposal was adopted.

Article 18 of the Draft Convention.¹

The Chairman pointed out that the Committee had been asked to fill in the blank in Article 18 relating to the annex to the Convention. He would ask the Chairman of the Advisory Committee whether that Committee contemplated a procedure under which it would be possible to revise any provision in the annex. If so, it was hardly likely that a contracting party would agree to give an outside authority the right to revise the annex without further consultation. The States examined texts with the greatest care before ratifying them, and very few

States would be willing to give a mandate in blank. In other Conventions in which they had agreed to this procedure, the question related only to the renewal of provisions of secondary importance—for example, in air, postal or railway matters. It would be most unusual to delegate power to modify an annex containing such important provisions as the composition of the Central Narcotics Office or the appointment of its expenses, and the Committee could only recommend such a course to the Conference after careful reflection.

M. de Vasconcellos (Portugal) replied that the Advisory Committee had intended the legal question to be discussed by the Conference, as it was within its sphere. He thought that precedent should first be consulted. The Legal Adviser and the Legal Section of the Secretariat could provide the Conference with the necessary information for consideration.

The Chairman noted that the Committee approved this suggestion.

M. Ferri (Italy) suggested that the Legal Adviser and the Legal Section should also be asked to give an opinion as to whether the annex only contained provisions relating to the form in which the principles laid down in the Convention should be applied or whether, as often happened in legal rules, this annex contained other factors. In the first hypothesis, it would be possible to give a certain body power to modify the method of application without attacking the sovereignty of States. In the second hypothesis, difficult questions relating to the sovereignty of States and the powers of ratification would be affected, and possibly a rule involving the alienation of the sovereignty of States might be regarded as null and void.

The Chairman noted that the Committee agreed that this new question should be submitted to the Legal Adviser and the Legal Section. He pointed out that the annex contained provisions which did not relate simply to the application of the Convention. Chapter III¹, for example, dealt with the organisation of the Central Narcotics Office and the expenses of that office.

Further, the Legal Adviser and the Legal Section could be asked to consider which articles were sufficiently technical to be entrusted to a central authority for revision if need be, and whether it would perhaps be possible, in the present state of international law, to contemplate a kind of limited right whereby States could appeal against the decisions of the Central Office to the Permanent Court of International Justice, for example.

The Business Committee had been asked to fill in, not only the blank in Article 18, but also the blank in Chapter III of the annex. That question was raised by an amendment

¹ See Vol. I, Annex 7, page 284.

¹ See Vol. I, Annex 7, page 288.

of the delegation of the Union of Soviet Socialist Republics. The Committee could therefore take it that this second question was also referred to it. When the Legal Adviser had prepared his opinion, the Business Committee would examine the question fully.

Article 20.¹

The Chairman pointed out that this article was reserved for consideration by the Conference, which had been asked to refer to paragraph 6 of the Advisory Committee's report.² He wondered what procedure should be followed.

M. de Vasconcellos (Portugal) pointed out that the Conference had decided not to appoint a committee on prices, as had been suggested. It would, however, be one of the most necessary committees. The question of prices was very difficult and required great technical knowledge. It could not be studied until a preparatory examination had been made by a special body. He therefore urged the Conference to refer it to a special body, which should be as small as possible.

M. Casares (Spain) pointed out that this also was a question the solution of which depended upon the solution of other questions. The problem of prices would be of great importance under the quota system, in view of the danger of an increase in prices as the outcome of the setting up of a cartel. If the Conference adopted a solution which did not involve the setting up of a cartel, however, prices would simply be regulated by the law of supply and demand. M. Casares wondered, therefore, whether the question of the appointment of a special committee should not be postponed.

M. Ferri (Italy) agreed with these observations.

M. Bogomoloff (Union of Soviet Socialist Republics) also agreed with the Spanish delegate's observations. He was of opinion that discussion of the question of prices should be adjourned until the Conference had decided the fundamental problem whether it supported the Advisory Committee's draft or accepted another principle.

¹ See Vol. I, Annex 7, page 285.

² See Vol. I, Annex 7(a), page 296.

M. de Vasconcellos (Portugal) did not press for the immediate appointment of a special body to consider the question of prices, but pointed out that, even if the quota system were not adopted, any system of direct limitation would prevent the law of supply and demand from operating. Consequently, at a suitable moment, the question should be settled either by the appointment of a special committee or by some other procedure.

Sir Malcolm Delevingne (Great Britain) said that, if the Conference waited until the fundamental problem of direct or indirect limitation had been settled before examining the secondary question of prices, it might have to sit for an indefinite period. The question should be considered by a committee in whose discussions the representatives of the manufacturers should take part. Moreover, reference to the report of the Advisory Committee showed that three different methods were contemplated and that the study of the problem was fairly well advanced. Loss of time would be avoided if the question were examined either by a special committee or by some other procedure. Finally, the question had been specifically referred to the Conference by the Council and the Assembly.

The Chairman considered that, whatever divergence of opinion might exist, the Committee agreed that the method of limitation eventually to be adopted would influence the method to be followed in settling prices. Perhaps the most simple method would be to submit the question to the Committee for Limitation. That Committee would be more competent to decide whether to refer the problem to a special committee.

M. Ferri (Italy) agreed with this suggestion.

M. Obradovitch (Yugoslavia) did not wish, for the moment, to enter into a discussion of this very complicated problem, but agreed with M. de Vasconcellos that the question of prices would arise in any system of direct limitation, though it would assume a much more serious aspect under a quota system than under other systems of limitation. The Yugoslav delegate supported the Chairman's proposal.

M. Bogomoloff (Union of Soviet Socialist Republics) said that other arguments could be given in support of the Spanish delegate's suggestion, but he had no objection to the Chairman's proposal.

The Chairman's proposal was adopted.

THIRD MEETING.

Tuesday, June 16th, 1931, at 10 a.m.

Chairman : M. DE BROUCKÈRE (Belgium).

6.—PROPOSAL BY THE PRESIDENT OF THE CONFERENCE WITH REGARD TO THE PROCEDURE TO BE FOLLOWED FOR THE CO-ORDINATION OF THE DISCUSSIONS OF THE VARIOUS COMMITTEES, AND CONSEQUENT RECOMMENDATIONS TO THE COMMITTEES.

The Chairman remarked that the Conference had been sitting for three weeks and had so far arrived at only rather meagre results. He considered it essential to cut down the work and in particular to reduce the number of proposals. It was, he thought, to be feared that the delegations would tire of the discussions, and if, as a result, it were agreed to adjourn the decisions, the Conference would be regarded by the public as a complete failure. The Norwegian delegate had already stated that he was obliged, on account of his duties in his own country, to leave the Conference.

Reviewing the work accomplished by the various Committees, the Chairman stated that the Legal and Drafting Committee, whose task was the least onerous, had arrived at decisions. The Technical Committee had made progress, but had not yet finished its work with regard to the definitions to be inserted in paragraphs 2 and 3 of Article 1. Moreover, the redrafting of Articles 8 to 17 would necessitate other definitions. The discussions of the Committee for Limitation had revealed a remarkable conciliation of views, but, unfortunately, this conciliation was not shown in the texts.

The Committee for Limitation still had before it a large number of texts and amendments, which could be divided into three main series : Sir Malcolm Delevingne's proposal, the Franco-Japanese proposal and the United States delegation's proposal¹. The divergencies between these texts must be eliminated as soon as possible.

The United States delegation had raised a difficulty with regard to the form of its proposal by presenting to the Committee for Limitation a new text for Articles 1 to 16. This method of presentation, however, was not compatible with the decisions on procedure and the previous votes taken by the Conference. Certain articles (Article 1, paragraphs 2 and 3, and paragraph 2a) had been referred to the Technical Committee ; others (Articles 8 to 17) had been referred to the Committee for Limitation, while some of the remaining articles had been accepted by the Conference in plenary session. If the United States delegation were to maintain its proposal, the Conference would have to annul the decisions it had already taken.

The Chairman therefore suggested that the United States delegation should consider its text as setting out its views on the draft Convention as a whole. It would then be easy to detach that part of it which related to Articles 8 to 17 and submit it to the Committee for Limitation, which would decide whether the United States proposal should be submitted to the plenary Conference. In the affirmative, certain amendments would require to be made in the text of the articles already adopted at first reading.

Mr. Caldwell (United States of America) realised that the United States proposal raised difficulties in regard to procedure. Articles 1 to 8, which the Conference had adopted at first reading, had of necessity been adopted only provisionally, since they were dependent on the adoption of the articles following. The United States plan was an amplification of the principles contained in the Franco-Japanese proposal, and merely added to the latter certain provisions, particularly those relating to the limitation of raw materials. The delegation of the United States of America was prepared to accept the Chairman's suggestion.

The Chairman noted that the Committee agreed to refer that part of the American proposal relating to Articles 8 to 17 to the Committee for Limitation. It was understood that the text of Articles 1 to 7 adopted at first reading might have to be modified at the second reading.

7.—EXCHANGE OF VIEWS WITH THE BUREAU OF THE COMMITTEE FOR LIMITATION IN REGARD TO THAT COMMITTEE'S WORK.

The Chairman understood that the Committee for Limitation had concluded the general discussion of the texts referred to it. It was essential that a text acceptable to the majority of the delegations should be submitted in the near future. He had heard, however, that the Committee was contemplating referring the various proposals to sub-committees. He suggested that, as that would tend to lengthen the proceedings, sub-committees should be appealed to as little as possible.

M. von Rheinbaben (Germany) regretted that he disagreed with the Chairman as regards sub-committees. In his view, reference to a sub-committee was the only way of advancing the study of a question when serious divergencies of opinion arose. The Committee for Limitation had before it three main texts : the Franco-Japanese proposal, Sir Malcolm Delevingne's proposal and the United States proposal. It had also to settle a question of principle—namely, should the Conference consider the limitation of raw materials or not ? That question was

¹ See Vol. I, Annex 9, pages 308-315.

connected with the questions of prices and the limitation of the import of raw materials ; it was also connected with the Soviet proposal to limit the cultivation of plants which formed the basis of the manufacture of narcotic drugs.

Another question of principle to be settled was the organisation of central control from Geneva, the explanations to be given with regard to the estimates to be furnished by countries, the method of examining these estimates, the method of fixing the amount to be allowed to countries which had not furnished estimates. A decision had also to be taken with regard to internal control. Should the Conference deal with control within States ? In this connection, it would have to examine the Argentine proposal. M. von Rheinbaben felt sure that only by referring these various questions to sub-committees would it be possible to submit texts acceptable to the majority of the delegations without going into lengthy discussions.

M. Cavazzoni (Italy) fully agreed with the Chairman. All the subjects submitted to the Conference had been discussed thoroughly. The delegations were familiar with all the arguments for and against the various plans. The Conference had before it two very distinct points of view : (1) that of the British proposal, and (2) that of the Franco-Japanese proposal, completed by the United States proposal. One or two meetings of the Committee for Limitation should suffice for agreement to be reached on one or other of these schemes, and final texts could then be submitted to the Conference.

M. de Vasconcellos (Portugal) agreed with the Chairman that the decision rested with the Committee for Limitation. In his view, discussion in plenary session was too slow a procedure for drawing up final texts. He therefore suggested that the authors of the proposals should arrange, if possible by means of private conversations, to submit a compromise text.

8.—NOTE BY THE LEGAL ADVISER TO THE CONFERENCE (Vol. II, Annex 2).

The Chairman asked the Committee to discuss the Legal Adviser's note on Article 18. Should Article 18, which permitted the annexes to be revised without the necessity for holding a new conference, be added to the Convention ? The Legal Adviser had submitted a statement which showed that the question was perhaps much more difficult than had been thought at the outset. Indeed, it would be extremely difficult to find a procedure by which the annexes to a convention could be modified without the co-operation of the parties.

The Chairman suggested that, without embarking on a long discussion on international law, the Conference should admit that it would be difficult to modify the annexes to a convention without new ratifications, and should abandon Article 18.

If by June 22nd no proposal accompanied by a text for Article 18 had reached him, he would consider this proposal accepted.

The Chairman's proposal was adopted.

FOURTH MEETING.

Monday, June 22nd, 1931, at 11.45 a.m.

Chairman : M. DE BROUCKÈRE (Belgium).

9.—PROCEDURE TO BE FOLLOWED IN STUDYING THE PLAN ADOPTED BY THE CONFERENCE ON JUNE 20TH AS A BASIS FOR ARTICLES 8 TO 17 OF THE DRAFT CONVENTION.

The Chairman pointed out that the Committee had before it two proposals: one by Mr. Caldwell, suggesting the appointment of a sub-committee to draw up a text for Articles 8 to 17; the other by several delegations, suggesting that the private conversations already started should be continued until they had led to the preparation of a draft text for Articles 8 to 17.

M. de Vasconcellos (Portugal) emphasised the advantage of private conversations between the delegations concerned. That method of procedure would enable a provisional text, which could be submitted to the technical organs of the League, to be drawn up rapidly.

M. Bourgois (France) pointed out that the conversations between the French and Japanese and various other delegations for the purpose of drawing up a draft Convention, account being taken of the different points of view expressed in the Conference, had resulted in absolute agreement. The only difficulties still to be settled were those, so to speak, of a material nature (the complexity of the machinery to be set up). It should, he thought, be possible to submit a draft very shortly.

The Chairman welcomed M. Bourgois' statement, and pointed out the disadvantages entailed by the appointment of a new committee. The Conference had accepted the basic principle, which now had to be put into concrete form in a series of articles to replace the articles relating to quotas in the Advisory Committee's draft. A drafting committee, if it were to be representative of the Conference, would necessarily be very large. It was therefore preferable that the private discussions should continue.

other procedure would be lengthy, and there would be a danger that the completion of the work would have to be adjourned to another session.

Mr. Caldwell (United States of America) admitted that it was essential that the discussions in plenary session should not be continued until the Conference had a definite text before it. He would have preferred that text to be drawn up by a drafting committee with official authority, provided that committee was very small, but, if that was impossible, he agreed to the alternative proposal.

The text submitted to the Conference should, however, be complete—that was to say, should contain Articles 1 to 17 and not only Articles 8 to 17—and he asked that an effort be made to prepare a text containing the articles already adopted.

The Chairman pointed out that the Conference had already adopted some of the articles between Articles 2 and 7, and that, unless it decided that its previous work was null and void, it could not go back on the votes already given at first reading.

In reply to an observation by M. Bogomoloff (Union of Soviet Socialist Republics), he explained that the new draft Convention would include those of Articles 1 to 7 which the Conference had already adopted at first reading, Articles 8 to 17 of the Advisory Committee's draft (so far as they did not relate to the quota system), and the new Articles 8 to 17 redrafted in accordance with the Conference's adoption of the Franco-Japanese plan. The amendments to the articles relating to quotas were now pointless, while the amendments to the articles not relating to quotas were maintained and would be discussed simultaneously with the articles to which they related.

10.—MAINTENANCE OF ARTICLE 18

The Chairman pointed out that, as he had received no proposal regarding Article 18, he concluded that the Business Committee did not wish to maintain the text proposed for Article 18, paragraph 2.

FIFTH MEETING.

Thursday, July 2nd, 1931, at 12 noon.

Chairman: M. DE BROUCKÈRE (Belgium).

11.—DISCREPANCY BETWEEN THE FRENCH AND ENGLISH TEXTS OF ARTICLE 24 OF THE GENEVA CONVENTION OF 1925.

The Chairman reminded the Committee that the Conference had referred to the Legal and Drafting Committee the question of the discrepancy between the English and French texts of Article 24 of the Geneva Convention, in which a considerable difference of meaning was involved by the use of the French word "*et*" and the English "or". The Legal and Drafting Committee's report (document Conf.L.F.S.59) embodied the following two resolutions:

" I. An examination of the documents of the Second International Opium Conference of 1924-25 has shown that it is the French text of Article 24, paragraph 1, of the 1925 Convention which answers to the negotiators' intentions, this being corroborated by the logical meaning of the text.

" Furthermore the competence conferred by this clause on the Permanent Central Board according to the French text is in any case included in the competence provided for in the English text.

" II. As to the question of procedure, the Committee considers that this Conference should, when discussing the respective articles of the new Convention, exclude from the text of that Convention

any doubt as to the scope of the Permanent Central Board's powers resulting from Article 24 of the Geneva Convention."

He would propose that the legal opinion expressed in the first resolution should be merely noted by the Conference without any vote being taken; the Conference had in fact no authority to give a legal interpretation of a provision of the Geneva Convention.

The second resolution, which was concerned with the question of procedure, should, he considered, be communicated to the Conference, but should not affect its freedom to confer upon the Permanent Central Board, under the terms of the new Convention, any powers which it might consider suitable.

It remained to be decided what attitude should be taken with regard to the Council's suggestion that the States parties to the Geneva Convention should take the opportunity afforded to them by the present Conference to amend or interpret that Convention in the sense of the English text. After carefully considering the matter and consulting a number of jurists, he had come to the conclusion that it was impossible for the Conference or its President to take any action whatever in the matter. If any further agreement was to be concluded with regard to the Geneva Convention, the signatory States would have to hold a conference which would be of a diplomatic nature and could be convened only by a

sovereign State or by the League. The only course he could propose was to inform the States parties to the Geneva Convention that, if they wished to hold a conference, the Secretariat would arrange for accommodation and give any necessary assistance, and that he would personally be at their disposal if his services were desired.

Sir Malcolm Delevingne (Great Britain) pointed out that the situation had changed since the Sub-Committee on Control had proposed new duties for the Permanent Central Board. He thought that paragraph 4 in the Sub-Committee's report (Vol. I, Annex 20) met the wishes which the President of the Board had expressed in the Legal and Drafting Committee. If that was so, the question became one of purely academic interest.

The Chairman agreed with that point of view, but had thought it his duty to put the matter before the Committee.

Mr. Lyall (President of the Permanent Central Board) agreed with Sir Malcolm Delevingne that the question would become less important after the new Convention had come into force, and expressed the Central Board's thanks to the Conference for the trouble which had been taken in endeavouring to settle a difficult point.

12.—SPECIAL PROTOCOL RELATING TO THE IMPORTATION OF RAW OPIUM PROPOSED BY THE YUGOSLAV DELEGATION (Vol. I, Annex 23).

The Chairman stated that the juridical position with regard to the Yugoslav delegation's proposal for a protocol relating to the importation of raw opium was somewhat similar to that which had been considered in connection with the last item. Objections had been raised to the proposal on the ground that it concerned only certain parties to the new Convention and not all the signatories.

M. Obradovitch (Yugoslavia) said that, in view of these objections, of which the Chairman had informed him, he had communicated with his Government and was awaiting its reply. He would therefore propose that the question, to which his delegation attached great importance, should be adjourned until that reply was received. He would ask that it should be discussed in public.

The Chairman emphasised that the Business Committee would not deal with the substance of the proposal, but would only consider whether it was within the competence of the Conference. In accordance with M. Obradovitch's desire, however, the question would be considered at a public meeting by the Business Committee.

13.—AMENDMENTS TO ARTICLE 2 OF THE ADVISORY COMMITTEE'S DRAFT CONVENTION, PROPOSED BY THE SOVIET DELEGATION AND THE POLISH DELEGATION.

The Chairman read the following draft amendments to Article 2 of the Advisory Committee's Draft Convention

Soviet Amendment :

" Add a second paragraph to Article 2, worded as follows :

" ' For this purpose, the High Contracting Parties will introduce State monopoly for manufacture and distribution, as well as for exports and imports of all narcotic drugs to which this Convention will apply.' "

Polish Amendment :

" Add at the end of Article 2 of the Draft :

" ' It is recommended that a State monopoly be established over the traffic in narcotic drugs or even, if necessary, a State monopoly over the manufacture of the narcotic drugs coming under the present Convention.

" ' If the State monopoly over traffic in narcotic drugs is found, for constitutional or other reasons, not to be practicable, traders who may have received from a Government a licence to trade in the narcotic drugs covered by the present Convention should be required to furnish adequate security in kind to serve as a really effective guarantee which would prevent them from engaging in any illicit transactions in narcotic drugs.' "

The Chairman reminded the Committee that, while neither of these amendments had been accepted for inclusion in the Convention, the question whether a recommendation in favour of State monopolies could be introduced in a protocol had been referred to the Business Committee. He would first ask the Committee to vote for or against the inclusion of such a recommendation.

The Committee voted, by eleven votes, to seven, in favour of the inclusion of such a recommendation.

The Chairman, with regard to the form of the recommendation, proposed that a text based on the first paragraph of the Polish amendment, with any necessary drafting changes, should be incorporated in a protocol.

This proposal was adopted.

M. Cavazzoni (Italy) thought a second recommendation should be added on the lines of the second paragraph of the Polish amendment.

He would, however, advocate strengthening

the proposal by omitting the first conditional clause and beginning at the word "traders".

Sir Malcolm Delevingne (Great Britain), called attention to the fact that a proposal to that effect had been included in the Final Act of the Geneva Convention, Section IV of which read as follows :

"The Conference draws attention to the advisability in certain cases of requiring dealers who are licensed by the Government to trade in the substances covered by the Convention to deposit or give sureties for a sum of money sufficient to serve as an effective guarantee against their engaging in the illicit traffic."

It would be interesting to know whether a single country had ever carried out that recommendation.

The Chairman hesitated to express his personal views, but urged the Committee to take into consideration the unfavourable effect produced on public opinion when parties to a Convention made recommendations which they subsequently failed to put into practice.

M. Cavazzoni (Italy) thought that, if the 1925 Conference advocated a system of requiring dealers to give sureties, it was a desirable measure, and the only course was to persevere in pressing for its adoption. He would therefore propose that the second paragraph of the Polish amendment (with the omission of the introductory words) should be added to the Convention in the form of a recommendation.

Sir Malcolm Delevingne (Great Britain) asked whether the word "traders" used in the English text was intended to include retail traders.

M. Cavazzoni (Italy) replied that the term should certainly be changed to "dealers".

M. van Wettum (Netherlands) pointed out that the text proposed by **M. Cavazzoni** went further than Section IV of the Final Act of the Geneva Convention ; he considered the latter text preferable.

Sir Malcolm Delevingne (Great Britain) said he would not object to reproducing that text in a protocol to the new Convention, but thought it would be more effective if it were introduced by a preamble explaining that the recommendation contained in the Final Act of the Geneva Convention was being repeated on account of the small extent to which it had so far been put into practice and giving the number and, if possible, the names of the countries which had carried it into effect.

M. Sawada (Japan) thought it would be detrimental to the prestige of the Conference to make a recommendation which it was foreseen would be ineffective.

After some discussion, *the Committee decided, by a majority vote, not to include in the Convention any recommendation with regard to the question of the demand of deposits or sureties from dealers.*

14.—ARTICLE 20 OF THE ADVISORY COMMITTEE'S DRAFT CONVENTION (Vol. I, Annex 7) : QUESTION OF PRICES.

The Chairman stated that, as no proposal had been put forward with regard to prices, the Business Committee could only confirm the statement made in the new draft Convention (Vol. I, Annex 10) that the original Article 20 was suppressed.

15.—PROPOSAL MADE BY THE GREEK DELEGATION FOR INSERTION IN THE FINAL ACT.

The Chairman informed the Committee that a proposal made by the Greek delegation for the insertion of a recommendation in the Final Act had been on the Committee's agenda but had been withdrawn by the Greek delegation.

SIXTH MEETING.

Saturday, July 4th, 1931, at 1 p.m.

Chairman : **M. DE BROUCKÈRE** (Belgium).

16.—SPECIAL PROTOCOL RELATING TO THE IMPORTATION OF RAW OPIUM PROPOSED BY THE YUGOSLAV DELEGATION (Vol. I, Annex 23).

The Chairman stated that the proposed protocol was in fact a Convention to be concluded between a certain number of countries which produced opium and a certain number of manufacturing countries.

As it would be concluded, not between all the countries represented at the Conference, but only between some of them, a special conference would have to be held to draw up the Convention. According to the usual practice, the general Conference could allude in the Final Act or in a protocol to the resolutions adopted by the special conference.

The Chairman had already informed the Yugoslav representatives that he could not convene such a conference, as he was not in a position to invite States to hold a diplomatic

conference. That step, he considered, could be taken only by a sovereign State; but, if such a conference were convened, the premises and the services of the Secretariat would be available for it, and he would be glad to offer his own services as far as they might be useful. Moreover, any decisions taken by the special conference could be communicated to the general Conference.

M. Obradovitch (Yugoslavia) said that the Yugoslav proposal did not concern only a certain number of the States represented at the Conference and contained no suggestion of a special convention to be concluded between producing and manufacturing countries. None of the terms of the proposal could imply such a thing. Manufacturing countries were not the only importers of raw opium. Their imports were obviously greater than those of non-manufacturing countries, but the latter imported raw opium for the preparation of medicinal opium. The question was therefore one of general interest and might be included in the work of the Conference.

The Chairman pointed out that the title of the document presented by the Yugoslav delegation contained the adjective "special". The Yugoslav delegate had stated that it was special in respect of its purpose but not special to certain States. The Chairman considered this argument strange, but, if it were proved that he was mistaken, he would be prepared to change his view. He would, however, draw the Committee's attention to another somewhat serious difficulty. The Conference had been convened to discuss a draft Convention for limiting the manufacture and regulating the distribution of narcotic drugs. The special protocol proposed by the Yugoslav delegation could not come under the first part of this programme, since it was not concerned with the direct or indirect limitation of manufacture. Could it be considered in connection with the second part —i.e., the regulation of the distribution of narcotic drugs? This seemed to him impossible, for the proposal referred only to imports made by certain countries. Therefore, even assuming that the work of the Conference covered raw opium (a point which some delegates had disputed), the Chairman thought the Yugoslav delegation's proposal was beyond the scope of the Conference.

He could not ask the Conference to discuss the question unless the delegates unanimously agreed to such procedure. If the Yugoslav delegation wished, he would, at the opening of the next plenary meeting, ask whether there was unanimous agreement that the work of the Conference should cover the Yugoslav proposal, but it must be understood that the question would only be raised and a debate would not be opened.

M. Obradovitch (Yugoslavia) replied that the Conference had already adopted a number of provisions which were not directly connected with its actual title. The question

of raw material itself had been dealt with in certain provisions, which had been adopted. Moreover, the Yugoslav delegation had raised the question of guarantees for the prices of raw material before the Advisory Committee in January and, at the very beginning of the present Conference, they had stated that they attached the greatest importance to this question. The Yugoslav delegate therefore thought there was no objection to a general discussion on the subject in the plenary Conference.

The Chairman regretted that he was unable to accept M. Obradovitch's arguments. It was a general and definite rule that the extent of the powers of a conference was determined by what were called the "terms of reference", defined in the present case by the actual title given to the Conference by the body that convened it. This rule had been accepted on several occasions during the present session.

Whenever a doubt had arisen as to whether a question was within the scope of the Conference, the Chairman had been asked to give a ruling. He found nothing in the Yugoslav delegate's speech to suggest how he could state that a Convention for regulating the importation of raw opium could come within the scope of a Convention for limiting the manufacture and regulating the distribution of narcotic drugs. M. Obradovitch had said that other proposals already adopted came within the same category. The Chairman would recognise his error if that fact could be proved to him. When prices were mentioned in the former Article 20, there was a direct relation between that question and the rest of the Convention, since the quota system was then contemplated. But the problem of prices was one question and the problem of the import of opium was another. The Chairman did not see how the scope of the title could be gradually extended to include the object of the special protocol proposed by the Yugoslav delegation.

He could therefore only recommend the Yugoslav delegate to follow, if he so wished, the procedure which he had suggested, according to which a conference convened by a sovereign State could sit at the same time as the general Conference, on the understanding that the latter would be prepared to embody in its final protocol any decision taken by the sister conference.

M. Obradovitch (Yugoslavia) drew attention to Article 12, paragraph 2, which related to raw material. He added that undue importance must not be attached to the title of "special protocol" given to the Yugoslav proposal. It dealt with certain guarantees for the disposal of opium which the Yugoslav delegation considered indispensable, but there was no question of a separate Convention. The Yugoslav proposal could, for instance, be included in a protocol annexed to the Convention on the lines of those adopted at the same time as the Geneva Convention. The Yugoslav

delegation did not mind, however, what precise final form was given to its proposal; the essential point was the question of principle.

M. Obradovitch asked that the question should be deferred till the next meeting of the Business Committee or of the plenary Conference.

The Chairman replied that his duty as President forbade him to put the question to the plenary Conference for discussion, since it lay outside the terms of reference of the Conference. He was prepared to examine the proposal if it were put forward in another form, and agreed that the decision should be deferred till the next meeting of the Business Committee.

Sir Malcolm Delevingne (Great Britain) and M. Paranjpye (India) were opposed to

the question being deferred till another meeting.

The Chairman requested Sir Malcolm Delevingne to withdraw his objection in view of the great importance which the Yugoslav delegation attached to the question.

Sir Malcolm Delevingne (Great Britain) replied that the great majority of the Committee certainly agreed with the Chairman that the question was beyond the scope of the Conference, and there would be serious objections to such a proposal.

The Chairman replied that, if there was any possibility of arriving at a solution, it would be found by private discussion.¹

¹ The statement of the Yugoslav delegate concerning this question is to be found in Vol. I, pages 246-248.

COMMITTEE FOR LIMITATION.

FIRST MEETING.

Monday, June 8th, 1931, at 11 a.m.

Chairman: M. DE VASCONCELLOS (Portugal).

I.—PUBLICITY OF MEETINGS.

The Committee decided that its meetings should be public, always provided that it could meet in private to discuss certain subjects.

2.—STATEMENT BY THE GERMAN DELEGATION.

M. von Rheinbaben (Germany) read the following declaration :

" Now that we are beginning the detailed discussion on Article 8 in the draft Convention, the German delegation wishes to make the following declaration.

" We have come to this Conference with the conviction that the Conference would have been superfluous had all countries ratified the Geneva Convention and honestly complied with it. In preparing for the present Conference, we, as representatives of one of the largest manufacturing and exporting countries, accepted the quota system because we sincerely believed that no other system would permit of an equally direct and effective limitation of manufacture under State control, while placing it under the guarantee of international law.

" During the general discussion on Article 8, however, we were forced to observe that our desire for compromise and co-operation had been misunderstood in various quarters. It has even been said, both openly and covertly, that we attempted, in concert with other exporting countries, to create a monopoly for the purposes of earning profits for which there could be no justification, of debarring foreign competition and limiting, instead of manufacture, the freedom of trade.

" Furthermore, we have likewise noticed that the draft Convention based on the quota system has had one consequence which was hardly anticipated when it was drawn up—namely, the determination of certain countries to set up new factories in order to obtain a quota of the total world exports. Thus the present Conference almost inevitably creates the impression among the public that, under cover of the fine-sounding title of 'limitation', the first step will be a considerable increase in the world's output capacity.

" In view of this somewhat singular position, the German delegation prefers to leave the field open to the advocates of systems other than the quota system, so that we may decide as promptly as possible

whether one of these systems is in accord with the objects of the Conference. We reserve our right, however, to submit any observations that may be necessary during the discussion, and likewise to revert to the quota system, if we think it desirable.

" We venture to draw the Committee's attention to the fact that twelve days have already elapsed since the opening of the Conference, but as regards the crucial problem—*i.e.*, the best method of limitation—we can see no prospect, however distant, of an agreement between a sufficient number of States. It would then, in our view, be to the common advantage to concentrate, first and foremost, on a decision as to the method of limitation, so as to avoid loss of time and to prevent the public acquiring the impression that the discussions of this Conference, convened by the League of Nations to deal with an extremely important problem, are bringing us no nearer the object assigned to it."

3.—ARTICLE 8 OF THE DRAFT CONVENTION.¹

The Chairman thought there was no need to reopen the general discussion on Article 8, as that had already been held in plenary session. Numerous amendments had been submitted, which could be divided into two categories : those which dealt with the actual structure of the draft Convention and those which made no change in the essential elements of the draft. The Japanese amendment, which presented an alternative solution, fell accordingly within the first category. In accordance with parliamentary procedure, the Chairman ruled that the Committee would first examine the Japanese amendment, which was the furthest from the draft.

Agreed.

Amendment by the Japanese delegation :

The Chairman read the Japanese amendment, which was worded as follows :

" Any High Contracting Party may manufacture, within the limit of the annual estimate of its domestic requirements, the quantity of narcotic drugs necessary for medical, scientific and conversion purposes.

¹ See Vol. I, Annex 7, pages 281 and 282.

"The High Contracting Parties shall not manufacture narcotic drugs for export, unless they receive an actual order for import accompanied by an import certificate issued in accordance with the procedure provided by Chapter V of the Geneva Convention.

"Subject to the article above, any High Contracting Party may manufacture the quantity of narcotic drugs necessary to meet the actual order or the quantity necessary to fill the shortage of the domestic requirements caused by the export.

"Any High Contracting Party having manufactured narcotic drugs for export may manufacture 50 per cent of the quantity of the previous year's export before receiving an actual order, provided that, if the said quantity exceeds that of the actual export (excluding re-export), the excess shall be carried forward to the stock and reduction accordingly made from the quantity to be manufactured in the ensuing year."

M. Sawada (Japan) said he had nothing to add to the explanations he had already given to the Conference.

The Chairman ruled that the Japanese amendment would be discussed paragraph by paragraph.

First Paragraph.

Mr. Anslinger (United States of America) proposed the addition of the following text :

"For the purpose of confining the manufacture of narcotic drugs within the limits specified in this article, no High Contracting Party shall purchase or import or permit manufacturers within its territories to purchase or import any raw opium or coca leaves or other raw material beyond what is necessary to manufacture narcotic drugs for domestic requirements, as provided for in this article."

The Chairman requested the United States delegate to submit his amendment in writing.

He believed he was right in saying that the first paragraph in the Japanese amendment closely resembled the Italian proposal already submitted by M. Cavazzoni, with the sole difference that the Italian proposal did not explicitly mention conversion.

M. Ferri (Italy) replied that the Italian proposal also referred to conversion. Further, the provision under discussion had already been embodied in Article II of the draft. The Japanese and Italian proposals involved a general principle which was almost unanimously accepted, and the adoption of the new text would have to be made to conform with Article II of the draft.

Sir Malcolm Delevingne (Great Britain) agreed with M. Ferri. Paragraph I of the Japanese amendment was embodied in Article II, paragraph I, of the draft Convention.

M. Bogomoloff (Union of Soviet Socialist Republics) suggested that the Committee

should postpone further discussion of paragraph I until it had the United States amendment before it in writing.

Sir Malcolm Delevingne (Great Britain) understood that the paragraph proposed by the representative of the United States of America was a supplementary provision for giving effect to the provision contained in paragraph I of the Japanese amendment and Article II of the draft Convention. If that was so, he saw no reason for postponing the discussion.

Mr. Anslinger (United States of America) thought that the appropriate place for provisions giving effect to the paragraph in question was in the paragraph itself.

The Chairman pointed out that, under the rules of procedure, an amendment could not be discussed until it had been circulated.

M. Ferri (Italy) said that, although his delegation was opposed to extending the Conference's work to cover raw materials, it was in favour of examining the limitation of imports to the quantities required for legitimate manufacture. That, however, was a very complicated problem, and could not be settled at the beginning of Article 8. It would have to be dealt with in another article, drafted so as to embrace all aspects of the matter.

M. Bogomoloff (Union of Soviet Socialist Republics) felt that the proposal of the United States delegation was of the greatest importance to the Japanese amendment. The only possible course, therefore, was to postpone discussion of both amendments until the United States proposal had been circulated.

The Chairman observed that there were two proposals before the Committee :

(1) To postpone the discussion until the United States amendment had been circulated ;

(2) To continue the discussion, on the understanding that the United States proposal would form a separate article.

M. Bourgois (France) agreed with the Italian delegate. He interpreted the United States amendment as a proposal for the limitation of supplies. The problem of limitation taken alone was sufficiently important and complicated to be considered separately. The question raised by the United States delegation would come later.

M. Dinichert (Switzerland) could not reach a decision on the question put by the Chairman until he had the United States delegation's proposal before him.

The Chairman thought that the United States amendment amounted to a new provision dealing with a totally different question from that contained in the Japanese amendment. It could not be discussed until the text had been circulated.

Mr. Anslinger (United States of America) agreed to accept the postponement of the discussion of the first paragraph.

M. Casares (Spain) thought that no clear or satisfactory result could be reached if, in the discussion of the second paragraph, there was a feeling that the United States proposal might be introduced into the first paragraph. He would therefore suggest that the question raised by the United States delegation should be discussed separately. The Committee would examine later the point whether it should be inserted or not in Article 8.

M. Ferri (Italy) pressed his proposal, which was seconded by the Spanish delegate, to the effect that Article 8 should refer to the limitation of manufacture and that the question of supplies should be embodied in another article.

M. Kahler (Germany) supported the Italian proposal. The problem raised by the United States delegation could not be usefully discussed until the substances covered by Article 1 were determined.

The Committee decided, by twelve votes to three, to continue the discussion of the Japanese amendment, the United States amendment being taken as a separate question.

The Chairman understood that there was no objection to the first paragraph in the Japanese amendment.

M. Contoumas (Greece), with reference to the statement that the first paragraph of the Japanese amendment was contained in Article 11 of the draft,¹ asked whether the adoption of that paragraph would imply the omission of the qualifying clauses contained in the second paragraph of Article 11.

The Chairman thought that this was a question of drafting. It would be examined in conjunction with Article 11, and would finally be sent to the Drafting Committee.

M. Contoumas (Greece) pointed out that the second paragraph of Article 11 was not purely formal, but contained a prohibition, which was a matter of substance.

The Chairman replied that that question would have to be examined when Article 11 was under consideration.

M. Sawada (Japan) reminded the Committee that the Japanese delegation proposed further to omit Articles 9 to 13.

The Chairman replied that the other Japanese amendments would be considered later. The Committee was for the moment examining the first paragraph in the Japanese amendment to Article 8. Its effects on the other articles would be determined later.

Sir Malcolm Delevingne (Great Britain) pointed out that the Committee had not decided to insert paragraph 1 of the Japanese amendment in the draft Convention. It had simply agreed that the principle was already embodied in that Convention, and that there was no objection to it in principle.

M. Bourgois (France) agreed. He accepted the first paragraph in the Japanese amendment in principle only. Besides, that principle was embodied in the Advisory Committee's draft in very precise terms,

which had been most carefully studied in conjunction with the Convention as a whole, and there would be every advantage in adopting the Advisory Committee's text. The Convention, on the other hand, might become obscure if new formulas, which might conflict with the wording of other articles, were adopted.

The Chairman noted that it was generally agreed that the principle contained in the first paragraph of the Japanese amendment was already embodied in Article 11; hence, only the principle could be adopted at the moment. The final wording would of course have to be considered by the Drafting Committee, which would have to take into account the discussion as a whole and the various resolutions taken.

M. Sawada (Japan) had no objection to this suggestion.

M. Bogomoloff (Union of Soviet Socialist Republics) said that, as no one objected to the Japanese amendment in principle, and as it was shorter, clearer and therefore better than the text of the draft Convention, he hoped the Committee would accept it.

The Chairman said that this point would be considered by the Drafting Committee.

M. Sawada (Japan) said that, his delegation did not wish the amendment to be embodied in Article 11, but proposed that Article 11 should be struck out. He would have no objection, however, to small modifications in the text of his amendment.

The Chairman observed that the Japanese delegation had submitted a new proposal—namely, that its amendment should be substituted for Article 11 in the draft.

M. Ferri (Italy) pointed out that, if the second paragraph in Article 11 were compared with Article 8(b), which dealt with the quantity intended for conversion, it would be seen that the system in the draft allowed a certain margin for the manufacture of drugs intended for conversion. He wondered whether the Japanese amendment would mean extending limitation to cover the conversion of drugs. That principle had often been put forward, and, in this sense, the Italian delegation supported a proposal the object of which was to substitute for Article 11 a more comprehensive measure whereby manufacture for purposes of conversion could also be limited.

Sir Malcolm Delevingne (Great Britain) understood M. Ferri's point to be that Article 11 of the draft Convention allowed a country to manufacture or import drugs for the purpose of conversion into a drug which was outside the scope of the Convention, and that that conversion might be for its own domestic requirements or for export. The Japanese amendment, on the other hand, only entitled a contracting party to convert drugs for its own domestic requirements.

Sir Malcolm wondered whether there was any reasonable ground on which a country

¹ See Vol. I, Annex 7, page 283.

should be prevented from producing an innocuous drug by a process of conversion both for export and for its own domestic requirements.

M. Ferri (Italy) was glad that he had touched on the sensitive point in the problem. The Italian delegation had always urged that limitation should apply to conversion as well as to manufacture, and that both conversion and manufacturing operations should be limited to legitimate needs. For instance, codeine should be limited strictly in quantity to medical needs as regards both exports and internal consumption, since otherwise there would be a gap in the Convention.

M. Bourgois (France) thought that there was at present merely a certain obscurity in the wording and that the Japanese delegation had never intended to limit the right of conversion for export purposes.

M. Sawada (Japan) thought the Japanese text was clear. It referred to manufacture, within the limits of domestic requirements, for conversion purposes.

The Chairman asked whether the Committee desired to come to a decision on the Japanese amendment, not only with regard to the principle, but with regard to the text as well, the relevant part of which would be substituted for Article II.

Sir Malcolm Delevingne (Great Britain) pointed out that the Committee had to decide whether the right of a country which was not a manufacturer of drugs to import morphine—for example, for the purpose of conversion into an innocuous drug—should be limited to its own domestic requirements, or, alternatively, to its own domestic requirements and export.

The Chairman noted that the adoption of the Japanese amendment with the

interpretation placed on it by Sir Malcolm Delevingne would mean a prohibition to manufacture except for domestic requirements.

M. Dinichert (Switzerland) thought that the question applied to all countries in exactly the same way. The point was whether any country must limit to its domestic requirements the conversion of a narcotic drug into a substance not declared harmful under the Convention, or whether such conversion could, if need be, include the quantities intended for export. That question arose equally for all countries, whether manufacturers or not. Sir Malcolm Delevingne had mentioned certain substances, but for the moment it was not known what drugs the Technical Committee would include in the categories of narcotics and non-narcotics. The Committee would accordingly have some difficulty in accepting the limitation proposed in the Japanese amendment.

M. Bourgois (France) said that, if he understood the Japanese amendment correctly, no pharmaceutical preparations, even those containing innocuous narcotics, could be exported in future.

The Chairman considered the question too serious for the Committee to take an immediate vote, as the vote would cover harmless pharmaceutical preparations. He proposed to adjourn the discussion so as to give the delegations time to reflect and, if need be, confer.

M. Sawada (Japan) explained that the "domestic requirements" referred to in his amendment were the domestic requirements of drugs for the purpose of conversion, and not the domestic requirements of the products after conversion.

SECOND MEETING.

Tuesday, June 9th, 1931, at 10.30 a.m.

Chairman: **M. DE VASCONCELLOS** (Portugal).

4.—ARTICLE 8 OF THE DRAFT CONVENTION (continuation).

Sir Malcolm Delevingne (Great Britain) suggested that the discussion of details and amendments should be postponed until the Committee had decided which scheme of limitation it proposed to recommend to the Conference.

It had before it the draft Convention, the Japanese proposal, and the amendment of the United States delegation to the Japanese proposal. The latter required intensive study, and as the Committee would presumably not be prepared to discuss it immediately, it should first decide whether

it preferred the Japanese proposal¹ or the scheme of the draft Convention.²

Sir Malcolm had discussed the Japanese amendment with M. Sawada and understood his scheme for limitation was as follows:

(1) Every country retains the right to manufacture during any year any of the drugs to which the scheme of limitation applies for use as such for the satisfaction of its own domestic medical and scientific needs within the limits of the estimates furnished by it in pursuance of Article 3 for that year;

¹ See Vol. I, Annex 8, pages 301-308.

² See Vol. I, Annex 7, pages 279-289.

(2) Every country retains the right to manufacture during any year any of the drugs to which the scheme of limitation applies for the purpose of conversion into substances not covered by the Convention, whether such substances are intended for consumption in the country itself or for export, within the limits of the conversion estimates furnished by it in pursuance of Article 3 for that year ;

(3) Every country retains the right to manufacture during any year any of the drugs to which the scheme of limitation applies for the purpose of export up to the quantity for which orders are received, on production of an import certificate as provided for in the Geneva Convention, provided that :

(a) The export to any particular country is within the limits of the estimates furnished by that country or determined for that country in accordance with Article 3 ;

(b) It shall be permissible to manufacture in advance of the receipt of such orders an amount sufficient to maintain a reserve stock from which orders can be executed without delay when received, such stock not to exceed . . . per cent of the orders received by it during the preceding year.

M. Sawada (Japan) supported Sir Malcolm Delevingne's proposal as to procedure.

M. Ferri (Italy) suggested that, if the Committee discussed the amendments paragraph by paragraph, it would soon find itself in a blind alley. A better method would be to endeavour to extract and reach agreement on the principles underlying each amendment. There were three main principles before it :

(1) A strict quota system (draft Convention and the Turkish and Argentine proposals) ;

(2) Direct limitation combined with freedom of trade (Italian amendment) ;

(3) No quota system, but the strict limitation of exports to orders accompanied by certificates (Japanese amendment based on Chapter V, Article 5, of the Geneva Convention).

M. Casares (Spain) thought the procedure could be simplified by a process of successive elimination. He was under the impression that the quota system was dead and could immediately be buried. The choice rested, therefore, between the Italian and Japanese proposals. The United States amendment, though it covered a wider field, was closely connected with the Japanese amendment. **M. Casares** therefore suggested that a sub-committee should endeavour to combine what was common to both and that the points of difference should be discussed later.

Sir Malcolm Delevingne (Great Britain) assured **M. Casares** that the quota system was by no means dead. Sir Malcolm agreed

with **M. Ferri's** proposal, save that he would prefer to discuss one scheme at a time, beginning with the Japanese proposal.

M. Bogomoloff (Union of Soviet Socialist Republics) supported **M. Casares'** proposal, but suggested that it would be more logical to start by discussing the draft Convention.

Mr. Caldwell (United States of America) thought basic principles should be discussed before details. There was no conflict of principle between the Japanese proposal and the United States amendment. The latter was merely an amplification of the Japanese scheme.

With regard to the quota system, he was of opinion that, before it was discussed, the blanks in Article 8 of the draft should be filled in.

M. von Rheinbaben (Germany) pointed out that five countries had already reached agreement in regard to the figures for a quota system. The particulars would be found in various official documents.

The United States proposal raised questions of principle which **M. von Rheinbaben** suggested should be referred to a special committee after the Committee for Limitation had adopted a method for the limitation of the manufacture of narcotic drugs.

M. Obradovitch (Yugoslavia), who was supported by **Hassan Bey** (Turkey), felt that the Committee could only work out the details after the Conference had accepted the fundamental principles of a limitation scheme. As it would be very difficult, if not impossible, to discuss the quota system without figures, the blanks in Article 8 of the draft Convention should first be filled in.

M. Bourgois (France) had originally been in favour of the quota system.

There were obviously difficulties in the way of its acceptance, however, at the present time. It would be impossible to fill in the blanks in Article 8 with figures and the names of countries. Though everyone agreed, therefore, that the quota system was ideal, it had not yet come to earth.

After further discussion, the Committee decided, by ten votes to seven, to continue the discussion of the Japanese amendment.

M. Bourgois (France) pointed out that, at the last session of the Advisory Committee, the French representative had called attention to a method capable of ensuring the direct and strict limitation of manufacture to legitimate world requirements, without resort to the quota system. That method was based on the same principle as the Japanese amendment with the addition of a very powerful means of control. Suppose, in order to illustrate the principle, that manufacture were limited to one factory in each manufacturing country. That factory would

be authorised (1) to have at any time a stock in hand, the maximum of which would be fixed in accordance with the possibilities of the market and which would be subject to special control, both national and international; (2) to manufacture during the year a quantity of narcotic drugs equal to the total orders received and executed during the year. Delivery of those orders would be subject to previous authorisation by the central organisation at Geneva. Deliveries could be made immediately from the existing stock and the factory could replace its stock at its discretion, bearing in mind the state of the opium market, the orders received or in prospect, and the very special conditions under which manufacturing operations had to be carried out.

This solution would really provide for the direct and strict limitation of manufacture to world medical requirements. Each year the world manufacture of narcotic drugs would correspond strictly to legitimate requirements, with the addition, at the most, of the quantities necessary for maintaining stocks. There would be a permanent maximum stock, but that would also be necessary under the Advisory Committee's draft.

The only difference was that, in theory, under the Advisory Committee's draft, the reserve would have decreased to nil by the end of the year. A close study of the special conditions of the market for opium and narcotic drugs and of the practical conduct of manufacture would, however, easily prove that it would be impossible, in practice, to reduce the stock in that way. It was therefore essential to allow for a margin or reserve.

The French system, under which there would be no quotas, would be as strict a solution to the problem of limitation as the Advisory Committee's plan, and would, moreover, make allowance for various other conditions. Goods would be manufactured only to order, but immediate delivery could be made from stock. The maximum stock would be fixed at Geneva, and all movements of stock would be followed from Geneva. The stock necessary under the Advisory Committee's plan would thus be constantly subject to control.

M. Bourgois added that he intended to submit an amendment to the Committee in this sense.

Mr. Caldwell (United States of America), in reply to M. Ferri, stated that the representative of the United States of America would be satisfied if his amendment were regarded as falling within the category of the Japanese plan. There was therefore no objection to its being considered as an amplification of that plan. The question of the limitation of raw material available

to manufacturers would, however, have to be discussed subsequently, whatever system were adopted, for the limitation of raw material was the necessary complement to any plan for the limitation of the manufacture of narcotic drugs.

M. Casares (Spain) favoured the French representative's proposal. M. Bourgois had already put his plan before the Advisory Committee as a possible means of extricating the latter from the *impasse* in which it had found itself in endeavouring to put the quota system into a practical form. M. Bourgois' proposal was a useful complement to the Japanese plan, and, in view of its special importance, M. Casares asked that its discussion should be postponed until the Committee was in possession of a precise text.

M. Ferri (Italy) supported M. Casares, and pointed out that the Italian delegation particularly favoured control by a central office with adequate powers, and would support any proposal which would bring about that result. If the Japanese plan, as amended, met this desire, the Italian delegation could even support it, but if not, he was sure that his delegation would be obliged to oppose it.

M. Dinichert (Switzerland) pointed out that the Swiss delegation preferred the Advisory Committee's plan, and recognised both its advantages and its disadvantages. The Swiss delegation would have remained faithful to the quota system had it been under discussion, but apparently the majority considered this system was in a very bad way and should be eliminated. At the same time, he was not sure that it would not have been possible to meet the objection that had been raised by filling in the blanks of the Advisory Committee's draft with information as to percentages and countries to which they applied. At the present moment, the Swiss delegation was prepared to examine the Japanese plan as amended by M. Bourgois, but reserved its liberty to revert to any other system, including the quota system, if the amended Japanese plan did not give satisfaction.

The Chairman stated, in order to avoid any misunderstanding, that Article 8 of the draft Convention was under discussion, but that, in accordance with the usual procedure, the amendments would first be discussed.

The Committee decided to appoint a Subcommittee composed of the representatives of France, Germany, Great Britain, Italy, Japan, Spain, Switzerland and the United States of America to examine the Japanese plan and the French amendment and to combine them if possible in a single text.

THIRD MEETING.

Friday, June 12th, 1931, at 10.30 a.m.

Chairman : M. DE VASCONCELLOS (Portugal).

5.—REPORT BY THE SUB-COMMITTEE APPOINTED TO COMBINE INTO ONE TEXT THE JAPANESE AMENDMENT AND THE FRENCH PROPOSALS REGARDING ARTICLE 8 AND FOLLOWING ARTICLES OF THE DRAFT CONVENTION (Vol. II, Annex 12).

The Chairman announced that, at the close of the discussion, a vote would be taken on the principle underlying the Sub-Committee's proposal.

M. Bourgois (France) explained that the new text provided for the strict limitation of the manufacture of narcotic drugs to world legitimate requirements. A country would manufacture an amount equivalent to the orders received during the year. To enable orders to be executed immediately, a stock, the maximum of which would be fixed in the Convention and which would be subject to national and international control, would be constituted in each manufacturing country.

The Sub-Committee had asked the authors of the text, for certain explanations. In the first place, they desired to know the meaning of the words "based on firm orders received by the country for execution against import certificates delivered in accordance with the procedure provided for in Chapter V of the Geneva Convention and in the present Convention."

It was a fundamental part of the scheme that there should be very strict international control, but no precise details had been given, owing to a difference of opinion between the French and Japanese delegations. M. Bourgois considered that there should be a central organisation by which all orders should be authorised.

Certain practical objections had been raised. It had been said, in the first place, that considerable statistical work would be required of the central organisation, and also that considerable time would be lost if Japan, for example, had to await permission from a central office situated in Geneva to export a few grammes of narcotic drugs to Tientsin. This difficulty could be removed. It would be sufficient to fix a minimum quantity below which previous authorisation would not be required.

Even if no central organisation were set up, however, very strict control could be achieved by means of the import certificate system, which would be obligatory. There

were therefore two possibilities: to set up a central organisation, or to make the import certificate system embodied in the 1925 Convention compulsory in all cases.

The special Sub-Committee had also been asked whether the "special stock" referred to in paragraph 4 was the stock in the factories, or the stock of the factories and wholesalers (general stock in the country). It was the working stock from which a factory would supply orders. Though the special Sub-Committee had for the moment set aside the question of the general stock in the country, it recognised that strict control of substances leaving the factories for home consumption would also be required, and, to meet this point, had added the paragraph reading: "No narcotic drugs may be permitted to leave a factory without authorisation of the competent national authorities, which will control and limit the supplies kept by wholesale dealers".

The problem of the limitation of manufacture was perhaps less difficult to solve than the problem of distribution, and severe measures would have to be taken to ensure equitable distribution as between the various countries, and to prevent cornering. The same problem would arise within each country, and the Governments would have to take the necessary measures to prevent drugs intended for internal consumption from being cornered by wholesalers for purposes of speculation.

The problem of distribution within each country would arise under any system of limitation, but the special Sub-Committee did not consider it necessary to do more than draw attention to its existence.

M. Bourgois wished to emphasise that the Sub-Committee had raised no objection to the special Sub-Committee's proposals, but had only asked for explanations. He would be very glad to give any further explanations, but suggested that the Committee should first discuss objections of principle—that was to say, whether it was *a priori* possible to secure the direct limitation of manufacture by the system proposed—and then the objections as to the application of that principle.

M. Sawada (Japan), referring to paragraph 3, said that the Japanese Government was unable to accept the proposal to set up a central narcotics office, as contemplated in the draft Convention. Such an office might have been required under the quota system, but it would be unnecessary under the new scheme.

The Japanese delegation was convinced that the Sub-Committee's text provided

the best possible solution of the problem, and M. Sawada wished to make a special appeal to the Committee to consider it seriously, with a view to reaching agreement on the principles involved at the earliest possible moment.

Sir Malcolm Delevingne (Great Britain) regretted that he was obliged to disagree fundamentally with his French and Japanese colleagues. M. Bourgois had said that there had been no objection to the Franco-Japanese proposal. It was not the Sub-Committee's business, however, to discuss the substance of the proposal: it had only to ask for explanations, with a view to ascertaining the meaning and effect of the text.

M. Bourgois had referred to the scheme as one of direct limitation. But was it? Sir Malcolm was very doubtful. M. Bourgois had said that it was based on minute and rigorous control. Sir Malcolm found it in part very far from rigorous and in part so rigorous that it would break down in practice.

First, reliance was placed on the import certificate system as the basic guarantee for the prevention of excess manufacture. If it could be assumed that every country in the world would apply that system, together with the other measures of control provided under the Geneva Convention, strictly and faithfully, certainly reliance could be placed on the system, but, in that case, the Geneva Convention would do all that was needed. It was because that was not the case that the Conference had met.

In this connection, it should be noted that all countries were not parties to the Geneva Convention and did not apply the import certificate system, or the system of import and export licences. M. Bourgois had said that the exporting countries parties to the new Convention would not export drugs to countries which did not apply the import certificate system. In that case, either such a country would send an import certificate in order to obtain the drugs, without undertaking any other obligations in regard to control—and the Committee could imagine what might become of the drugs so imported—or it would have to do without any imported drugs. Could a situation of that sort be contemplated with equanimity? How about China where, owing to the great difficulties of distance and so on, the import certificate system was not in force generally? Were the hospitals and doctors in China to do without their medical supplies or, alternatively, was China to be compelled to set up drug factories all over the country?

There were certain difficulties of secondary importance which were worth mentioning. The Japanese delegation recommended that no central narcotics office should be set up, but that each import certificate should be marked with the amount of the drug for which certificates had already been issued during the current year. That arrangement was, however, not always practicable, because,

in certain countries, several authorities were authorised to issue import certificates.

Again, how was it proposed to deal with preparations containing less than 0.2 per cent of morphine or 0.1 per cent of cocaine, or with preparations exempted under Article 8 of the Geneva Convention? No export or import certificate or licence was required for such preparations.

The framers of the draft Convention regarded the creation of a central narcotics office as one of the fundamental points of the scheme, and the British delegation was not prepared to abandon it. Frankly, Sir Malcolm did not understand the Japanese delegation's objections. Chapter IV, paragraph 8, of the annex to the draft Convention¹ stated that the provisions regarding previous communication with the central narcotics office did not apply in certain cases, one being the case where the exporting and importing countries were so distant from the place where the central narcotics office was established that the application of those provisions would involve excessive delay in the fulfilment of orders. Only two conditions were attached: (1) that the exports should be reported immediately to the central narcotics office; and (2) that the quantities so exported during the year should not exceed an amount which remained to be fixed. That would seem to remove the Japanese delegation's difficulties.

It had been objected that a large amount of statistical work would be required of the central narcotics office. But that work would be purely clerical, and could not be compared with the colossal amount of work which would be placed on the Governments if no narcotic drugs could leave a factory without the authorisation of the competent national authorities.

The second point of major importance—the cardinal feature of the new proposal—was the creation of a special stock to be maintained in the hands of the manufacturers.

According to Section I, no country might manufacture during one year a quantity superior to the total of the quantities necessary: (1) for its medical and scientific needs; (2) for conversion; (3) for export, and (4) for the special stock.

Surely there was some error here. Suppose a manufacturing country required 500 kilogrammes of morphine for each of the first three purposes. It would be entitled to maintain 50 per cent of its domestic needs plus 50 per cent of the exports, a total special stock of 500 kilogrammes. If an export order were received for 50 kilogrammes, it would be entitled to manufacture 50 kilogrammes under number (3) but, if it took the 50 kilogrammes out of its special stock, it would also be entitled to manufacture 50 kilogrammes to bring the special stock up to the limit.

The size of the special stock should be noted: it would be equivalent to six months' requirements. According to Table 4

¹ See Vol. I, Annex 7, pages 288-289.

(morphine) in the Secretariat's analysis of the international trade in certain narcotics,¹ the domestic requirements of the manufacturing countries other than Japan, the United States of America and the Union of Soviet Socialist Republics amounted in 1930 to 2,551 kilogrammes, and exports from manufacturing to non-manufacturing countries were 1,453 kilogrammes, a total of about 4,000 kilogrammes. Thus, the special stock of morphine which might be maintained in addition to the ordinary stock would amount to two tons. Why were such large reserves required? Simply as a consequence of the Franco-Japanese method of limitation. They would not be necessary under the scheme of the draft Convention, because a manufacturer would begin the year with his ordinary normal stock, and, knowing how much he would be allowed to manufacture during the year (because it is a definite figure), would go on steadily throughout the year with his manufacturing process. Under the Franco-Japanese scheme, on the other hand, he would not know beforehand.

A third point of substance arose in regard to control within the country. Under the Franco-Japanese proposal, a special Government authorisation would be required every time any quantity of drugs, however small, left a factory. In addition, the central Government was required to "control and limit the supplies kept by wholesale dealers". The British Government could never accept such a proposal. It would place an enormous task on the central Government, involve the employment of many officials and interfere with ordinary trade. The medical profession would strongly object to any scheme which caused a delay in obtaining supplies from wholesale houses. Moreover, the central Government could not exercise effective control under such a system. It would be absolutely impossible for its officials to be in constant day-to-day touch with every transaction of every business house.

M. Bourgois had referred to the danger of cornering, and had rightly added that that concerned only the individual Governments. At the same time, the Franco-Japanese text put forward a definite proposal as to how they should deal with the matter, and did not leave them free to take what steps they thought fit.

In Sir Malcolm's view, the Franco-Japanese scheme was not a scheme of direct limitation in conformity with the Conference's terms of reference, and the British Government would not be prepared to accept it in its present form.

What was the alternative? The only alternative was the Advisory Committee's scheme, and the British delegation was prepared to stand by it. The British delegation had circulated to the Conference new clauses drawn up with a view to meeting as fully and adequately as possible the case of countries which desired to start exporting narcotic drugs: Turkey, Yugoslavia and Japan. He believed that these clauses had

been favourably received—at any rate, by two out of the three delegations—and were considered to contain a reasonable, fair and just offer. The British delegation recognised the fairness of the claim that countries which were not at present exporting countries should be allowed to manufacture for export up to the limit of the orders received, and that system should continue for two or three years. At the end of that period, a quota would be assigned to new manufacturing countries on the basis of the market they had been able to secure. One of the delegations concerned had approached Sir Malcolm Delevingne with a suggestion for the further modification of that scheme. It had suggested that Article 8 should be omitted, and that all countries should start in the same way at the same point. When the Convention came into force (probably in two or three years' time), quotas should be allocated to the present manufacturing countries, and to the new exporting countries—Turkey, Yugoslavia, and, if it so desired, Japan—on the basis of their actual legitimate export trade during the previous two or three years. That seemed to contain at any rate the possibilities of a solution, which Sir Malcolm would be prepared to consider. The conversations were still continuing, and he hoped that they might have a fruitful result. Should that be so and agreement be reached between the majority of the manufacturing countries for the settlement of the quota question on those lines, a great difficulty would be removed.

The British Government considered that the system of direct limitation based on the allocation of world manufacture between the manufacturing countries in certain definite proportions was the only scheme which would give satisfactory results.

Sir Malcolm ventured to remind his French and Japanese colleagues that the Assembly resolution of 1929 was adopted with the full concurrence of the representatives of France and Japan, both in the Fifth Committee and in the Assembly. The scheme drawn up by the Opium Advisory Committee in 1930 as a basis for the work of the present Conference was also accepted by the French and Japanese representatives on the Council, and no objections were raised to its main outlines either in the 1930 Assembly or when it was referred to the Council in the form of a draft convention in January 1931.

He was very disappointed that his French and Japanese colleagues had separated themselves from their colleagues of the other manufacturing countries, and had abandoned the straight and direct path for the devious byways of indirect limitation.

M. Bourgois (France) explained that he had abandoned the quota system not on grounds of principle, but merely by reason of the facts. Ever since October, attempts had been made to find some method for the allocation of quotas, but no scheme had been devised, and a new difficulty had arisen in consequence of the action of new countries which claimed quotas.

¹ See Vol. I, Annex 21, page 339.

Sir Malcolm Delevingne was wrong in saying that the scheme would not secure strict limitation of production. It most certainly would do so, since production was determined by the estimates sent in by countries. Production would accordingly be limited to world needs.

Sir Malcolm Delevingne had also said that, under the scheme, limitation could be effective only if some central body were set up. M. Bourgois believed that even if there were no such body, the Franco-Japanese system would be capable of ensuring the limitation of production. The plan did not regard such a body as absolutely indispensable, but merely contemplated it as a possibility. He recognised that if the central authority was not created the import certificate would have to be made compulsory for all countries. Narcotic drugs could only be released on the production of a certificate issued by the importing country, or even, for large quantities, by the Central Board already existing at Geneva. The import certificate would state the quantities already imported, which must not exceed the estimates accepted at Geneva.

Some members thought that it was not absolutely essential to have a central body and that the same effect might be attained by entering the quantities issued on the certificates. Personally, M. Bourgois thought that the central body would be of very great use.

Sir Malcolm Delevingne considered that the stocks authorised under the Franco-Japanese plan were too high. M. Bourgois shared that view. The proposed percentage for stocks could be reduced. Moreover, if regard were had to the figure indicated in the document issued by the Secretariat¹ as the total exports from manufacturing to non-manufacturing countries (which were the only exports that would remain), it would be seen that the actual figure for the reserve stocks for exports would only amount to about 700 kilogrammes. He would agree that the stock of 50 per cent proposed for home consumption was practically unnecessary, as producing countries would know their national requirements, which would not vary appreciably.

Sir Malcolm Delevingne had asked how countries would in practice exercise control over the stocks in the hands of wholesalers without incurring heavy additional expenses. M. Bourgois admitted that this was a difficulty, but it was one that would arise even under the quota system, since in all cases stocks in the hands of wholesalers would have to be controlled. Every Government would be required to exercise on its own territory the control exercised by the central authority throughout the world from the international standpoint.

M. Bourgois had not fully understood Sir Malcolm Delevingne's argument concerning preparations. In any case, he could not see that control would be more difficult under the Franco-Japanese system than under the quota system.

In conclusion, M. Bourgois thought that Sir Malcolm Delevingne could perfectly well accept the Franco-Japanese system of limitation, provided the central organ of

control were set up. It should, however, be observed that the system was not necessarily bound up with the creation of such an organ and that even without it manufacture could be limited to the orders received by the countries concerned—that was to say, to world needs—since these orders would be limited to the estimates approved at Geneva.

M. Perez (Argentine) accepted the Franco-Japanese plan in its entirety. He warmly approved it, because it respected the commercial liberty of both purchasers and sellers; it was a complete scheme because it directly ensured the limitation of manufacture and sales. No drugs would be manufactured in excess of quantities which had been definitely ascertained and which were determined by medical needs, plus the amount prescribed for conversion purposes. The only unknown element was that of consignments, but that element was itself determined by the amount of the stock, the amount of which must compulsorily be from 40 to 50 per cent of the total orders received for export in the previous year. This stock was a necessity, owing to the rejection of the quota system. It was unquestionable that the quota system must be dropped because it would be unconstitutional in many countries, as being incompatible with commercial liberty, and would be ruled out by the supreme court in those countries.

A central administrative organ, to be set up at Geneva, either as an autonomous organisation or dependent on the Permanent Board, appeared absolutely indispensable. There were already in existence national organs for the control of the national trade in narcotic drugs. To control the international trade an international organ was needed, one that would follow the movements of drugs in all countries.

Sir Malcolm Delevingne (Great Britain) was anxious first to remove a misunderstanding. According to M. Bourgois he had admitted that the Franco-Japanese system would accomplish the direct limitation of manufacture, provided it was accompanied by the creation of a central organ. All Sir Malcolm Delevingne had said was that the Franco-Japanese system would effect limitation in regard to the stocks, and he had pointed out that the figure fixed for stocks was too high.

Secondly, the certificate system alone would not suffice for a rigorous control of production. It was not enough to require that the certificate should state the quantities already exported, since there were cases in which this could not or would not be done. Lastly, the system of internal control suggested in the Franco-Japanese plan would not be required, if the scheme recommended by the Advisory Committee were applied.

M. Sawada (Japan) had little to add to M. Bourgois' reply to Sir Malcolm Delevingne's criticisms. He would, however, state that, contrary to what Sir Malcolm Delevingne had apparently said, no Japanese delegate to the League Assembly as referred to by him had ever been committed to any particular plan of limitation. After careful

¹ See Vol. I, Annex 21, page 339.

consideration, the Japanese delegation to this Conference had come to the conclusion that the plan it had proposed, as amended by the French delegation, afforded a fresh means of limiting the manufacture of narcotic drugs throughout the world.

The plan provided a direct method of limitation, because it fixed the maximum quantities to be manufactured. Sir Malcolm Delevingne said that the import certificate did not afford sufficient security. As pointed out the other day, M. Sawada was convinced that it would provide sufficient safeguard. Even under the system of limitation proposed in the draft convention, it was based on the issue of import certificates. The Japanese delegation was opposed to the Narcotics Bureau as contemplated in the draft Convention,¹ but there appeared, as yet, no precise notion among the members of the Conference as to the constitution and functions of the Bureau; this latter point would have to be discussed and defined by a special Sub-Committee.

M. Sawada shared Sir Malcolm Delevingne's opinion concerning stocks. There was reason

to fear an accumulation of large clandestine stocks in countries, but, like M. Bourgois, he was prepared to accept a substantial reduction in stocks. There was nothing, however, in the scheme dealing with individual stocks in the hands of wholesalers; they came under the Geneva Convention. M. Sawada was ignorant of the position in England, but he could assure Sir Malcolm Delevingne that the Japanese administration was in a position to exercise the strictest control over stocks in the hands of wholesalers.

M. Bourgois (France) thought that after the observations of M. Perez all members had come to the conclusion that the Franco-Japanese plan would make it possible to limit manufacture to world needs—i.e., to a known quantity fixed by Geneva. The stock to be held in advance of manufacture to meet orders received would hardly exceed 700 kilogrammes. He did not think that the existence of such a stock could possibly constitute the rock on which the Conference would come to grief.

FOURTH MEETING.

Saturday, June 13th, 1931, at 10.30 a.m.

Chairman: M. DE VASCONCELLOS (Portugal).

6.—REPORT BY THE SUB-COMMITTEE APPOINTED TO COMBINE INTO ONE TEXT THE JAPANESE AMENDMENT AND THE FRENCH PROPOSALS REGARDING ARTICLE 8 AND THE FOLLOWING ARTICLES OF THE DRAFT CONVENTION (Vol. II, Annex 12) (continuation).

M. van Wettum (Netherlands) stated that his Government was fully prepared sincerely to co-operate in creating a system of direct limitation of the manufacture of narcotic drugs. He was of opinion that the quota system was the most effective if not the only really fully effective way of reaching that aim. The discussions had shown, however, that it was impossible to arrive at a solution of the problem by means of the quota system. In these circumstances, the Committee must try to establish a scheme that procured all the practical results that could possibly be obtained.

With regard to the Franco-Japanese plan, one of its principles was to allow export only on the strength of an import certificate. It must not, however, be overlooked that

import certificates from countries not parties to the Convention were of little value, because the criterion as to what was legitimate or what was not legitimate in a country not a party was quite different from that in a country party to the Convention. It seemed to M. van Wettum obvious, for other reasons also, that a similar system could not give satisfactory results without the creation of some sort of international organ whose duty it was to control the exports to those countries. That control could precede exportation or—as might be preferable—could be exercised after exportation had taken place. In this connection he reminded the Committee that his Government, in accepting the invitation to the Conference, pointed out that universality or quasi-universality was a *sine qua non* of a system of limitation. The number of countries which had not adhered to the Convention must be as limited as possible.

With regard to the discussion on the control of the wholesale trade, he emphasised that in his opinion the enforcing of a system of direct limitation implied very strict control over the national distribution in all its details, in order to prevent cornering by wholesalers and to ensure that every chemist obtained the narcotics he wanted. This very strict control meant the rationing of the sellers, both in manufacturing and in consuming countries,

¹ See Vol. I, Annex 7, page 288.

and it was felt in the Netherlands to be one of the great disadvantages of limitation, because more personnel and more expenditure would be required.

To sum up, if the quota system were dropped and the draft Convention prepared by the Advisory Committee re-shaped, mutual co-operation would, in M. van Wettum's view, be required to build up a convention acceptable to the countries of the world, and, at the same time, containing stipulations giving effect to the resolution of the tenth Assembly.

M. Chodzko (Poland) suggested that, in order to make paragraphs 2 to 4 clearer, the text of the first paragraph of the Franco-Japanese proposal should read :

“ Within the limits of the total world requirements of narcotic drugs for medical and scientific needs, no country . . . ”

M. Chodzko agreed with Sir Malcolm Delevingne that stocks would tend to be too high under the Franco-Japanese scheme. The authors had offered to amend it in this respect, however, and it should not be difficult to reach agreement on a text.

Further explanations were necessary with regard to internal control of the distribution of narcotic drugs. It would be exceedingly difficult to organise. Here the question of monopoly arose. Distribution could only be rationed if the trade in narcotic drugs were to some extent centralised.

M. Chodzko was not in favour of the proposed central narcotics office. If there were too many authorities, it would be more difficult to reach prompt decisions and to follow the movements of drugs. Why should not the competence of the Permanent Central Board be extended and if necessary its composition altered? Perhaps its President could be consulted as to whether the Board could undertake the duties of a central narcotics office.

The Chairman said the Polish amendment would be distributed and discussed later.

The representatives of the Central Board would certainly be consulted when the Committee discussed the desirability of setting up a central office.

M. Paranjpye (India) suggested that, as several delegations had objected to the quota system, the Committee should endeavour to put the Franco-Japanese scheme into an acceptable form. A central body for collecting statistics and bringing world public opinion to bear on any relaxation of the measures for combating the narcotic drug evil would be essential. The question should therefore be discussed at the same time as the scheme.

The Chairman said the Committee was at liberty to discuss the broad principles,

but he hoped members would not enter into details.

M. Dinichert (Switzerland) thought the Franco-Japanese scheme contained, in effect, satisfactory provisions as regards the principle of direct limitation, a principle which was already contained in the 1912 and 1925 Conventions. In his view, however, any limitation of manufacture based on the actual estimates of requirements would not constitute a sufficiently strict limitation. Governments would tend to over-estimate their requirements in their natural anxiety to provide for unforeseen circumstances, and the most carefully compiled estimates would be apt to be high in comparison with actual consumption. Why should not limitation be based, not on estimates, but on the ascertained figure of annual consumption? The stock which would be essential under any system, owing to the special conditions of manufacture and distribution of narcotics, would then be fixed at 50 per cent of the consumption figure.

In any event, the calculation of stocks should be based on one criterion and one alone. In the Franco-Japanese proposal there were two annual estimates for the manufacturing countries and the amount consumed by the importing countries. M. Dinichert reserved the right to submit at a later stage in the discussion an amendment embodying his proposal.

Mr. Caldwell (United States of America) stated that it was obviously not possible, in discussing the method of limitation envisaged by the outline agreed upon by the Japanese and French delegates, to exclude all reference to the quota plan.

Consequently, he wished to say that the quota plan in the form which it was evidently intended to take would not be acceptable to his Government. He had refrained from making this statement earlier because the plan was incomplete and it seemed possible that the manner in which the blanks in Article 8 were filled in and any amendments which might be offered to Articles 8 and 10 would remove at least the more important grounds for objection.

However, the United States delegation had come to the opinion that, if the quota plan were to be amended sufficiently to be acceptable, it would cease to be a real quota plan, and that the principle contained in the Japanese amendment was a preferable basis for a limitation convention.

The United States delegation hoped that the Conference would agree to include, in any plan that might be adopted, the limitation of the amounts of raw materials which factories were allowed to use and, consequently, of the amounts of all narcotic drugs that might be manufactured. There were some matters of secondary importance which should, in the opinion of the United States delegation, be covered by the Convention. However, that delegation was in agreement with the basis indicated in the outline prepared by the Franco-Japanese delegates, and believed that the additional matters which it wished to have covered by the Convention would not be in conflict with the principles of that outline.

In order to make clear the points which it believed should be covered by the limitation plan, the United States delegation had drafted substitutes for Articles 1 to 16 of the draft Convention, and these should be ready for distribution shortly.¹ Those articles were based on the principle indicated in the Franco-Japanese plan and that part of the plan prepared by the Advisory Committee, which seemed necessary to a non-quota scheme.

In regard to the question of a central bureau, referred to by Sir Malcolm Delevingne on the previous day, it would seem that it ought to be possible to reach a compromise by which the central bureau should perform certain functions, without going so far as was intended in the Advisory Committee's plan.

He believed that a number of matters referred to by Sir Malcolm Delevingne as objections to the Franco-Japanese plan would be found to be, if not insuperable obstacles, at least difficulties in the way of the successful operation of any plan.

He regretted that he must differ in regard to this matter from Sir Malcolm Delevingne; he felt bound to say that the quota plan, as originally drafted, would be unacceptable to his Government for a number of reasons, the most important of which was that the quota plan would place the manufacturers of his country in a relatively unfavourable position should they ever desire to export on a scale which would necessitate their application for a quota. There was no reason to anticipate participation by manufacturers of the United States of America in the export trade on a large scale in the near future, but it would be manifestly inequitable to include in a Convention provisions which would make it impossible or at least difficult for them ever to do so.

He believed that a Convention based on the principles contained in the Franco-Japanese agreement would prove not only a more acceptable, but a more practical, method of limitation.

Although the amendments proposed by the United States delegation were to be discussed after the Franco-Japanese proposal, he would suggest that if the Committee could not reach an agreement on that day the additional articles should be considered before a decision was reached, in the hope of facilitating agreement, which all would, of course, recognise as of fundamental importance.

M. von Rheinbaben (Germany) reminded the Committee that the final decision of certain delegations would probably depend on the method to be adopted for control. He had personally submitted a proposal on the subject, but its discussion had been adjourned, as the Sub-Committee had not yet reported on the system of limitation. He thought that all discussion ought to be adjourned until the Committee had had an

¹ See Vol. I, Annex 9, pages 308-315.

opportunity of examining the proposals for control and the suggestions made by the United States delegation.

M. Bourgois (France) considered M. Dinichert's proposal a very interesting one. The Committee had recognised the necessity of the existence of a stock, whatever system might be adopted, in order to execute outside orders, but not domestic orders. The determination of this stock was easy, since it was based on the amount of exports from manufacturing countries to non-manufacturing countries. According to the figures given by the Secretariat, these consignments in the case of morphine alone would be 1,453 kilogrammes.¹ Moreover, everyone recognised that this stock might be strictly controlled. The Franco-Japanese scheme embodied a method of control, but it must be clearly understood that this method admitted of an unlimited number of variations, some of which would probably make it possible to get to closer grips with the problem.

M. Ferri (Italy) said that, as the Italian delegation had presented an amendment to Article 8, it wished to be perfectly free with regard to its position in the general discussion, but it would naturally take part in the discussion of all the amendments put forward. With regard to the setting up of a central narcotics office, he would point out that the Italian delegation had always maintained a consistent attitude and expressed the opinion that the creation of an organ of this kind within the League of Nations would provide the best guarantee for the various States, especially as all States Members of the League would not be represented on the central authority, whereas they participated in the work of the Assembly and of the Council, where they could express their opinion.

M. Dinichert had drawn attention very opportunely to certain essential matters. There were various points in the Franco-Japanese scheme which were not sufficiently clear—namely, those concerning reference to certain stipulations of the draft Convention and the mention of the creation of a central narcotics office. It was necessary to take up a definite standpoint and decide whether this office should be created and what its functions would be. It would seem desirable to ask a Sub-Committee to prepare draft proposals in the matter.

M. Obradovitch (Yugoslavia) remarked that the Committee had a choice between a considerable number of schemes for limitation. The Yugoslav delegation had from the outset declared its readiness to support any system of limitation which would satisfy the following two conditions: (1) every country must be free to take part in the world trade in manufactured narcotic drugs; (2) the producing countries must have certain guarantees with regard to the price of raw material.

On examining the two main schemes (Sir Malcolm Delevingne's amendment to Articles 9 and 10 and the Franco-Japanese scheme), he noted that progress had been made, as compared with the text of the

¹ See Vol. I, Annex 21, page 339.

draft Convention. The quota system, which resulted in a world monopoly for the trade in narcotic drugs in favour of certain nations, had been completely abandoned.

Sir Malcolm's proposal eliminated the idea of the monopoly of manufacture, since, under it, any country could, without giving notice, export narcotic drugs on the production of a legitimate order. M. Obradovitch then proceeded to analyse the two proposals from certain aspects which interested the Conference.

The most important point to be considered in examining any system was its effectiveness. The Conference had met to prepare an effective system for the limitation of the manufacture of narcotic drugs. Experience of the Geneva Convention had taught, however, that the effectiveness of agreements relating to narcotic drugs depended not so much upon the strictness of their prescriptions as upon universality of application. It was already commonly held that if the Geneva Convention were applied universally, it would solve the problem of narcotic drugs and render the Limitation Conference superfluous. It could therefore be concluded that, whatever system were adopted, the Convention relating to the limitation of manufacture would be effective only if all the States represented at the Conference supported it. Effectiveness depended not on the system of limitation, but on the number of countries which acceded.

Subject to that reservation, M. Obradovitch examined the advantages of the two systems which had been proposed. He drew attention to the clearness of the plan explained in Sir Malcolm's amendment to Articles 9 and 10. According to that amendment, quotas were reduced to a question of book-keeping. The disadvantages of the system resided in the method of allocating quotas (Article 8) and in the absence of provisions relating to the reserve stocks which every factory

required. The Franco-Japanese plan contained provisions relating to stocks, but the method of determining the amount of stocks would be very much to the disadvantage of the small manufacturing countries. M. Obradovitch also drew attention to certain passages in the draft which were somewhat ambiguous, and stated that the text of the Franco-Japanese draft should be made clear and complete, in order that its practical bearing might be ascertainable.

The principal objection to the draft Convention was that it hampered freedom of trade. M. Obradovitch desired to explain this objection. The Convention could and should safeguard the possibilities of free competition, but such possibilities were somewhat theoretical. As production would be limited compulsorily, the manufacturers would sooner or later come to an agreement, whatever the system of limitation. Their agreement would be more or less burdensome for the consumers, according to whether the restrictions placed on freedom of trade were more or less numerous. From this aspect, both schemes were relatively satisfactory. Both provided for the possibility of competition in production and in trade in manufactured drugs.

Finally, there was the question of price, which would arise in any case : agreements between manufacturers would present dangers for the consumers of manufactured products on the one hand, and for the producers of raw material on the other. The Yugoslav Government attached the greatest importance to that question. Neither of the schemes, however, provided any guarantee with regard to prices. That question would be discussed subsequently, and M. Obradovitch reserved the right to intervene in the discussion at a suitable moment.

FIFTH MEETING.

Monday, June 15th, 1931, at 10.30 a.m.

Chairman : M. DE VASCONCELLOS (Portugal).

7.—REPORT BY THE SUB-COMMITTEE APPOINTED TO COMBINE INTO ONE TEXT THE JAPANESE AMENDMENT AND THE FRENCH PROPOSALS REGARDING ARTICLE 8 AND THE FOLLOWING ARTICLES OF THE DRAFT CONVENTION (Vol. II, Annex 12) (continuation).

M. Bogomoloff (Union of Soviet Socialist Republics) asked which document contained the French amendment to Article 8.

He then explained that he agreed with only one point in the Franco-Japanese proposal—namely, that it would be useful to introduce into the Convention the obligation

on all States only to export narcotic drugs on receipt of an import certificate issued by the Government of the importing country. This was a most important measure of control.

The basic proposal—to limit the stocks of narcotic drugs in manufacturing and exporting countries—was insufficient. One very important defect in the Franco-Japanese proposal was that it did not contain measures for decreasing a country's manufacture of narcotic drugs when seizures in the illicit drug traffic were very large and were greater than the quantities which the country was authorised to manufacture during the following year.

M. Bogomoloff had had this point in mind in asking the Secretariat to establish the

figures for seizures for each of the narcotic drugs separately. Suppose a country had to replace in its stocks, say, 500 kilogrammes of narcotic drugs, and during the year 2,000 kilogrammes were seized, what would become of the excess 1,500 kilogrammes? Japan had apparently a very large stock of narcotic drugs—about 7½ tons¹, but M. Bogomoloff had been unable to find the figures for other countries. He did not want to overburden the Secretariat, but hoped that a document giving more or less reliable statistics for stocks would be distributed. He did not see how the Committee could come to any decision with regard to the Franco-Japanese proposal until it knew what stocks were to be found in the manufacturing countries. If their total stocks were, say, ten times bigger than the world's requirements, did that mean that the contracting parties bound themselves not to produce any drugs for ten years? In order to be logical, the Franco-Japanese proposal should be supplemented by a statement showing the amount of stocks which each country was allowed to hold for medical and scientific requirements and for export.

According to the available statistics, France had at present enough heroin to supply the world for years. Other countries were no doubt in the same position. In 1929, about fifteen tons of heroin had been manufactured, whereas it had been said that the legitimate world requirements amounted to one ton.

Whatever attitude the Committee adopted towards the Franco-Japanese proposal, it must be made clear to what kind of narcotic drugs paragraphs 1 and 2 referred. For this purpose, the Soviet delegation had already introduced the following amendment :

“ For the purpose of this Convention, ‘ conversion ’ shall be understood to include refining and, more particularly, shall be so considered in the case of crude morphine, crude cocaine and ecgonine ”.

The British proposal, contrary to Article 8 of the draft Convention (which had in view direct limitation by means of the quota system), provided for unlimited export by any country which desired to export. The quota system could not, however, be discussed until the blanks in Article 8 were filled in.

The result of the British proposal would be :
(1) the distribution of the world market among the chief manufacturing countries ;
(2) a terrible increase in manufacturing in other countries which desired to export.

What would happen to Article 8 and to the whole question of so-called limitation if, for example, the new Yugoslav factory, of which the Committee had heard, should manufacture sufficient narcotic drugs to cover the world's requirements? The responsibility would, of course, rest on Yugoslavia, but that would be no consolation

¹ See document C.587.M.228.1930.XI, Table V.

for those who were fighting for the limitation of the manufacture of narcotic drugs.

Before the British proposal could be discussed in detail, it was absolutely essential that the Committee should be in possession of the exact figures of the quotas allocated to the chief manufacturing countries, as agreed between them before the Conference. The German delegate had said he could provide information in this connection.

The United States delegation had submitted a most interesting plan. Judging by their previous declarations, and knowing that they intended to raise the question of the limitation of the production of raw material, without which the Soviet delegation believed no limitation of manufacture was possible, M. Bogomoloff had been prepared to support certain points in the United States proposal. He now regretted his inability to do so. His objections were as follows :

In the first place, the United States proposal contained no suggestions for the articles following Articles 1 to 16. If it was intended as a plan and not as an amendment, it would have to be completed by other articles—in particular, one in regard to a central office. The Soviet delegation was in favour of creating a central authority, but considered it should be absolutely independent of the League of Nations. The work of the latter had been very unsatisfactory, as was indicated by the figures showing that the illicit traffic had increased.

The second great defect of the United States plan was the absence of provisions for the limitation of the manufacture of three very important dangerous drugs : crude morphine, crude cocaine and ecgonine. M. Bogomoloff had understood that the United States delegation was in favour of limiting all the derivatives of morphine, opium and the coca leaf.

Article 8 of the United States plan did not show at what stage any country producing raw material would be violating the provisions of that article if it manufactured unlimited quantities of crude morphine, a substance which the Conference's committee of experts had recognised to be a habit-forming derivative of opium, which could be used for the purposes of addiction. This might also apply to Peru, in the case of crude cocaine, and presumably to Java in the case of ecgonine.

Several delegations had raised, in one form or another, the question of raw materials. The Yugoslav delegation had raised the question of the price of raw materials, and the United States delegation had referred to the limitation of imports of raw material for legal manufacture. If these proposals were to be discussed in detail, the whole question of the limitation of the production of raw materials would have to be considered, and the Soviet delegation considered that the agenda should be extended to cover this question.

The Committee could not discuss the price of raw material without considering the

quantities of raw material on the world market, and the demand. Those two questions were closely connected. In discussing the limitation of imports of raw materials, account should be taken of the existing over-production of raw material, the inevitable increase in the illicit imports of raw material and the consequent risk of increased illicit manufacture.

M. Bogomoloff had the strongest objections to the German proposal to call a meeting of the Sub-Committee and, if necessary, to extend its membership. The inevitable result would be that the Limitation Committee's work would be done in private, which would not be good for the cause and would be contrary to the Conference's decisions.

The Chairman reminded the Committee that the discussion should be confined to the Franco-Japanese proposal.

He informed the Soviet delegate that there was no French memorandum, but that M. Bourgois had made a statement on June 9th, which would be found in the Minutes. After his statement, the Committee had decided to set up a Sub-Committee, the report of which was now under consideration.

With regard to stocks, the Secretariat would prepare the necessary information.

With regard to the procedure, it would be somewhat premature to discuss it at the present time.

Mr. Duncan Hall said that the figures for the 1929 stocks would be found in the "Analysis of the International Trade in Morphine, etc., for 1925 to 1929", issued by the Secretariat (document C.587.M.228.1930.XI). The figures were not due until five months after the year to which they related, and were only just reaching the Permanent Central Board. They could be calculated, however, from the 1930 figures in the last two pages of the introduction to Part II of the above-mentioned analysis. The Secretariat could easily prepare a document giving the relationship between stocks, and consumption and export, and showing how the Franco-Japanese proposal would work in practice¹.

M. Bourgois (France) thanked the delegates of Yugoslavia and the Union of Soviet Socialist Republics for their very judicious observations. Both had asked whether the stocks actually existing in certain countries should be deducted from the quantities to be manufactured during the following year.

M. Bourgois thought the text could be so interpreted, though that was not the special reason for its insertion, which was a more general one. Special provisions would have to be made in any scheme for dealing with the unduly large stocks existing in certain countries, which represented the equivalent of many years' manufacture.

It had also been asked whether the phrase "control and limit the supplies kept

by wholesale dealers" implied that the Governments would have to take special measures to control and limit the supplies of wholesale dealers. Obviously some such control would be necessary, but that had nothing to do with the question under discussion—the limitation of manufacture.

It had been said that the formula for the constitution of a stock would benefit the countries with a large population and the existing manufacturing countries. That might be so, but M. Bourgois was prepared to modify the formula by which the stock would be constituted. The "advance stock" manufactured might be composed of two parts: (1) a stock corresponding to orders received during the previous year; (2) a stock of a certain amount, which would enable new countries desiring to enter the export trade to do so.

Other methods could be suggested. Sir Malcolm Delevingne had proposed one. There were many others.

Mr. Caldwell (United States of America), replying to the delegate of the Union of Soviet Socialist Republics, explained that only sixteen articles had been submitted because that was considered to be in accordance with the Committee's procedure. He agreed that some of the other articles were of importance.

His delegation had intended to include crude morphine, crude cocaine and ecgonine in their proposal, and, in their view, the definition of narcotic drugs given in Article 1 did cover them, with the exception of crude cocaine made from coca leaves, which had unfortunately been omitted in error.

M. von Rheinbaben (Germany) said that information with regard to the distribution of narcotics among the chief manufacturing countries would be found on page 5 of the "Report of the Preliminary Meeting of Official Representatives of the Manufacturing Countries, October-November 1930" (document C.669.M.278.1930.XI). The paragraph concerning morphine had been modified slightly during subsequent conversations. It was unnecessary, however, to discuss figures, as there were none in the Franco-Japanese proposal.

Sir Malcolm Delevingne (Great Britain) said the Committee had reached a critical point, at which it was necessary to choose between two schemes. He had given a good deal of thought to the Franco-Japanese proposal and the speech of the Yugoslav delegate, and asked the Committee's indulgence if he went somewhat beyond the limits of the Franco-Japanese proposal in order to make a comparison between it and the scheme he had himself put forward, which he still maintained.

The test of any scheme of limitation was whether it would work, and to answer that question it was necessary to consider how it would work. The more he examined the Franco-Japanese proposal the less clear he became as to its exact meaning and effect. If he was interpreting it rightly, the

¹ See document Conf. L.F.S.74.

limitation of manufacture depended first on the application of the import certificate system; secondly, on a special arrangement as to stocks; thirdly, on rigorous administrative action to ensure that manufacturers and wholesalers were strictly controlled.

With regard to the application of the import certificate system, his criticisms of the scheme on that head had not been answered. In his opinion, and in the opinion of other delegates, the import certificate system by itself, without a central narcotics office, would not be sufficient.

By way of example, he called attention to the case of the *Ile de France*, where drugs exported from one country to another under an import certificate given by the Government of the importing country were subsequently found in the illicit traffic in the United States of America. Unless the importing country guaranteed to apply the whole system of control of the Geneva Convention, there was no really effective guarantee that the import certificate system would by itself secure the limitation of manufactured drugs to medical and scientific needs.

With regard to stocks, it was difficult to understand how the scheme would work. He assumed that the authors of the proposal did not intend that the amounts manufactured for (1) home consumption, (2) conversion and (3) export, should be kept distinct. If the amounts manufactured in every factory went into a common pool for those three purposes, was the 50 per cent of the previous year's exports (he understood that the 50 per cent of the home total had been abandoned) additional to other stocks in the hands of the manufacturers? If it was not additional and was their only stock for meeting home, conversion and export requirements, what was the position of a country like the United States of America or Japan, which had a large home consumption and hardly any exports? Were they only to be allowed to manufacture in advance up to 50 per cent of the previous year's exports? That could hardly be the intention of the authors of the scheme. On the other hand, if that was not their intention, to what did the 50 per cent apply, and what was intended with regard to manufacture for home consumption? Was the manufacturing country to be free to manufacture its annual total for home consumption as and when it pleased, possibly in the first month of the year? If so, there might easily be large stocks in hand at one time, and, if all manufactures for all three purposes went into a common stock, what became of the 50 per cent limit? If, on the other hand, it was not intended that a country should be free to manufacture its home total as and when it pleased, what restriction was proposed?

In this connection, Sir Malcolm referred to the statement which M. Bourgois had rightly made that manufacturers must be allowed to buy their raw opium in the raw opium market at the most favourable times.

He did not desire to take up a merely critical attitude towards the Franco-Japanese proposal, but had tried to see whether it could not be put into a more acceptable form—he did not say one which he himself favoured, but one which presented fewer difficulties. It might be made to embody the following general principles:

(1) Annual estimates from all countries, to be examined by a competent central authority (as in the draft Convention). In reply to those speakers who had said that his own scheme did not provide for stocks, Sir Malcolm pointed out that the definitions of "conversion" and "consumption total" in Article 1 made ample provision for stocks.

(2) Reference of all export orders before execution to a central international office to ensure that no country obtained more than its estimates.

That raised the Japanese difficulty about the proposed central office. Personally he saw no possibility of giving way on that point. A new text had been prepared which harmonised the Japanese point of view with that of other delegations. He had examined this new text, but did not find in it any provision equivalent to the provisions of the draft Convention. It added little to the provisions of the Geneva Convention with regard to the statistics and information to be furnished to the Permanent Central Board.

(3) Orders from countries not parties to the Convention and not applying the import certificate system should not be refused.

It would be impossible to refuse supplies of drugs for medical purposes to countries not parties to the Convention. The world would regard such a procedure as inhuman. Orders received from such countries would, however, only be executed if, on reference to the central office, they were found to be within the estimates determined for those countries. Possibly some additional precaution might also be worked out.

(4) The Government of every manufacturing country would, subject to a provision to be mentioned presently, undertake to see that its manufacturers did not manufacture more than the total of:

(a) Home requirements less imports (imports were not mentioned in the present Franco-Japanese proposal);

(b) Conversion requirements (the Government would also undertake that drugs

intended for conversion would be used for that purpose);

(c) Amount of export orders received and executed.

Each Government could be left to take what administrative action it considered best for the discharge of these obligations.

The paragraph in the Franco-Japanese proposal regarding rigorous control would be quite unacceptable to the British Government. The effectiveness of the control exercised in Great Britain had never been questioned, and the British Government saw no grounds for changing its system. Sir Malcolm was glad that M. Bourgois thought this paragraph had nothing to do with the scheme of limitation.

To meet the difficulty that neither the Government itself nor the manufacturers would know in advance how much would be required for home consumption less imports (the latter played an important and varying part in a country's consumption), for conversion or for export, a margin of excess might be allowed, so that a Government would not be considered to have failed to carry out its undertaking if at the end of the year manufacture was found to have exceeded the actual requirements by not more than that margin. The margin could be settled on the basis of the present situation.

The above programme contained the essential features of the Franco-Japanese proposal in a more acceptable form; to it might be added Sir Malcolm's own proposal in the Technical Committee that the Governments should undertake not to allow the manufacture of any new derivatives of morphine until they had been examined by the Health Committee of the League of Nations, in consultation with the Office international d'Hygiène publique and reported by the Health Committee as useful for medical and scientific purposes.

He did not propose to discuss the application of the programme to codeine and other non-narcotic derivatives of opium, as that was still being discussed by the Technical Committee.

Sir Malcolm turned now to a proposal indicated in the speech of the Yugoslav representative, whom he desired to congratulate on his lucid and logical statement of his views. He was prepared to meet the Yugoslav suggestions, and would distribute to the Committee a new text for Articles 8, 9 and 10. He hoped it would be acceptable, not only to the Yugoslav delegation, but also to the Turkish delegation.

Turkey and Yugoslavia had for years been supplying the manufacturers with the major portion of the world's supply of raw opium for medical purposes. The raw opium statistics compiled by the Secretariat¹ showed that, in recent years, Turkey had furnished 61 per cent of the imports of the manufacturing countries, Yugoslavia 19 per cent, India

9 per cent, and Persia 6 per cent. Owing to the general fall in world prices, the selling price of raw opium was at present only half what it had been a year previously, and did not provide a living wage for the cultivators. It was only reasonable that Turkey and Yugoslavia should take up the attitude that either they must have a remunerative price for raw opium or must themselves engage in the manufacture of drugs and secure a remunerative return in that way if they could. They asked, therefore, that they should be put into a position to do this and that they should be given a quota. Sir Malcolm's new Article 8 met these requirements. It also left it open to the two countries, in the interval before the new Convention came into force, to enter into negotiations with the cartel manufacturers regarding the price of raw opium, though it was not possible to insert a specific provision in this sense in the Convention. It was highly probable that the manufacturers would be prepared to guarantee a remunerative price based on the current price of manufactured drugs, on the understanding that Turkey and Yugoslavia abandoned the manufacture of drugs, at any rate for the export market. He need hardly insist on the desirability of such an arrangement.

The above observations, related to what appeared to be the only two possible alternative schemes before the Conference. The United States scheme had not been overlooked. He regretted that the United States delegation had thrown over the scheme put forward by Mr. Neville on behalf of the United States of America in 1924¹, which was based on the same principle as the draft Convention.

He could find nothing in the present United States scheme that could be called direct limitation. Its provisions were very far-reaching and elaborate, and raised important scientific, commercial and other considerations. They would need very close examination. It was doubtful whether the Conference would be able to deal with them in the time at its disposal.

The Committee had therefore to decide between the Franco-Japanese proposal and the modified quota system supported by the British delegation. That scheme provided as follows:

(1) Complete freedom of commerce would be allowed up to the date when quotas were allocated;

(2) Quotas would be allocated, not as a result of negotiation between two parties, one powerful and the other perhaps weak, but on the basis of the actual trade done during a period which gave a fair average;

(3) Liberty was reserved for any new country, notwithstanding the allocation of the quotas, to start manufacture at any time;

(4) The quotas would not be permanent, but would be revisable every three years;

(5) There would be definite limitation in each country to a definite amount of

¹ See document Conf. L.F.S.60.

¹ See Records of the Second Opium Conference—document C.760.M.260.1924.XI, page 389.

the quantity to be manufactured. This was its greatest advantage.

Lastly, there was a provision for stocks, which would do all that was required in that connection.

Sir Malcolm was aware that there was a great deal of prejudice against the Advisory Committee's draft, owing, in part, to suspicion of the manufacturing countries and, in part, to a misunderstanding of the scheme. He appealed to the Committee to put aside that prejudice, and to consider carefully whether the Franco-Japanese or the modified British scheme would best secure the limitation of the manufacture of dangerous drugs.

The Chairman felt that the two proposals had been brought very close to one another by the various amendments. It should not

be difficult for the authors of the two schemes to draw up a common text.

The new United States proposal affected articles which the Conference had already adopted, and went beyond the competence of the Committee. Before discussing it, the President of the Conference and the Business Committee should be consulted.

M. de Brouckère (President of the Conference) suggested that the Business Committee should be asked to decide on the procedure to be followed.

The Committee agreed.

The Chairman explained to M. von Rheinbaben that he had not put his proposal forward for discussion, in view of the decision to consult the Business Committee.

SIXTH MEETING.

Tuesday, June 16th, 1931, at 11 a.m.

Chairman : M. DE VASCONCELLOS (Portugal).

8.—PROCEDURE TO BE FOLLOWED.

M. Cavazzoni (Italy) did not agree with M. von Rheinbaben as to the desirability of referring questions still under discussion to sub-committees. All the proposals led back to two : the British proposal and the Franco-Japanese proposal. There were certain amendments, however—in particular, the Italian amendment. If Sir Malcolm Delevingne accepted that amendment, the Italian delegation would support the British proposal. In the opposite event, they would not do so. The Spanish amendment was also connected with the British proposal. The United States proposal¹ could be embodied in a single text with the Franco-Japanese proposal. There remained the limitation of raw material, which could be discussed separately, and the creation of a central narcotics office, on the principle of which the Committee had to take a decision. M. Cavazzoni thought it would be somewhat premature to discuss the question of national control to which M. von Rheinbaben had referred.

The Chairman suggested that the representatives of Great Britain, France and Japan should meet together and endeavour, in private conversations, to find a means of submitting a common text. If that proved possible, the new text would be discussed. If not, the Conference would be asked to vote on the Franco-Japanese proposal.

M. Sawada (Japan), M. Bourgois (France) and Sir Malcolm Delevingne (Great Britain) accepted the Chairman's proposal.

¹ See Vol. I, Annex 9, pages 308-315.

9.—LIMITATION OF RAW MATERIAL TO BE MADE AVAILABLE TO THE FACTORIES.

M. Sawada (Japan) explained that the Japanese delegation was only opposed to the setting up of a central narcotics office in the form contemplated in the draft Convention. It appeared, however, that certain delegations contemplated a central office in another form. As the Committee had as yet taken no decision with regard to the organisation, competence and situation of this office, M. Sawada had refrained from speaking. The Japanese delegation was prepared, however, to discuss any proposal relating to the organisation of a central narcotics office.

M. Perez (Argentine) was surprised that the United States amendment had again been put under discussion. After the discussion on the amendment of the Union of Soviet Socialist Republics, during which M. Perez himself had spoken, the Conference decided to recommend that a new conference should examine the question. The Conference had thus, in plenary session, voted on the object of the United States amendment.

M. Cavazzoni (Italy) observed that in plenary session the Conference had taken a decision on the question of substance—namely, the limitation of production. The United States scheme, however, dealt, not with limitation, but with control over the introduction of raw material into manufacturing countries. It must be admitted that this was a kind of indirect limitation.

M. Casares (Spain) agreed with M. Cavazzoni and suggested that the United States delegation should be asked whether

that part of their text which dealt with the limitation of the importation of raw material could be separated from the rest. It should be discussed apart, and the remainder of the United States proposal could then be taken into consideration in the preparation of a common text for Articles 8 to 17 for submission to the Conference.

Mr. Caldwell (United States of America) replied that the United States proposal was based on the same principle as the Franco-Japanese proposal. The question of the limitation of the raw materials furnished to the manufacturers could be separated and discussed immediately. Such limitation offered a practical means of controlling the production of the factories. If the United States proposal were rejected, the Governments would be left to choose what methods they would apply in limiting the production of their factories.

M. Bogomoloff (Union of Soviet Socialist Republics) had already explained the Soviet delegation's point of view. It thought it both difficult and illogical to discuss the control of the importation of raw materials without dealing with the limitation of production. The Soviet delegation would vote for the United States proposal; though it was of little practical importance at the moment, it might encourage the convening of a new conference on the control and limitation of production and the importation of raw materials.

M. Sawada (Japan) agreed that control over the use of raw materials would afford an excellent means of achieving the end sought by the limitation of manufacture.

M. Casares (Spain) did not consider that a question of this importance could be solved satisfactorily in the limited time still at the Conference's disposal. It presented a different aspect according to whether it was regarded from the point of view of importing countries or countries producing raw material, and the views of the producing countries should be obtained.

Mr. Caldwell (United States of America) observed that M. Casares' suggestion had already been contemplated in the United States memorandum. He agreed that the question presented a different aspect according to whether a country was or was not a producer of raw material. What the United States delegation had in mind was the limitation of the amount of raw material supplied to each factory.

M. Perez (Argentine) stated that if the United States proposal was confined to the limitation of the raw material supplied to the factories he would vote in favour of it.

M. von Rheinbaben (Germany) thought the question of the limitation of raw material was one of principle. The first point to be considered was whether it was within the competence of the Conference. The producing

countries had not yet had an opportunity of explaining their views on the matter. Personally, he was of opinion that the Conference was not competent to discuss this problem: the delegations' instructions were in conformity with the terms of the invitation to Governments, which had mentioned only the limitation of manufacture.

Mr. Caldwell (United States of America) did not think the question was as difficult as M. von Rheinbaben believed. There were not an indefinite number of means of limiting manufacture, and the method of limiting the quantities of raw material supplied to factories was particularly effective. He therefore thought the Conference was competent to consider it.

M. Dinichert (Switzerland) was of opinion that the Conference was competent to examine this question. He agreed that, as it did not appear on the agenda, the delegations had hardly had time to study it in detail. Without making it a question of principle, it would be advisable to study the limitation of the supplies to factories from the practical point of view alone. It was an incontrovertible fact that the manufacturing countries were aware of the obligation to control manufacture in their own territory. The limitation of the raw material to be placed at the disposal of manufacturers and traders might be an effective means of control, in execution of the obligations already assumed under existing Conventions. But it would hardly help in solving the problem of limiting the production of the raw material.

Mr. Caldwell (United States of America) observed that his proposal relating to the limitation of the quantities of raw material supplied to the manufacturers applied to producing countries as well as to manufacturing countries importing raw materials.

In reply to a question by M. Bogomoloff he explained that naturally the licence to import would apply to the raw materials imported.

Hassan Bey (Turkey) stated that, as his country had been invited to take part in a conference the object of which was to ensure the direct limitation of the manufacture of narcotic drugs, the instructions and powers he had received were strictly confined to the examination of that question. He would therefore be unable to discuss the limitation of supplies of raw material, which was an indirect means of limiting manufacture.

M. Cavazzoni (Italy), replying to an observation by M. Bogomoloff, stated that, in his view, the limitation of importation and State control of manufacture were in practice one and the same thing. He saw no objection to keeping the surplus of authorised imports in warehouses under State control.

He did not agree with Hassan Bey as to the powers of the delegations attending the Conference. He thought limitation of the

supplies of raw materials an effective method of controlling the manufacture of narcotic drugs.

M. Obradovitch (Yugoslavia) pointed out that the Conference had refused to discuss the Soviet amendment on the limitation of the production of raw material, not, he thought, on grounds of expediency—for sooner or later it would be necessary to adopt measures of control in respect of cultivation—but rather because the problem was very complicated. It had already been raised before the Council of the League of Nations, and had been referred to the Advisory Committee to deal with it during its next session. It required the most careful consideration which the Conference had no time to give it, and it exceeded the Conference's powers. The delegates' instructions from their Governments did not deal with limitation of cultivation or the importation of raw materials. The United States proposal raised, under another aspect, the same question as the Soviet proposal. Consequently, it was doubtful whether the Conference was entitled to discuss it, and M. Obradovitch pointed out that the Yugoslav delegation did not consider it had the necessary powers to do so. If the Conference maintained the question on its programme, his delegation would be obliged to ask its Government for further instructions.

M. Obradovitch added that the Yugoslav delegation had no objection in principle to the United States proposal.

M. Kahler (Germany) noted that the United States proposal relating to control of the manufacture of narcotic drugs by means of the limitation of raw material was closely connected with the question of the limitation of cultivation. The two questions should therefore be discussed together. He did not think the Conference could undertake this study, and suggested that the matter be adjourned.

The raw material used in the manufacture of narcotic drugs was a commercial product subject to commercial laws. It was not purchased only in producing countries but on the important markets, the chief of which were Hamburg, London, and Marseilles. It would be very difficult to determine the quantity of raw material to be introduced into countries with a market. On the other hand, as the trade was lawful, it was watched very closely, and there could be no

question of introducing new restrictions. The Governments concerned exercised energetic and very strict control which seemed to him adequate. He emphasised the administrative difficulties which would arise if two different forms of control existed simultaneously.

While agreeing that the question was important, the German delegation thought it should be discussed at another conference.

Mr. Sharman (Canada) supported the United States proposal, which would give an additional guarantee in the control of the trade in narcotic drugs. He drew attention to the enormous quantity of narcotic drugs which passed into the illicit traffic, and stated that, in his view, if countries wanted to limit production, they should at the same time limit the quantities of raw material supplied to the factories.

M. Bourgois (France) pointed out that a recent French decree provided that the quantity of raw material to be handled by each factory should be determined annually.

With regard to control over importation, the certificate system gave Governments extensive powers and the means of limiting importations strictly to the needs of the country. It was the actual aim of the certificate system to prevent the entry into a country of surplus supplies of narcotic drugs. There was already the international control of the Permanent Central Board, which was competent to submit observations to the Governments on whose territory stocks appeared to it to be excessive. The certificate system, though it gave Governments the means and the power to limit the amount of importations, did not, however, indicate either the figure to which importations might rise, or the means of reducing them.

M. Bourgois wondered whether it was really advisable to go further and to impose definite international obligations on Governments in this matter. He would for the moment refrain from giving his opinions on this point, in view of the judicious observations already submitted, and in particular those which brought out the close relationship between the reduction of cultivation and the limitation of supplies of raw material. Moreover, certain technical difficulties should be borne in mind. The yield from raw material, particularly coca leaves, was very variable and depended on the condition in which the factory received it, after it had been warehoused.

SEVENTH MEETING.

Wednesday, June 17th, 1931, at 10.30 a.m.

Chairman: M. DE VASCONCELLOS (Portugal).

10.—ARTICLES 8 TO 17 OF THE DRAFT CONVENTION (continuation).

The Chairman reminded the Committee that it had before it the proposal of the United States delegation regarding stock replacement or the rotating stock plan for the direct limitation of the manufacture of narcotic drugs (Vol. I, Annex 9).

He also read the following proposal by the German delegation regarding the question of the limitation of raw materials :

“ Considering,

“ (1) That the limitation of imports of raw materials is closely related to the question of principle—*i.e.*, the question of the limitation of production ;

“ (2) That two delegations of countries particularly interested in this problem have stated that they do not possess full powers for the discussion of these two questions ;

“ (3) That, for the purpose of the present Conference for the Limitation of the Manufacture of Narcotics, it is sufficient to establish an adequate supervision of imports of raw materials ;

“ The German delegation proposes that the amendments relative to the limitation of raw materials be not submitted to the Conference and that it be left to the discretion of the Conference to decide, at the end of its discussions, whether it is expedient to include in the final protocol a recommendation in favour of submitting the entire problem of raw materials to another conference.”

The Chairman said that the German proposal would be discussed at the same time as the United States proposal. As, however, this proposal raised a point of order, he would ask for a vote to be taken on it.

M. van Wettum (Netherlands) said that the point under discussion was whether the Governments could agree to the principle of restricting the supply of raw material entering the factories to the quantities necessary for manufacture : that principle was mentioned on page 1 of the rotating stock plan proposed by the United States delegation.

He had been considering the necessity for such a measure. There would shortly be limitation of the manufactured products ; there was already control of the amounts of raw material coming into the factory, by means of the import certificate system, and of the manufactured products going out of the factory ; in addition, the licences of manufacturers who did not comply with the

conditions under which they were granted would be withdrawn. Under the draft Convention submitted by the Advisory Committee or the Franco-Japanese proposal as amended by the British delegation, Governments would bind themselves to limit manufacture to the quantities required for legitimate needs. Finally, some latitude must be allowed to the manufacturer to buy his raw material at a time when the market was favourable. Consequently, M. van Wettum did not see why, in the present circumstances, further international measures were required as a safeguard against fraud.

He had had no time to study the United States proposal thoroughly. In No. 3 of the Explanatory Note¹, however, he found it mentioned as a principal feature of the plan that no country might import quantities of opium or coca leaves in excess of its estimates. Presumably that passage referred to Article 13, section 2, of the plan.

Inter alia, no account had been taken of the position of Amsterdam as the world market for Java coca leaves imported into the Netherlands from the Netherlands East Indies under the import and export certificate system, which were for the most part exported to other countries by means of subsequent sales.

Either there must be some misunderstanding or he had misinterpreted the United States proposal, because Mr. Caldwell had informed the Committee that the delegation of the United States of America did not intend to restrict importation.

Mr. Anslinger (United States of America) pointed out that the United States proposals were not intended to limit the importation of the raw material markets, such as London, Amsterdam and Marseilles. They emphasised the necessity for strict accountability of raw materials by the strict application of the import and export certificate system.

There was obviously considerable confusion in the minds of the delegates. Mr. Anslinger would therefore try to make the position clear. Arguments had been advanced that the United States proposals were highly complicated and involved and would be very difficult to apply, and also that the time was too short to discuss this fundamental basis of limitation. The United States proposals were not complex. The question of the raw

¹ See Vol. I, page 309.

materials entering the factories was an essential and inseparable part of any plan.

There was no difficulty in allowing factories to have a given amount of raw material for manufacturing an amount of drugs that was known in advance. It would be a simple arithmetical process to reduce manufactured products to terms of the basic morphine and cocaine content, and likewise to terms of raw materials.

The argument had been advanced that the morphine content of raw opium and coca leaves varied. Assuming that that was so in the case of opium, the manufacturer could obtain more or less raw material. In the case of coca leaves, it was known that the cocaine yield varied in some years as much as 50 per cent, but that offered no insurmountable difficulty. A Government assay would enable the amount of coca leaves required for a given amount of finished products to be determined.

The United States delegation believed that any plan should include practical means of limiting manufacture, in order that no loophole might be left, as far as was humanly possible, for narcotic drugs to seep into illicit channels. They had been forced to the conclusion that limitation of the raw materials entering the factories was absolutely essential to the success of any plan.

As a premise, it might be stated that two causes contributed to the illicit traffic in narcotic drugs :

(1) The lack of limitation of raw materials available to the factories for the manufacture of the finished product ;

(2) The production of a greater supply of the manufactured article than legitimate world medical and scientific needs.

It was an elementary principle of law and logic that, where causes were independent of each other, the nearer (the finished product) should be charged with the disaster, but where one was the efficient cause (the raw material) which set the other in operation, the first of the two which contributed to produce the injury had always been regarded as the proximate cause in a natural and continuous sequence, unbroken by any new independent cause. Any reasonable person might have anticipated the passage of quantities of narcotic drugs into illicit channels.

The situation might be likened to a lake feeding several streams. If it were desired to limit the level of water in a particular stream to a given point, who would suggest baling out a sufficient amount to keep the stream at the desired level ? Would it not be natural and logical to limit the amount of water flowing into the stream ?

The analogy drawn by the Italian delegate when he said that, if a river was overflowing and threatening disaster, the most intelligent action to take would be to dam the source, might also be applied. So with the

limitation of the raw material required for the manufacture of the finished product. There could be no greater supply than the amount allowed to the factories.

Mr. Anslinger asked the Conference to suppose, for the purposes of discussion, that the two causes cited were concurrent and contributed independently to the illicit traffic. Was not failure to limit manufacture an invitation to manufacture illegally ? When a trend of events was put into operation and led, in a continuous sequence, to disaster, it was the natural and probable result of the original act, or omission, though the injury was immediately caused by the last link in the chain of events. One might just as well expect to carry water in a bucket having two holes, only one of which had been blocked, as expect that there would be no leakage of the finished product without limitation of the raw materials entering the factories. Would not such limitation constitute a double safeguard against such leakage ?

Not only was the United States delegation convinced that no logical reason could be advanced against such a precaution, it also thought its inclusion within the scope of the plan which the Assembly had requested the Conference to draw up was essential to the success of that plan. The Committee would be remiss in its duty if it failed to urge its inclusion as a practical and primary means of limiting the manufacture of narcotic drugs. The principle had been recognised as far back as 1924. The records of the Second Opium Conference contained a draft cocaine convention submitted by Sir Malcolm Delevingne, Article 4 of which read :

“ With a view to preventing the illicit manufacture of cocaine, each of the States mentioned in Article 3 agrees, as far as it is concerned : to limit its annual imports of the raw material—viz., coca leaves or crude cocaine—for the purpose of the manufacture of cocaine within its territorial limits . . . ”

In the same records there was a reference to the fact that each country would bind itself by agreement not to import for manufacture more of the raw material than was necessary to manufacture the finished product.

Mr. Anslinger also referred to the Japanese delegate's statement at the recent London Conference between the manufacturing countries that there was no provision to cover the alkaloidal content in raw opium, morphine, coca leaves or crude cocaine and that, in order effectively to close any loophole, the raw materials to be used for manufacture should be properly controlled.

The delegation of the United States was convinced that raw materials entering the factories must be properly controlled by Government assays to check their alkaloidal content.

By a limitation of the raw materials made available annually to dealers and manu-

facturers (Article 8) was meant limitation of the amounts that they were permitted to have for the manufacture of the narcotic drugs covered by the Convention. It was understood that with direct limitation of medicinal opium, special provision would have to be made for extra quantities of opium to be held under strict Government control. These quantities should be determined by means of advance statements as to the needs of the manufacturing countries. The United States system of direct limitation had been developed as a result of strict adherence to the obligations imposed by the 1912 Hague Convention.

Mr. Anslinger then gave an outline of the system in force in the United States of America. He explained that the Federal Government started to limit manufacture by deciding what raw materials might be imported into the United States. The importation of raw opium and coca leaves in excess of the medical and scientific requirements of the country was prohibited. The first step, therefore, in the United States system of direct limitation—and Mr. Anslinger emphasised the word “direct”, since it had been used very carelessly during the Conference—was to determine those requirements on the basis of a complete record of legitimate sales during the previous year and of the amounts exported under a very rigorous system of import and export certificates. On the basis of the past year’s business and of surveys by the Public Health Service, the manufacturers were allocated the quantities of raw material which they might import. The raw material was carefully assayed by Government authorities at the port of entry, and the manufacturer was held responsible for everything derived from the raw opium or coca leaves. The United States delegation was of opinion that such direct limitation was an absolutely essential element in limiting the illicit traffic and could readily be adopted.

Suppose that the United States had no such system, 50,000 additional pounds of raw opium would have been imported in connection with two new applications to manufacture narcotic drugs, and the burden of controlling the distribution of the finished products and preventing their entry into illicit channels would have been thrown on the Government of the United States. The applications were refused, and thus over-production was prevented by strict application of the principles of limitation laid down in the 1912 Hague Convention.

Briefly, there was no reason why raw materials entering the factories should not be controlled; the approximate amounts could be known in advance. Nor was there any reason why there should not be an assay of the alkaloidal content, and strict accountability for all raw materials, the process of manufacture, and the products of manufacture and, in addition, strict accountability to an international narcotics office, where abuse would be detected and corrected.

The discussions had reached a vital point. While the United States of America believed that limitation could only be accomplished by direct limitation of the raw materials entering the factories, it would favour any other definite method giving the same result. The United States delegation emphatically disagreed with the objections that the United States proposal had been introduced into the discussions too late and that it was involved, difficult to formulate and hard to operate. Mr. Caldwell had referred to the United States proposals during his opening address and they had been introduced during the discussion of the Japanese amendment.

Limitation of raw materials entering the factories had been operating successfully in the United States of America for eight years. The method was simple and had never caused any difficulty. The Secretariat had stated that the figures for the world requirements of the raw opium export business would be available shortly and that the data for coca leaves had already been assembled. In other words, the only real difficulty had already been met.

The one outstanding fact was that, given an opportunity, drugs would be manufactured greatly in excess of requirements. If the amount of raw materials entering the factories was directly limited, the world would no longer be inundated with the tons of drugs in the illicit traffic.

M. Casares (Spain) said there had certainly been some confusion; he himself had been a victim of it. When objecting to the difference that would arise between countries which were only manufacturing countries and countries which both produced and manufactured, he had had in view the general importation of drugs, and had wondered how a country with all the necessary raw material could be submitted to the same regime as one which must import it. That objection was now removed by Mr. Anslinger’s explanation that the United States proposal related only to the raw material entering the factories. Mr. Anslinger had shown that the system was easy to work and could be applied in any country. After his explanations, it was clear that the procedure contemplated would not in any way hamper the operations of the markets, national or international. This would allay the fear of producing countries that their production might be limited. The United States system would permit the manufacturers to purchase at the most favourable moment, and did not moreover go beyond the scope of the limitation of manufacture. It was thus within the competence of the Committee, and the delegates who had had scruples as to whether their powers were sufficient to permit of their dealing with the matter could be assured that they were fully entitled to accept the new proposals, which simply made the system of limitation more perfect.

Sir Malcolm Delevingne (Great Britain) said he had examined the United States proposal very carefully and did not agree with M. Casares that the position was

now clear. Mr. Anslinger had, he thought, seriously understated the effect of his proposals. To take the two principal points: the first was that they would not interfere with the raw opium markets at Hamburg, Marseilles and London, or the coca leaf market at Amsterdam. But was that so? Under Article 14 of the United States proposal,¹ the import certificates issued in respect of any import of raw opium or coca leaves had to state that the drugs were intended for re-export. But the raw opium and coca leaf markets were not conducted on such lines, and this provision would be a very serious interference with the methods on those markets.

A secondary point: the raw opium or coca leaves were to be stored in Government warehouses. That would involve a big alteration in the present methods.

Secondly, Mr. Anslinger had spoken as though the United States proposal dealt only with the entry of raw materials into the factories. Article VIII, section 1, of that proposal, however, read:

"Each High Contracting Party shall limit the amounts of raw opium, coca leaves, and narcotic drugs (as classified under Article III, section 1) made available annually to its dealers and manufacturers for the purpose of manufacturing, converting, compounding, or preparing the quantities of each narcotic drug appearing in the estimates of needs of such Party for domestic consumption to the quantities necessary for such purposes."

Article I, section 4, stated:

"The term 'narcotic drug' means the phenanthrene alkaloids of opium, or any preparation or compound involving opium or its constituent phenanthrene alkaloids as the source material."

That was much wider than the scheme described by Mr. Anslinger. It meant that Governments had to limit the amounts available not only to manufacturers but to dealers who made preparations from raw opium or coca leaves. Mr. Anslinger had adopted the simile of a lake, but the Governments would have to cope not with a lake but with hundreds or thousands of small ponds. In European countries, at any rate, not only the wholesale druggists but also the retail pharmacists made extracts and tinctures direct from raw opium in many cases.

How was it possible to enforce Article III, sections 2 and 6, which required Governments to submit by October 1st estimates of the raw opium and coca leaves which their dealers and manufacturers would be permitted to use for manufacture for export, having regard to the provisions of Article VIII,

¹ See Vol. I, Annex 9, page 318.

section 2? By October 1st, the exports for the year would not be known.

The provision that quantities of raw material made available for one kind of drug or preparation should not be used for the manufacture of anything else seemed extraordinary. The general effect seemed to be that raw materials were to be kept in a number of watertight compartments. But the wholesale houses did not keep their raw materials in separate compartments in that way. The amount of interference with the recognised and perfectly proper methods of carrying on business would be great.

The core of the United States proposals was that the Governments should limit the amounts available to their dealers and manufacturers for the purpose of manufacturing, preparing, converting and compounding. How was that to be done? Was a permit to be obtained from the central authorities by each dealer and manufacturer on the occasion of each purchase?

The United States proposals were not in themselves a scheme for the limitation of the manufacture of drugs at all: the amount of raw material to be used in manufacture could not be limited until the amount of the drugs to be manufactured had been decided upon. They were simply a method or machinery by which limitation of manufacture might be enforced by the Governments parties to the Convention. So far as the scheme of limitation of manufacture was concerned, the United States proposals were the same in substance as the Franco-Japanese proposal. To provide that the parties to the Convention should adopt a particular method or machinery would be tantamount to telling them how they should discharge their duties, which was a matter for the Governments themselves to decide.

From the British point of view, there were two very strong objections to the United States system: first, that it would impose an immense burden of work on the central authority; and, secondly, that it would be futile, because officials in a Government department in the capital of a country could not exercise real control over the purchases of individual dealers without a system of inspection and an organisation for the receipt of information as to the day-to-day transactions of separate businesses such as it would be impossible to contemplate.

The British system of control was very effective, and the British authorities saw no reason whatever for abandoning their system in favour of the United States scheme. All imports of raw material had to be licensed by the central authority. No drug could be manufactured without a licence from the central authorities, who had power to withdraw licences in the event of any irregularity. The danger of losing their licence was much the most effective method of control over manufacturers and dealers. The British system also provided for periodical reports and inspection.

The United States of America were in quite a different position. They had drawn a ring-fence round their country. No imports

of manufactured drugs were allowed and exports were practically nil. They were therefore able to estimate closely their requirements year by year, and it was perfectly easy to carry out their scheme of rationing. Mr. Anslinger had not explained, however, how they dealt with wholesale chemists and retail pharmacists.

Was it logical to assume that there was only one possible effective method of control ?

Mr. Anslinger had rejected the criticism that his scheme ought to have been placed before the Committee at a much earlier date, but it was a fair criticism. The Advisory Committee had had no opportunity of considering the scheme. It had never been before the Council or the Assembly. The Governments invited to attend the Conference had had no opportunity of considering it, and it was not even mentioned in the invitations.

M. Obradovitch (Yugoslavia) reminded the Committee that the powers of the Yugoslav delegation were limited to the question of manufacture. They would have to ask for new instructions with regard to the limitation of raw material. If necessary, they would do so, and it was not impossible that they would receive instructions in substance favourable to the United States proposals. Meanwhile, however, everything he said must be subject to the reservations he had made on the previous day.

The United States scheme as a whole was a very complete scheme of limitation and possessed certain undeniable advantages over other systems. An exact idea could immediately be formed of the value and practical bearing of the scheme. For the moment, however, M. Obradovitch would confine his observations to one point : the limitation of raw material, which seemed to him to be the weakest point in the plan.

He did not agree with M. Casares that the distinction drawn by the delegate of the United States between limitation of the imports of raw material and limitation of the supplies entering the factories was satisfactory.

He read points 2 and 3 of the Explanatory Note and pointed out that, according to the United States proposal, imports of raw opium must not exceed the estimates furnished to the Central Board. It was true that Article 8 provided that a Government might permit reasonable stocks to be maintained, but since their amount was limited by the estimates, to limit the raw material entering the factories would amount to limiting the importation of raw material.

Limitation of importation of raw material raised certain difficulties in regard to which M. Obradovitch would be glad of additional explanations. He did not think this limitation would be desirable even if cultivation were limited. M. Obradovitch assumed, for purposes of discussion, that there was not only limitation of manufacture, but even limitation of the cultivation of opium. Turkey and Yugoslavia supplied more than 80 per cent of the world requirements of raw

opium for manufacture and conversion. The area under cultivation was about 60,000 hectares. If that area had to be reduced to give an average annual yield not exceeding a world requirement of, say, 320,000 kilogrammes, only about 30,000 hectares would be cultivated. But the yield of opium fluctuated considerably from year to year. One year the average yield per hectare was 5 kilogrammes. In other years it might be 15 or 20 kilogrammes. Thus, if cultivation were limited to 30,000 hectares, there would sometimes be a deficit and sometimes a considerable surplus in output.

If then the importation of raw material were limited, the manufacturers would be unable to profit by a reduction in the price of raw opium as a result of an abundant harvest. Moreover, the producing countries would have to assume all the risks. They would be obliged to keep the surplus stock in their own hands, not only because it must not go into other countries, but because they alone would be responsible for meeting the scientific and medical needs of the whole world. This solution of the problem would be both unfair and undesirable. It should, on the contrary, be possible to divide the surplus in an abundant year between the manufacturing countries, in order that each country should contribute its share of the world supply of narcotics required for medical purposes.

The limitation of the importation of raw material would not be favourable either to manufacturing countries or to consuming countries. Imports would be limited to the annual estimates, and once the prescribed quantity had been imported, no more could enter the country. There would then be no connection between the national and international markets, and national prices might rise to a very high figure without influencing thereby the market prices in the producing countries. The importers might create a monopoly in raw material and refuse to sell their stocks except at prohibitive prices. The factories would be unable to obtain their materials elsewhere and would be compelled to buy at excessive prices. These monopolies could not be prevented by internal regulations—for example, by reserving to the manufacturers the right to import raw materials.

The business of a factory was not always the same. It might increase while that of another decreased ; the factory whose business had increased might therefore be obliged to purchase from the other factory at an excessively high price. Such circumstances would ultimately prove beneficial only to the monopolists and detrimental to the consumers. The above disadvantages called for consideration. Account must also be taken of countries where the customs were not so irreproachable as in the United States of America. If raw materials were limited, import certificates might even become more valuable in those countries than the raw material itself, which would be perfectly absurd.

M. Sawada (Japan) said the main outlines of the United States proposals were similar to the Japanese amendment. The former aimed at limiting the supply of raw materials to the quantity required for legitimate production. This being so, they involved a principle which was in accordance with the Conference's aim. Limitation would be better achieved if imports of raw material could be limited to the quantities necessary for legitimate requirements. In this sense, the Japanese delegation supported the United States proposals in principle.

For the last eight years, Japan had followed the policy of strictly limiting the manufacture of drugs to home consumption, and during those eight years the Government had never allowed the factories to buy or import any raw materials in excess of the quantity required for legitimate manufacture. The Yugoslav delegate had pointed out that, at the beginning of 1930, Japan had 7,019 kilogrammes of morphine in stock.¹ That was so. Of this amount, however, 6,623 kilogrammes was in the form of crude morphine. The refined morphine which was held by Japan at the beginning of 1930 amounted, therefore, only to 396 kilogrammes. This crude morphine was a by-product of smoking-opium in Formosa and would be produced so long as the manufacture of smoking-opium continued. The morphine thus produced, however, was held in the hands of the Government. The manufacturers were only supplied with what was essential for medical and scientific purposes. The Government had found no difficulty in following out this policy of limitation, and believed that countries similarly situated would not find any great difficulty in doing so.

The United States proposal appeared to be very involved, but the United States delegation would no doubt be prepared to simplify it, and if agreement could be reached by which each contracting party engaged to limit the supply of raw materials entering the factories to the quantity necessary for manufacture, it would facilitate a great deal the realisation of high purposes as contemplated by the limitation of manufacture of narcotic drugs.

Mr. Anslinger (United States of America), replying to criticisms, explained that his observations applied, not to the United States scheme as a whole, but only to the proposal to limit supplies to the manufacturers whatever scheme might be adopted. His delegation was prepared to accept certain alterations; and if there was a well-founded objection to Article 14, which was not intended to limit imports for re-export, it was prepared to modify, or even withdraw, the article.

It had always been understood—and the Minutes would bear him out—that the

¹ See document C.587.M.228.1930.XI. 1st Part, page 206.

Conference was free to consider any plan that might be presented. Nothing had been said about submitting such plans to any League of Nations body.

He must again refer to the objection that the United States amendments were submitted too late. Shortly after the beginning of the Conference, amendments to Articles 8, 9 and 10 had been proposed, and the amendments to the first sixteen articles had been submitted in the early days of the Conference.

The United States delegation did not consider that any plan already in existence was entirely satisfactory. It came to the Conference, not prepared to advocate a plan as a substitute for the Advisory Committee's plan, but prepared to co-operate in working out a revision of the latter, and, in the circumstances, it did not seem appropriate to propose an entirely new plan. As soon as it became apparent that progress could not be made along the lines of the plan before the Committee, the United States amendments were introduced.

The United States delegation was prepared to allow factories to have additional amounts of opium over and above their needs, provided the goods were kept in bonded warehouses until needed for manufacture. That would enable raw materials to be bought at a time when prices were favourable.

The British delegate had referred to the provision that the quantities of raw materials allocated for the manufacture of morphine ethers, for example, should be used for that purpose only and not for the manufacture of, for example, heroin. The United States proposal related to the quantities.

With regard to paragraph 3, Article III, provision was made for estimates of the quantity of coca leaves needed for all purposes. Opium and coca leaves had therefore been included in the provision in Article XV that import certificates should be numbered serially and should show the total quantity to be imported during the year, as well as the amounts already imported. If it was impossible to estimate in advance requirements for re-export or for the preparation of medicinal opium, the words "opium and coca leaves" would have to be deleted or modified in the first line of paragraph 3, Article XV.

Mr. Anslinger drew attention to the document entitled "Morphine Content of Raw Opium",¹ and pointed out that this document showed that some of the methods for assaying the content of raw opium and coca leaves were very loose.

The United States proposals were intended to deal with a question of substance: the inclusion in any convention that might be adopted of a provision limiting the raw material entering the factories. The delegation would, however, be willing to enter into details if the Committee wished.

¹ See Vol. I, Annex 22, pages 340-344.

EIGHTH MEETING.

Thursday, June 18th, 1931, at 10.30 a.m.

Chairman: M. DE VASCONCELLOS (Portugal).

II.—ARTICLES 8 TO 17 OF THE DRAFT CONVENTION (continuation).

Mr. Caldwell (United States of America) suggested, in order to avoid any misunderstanding, that the discussion of the United States plan should be adjourned until the Committee had received the text resulting from the conversations between the British, French and Japanese delegations.

M. von Rheinbaben (Germany) agreed that the discussion of the German proposal

relating to the United States plan should be adjourned.

After an exchange of views, during which M. Cavazzoni (Italy) pointed out that motions of order should be discussed and voted upon without delay, *the Committee decided to adjourn the discussion of the German and United States proposals.*

M. Bourgois (France) said that the position reached in the conversations between the British, French and Japanese delegations would enable them to submit a common text very shortly.

NINTH MEETING.

Friday, June 19th, 1931, at 10.30 a.m.

Chairman: M. DE VASCONCELLOS (Portugal).

12.—ARTICLES 8 TO 17 OF THE DRAFT CONVENTION (conclusion).

The Chairman announced that the British, French and Japanese delegates had been unable to agree on a text for Articles 8 to 17 of the draft Convention. He would therefore ask them to explain what had occurred, after which the Committee would have to decide whether to adopt the Franco-Japanese proposal or the draft Convention as amended by the British delegation.¹

Sir Malcolm Delevingne (Great Britain) said that the three delegates had endeavoured to arrive at a text which would reconcile the two opposing points of view. One suggestion was very seriously considered. It was to the effect that the regime to be established under the Convention should start with the application of the Franco-Japanese system, and that if, after several years had elapsed—a shorter or longer period as the case might be—it was agreed between the countries which manufactured for export that the world total should be divided between them according to certain proportions or quotas, the quota system recommended by the Advisory Committee would then be put into operation. Had that compromise been accepted, the main chapter of the draft Convention would have embodied the Franco-Japanese proposals, and a second chapter

would have contained the quota system. That chapter would have come into operation only in the event of the agreement referred to being reached. It would have started on the following lines:

“In the event of an agreement being reached concerning the proportions in which the world total is to be manufactured, between the countries in which the drugs are manufactured for export, a joint notification to that effect should be made to the Secretary-General of the League of Nations by the High Contracting Parties concerned. The notification should state the proportions or quotas agreed upon in respect of each drug, or group of drugs, and, upon such notification being made, the provisions of this chapter will come into force on a specified date.”

That would have meant, he thought, a very large concession on his own part. It meant postponing, perhaps indefinitely, the application of the quota system, which he still believed to be the only satisfactory method of direct limitation. He was prepared to accept such a compromise, however, for the following reasons. In the first place, he was anxious that the Conference should, if possible, arrive at a unanimous decision. Secondly, it secured the recognition in the Convention of the quota system as being in itself the most effective and complete system. He believed that, whatever scheme was adopted, the manufacturing countries would in a few years' time find that the

¹ For the amendments of the British delegation see Appendix to this meeting.

quota system was to the advantage of all parties. In Europe, the manufacturers in some of the manufacturing countries had for years been trying to arrive at such a cartel as had now come into existence. They had done so because, in the absence of such a cartel, they were subject from time to time to all the inconvenience and loss of price-cutting wars and unrestricted competition. The same circumstances would probably arise in the future.

Unfortunately the Japanese representative was unable to accept the compromise, and as no other suggestion was brought forward, the conversations came to an end.

Sir Malcolm believed the Committee would do him the justice of admitting that he had made every effort, in the course of the discussions, to meet objections to the quota system. Objections had been made on the ground that it would establish a monopoly and on the ground that no definite basis for the allocation of quotas was embodied in the draft Convention. Efforts had been made in the British amendments to meet these objections. He greatly regretted that the last effort to meet the Japanese delegation's objections had failed. The Conference must now decide between the two schemes. He himself could not do otherwise than adhere to the scheme worked out by the Advisory Committee after two years' work.

The results of the conversations between the three delegates were communicated to the German and United States delegates when the conversations broke down, and they were fully aware of all that had transpired.

M. Bourgois (France) paid a tribute to Sir Malcolm Delevingne's great spirit of conciliation.

The three delegates had had a difficult problem before them. The great divergence of view on the basic principles had made it impossible for them to reach a compromise.

The most serious objection raised by M. Bourgois had been that an essential point in the Convention—the quota figure—would have been left blank. That figure would have to be fixed later by a body to be appointed for the purpose; the contracting parties would have had to accept its decisions. M. Bourgois had feared that many parliaments would refuse to approve the ratification of such a novelty—namely, a convention in which a fundamental point was left blank.

As certain manufacturing countries had not yet been able to agree as to the allocation of quotas, M. Bourgois had himself suggested, as a provisional organisation, a system without quotas, the quota system being adjourned until a later date. This seemed at first sight a very simple and logical solution. Sir Malcolm had immediately accepted it.

In the course of conversations, however, M. Bourgois had been led to doubt the value

of this solution, as it gave rise to two principal objections.

In the first place, certain countries were opposed to the quota system, not for a reason of fact—that was to say, because it had not been possible to reach agreement on the distribution of the quotas—but for reasons of principle.

Secondly, the choice between the two systems and the transition from one to the other would be left, not to the majority of the contracting parties, or to the consuming countries, but to a few manufacturing countries. This would be a great inconvenience.

In these circumstances, the Committee had before it the so-called Franco-Japanese scheme, the original text of which had been amended on certain important points, on the basis of observations made during the discussions.

M. Sawada (Japan) said he was prepared to accept his share of responsibility for the failure of the conversations. He fully appreciated Sir Malcolm Delevingne's spirit of conciliation, but, with all his respect for the great country Sir Malcolm represented, he was unable to agree to the compromise suggested, for the following reasons:

In the first place, the compromise which Sir Malcolm had been able to accept was, in M. Sawada's view, simply patchwork—a combination of the Franco-Japanese scheme and the quota system. The Committee was confronted with a most difficult situation, and, in order to cope with it, a simple, clear-cut, straightforward method was required. Patchwork would not save the situation.

Secondly, part of the scheme related to the unknown future. Sir Malcolm Delevingne had said that the quota system might be postponed indefinitely. True, but it might come into force within a very short period; it was impossible to foresee what would happen. It might quite possibly come into force some day. The Conference would, in point of fact, be asking the majority of the countries, apart from the exporting countries, to give a blank cheque. No country would dare to do so. If the quota system did come into force, Japan might not be an exporting country and would then have no voice in the matter.

M. Sawada believed that, in refusing to accept the compromise, he was speaking on behalf of the majority of the countries represented at the Conference.

Sir Malcolm Delevingne had said that no other suggestions had been put forward. That was perhaps the case, but M. Sawada had himself made a small suggestion which Sir Malcolm had not accepted.

The Committee would remember that Sir Malcolm had mentioned five points¹, the introduction of which into the Franco-Japanese proposal would make it more perfect and complete. M. Sawada had asked whether he could not accept the Franco-Japanese plan with such modifications as

¹ See page 37.

Mr Malcolm might find necessary; but he was unable to do so.

The Chairman thanked the three delegates for their efforts to draw up a common text, and said that the views they had just put forward in all faith and sincerity must be accepted.

He declared the general discussion closed, and stated that the meeting would be suspended for a short time, after which a vote would be taken on the amended text of the Franco-Japanese proposal, which read as follows :

" I.

" No country may manufacture during one year a quantity greater than the total of the quantities mentioned below :

" (1) The quantity of narcotic drugs necessary for its medical and scientific needs within the limits of its estimates ;

" (2) A reserve equal to one-half the preceding quantity, also intended for domestic requirements ;

" (3) The quantity intended for conversion either for domestic consumption or for export ;

" (4) The quantity necessary for export, based on firm orders received by the country for execution against import certificates delivered in accordance with the procedure provided for in Chapter V of the Geneva Convention and under the supervision of the central authority provided for in Article . . . ;

" (5) The quantity necessary to maintain, in the factories under Government control, a special stock which may be replaced as deliveries are effected and which shall be limited in accordance with paragraph II.

" Any quantity in excess, whatever its origin may be—imports, seizures, cancelled orders, under-deliveries or returned deliveries, etc.—shall be deducted from the quantity to be manufactured during the following year.¹

" II.

" The special stocks provided for above may not in any country and at any time exceed one-half its total exports during the period of twelve months from July 1st to June 30th inclusive of the year preceding the current year.

" III.

" The manufacturing countries agree to take within their territories the necessary steps to supervise the distribution to the trade of the quantities of narcotic drugs intended for domestic consumption."

M. Cavazzoni (Italy), when the Committee resumed, suggested that the vote should be taken by roll-call.

¹ Special measures must be provided for in the Convention to deal with the situation resulting from the existence in certain countries of important quantities of narcotic drugs of varying origin (particularly seizures).

He explained that the Italian delegation would vote for the Franco-Japanese text. They had hoped their amendment to Article 8 would be acceptable to the British delegation, but that delegation had been able to accept only certain parts of it; consequently the British proposals were only partly satisfactory to the Italian delegation.

The Italian delegation was in favour of the constitution of a permanent central narcotics authority, believing it would be of practical help in enforcing the certificate system which was the basis of the Franco-Japanese proposal. M. Cavazzoni thanked the Japanese delegation, which had been somewhat opposed to that suggestion, for having agreed to the principle, subject to discussion of the duties to be entrusted to the authority and the drawing up of rules

The Chairman, in reply to M. Bogomoloff (Union of Soviet Socialist Republics), explained that, if the Franco-Japanese proposal were adopted, the Soviet amendment and any new amendments could be submitted to the Committee.

A vote was then taken by roll-call, with the following result :

In favour of the Franco-Japanese proposal : Argentine, Canada, Finland, France, Germany, Greece, Italy, Japan, Persia, Poland, Spain, Switzerland, Turkey, United States of America.

Against : Great Britain, Union of Soviet Socialist Republics.

Abstained from voting : Egypt, India, Netherlands, Portugal, Siam, Yugoslavia.

Absent : Hedjaz, Latvia, Luxemburg, Uruguay.

The Chairman declared the Franco-Japanese text adopted as a basis for Articles 8 to 17 by fourteen votes to two, with six abstentions, while four delegations were absent.

M. von Rheinbaben (Germany) explained why the German delegation had voted in favour of the Franco-Japanese proposal. When the German delegation came to Geneva, it was in favour of the draft Convention, having participated in working it out. It regretted that the system in the draft Convention could not be accepted, because it still felt that that would have been the best method of direct limitation. It had soon become clear in the Conference, however, that there was no great majority in favour of it. Moreover, the German delegation saw no way to combine the two proposals, nor did it feel that that would have been a clear and satisfactory solution. On the contrary, it was afraid that the acceptance of such a solution would cause general unrest. It might have led, not to the stabilisation of commerce and the limitation of manufacture, but to general competition for obtaining a quota and an increase in manufacture, and that quite apart from the special situation

in which the consuming countries would have been placed.

The German delegation therefore came to the conclusion that, for the time being, the Franco-Japanese proposal was the only one which the Conference could take as a basis for future discussion. At the same time, the United States proposals and as much as possible of the text of the draft Convention should also be taken into consideration.

The German delegation had participated in the London Conference, and M. von Rheinbaben and his colleague very much appreciated Sir Malcolm Delevingne's collaboration and the lead he had given in the preparatory work. They sincerely hoped that, even after the vote that had just been taken, his collaboration would still be available.

M. Bogomoloff (Union of Soviet Socialist Republics) explained that the Soviet delegation had voted against the Franco-Japanese proposal, in the first place, because it could not see in it any measure for the limitation of manufacture, but only a repetition of old measures of control slightly amended. Secondly, the Soviet delegation was quite sure that there was nothing in the proposal to prevent the development of the illicit traffic in and consumption of narcotic drugs.

Mr. Caldwell (United States of America) said that the United States delegation was in almost the same position as the German delegation. It had come to Geneva, not with a fixed plan in opposition to the quota system, but realising that the quota system was incomplete and in some respects unsatisfactory. It was prepared to co-operate in overcoming the difficulties raised by the quota system, but, as time went on, it became apparent that there was no possibility of doing so. The British amendments¹ would have led to results not more, and perhaps less, satisfactory than the original quota system.

The Japanese amendment then submitted was fundamentally the same as the United States proposals, and the United States delegation decided that the best method would be to take it as a basis, and to consider the United States proposals and such parts of the Advisory Committee's draft as might be utilised.

He heartily endorsed the German delegate's observations with regard to Sir Malcolm Delevingne's previous work and hoped that the latter would co-operate in working out a plan on the lines of the Franco-Japanese proposal.

M. Dinichert (Switzerland) reminded the Committee that the Swiss delegation had at one time preferred the Advisory Committee's draft, though they were prepared to examine

¹ See Appendix to this meeting, page 51.

any other scheme that could offer a satisfactory solution of the problem raised.

When it became clear that there was very little support for the Advisory Committee's draft, it had decided that, in the interests of unity, it would vote for the Franco-Japanese proposal, reserving its right to suggest any necessary amendments.

M. Obradovitch (Yugoslavia) stated that the Yugoslav delegation was prepared to support any system of limitation of the manufacture of narcotic drugs, provided it gave satisfaction to two principles: (1) freedom to manufacture within the limits of legitimate requirements; and (2) guarantees concerning prices. So far as freedom to manufacture was concerned, the Franco-Japanese proposal and the British delegation's draft gave equal satisfaction and were equally acceptable to Yugoslavia. The guarantees regarding prices had not yet been discussed, and the Yugoslav delegation was not therefore yet in a position to take a final decision regarding the draft which should be taken as the basis for limitation. It had therefore abstained from voting.

The Chairman pointed out that the principles embodied in the Franco-Japanese text would now have to be put into the form of articles to replace Articles 8 to 17 of the draft Convention. Certain amendments to the original text would fall automatically, and the authors of such amendments should decide whether to submit amendments to the new text.

M. Perez (Argentine) withdrew his amendment to Article 8.

After consulting M. de Brouckère, President of the Conference, the Committee decided immediately to refer the amended Franco-Japanese plan to the plenary Conference in order that it might take a decision on the principles, and to leave the Conference to decide on the procedure to be followed in drawing up the final text.

The Chairman suggested that a Sub-Committee composed of representatives of the Argentine, France, Germany, Great Britain, Italy, Japan, Netherlands, Spain, Switzerland, the United States of America and the Union of Soviet Socialist Republics, should be appointed to consider the question of control. If the Committee agreed, he would himself preside over the Sub-Committee.

Agreed.

M. Bogomoloff (Union of Soviet Socialist Republics) asked whether the Committee for Limitation would discuss the United States proposals.

The Chairman replied that the Conference would itself decide what procedure would be followed.

Appendix to the Ninth Meeting of the Committee for Limitation.

AMENDMENTS PROPOSED BY THE BRITISH DELEGATION TO ARTICLES 8, 9 AND 10 OF THE DRAFT CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS DRAWN UP BY THE ADVISORY COMMITTEE (DOCUMENTS CONF. L.F.S.48 AND 48(a)).

Explanatory Note.

The object of the following amendments is :

1. To simplify the procedure whereby the quotas of existing exporting countries may be revised and a quota assigned to other countries which desire to become exporting countries.
2. To provide a definite basis for calculating the revision of quotas and the assigning of new quotas. Such a basis is at present absent from the Convention, which leaves the matter to be settled by negotiation between the countries concerned. The present proposal removes the necessity for any negotiations and will make the revision of quotas or the assigning of new quotas an automatic process.
3. To meet the objections which have been advanced in certain quarters that the quota system creates a monopoly in favour of the exporting countries. The present proposal preserves complete liberty of commerce and leaves every country free to start exporting or manufacturing for export at any time it pleases, provided always it has received actual orders supported by an import certificate.
(In this way the proposal meets the principal objections to the quota system advanced by the Japanese delegation.)

The essentials of the proposal are as follows :

- (a) A revision of quotas will be made every three years, and the quotas will be revised on the basis of the actual orders received by each exporting country during that period.
- (b) Any country which has not had a quota assigned to it can nevertheless start exporting at any time if it receives orders supported by an import certificate. The execution of the orders will of course cause the world total for the current year to be exceeded. This excess will be readjusted by deducting the amounts so exported from the world total for the ensuing year.
- (c) At the next periodical revision (or in certain cases at the next but one), the country which has been exporting without a quota will have a quota assigned to it on the basis of the actual export trade done by it during the period for which it has been exporting.

If these amendments are adopted by the Conference, certain consequential drafting alterations would be necessary in other parts of the draft Convention.

Article 8.

1. Subject to the provisions of Articles 9 and 10 of this Convention the world total of narcotic drugs, less (a) that part of it destined for domestic consumption in countries which only manufacture for their own requirements and (b) that part of it which is retained for conversion in the countries in which it is manufactured, shall in each year be manufactured as follows :
2. On the coming into force of Articles 3 to 5 of this Convention¹, the total referred to in the preceding paragraph of this article shall be allocated for manufacture among the countries at that time manufacturing for export (which shall be known as exporting countries) in the proportion of the average annual export trade done by each such country during the preceding three years.
3. This allocation shall be made by a competent central authority and the quotas so allocated shall be communicated (a) to the exporting countries² (b) to . . . not later than . . . in the years previous to that in which the quotas are to be manufactured. If no objection is made within a period of two months from the date on which the quotas are communicated, they shall be considered as having been accepted.
4. In the event of any exporting country desiring to object to the allocation made, a notice to that effect shall be given to the competent central authority, the Secretary-General of the League of Nations and the other exporting countries stating the grounds on which the objection is based. If such objection is not disposed of by negotiation between the exporting countries or otherwise within a period of . . . months from the date on which it was communicated, the matter shall be referred to a single arbitrator appointed by the Permanent Court of International Justice whose decision shall be final.
5. In any calculations which may be made for the purpose of allocating quotas in accordance with the provisions of this article, no account shall be taken of supplies of narcotic drugs which have been exported to meet exceptional requirements, such as non-recurrent epidemics of unusual gravity.

Article 9.

1. The quotas allocated in accordance with Article 8 of this Convention shall remain in force for a period of three years from the date of the entry into force of Articles 3 to 5 of the Convention. On the expiration of this period, and thereafter at regular intervals of three years, a revision of the existing quotas shall be made on the basis of the relation between the average annual figure of the export trade done by each exporting country during the preceding three years, and the average annual figure during the same period of the total in respect of which quotas are assigned under Article 8. This revision shall be made in accordance with the procedure set out in Chapter III, Articles 1 and 2, of the Annex to this Convention.
2. In any calculations which may be made for the purpose of arriving at any quotas under the preceding paragraph of this article, no account shall be taken of supplies which have been exported, or manufactured for export, to meet exceptional requirements, such as non-recurrent epidemics of unusual gravity.

¹ Or at some later date if preferred.

² Or "to each High Contracting Party".

³ e.g., "the Secretary-General of the League of Nations".

Article 10.

1. Narcotic drugs may at any time be exported from, or manufactured for export in, any country, notwithstanding that no quota has been assigned to that country, in quantities sufficient to execute any orders for export which may be received, provided the order is accompanied by an import certificate issued in accordance with the procedure provided by Chapter V of the Geneva Convention, and subject to the provisions of Chapter IV of the Annex to this Convention.

2. Any amounts of narcotic drugs which may be exported from, or manufactured for export in, any country in accordance with the provisions of the preceding paragraph, shall be deducted from the amount of the world total for the ensuing year.

3. At the next triennial revision of quotas as provided in Article 9 after the date on which any country to which no quota has been assigned commences to export or to manufacture for export (or if such revision occurs within a period of three years from that date, then at the next following revision), a quota shall be assigned to that country based on the relation between the average annual figure of the export trade done by that country in accordance with the provisions of the preceding paragraph and the average annual figure for the period during which such country has been exporting or manufacturing for export of the total in respect of which quotas are assigned under Article 8.

4. In any calculations which may be made for the purpose of arriving at a quota under the preceding paragraph of this article, no account shall be taken of supplies which have been exported, or manufactured for export, to meet exceptional requirements, such as non-recurrent epidemics of unusual gravity.

COMMITTEE FOR LIMITATION.

Sub-Committee on Control.

FIRST MEETING.

Wednesday, June 24th, 1931, at 10.30 a.m.

Chairman : M. DE VASCONCELLOS (Portugal).

I.—DUTIES OF THE CENTRAL AUTHORITY FOR THE CONTROL OF THE DISTRIBUTION OF NARCOTIC DRUGS : PROPOSAL BY THE ITALIAN DELEGATION.

The Chairman pointed out that the Sub-Committee's terms of reference related to two distinct points : (1) The institution of a central authority for the control of the distribution of narcotic drugs ; (2) the duties to be entrusted to that central authority.

After an exchange of views, *the Sub-Committee decided, in the first place, to consider what should be the duties of the central authority, taking as a basis for discussion the text of the Italian delegation's proposal, to be inserted after Article 10, amending Article 8 of the Plan for Limitation adopted by the Conference. The Italian proposal was worded as follows :*

" The High Contracting Parties undertake to supply the central authority every three months with estimates for each three succeeding months of their imports and exports¹ of the substances covered by the present Convention, based on orders given or received.

" The High Contracting Parties also undertake to supply the central authority, at least every three months, with a list of the import certificates delivered and the export permits delivered and received by them, together with a statement of the imports and exports carried out.

" At the end of each term (six months or one year), the central authority shall compare the legitimate needs of each country with the world's legitimate needs and the quantities, manufactured, imported or exported, of the substances covered by the present Convention.

" Should this comparison lead to the conclusion that any one country is manufacturing, exporting or importing quantities of the substances covered by the present Convention in excess of its legitimate needs or the legitimate needs of the countries for which these exports are intended, the central authority shall have the right to ask for explanations from the country in question."

¹ In this text the term " export " covers export, re-export and re-shipment.

Sir Malcolm Delevingne (Great Britain) thought the Italian proposal should be regarded as an amendment, not to Article 8 of the Plan for Limitation, but to the Annex to the draft Convention.

The Annex to the draft Convention provided that all orders for export should, before being executed, be notified to the central authority, which would issue a certificate stating that the order might or might not be executed. The central authority would have to ascertain whether the execution of the order would cause an excess over the amounts shown in the estimates for the importing country for the year in question. The Advisory Committee had attached very great importance to this method of control, and up to the present the proposals submitted, particularly the Franco-Japanese plan, did not affect the principle.

The Italian proposal, on the contrary, provided for an entirely different method of control. Sir Malcolm did not intend to discuss that proposal before the Italian delegate had explained it to the Sub-Committee, but thought that, before examining the details, the Sub-Committee should decide in principle between the two methods.

M. Cavazzoni (Italy) thanked Sir Malcolm Delevingne for raising this preliminary question, which he himself thought very important.

He was in favour of the method of control laid down in Chapter IV of the Annex to the draft Convention,¹ the provisions of which were very strict. The Italian delegation was still prepared to accept it. The Japanese delegation, however, having stated that it was definitely opposed to this method, and the French delegation having itself proposed that, in certain cases, orders should be notified to the central authority only after their execution, the Italian delegation had endeavoured to find a basis for agreement. Abandoning, therefore, the provisions of Chapter IV of the Annex, it had submitted a compromise proposal. As orders could in any case be executed only on receipt of an import certificate signed by a Government, the Italian delegation thought

¹ See Vol. I, Annex 7, pages 288 and 289.

the guarantee given by the method of control it had suggested would be quite adequate.

At the same time, if the Committee decided to maintain the provisions of the Annex to the draft Convention, the Italian delegation would withdraw its amendment.

For the moment, his delegation maintained the amendment because it could not support the Franco-Japanese proposal unless control by a central authority was ensured. It was immaterial to M. Cavazzoni, however, whether his amendment was considered to relate to Article 8 of the Plan for Limitation or Chapter IV of the Annex to the draft Convention.

The Chairman thought the Sub-Committee would not be exceeding its competence in discussing the Annex to the draft Convention, and asked it to examine the Italian proposal as an amendment to that chapter.

M. Cavazzoni (Italy) said he had no objection to this procedure. He pointed out, however, that Chapter IV of the Annex to the draft Convention related only to exports (including re-exports), whereas the Italian proposal covered all movements of narcotic drugs.

Dr. Kahler (Germany) pointed out that, under the Advisory Committee's draft, the central narcotics office would have two principal duties—firstly, it would exercise control over the quotas; secondly, it would ascertain whether the execution of an order would cause an excess over the figure shown in the estimates.

The system of quotas having been abandoned, however, the question of the first of these duties did not arise. There remained only the second duty, and on this point Dr. Kahler agreed with M. Cavazzoni. He thought the Governments should themselves ascertain very carefully that orders did not exceed the aggregate of the amounts shown in the estimates. It was unnecessary to require, in addition, the authorisation of the central authority. Moreover, according to the Italian proposal, the central authority would receive every three months lists of import certificates and export permits delivered and received, and would thus be able to ascertain that the estimates had not been exceeded. Consequently, Dr. Kahler considered that the duties of the central authority should be limited to the control mentioned in the Italian proposal, and that the Sub-Committee should take this proposal as a basis for discussion.

M. Cavazzoni (Italy) pointed out that the Sub-Committee had to consider two methods of control: firstly, that provided in the Annex to the draft Convention, in accordance with which the central authority would be asked to authorise orders *before* their execution; secondly, the Italian proposal, under which control would be exercised *after* the execution of the order.

The Sub-Committee should decide which method it intended to adopt; the details should be discussed afterwards.

Dr. Carrière (Switzerland) said that, after the explanations they had just heard, the Swiss delegation was in favour of the principle of control proposed by the Italian delegation. Previous authorisation by the central authority would no longer be required, and thus the somewhat irritating control which that authority would have to exercise over certificates issued by Governments would be avoided.

He approved M. Cavazzoni's proposal as to procedure and agreed with him that the Sub-Committee should first decide between the two methods of control.

M. von Rheinbaben (Germany) supported the Italian and Swiss delegations.

M. van Wettum (Netherlands) agreed with Dr. Carrière. The Sub-Committee should decide between the principle of previous approval and that of control after the execution of the order. He pointed out that one or other of these principles was applied in the various countries to control over the internal trade. In Germany, previous approval by the National Bureau was necessary, while in Switzerland the National Bureau controlled orders after their execution.

The latter method of procedure should be employed in the case of the central authority, which would then be relieved of the delicate task of deciding as to the validity of import certificates issued by Governments.

M. Sawada (Japan) said the Japanese delegation was formally opposed to Chapter IV of the Annex to the draft Convention, and considered that the best method was that of the Italian proposal.

He thought that the delegates who had raised objections in connection with countries not parties to the Convention might submit amendments, which would be studied at the same time as the principal question.

Sir Malcolm Delevingne (Great Britain) regretted that he was unable to consider the Italian proposal as a possible substitute for Chapter IV of the Annex to the draft Convention. It did not add anything of value to the provisions of the 1925 Geneva Convention. The fundamental provisions of the second paragraph of the Italian proposal, for example, differed very little from those of Article 22, paragraph 2, of the Geneva Convention. The only important new provision in the Italian text seemed to be that relating to the list of "import certificates delivered and the export permits delivered and received". This proposal was important, but added nothing in the way of effective control over the distribution of narcotic drugs.

Sir Malcolm did not know what was the intention of the first paragraph of the Italian proposal, but understood that the contracting parties would simply state the position with regard to orders already received, to be executed in the next three months. That, however, would not include all orders, as some might be received during the period

of three months in which they had to be executed. He did not see the use of the provision, as the estimates would be incomplete.

The last two paragraphs of the Italian proposal concerned the mechanism for control and were not new.

Thus the proposal which the Italian delegation had submitted as an attempt at conciliation did not in any way strengthen the control provided by the Geneva Convention. At the same time, if the principle were adopted and orders were not to be notified to the central authority before execution, the Italian proposal could be improved by specifying that notification should be made, not some time, possibly three months, after the execution of an order, but on the date on which it was executed. The central authority could then keep a kind of current account of exports which would always be up to date. This method would be better, for a period of three months would make possible important leakages.

On the other hand, Sir Malcolm pointed out to those speakers who thought it could be left to the Governments to check orders that there was the difficulty that, although each country would know what quantities of narcotic drugs it had itself sent to any other country, it would not know what quantities that country had received from other countries. A central authority, on the contrary, would have all the necessary information at its disposal.

There was no need for him to point out that some countries did not issue import certificates.

M. Bourgois (France) supported Sir Malcolm Delevingne's observations. He also did not consider that the Italian proposal strengthened the provisions of the Geneva Convention, and, in any case, if the Sub-Committee decided in favour of the principle of notifying orders after their execution, notification should be made on the day on which they were executed.

He still supported the principle of previous authorisation as set out in Chapter IV of the Annex to the draft Convention. His view was partly based on M. van Wettum's observation, from which, however, he drew a conclusion diametrically opposed to the conclusion M. van Wettum had drawn. Experience had shown that it was sometimes very difficult for Governments to take decisions in regard to orders referred to them, particularly when the orders were large. A central authority would be in a far better position to settle such questions than the Governments, which were not familiar with the situation from day to day.

The system of previous authorisation would prevent interminable discussions and what might be called the arraignment of certain countries before the Advisory Committee or the Permanent Central Board. A compromise

might, however, be contemplated. At present, more than 30,000 import certificates, some of which related to very small quantities of narcotic drugs, were issued annually. Previous authorisation need be required only when an order exceeded a certain minimum. Quantities lower than the minimum, which on the evidence could hardly constitute a danger from the standpoint of the illicit traffic, need be notified to the central authority only on execution of the order.

M. Cavazzoni (Italy) reminded the Sub-Committee that the Italian delegation had submitted its proposal as an act of conciliation, because they believed the Japanese and French delegations were opposed to the provisions of the Annex to the draft Convention.

In view of M. Bourgois' statement, the Italian delegation withdrew its proposal in favour of the method of previous authorisation.

The Chairman observed that, unless the Italian proposal was taken up by another delegation, the Committee had only to examine Chapter IV of the Annex to the draft Convention.

M. Casares (Spain) said the Sub-Committee was faced with four different formulas : (1) the strict formula of Chapter IV of the Annex to the draft Convention, which made it obligatory to obtain the authorisation of the central authority before the execution of any order for export ; (2) the Italian conciliatory formula, which provided for notification within three months following the execution of the order ; (3) the Italian formula as amended by Sir Malcolm Delevingne—that was to say, notification at the time when the order was executed ; (4) the formula proposed by M. Bourgois—that was to say, previous authorisation for orders exceeding a certain minimum, and immediate notification of orders for smaller quantities.

M. Casares said that, if the last formula was not supported by any other delegation, the Spanish delegation would put it forward as a formal amendment.

Mr. Caldwell (United States of America) approved the last formula, which met the views of his delegation. It must, however, obtain the assent of all the delegations. If a compromise were necessary, the American delegation would accept the principle of control after the execution of the order, on condition that the order was notified immediately after execution.

He drew the Sub-Committee's attention to Article XV, paragraph 2, of the American plan.¹

M. Kahler (Germany) thought that, so far as procedure was concerned, the Sub-Committee should first decide between the principle of previous notification and the principle of notification after the execution of the order.

¹ See Vol. I, Annex 9, pages 314 and 315.

He himself could not accept the principle of previous authorisation for several reasons. In the first place, it would impose a heavy burden on the central authority, which would have to take a decision in the case of each order. Further, trade would become somewhat complicated, as an application would have to be made to the central authority, even for the smallest orders. It was true, as M. Bourgois had pointed out, that the method of previous authorisation would prevent certain discussions and "arraignments", but the central authority would sometimes have to take very difficult decisions. Control exercised by a central authority on the basis of statements furnished every three months by the exporting and importing countries should suffice, in addition to inspection by the Governments.

Dr. Kahler was unable to approve M. Bourgois' proposal that a distinction should be drawn between large and small orders. It would be very difficult to reach agreement as to the minimum. He suggested that previous authorisation by the central authority should be required only when an order was not accompanied by an import certificate.

Dr. Kahler was unable to accept the American proposal that a copy of each certificate should be forwarded to the central authority. That would amount to setting up a central office for international trade, which would overlap with the national offices already in existence. He also thought that traders might hesitate to name the destination of orders, and suggested that it would be sufficient to give the importing country the number of the certificate and the amount of the order.

M. Sawada (Japan) supported Dr. Kahler. The Japanese delegation was formally opposed to previous authorisation, and the Sub-Committee would be making a great mistake if it accepted that method.

The Japanese delegation had intended to submit an amendment similar to the Italian proposal. As the Italian delegation had withdrawn its proposal, the Japanese delegation would adopt that proposal as its own.

M. Bourgois (France) considered that the discussions had thrown considerable light on the position. He had intended to make a proposal similar to Dr. Kahler's—namely, that previous authorisation should be required only when there was no import certificate. When such a certificate was issued, the Government was responsible for control, and it might be thought superfluous and even wrong to ask that it should also be endorsed by a central authority. When there was no import certificate, however, the request was from a private party, and it was quite natural that the central authority

should examine it and give its authorisation. That formula might constitute a possible basis for agreement.

M. Casares (Spain) said that there were three stages in the solutions proposed—previous authorisation in all cases as provided in the Annex to the draft Convention; previous authorisation for orders exceeding a certain limit, and immediate notification of orders for smaller quantities; previous authorisation only when an order was not accompanied by an import certificate.

Certain delegations had taken up a position so definitely against the first solution that it would be useless for the Sub-Committee to vote on it. It might, however, vote on the second solution, and, if a clear majority were not obtained, a vote might be taken on the third solution. The latter still contained a trace of the method of previous authorisation, and the Japanese delegation itself might be able to support it.

If the third solution could not be adopted, the Sub-Committee would return to the Italian proposal, now the Japanese proposal, amended in the sense suggested by Sir Malcolm Delevingne—that was to say, notification in three months to be replaced by immediate notification.

Dr. Carrière (Switzerland) supported Dr. Kahler's arguments against the method of previous authorisation. The Swiss delegation was anxious that as strict and definite control as possible should be introduced, but also desired that it should be practicable. He had already explained that it might be irritating and even humiliating for a State if its certificates were subject to control by an outside authority. In issuing a certificate, a Government assumed responsibility, and it was hardly likely that a certificate would be issued for illicit purposes.

In the majority of cases, therefore, the certificate system combined with notification of the execution of orders to a central authority would give the necessary guarantees. He saw no objection to notification being made on the day on which the order was executed.

The Swiss delegation would also agree to previous authorisation by a central authority of orders not accompanied by an import certificate.

With regard to M. Bourgois' proposal to draw a distinction between large and small orders, he agreed with Dr. Kahler that it would be difficult to fix a limit. A given quantity might, in fact, be negligible if its destination were a large country, but would be considerable in the case of a small country.

Sir Malcolm Delevingne (Great Britain) explained that he had suggested that the execution of an order should be notified immediately only in the event of the Sub-Committee deciding against the system of previous authorisation.

He noted that, during the discussion, the speakers had all appeared to assume that Chapter IV of the Annex to the draft Convention would give the central authority power to authorise or prohibit the execution of an order, thus conferring on it an authority greater than that of the Governments. This was a false interpretation of Chapter IV. The functions of the central authority under that chapter were limited to ascertaining from its records whether a given order would or would not cause an excess over the importing country's estimate, and issuing a certificate stating, as a result of such ascertainment, that the order may be executed, or that a proportion of the order may be executed, stating what proportion, or that the order may not be executed. The central authority's reply would simply depend on the information contained in its registers. Its duties would consequently be purely automatic.

Sir Malcolm did not agree, therefore, with M. Kahler, that the central authority's duty would be delicate if the method of previous authorisation were adopted.

He pointed out, in reply to M. Casares, that, under Chapter IV, previous authorisation would not be compulsory in all cases. Provision was made for certain exceptions which were enumerated in Chapter IV, paragraph 8.

A suggestion¹ had also been made to the Advisory Committee, the principle of which was somewhat similar to M. Bourgois'

¹ See footnote to page 289, Vol. I.

proposal. Sir Malcolm was prepared to agree to a compromise on this basis.

He drew attention, in connection with M. Bourgois' reference to the difficult situation in which Governments were sometimes placed to cases that members of the Advisory Committee would certainly remember, where an order had been executed on presentation of a forged import certificate.

Consequently, he saw no use in restricting previous authorisation to cases where an order was not accompanied by an import certificate, and continued to support the method indicated in the Annex to the draft Convention.

M. Bourgois (France) explained that, in principle, he also was firmly convinced of the superiority of this method. Facts must, however, be taken into account. Certain delegations had formally objected to the method. As M. Bourgois considered it very important that all the delegations should agree, he withdrew his amendment, and supported M. Kahler's proposal—namely, immediate notification of the execution of an order accompanied by an import certificate, and previous authorisation if no import certificate were attached (account being taken of the note excepting medical preparations containing a small preparation of narcotic drugs).

After an exchange of views, the Sub-Committee decided that the representatives of Germany, Great Britain, Italy, Japan, the Netherlands, Spain, Switzerland and the United States of America should prepare a text for submission to the Sub-Committee.

SECOND MEETING.

Wednesday, June 24th, 1931, at 5 p.m.

Chairman: M. DE VASCONCELLOS (Portugal).

2.—DUTIES OF THE CENTRAL AUTHORITY FOR THE CONTROL OF THE DISTRIBUTION OF NARCOTIC DRUGS (continuation).

The Chairman said that, as a result of the private conversations which had taken place with regard to the duties of the central authority, a vote would be taken by roll-call on the principles underlying the Germano-Japanese (formerly the Italian) proposal.¹

M. Weinberg (Union of Soviet Socialist Republics) explained the position of the Soviet delegation. It was unable to express a definite opinion on the duties of the central

¹ See Minutes of the preceding meeting of the Sub-Committee on Control.

authority, but considered the provisions contained in the Germano-Japanese amendment considerably weaker than the measures of control laid down in Chapter IV of the Annex to the draft Convention.¹ They thought that chapter, apart from paragraph 8, which might facilitate the illicit traffic, should be accepted as a basis for control.

Before entrusting such important duties to any organisation whatever, there should be as clear an idea as possible of the organisation itself—its constitution, whether it was an independent body, and so on. In one case, statistical duties only might be asked of it, in another it could be entrusted with more important work. The Sub-Committee had,

¹ See Vol. I, Annex 7, pages 288 and 289.

however, rejected the Soviet delegation's proposal first to reach a decision as to the authority itself, and in its view that procedure was not only the most logical but the only one which would make it possible to take a decision as to the duties of the central authority.

For these reasons the Soviet delegation would be compelled to abstain from voting on the proposal before the Sub-Committee, as it had also been compelled to abstain from discussing the matter.

A vote by roll-call on the principle underlying the Germano-Japanese proposal was then taken, with the following result :

For : France, Germany, Japan, Switzerland.

Against : Great Britain.

Abstention : Italy, the Netherlands, Union of Soviet Socialist Republics, United States of America.

Absent : Argentine, Spain.

The Chairman noted that *the proposal was adopted in principle by four votes to one, with four abstentions, two delegations being absent*. He asked the authors of the proposal to draft the text.

Dr. Carrière (Switzerland) explained that, although the Swiss delegation had voted in favour of the principles of the proposal, they would require further explanations, particularly with regard to paragraph 1.

Mr. Caldwell (United States of America) stated that the Germano-Japanese proposal did not satisfy him as it stood, but he was prepared to consider it in a modified form.

Sir Malcolm Delevingne (Great Britain) pointed out that the proposal had not been accepted by a majority of those present.

The Chairman considered that the vote taken was valid since, under the rules of procedure of the Conference, an absolute majority was not necessary for the adoption of resolutions. Nevertheless, he proposed that M. de Brouckère, President of the Conference, should be consulted.

M. de Brouckère (President of the Conference) pointed out that the rules of procedure of the Conference did not state that a quorum was required. According to tradition, moreover, delegations abstaining from voting were regarded as absent. The proposal must therefore be taken as adopted by a majority.

THIRD MEETING.

Friday, June 26th, 1931, at 5 p.m.

Chairman : M. DE VASCONCELLOS (Portugal).

3.—EXAMINATION OF THE PLAN FOR THE CONTROL OF NARCOTIC DRUGS.

The Chairman invited the Sub-Committee to examine the following draft prepared by a group of members of the Sub-Committee setting up a system for the control of narcotic drugs in conformity with the Sub-Committee's decisions. It was the outcome of a very long general discussion which there was no necessity to reopen :

" 1. The High Contracting Parties undertake not to make any exports of narcotic drugs except on presentation of an import certificate issued by the competent authority of the importing country in accordance with the provisions of Article . . . of the present Convention.

" Exports shall be notified by the High Contracting Parties to the central authority every month (every . . . months). These notifications shall indicate the numbers of the import certificates in virtue of which these exports have been made, the quantities exported corresponding to each such certificate and the countries of destination.

" Exports of quantities of less than 100 grammes may be notified by means of

an aggregate figure, which shall be given separately for each importing country and shall be accompanied by the numbers of the relevant import certificates.

" 2. Notwithstanding the preceding provisions, the High Contracting Parties may export to countries to which this Convention and the Geneva Convention do not apply or which have not notified to the Secretary-General of the League of Nations their adoption of the system of import and export certificates, provided that the following procedure shall apply in the case of such exports :

" The High Contracting Parties shall without delay notify the central authority of the exports made. If the central authority finds that the total of the quantities exported exceeds the quantities which the country concerned has the right to import on the basis of the estimates furnished, the central authority shall immediately notify this fact to all the exporting countries, which shall not thereafter authorise any new exports to such country except in virtue of any supplementary estimates which may have been furnished and which the central authority shall have communicated to the exporting countries.

" Export certificates authorising the exports herein referred to shall expressly provide that the quantities imported may not be re-exported.

" Any quantity exported in excess of the estimates furnished for the importing country shall be deducted by the competent authority from the estimates for the following year.

" 3. The importing countries shall every month (every . . . months) communicate to the central authority a list of their imports and shall indicate the numbers of the import certificates in virtue of which the imports have been made, the quantities imported and the names of the exporting countries.

" Quantities of less than 100 grammes may be notified by means of an aggregate figure given separately for each exporting country accompanied by the numbers of the corresponding import certificates.

" 4. At the end of each year the central authority shall draw up a balance-sheet for each country as well as a balance-sheet for the whole world, indicating the estimated legitimate needs of each country and the quantities of the substances covered by this Convention which have been manufactured, imported or exported. If these balance-sheets prove that, after deduction of its re-exports, any country has manufactured or imported in excess of its estimates or that the quantities exported by it have caused the estimates of an importing country to be exceeded, the central authority shall have the right through the intermediary of the Secretary-General of the League of Nations to ask for explanations from the country in question.

" If no explanation is given within a reasonable time or if the explanations given are not satisfactory, the central authority shall have the right to notify the Secretary-General of the League of Nations of this fact, and the Secretary-General shall inform the Council of the League of Nations and the High Contracting Parties. The High Contracting Parties undertake not to authorise, after receipt of such a communication, any exports to the country in question until they have been informed by the Secretary-General of the League of Nations on the advice of the central authority or after a decision of the Council that export may be resumed.

" The country in question may bring the question before the Council of the League of Nations.

" The Government of any exporting country which considers itself unable to apply the above measure may equally bring the question before the Council of the League of Nations.

" The Central Authority shall have the right to publish a report on the matter and communicate it to the Council, which shall thereupon forward it to the Governments of all the High Contracting Parties.

" If in any case the decision of the central authority is not unanimous, the views of the minority shall also be stated.

" All countries shall, through the intermediary of the Secretary-General of the League of Nations, be invited to be represented at the sessions of the central authority when questions directly interesting such countries are to be examined."

M. Cavazzoni (Italy) asked that an additional provision should be included under which previous authorisation by the central authority before the execution of any export order would be compulsory when the amount exceeded a certain minimum to be fixed (5 or 10 kilogrammes, for example).

He would not ask that this provision should apply to orders accompanied by an import certificate, provided he were assured that the import certificate would contain all the necessary information with regard to imports from the importing country (total legitimate requirements, total imported up to the time when the certificate was issued, and so on).

He was anxious, however, that this provision should apply to exports to countries not parties to the Convention which had not adopted the import certificate system. As those countries were not very numerous, the provision would not be very difficult to apply. A telegram would simply be sent to the central authority, which would then be able to intervene in time in the event of an importing country sending orders, each just below the maximum amount allowed to it, to various manufacturing countries on the same day.

M. Bogomoloff (Union of Soviet Socialist Republics) was unable to accept paragraph 4 of the text. It described certain powers and duties of the central authority, although no decision had yet been reached in that connection. In particular, it contained a provision concerning the Secretary-General of the League of Nations which would prevent the Soviet delegation from voting. Consequently, M. Bogomoloff asked that the examination of this paragraph should be adjourned until a decision had been taken with regard to Chapter III of the Annex to the draft Convention. Otherwise, M. Bogomoloff would be obliged also to refrain from voting on the earlier paragraphs of the text under consideration.

The Chairman replied that, for the moment, there was no question of voting. The Sub-Committee was simply studying the text.

Dr. Carrière (Switzerland) explained that the provision proposed by M. Cavazzoni had been considered by the authors of the text in connection with exports to countries not parties to the Convention. The Secretariat, however, had shown that these exports were very small and only amounted to about 20 or 30 kilogrammes a year for each narcotic drug. Consequently, the authors had felt that a special provision would introduce a superfluous complication.

With regard to the form of import certificates, Dr. Carrière pointed out that the present Convention would fix the information to be given. A formula giving all the

guarantees demanded by M. Cavazzoni could easily be found. Dr. Carrière thought that import certificates already contained all the necessary information. At any rate, that was so in Switzerland.

M. Cavazzoni (Italy) said Dr. Carrière's explanations satisfied him so far as orders accompanied by import certificates were concerned. He reserved his right to return at a suitable moment to the question of exports to countries not parties to the Conventions.

Sir Malcolm Delevingne (Great Britain), referring to the following passage in paragraph 1 :

" These notifications shall indicate the numbers of the import certificates in virtue of which these exports have been made, the quantities corresponding to each such certificate and the countries of destination, "

pointed out that, up to the present, there had been no question of numbering import certificates.

Further, he saw no necessity for indicating the amount of each import certificate. He did not see how this measure would constitute a safeguard against abuse. On the other hand, it would impose considerable extra work on the national authorities. It would be sufficient to indicate the total quantities exported to each country.

Sir Malcolm Delevingne, referring to the following passage in paragraph 2 :

" If the central authority finds that the total of the quantities exported exceeds the quantities which the country concerned has the right to import on the basis of the estimates furnished, the central authority shall immediately notify this fact to the exporting countries, which shall not thereafter authorise any new exports to such country except in virtue of any supplementary estimates which may have been furnished and which the central authority shall have communicated to the exporting countries, "

pointed out that this provision related only to exports to countries which did not issue import certificates. Why was a similar provision not laid down for exports to countries parties to the Convention ?

Mr. Duncan Hall (Opium Section), in reply to **Sir Malcolm Delevingne's** first question, explained that the stipulation concerned, which had been included in the text at the Secretariat's request, was intended to facilitate investigations by the Permanent Central Board should the latter note differences, in the case of a particular narcotic drug, between the total exports to a country and the total which that country stated it had imported.

M. Perez (Argentine) asked for the inclusion of a stipulation to the effect that, when a national office issued an import certificate, it should immediately advise the

central authority. The latter could then intervene in due course, if necessary.

M. Cavazzoni (Italy) supported this proposal.

M. Casares (Spain) considered that the discussions had suffered from want of method. The obligations of the exporting and importing countries would be arranged in the Convention in two separate groups. The Sub-Committee, however, was at present examining the obligations of the exporting countries. **M. Casares** therefore suggested that **M. Perez's** proposal be discussed during the examination of the importing countries' obligations.

M. Perez (Argentine) agreed.

M. von Rheinbaben (Germany) said that, as he had helped to draw up the text, he would endeavour to reply to **Sir Malcolm Delevingne's** questions.

With regard to the notifications to be addressed to the central authority, the German delegation was as anxious as **Sir Malcolm Delevingne** that the work falling on national offices should be reduced to a minimum. It would be very grateful if the British representative would help it to obtain this result.

With regard to the provision relating to orders not accompanied by an import certificate, which **Sir Malcolm Delevingne** desired should also be adopted for orders accompanied by an import certificate, the authors of the draft thought it necessary to make a difference between the two cases. When there was an import certificate, the State issuing it made an investigation beforehand which, together with the subsequent control by the central authority, offered an adequate guarantee. The central authority should, however, be able to take immediate action in the case of an order not accompanied by an import certificate.

Sir Malcolm Delevingne (Great Britain) thanked **M. von Rheinbaben** for his explanations. He had not given a reply, however, in regard to the obligation to state quantities exported on each import certificate in the notifications to the central authority. **Mr. Duncan Hall** had said that this measure would facilitate the Central Board's work ; the Sub-Committee, however, was concerned not with this, but with the measures of control in connection with the scheme of limitation. He therefore proposed that this provision be deleted.

He asked also whether the authors of the text intended it as a substitute for Article 22, paragraph 2, of the Geneva Convention.

Returning to his second question, he asked **M. von Rheinbaben** what the authors of the text proposed should be done when an import certificate was issued by a country party to the Convention for an order in excess of its estimates.

M. von Rheinbaben (Germany) explained that the delegates who had agreed to prepare a text had only done so in order to facilitate the Sub-Committee's work. They would be glad to accept any suggestions for improving the text.

With regard to the information to be given by the national offices in notifications to the central authority, he observed that the German delegation had only accepted the provision in response to the request of the other delegations and of the Secretariat, which had asked them to show a spirit of conciliation so that the most strict control possible might be instituted. At the same time, he pointed out that the periods at which notifications should be sent were left blank. He emphasised that the German delegation was prepared to approve a Convention laying down as strict control as possible on condition that the measures contemplated were

reasonable and that their application did not call for excessive work on the part of the departments concerned.

With regard to the relation of the new provisions to the provisions of preceding Conventions—in particular, the Geneva Convention—**M. von Rheinbaben** thought the Conference's legal advisers would be in a position to give information. This question might, for example, be elucidated in the Final Act.

In his opinion, the Sub-Committee would do well to hear **Mr. Lyall's** views as to the practical application of the measures contemplated.

M. Bogomoloff (Union of Soviet Socialist Republics) supported this proposal.

The Chairman said he would inform **Mr. Lyall**.

FOURTH MEETING.

Monday, June 29th, 1931, at 3.30 p.m.

Chairman : **M. DE VASCONCELLOS** (Portugal).

4.—EXAMINATION OF THE PLAN FOR THE CONTROL OF NARCOTIC DRUGS (continuation); PARAGRAPHS 1 AND 2 : AMENDMENTS SUBMITTED BY THE BRITISH DELEGATION.

The Chairman read the following four amendments submitted by the British delegation to the draft plan for control :

" Paragraph 1.

" *Alternative A.*—If the returns are to be made to the Central Board every month, the paragraph should read as follows :

" ' The High Contracting Parties agree to forward to the Permanent Central Board in a manner to be prescribed by the Board, as soon as possible after the end of each month and in any case not later than two weeks after the end of the month, the statistics of their imports from and exports to each country of each of the substances covered by the present Convention and during the month. These statistics will, in such cases as may be prescribed by the Board, be sent by telegram except when the quantities fall below a minimum amount which shall be fixed in the case of each substance by the Board.'

" (This provision will take the place for the States parties to the Geneva Convention of paragraph 2 of Article 22 of that Convention.)

" *Alternative B.*—If the returns are to be made every three months, it will be sufficient to extend paragraph 2 of Article 22 of the Geneva Convention to the substances covered by the present Convention and not covered by the Geneva Convention, Article 19 of the Advisory Committee's draft, which is embodied in the new text L.F.S.73, extends the obligation in paragraph 2 of Article 22 of the Geneva Convention to countries not parties to that Convention.

" *N.B.*—These alternatives, whichever is adopted, will cover paragraph 3 of the text now before the Sub-Committee on Control, as well as paragraph 1.

" Paragraph 2.

" This should read :

" ' The High Contracting Parties agree, in regard to the export of any of the drugs covered by this Convention to countries to which neither this Convention nor the Geneva Convention applies, that the Government issuing an authorisation for any such export shall immediately notify the Permanent Central Board of the issue of the authorisation.'

" New Paragraph 3.

" ' If it appears from the returns made to the Permanent Central Board in pursuance of paragraph 1, or from the notifications made to the Board in pursuance of paragraph 2, that the quantities exported or authorised to be exported to any country exceed the aggregate of the amounts shown in the estimates for that country for that year as being required for domestic consumption for conversion and for maintaining the reserve stock at the level specified in the estimate, after deduction of any amount which according to those estimates will be manufactured in that country in that year, the Board shall immediately notify the fact to all the High Contracting Parties, who will not, during the currency of the year in question, authorise any new exports to that country until a supplementary estimate shall have been furnished by or on behalf of that country and shall have been communicated to the High Contracting Parties.'

" Paragraph 4.

" Omit paragraph 4 and substitute the following :

" ' The Permanent Central Board shall, upon the close of each year, prepare a statement showing in respect of each country for that year :

" ' (a) The estimates in respect of each drug ;

" ' (b) The amount of each drug consumed ;

" ' (c) The amount of each drug manufactured ;

" ' (d) The amount of each drug converted ;

" ' (e) The amount of each drug imported ;

" ' (f) The amount of each drug exported.

" ' If such statement indicates that any High Contracting Party has, or may have, failed to carry out its obligations under this Convention, the Board shall have the right to ask for explanations from that High Contracting Party, and the procedure specified in paragraphs 2 to 7 of Article 24 of the Geneva Convention shall apply in any such case.

" ' The Board shall, as soon as possible thereafter, publish the statement above mentioned, together with an account of any explanations given or required in accordance with the preceding paragraph and any observations which the Board may desire to make in respect of any such explanation or request for an explanation.' "

Sir Malcolm Delevingne (Great Britain) pointed out that the choice between the two alternatives which he had proposed for paragraph 1 depended on whether the Committee decided that returns should be made to the central authority every month or

every three months. He suggested that this point should be settled before the text was discussed.

M. Perez (Argentine) was opposed to quarterly returns, and thought it essential that notification should be made at the time when the import certificate was issued. He proposed that the plan for control before the meeting should be amended so as to provide that importing countries should undertake, not to make any imports without previous authorisation, for which purpose an import certificate should be forwarded by the dealer concerned to the factory which was to execute the order. A copy of this certificate should be immediately sent by the competent national authority to the central office in Geneva, which should, as soon as possible, inform the exporting country whether the quantities of narcotic drugs ordered were within the annual estimates of the importing country.

M. Perez explained that the main object of the proposal was to supply the manufacturer with a means of checking the authenticity of a certificate, thus minimising risks of forgery or falsification. No additional work would be involved for the exporting countries, as the necessary communications would be made by the Geneva central office.

The Chairman informed **M. Perez** that his proposal was ruled out by the Subcommittee's rejection of the principle of previous notification at its second meeting.

M. Perez (Argentine) regretted that he had been absent when that decision was taken and that a proposal which he considered of great importance should be discarded in such a summary fashion. He asked that the question might be reopened.

M. Casares (Spain) thought the Committee's vote had referred rather to export than to import. **M. Perez'** proposal had nothing to do with the obligations of exporting countries and might, he considered, be discussed regardless of the previous vote.

The Chairman did not agree with this view.

Sir Malcolm Delevingne (Great Britain) was under the impression that the vote against the principle of previous notification also involved the rejection of **M. Perez'** proposal.

The Chairman said that it would be contrary to the usual rules of procedure to reopen a question on which a definite adverse vote had been taken. He could not feel justified in doing so unless he had the unanimous consent of the Committee.

Dr. Kahler (Germany) was opposed to a repetition of the vote.

The Chairman concluded that **M. Perez'** proposal should not be discussed at the present stage of the proceedings, but added that he could bring it up in connection with paragraph 3 of the draft text or at the plenary Conference.

M. Cavazzoni (Italy) referred to the proposal which he had made at the last meeting, that previous notification should be required for the execution of any order exceeding a certain quantity and that in any case it should be demanded for an order received from a country which was not a party to the Geneva Convention or the present Convention. Otherwise, a country which had not undertaken international obligations might order from each of several countries a quantity equivalent to its maximum legitimate consumption. It was, in his view, an ineffective procedure to remedy this situation in the following year after the harm had been done.

Sir Malcolm Delevingne (Great Britain) understood that previous notification had been rejected for all cases. He had drafted his amendments accordingly, though he had not modified his personal views on the subject.

The Chairman asked **M. Cavazzoni** to reserve the question for the plenary Conference.

M. Cavazzoni (Italy) accepted that suggestion. Meanwhile, however, he would propose that notification should be made to the central office at the same time as the certificate was drawn up.

Mr. Caldwell (United States of America) had not understood that the Committee had rejected the principle of previous notification as referring both to countries which applied the import certificate system and to those which did not. He could not accept such a view and reserved the right to raise the question in the plenary Conference.

Sir Malcolm Delevingne (Great Britain), referring to the suggestion just made by **M. Cavazzoni**, thought that the principle of immediate notification, which he himself was inclined to favour since previous notification was not acceptable, had also been rejected.

The Chairman said that no decision had been taken in the Sub-Committee with regard to immediate notification, and that the question was still under discussion.

Dr. Kahler (Germany) stated that the German delegation could not accept a system of immediate notification affecting countries which already applied the import certificate system. They considered that such a system would involve excessive administrative work for the exporting countries and would serve little purpose.

M. Cavazzoni (Italy) proposed that the President of the Central Board should be asked to give his opinion in the matter, though it was, of course, understood that no decision had been taken as to whether the central authority should be the Permanent Central Board.

Mr. Lyall (President of the Permanent Central Board) stated that the Board only met quarterly. If import certificates were to be addressed to it continuously, action would have to be taken by the Secretariat

of the Board and not by the Board itself. His personal conviction was that it was superfluous to check import certificates day by day, since goods covered by import certificates rarely escaped into the illicit traffic.

With regard to the question of sending in returns monthly or quarterly, he would definitely favour the latter plan. Paragraph 3 of the British amendment provided for action being taken by the Board in case of discrepancies. If the returns were sent in monthly, the Board would therefore have to sit monthly, which would not be possible unless it were entirely reconstituted and were composed of paid members.

He would add that his remarks applied only to countries which were parties to the Geneva Convention.

M. Perez (Argentine) considered that **Mr. Lyall's** statement made it clear that the creation of a special Central Narcotics Office was the corollary to the system of immediate notification, which he himself considered essential.

M. Cavazzoni (Italy) did not think that **Mr. Lyall's** remarks could be regarded as a valid argument against immediate notification. Even if the Board only met every three months, some machinery could be set up to enable it to carry out the necessary measures of control.

Mr. Lyall (President of the Permanent Central Board) emphasised that he had only expressed his own personal opinion. The Central Board had, however, decided that, if the contracting parties so desired, they could undertake the measures of control provided for in the new Convention.

M. Sawada (Japan) thought that the opinion of the President of the Central Board was a valuable contribution to the discussion. The Japanese delegation did not consider that previous notification was a practical scheme, and he therefore found it difficult to agree to it.

The Chairman asked the Committee to vote on the question whether returns should be made immediately.

The principle of immediate notification was rejected by five votes to four.

Sir Malcolm Delevingne (Great Britain) thought there was little practical difference between the proposals that returns should be made after an interval of one month or of three months. On the whole, he would prefer the quarterly system. In the first place, he was not sure that it would be possible for Governments to submit monthly returns within the period he had mentioned in alternative A (*i.e.*, two weeks after the end of each month), since those returns had to be based on reports from the Customs, which did not always arrive punctually. Secondly, he thought the cases in which it would be desirable to take action at the end

of one month rather than at the end of three months would be rare. Thirdly, he would refer to Mr. Lyall's statement that the Board only met every three months, and could not therefore easily deal with monthly returns. For these reasons he advocated the adoption of alternative B.

M. Sawada (Japan) and **Dr. Kahler** (Germany) supported Sir Malcolm Delevingne's views.

M. Cavazzoni (Italy) did not agree that the fact that the Central Board only met every three months should have any bearing on the question of returns. If the returns were made monthly, there would be material for consideration at every meeting, which might not be the case if they were made quarterly.

M. Perez (Argentine) considered that the forwarding of statistics after import and export transactions had been carried out was an equally ineffective measure whether the interval was of one or three months.

Sir Malcolm Delevingne (Great Britain) thought **M. Cavazzoni's** conception of the way in which the Central Board worked was incorrect. At present, under the provisions of the Geneva Convention, it received statistics of imports and exports every three months. These were examined and tabulated by the Secretariat of the Board, and the quarterly meeting was fixed at a time when the Board could count on having the Secretariat's work before it.

Mr. Lyall (President of the Permanent Central Board) confirmed that statement. He added that the Board's duty was to ascertain whether there was a dangerous accumulation of stocks. As soon as any quarterly statistics were received and any discrepancies found, the Secretary of the Board prepared a letter which was signed by the President and sent to the Governments.

M. Casares (Spain) reminded the Committee that, while **Mr. Lyall's** statement had given valuable assistance to the Committee, it must not be assumed that the central authority would be the Permanent Central Board, or that it would hold quarterly meetings and work in the same way as the Board.

The Chairman asked the Committee to vote on alternative A of the British amendment to paragraph 1,¹ which was based on the principle of monthly returns.

Alternative A was rejected by two votes to seven, with two abstentions.

Mr. Caldwell (United States of America) understood that the vote against alternative A did not imply the acceptance of alternative B; his delegation was opposed to both proposals.

¹ See page 61.

The Chairman requested the Committee to discuss alternative B of the British amendment, the actual text of which was as follows :

" The provisions of Article 22 of the Geneva Convention shall be applied to all the substances covered by the present Convention coming within groups . . . in Article . . . "

Sir Malcolm Delevingne (Great Britain)⁴ explained that the text was intended to cover the whole of paragraph 1 of the text drawn up by the small Drafting Committee, the first sentence of which he considered superfluous, since it merely re-enacted provisions of the Geneva Convention. The last sentence of the original text had been omitted, since quantities of less than 100 grammes would be included in the totals to be notified under the terms of Article 22 of the Geneva Convention.

M. Cavazzoni (Italy) considered that it would be preferable to quote the provisions of Article 22 of the Geneva Convention rather than merely allude to them. He would, however, advocate keeping more closely to the original text, which used the word " notification ". He was most anxious that some advance should be made upon the Geneva Convention, and it seemed to him that " notification " might mean more than mere " statistics ".

M. Bogomoloff (Union of Soviet Socialist Republics) considered the text proposed by the British delegation unacceptable for countries which were not parties to the Geneva Convention. It was, in his opinion, essential that a full text should be supplied in place of a reference to Article 22 of the Convention. Article 22 of the Geneva Convention contained a reference to the Permanent Central Board. He would emphasise, however, that no decision had been taken with regard to the constitution of the central authority, and he considered that any mention of the Central Board prejudged the question.

The Chairman assured **M. Bogomoloff** that, when a vote was taken, it would be understood that the question of the central authority was reserved.

Sir Malcolm Delevingne (Great Britain) considered that the question whether the actual terms of the Geneva Convention should be quoted was merely one of drafting.

In reply to **M. Cavazzoni**, he would point out that Article 19 of the Advisory Committee's draft Convention marked an advance, since it provided that the contracting parties which were not parties to the Geneva Convention would undertake to apply the provisions contained in certain chapters of that Convention.

M. Dinichert (Switzerland) would have been prepared to accept alternative B if it had referred only to Article 22, paragraph 2, of the Geneva Convention—i.e., to the question of quarterly returns. As, however, the whole of the article was intended, he felt unable to vote in favour of a proposal which

would apply the far-reaching provisions of the first paragraph of Article 22 to groups of drugs which were not yet decided upon.

Sir Malcolm Delevingne (Great Britain) admitted that it was preferable at this stage not to extend the proposal to the whole of Article 22, though he would reserve the right to bring up the question later. He would therefore amend the text of alternative B to read :

“ The provisions of Article 22, paragraph 2, of the Geneva Convention shall be applied ”

M. Dinichert (Switzerland) thanked Sir Malcolm Delevingne for meeting his point.

The Chairman asked the Committee to vote on alternative B on the understanding that the question of the groups of drugs to be included should be reserved.

Alternative B was adopted by six votes to four.

Sir Malcolm Delevingne (Great Britain) pointed out that paragraph 2 of the original text included two provisions concerning countries which did not apply the system of imports or exports or which had not notified to the Secretary-General of the League their adoption of that system; the first of these provisions related to immediate notification to the central authority, and the second to the action to be taken if an export was likely to cause, or caused, an excess over the estimates of the importing country. As the second provision ought, in his opinion, to apply to all countries, he had included only the first in his new draft of paragraph 2. He had avoided the words “import and export certificate system”, which were not used in the Geneva Convention. It was known from experience that, while countries might state that they had adopted such a system, it might prove to be very different from that contemplated by the Geneva Convention. He had, moreover, omitted the provision that export certificates should expressly provide that the quantities imported might not be re-exported, since he considered it impracticable to enforce such a measure.

Dr. Carrière (Switzerland) agreed with Sir Malcolm Delevingne that it was not sufficient for a country to state that it had adopted such and such a system if it had not actually adhered to the Geneva Convention or the new Convention.

With regard to the groups of drugs to be covered by the British proposal, he wondered if some modification could be introduced making special provisions for such drugs as codeine, for which less strict limitation was essential. He would not, however, press this point.

M. Cavazzoni (Italy) admitted that Sir Malcolm Delevingne's text went a little

further than the Geneva Convention, in that it provided for immediate notification in the case of countries which were not parties to the Geneva Convention or the new Convention. He was, however, strongly in favour of more stringent measures with regard to those countries, and urged that the suggestion which he had already made for applying to them the principle of previous notification should be considered.

The Chairman replied that the Minutes of the Sub-Committee made it quite clear that all countries had been covered by the vote against previous notification. M. Cavazzoni's proposal was therefore out of order.

Sir Malcolm Delevingne (Great Britain) emphasised that he should not be held responsible for provisions which did not go so far as the principle of previous notification. He himself had favoured that principle; but, as it had been rejected, he had endeavoured to assist the Committee by putting the majority proposals in a form which could be accepted. He reminded the Committee that he had been the only delegate to vote against the Germano-Japanese plan (originally the Italian plan), the Italian delegate having been among those who abstained.

M. Cavazzoni (Italy) explained that, although he had originated the proposal afterwards known as the Germano-Japanese proposal, it did not express his own views, but was an attempt to reach a workable compromise. As the French delegate had not supported the proposal, he had felt justified in withdrawing it, but thought it right to abstain from voting against it. He added that he thought that the question of countries which were not parties to the Convention had not been taken into account in that vote. He would, however, accept the Chairman's ruling and reserve the question of previous notification in the case of those countries for the plenary Conference.

Sir Malcolm Delevingne (Great Britain), referring to M. Carrière's remarks, said that he had no intention of prejudging the question what substances should be included in the Convention. He would therefore suggest amending the text of paragraph 2 to read :

“ . . . any of the drugs covered by group . . . of Article . . . of this Convention . . . ”

M. Carrière accepted this proposal.

M. Bogomoloff (Union of Soviet Socialist Republics) supposed that Sir Malcolm Delevingne would not object to substituting the words “central authority” for “Permanent Central Board”. He disapproved of using the name of an existing organisation before the functions and

constitution of the central authority were decided upon.

Sir Malcolm Delevingne (Great Britain) was unable to agree to the change suggested by M. Bogomoloff, as reference had been made to the Permanent Central Board in paragraph 1. It was understood, however, that the question of the central authority was reserved.

M. Bogomoloff (Union of Soviet Socialist Republics) remarked that he had raised the same objection in connection with paragraph 1. He believed that in the articles which had been accepted by the plenary Conference the words "central authority" were used.

Sir Malcolm Delevingne (Great Britain) did not recall that any articles including those words had been accepted. He would suggest that a vote should be taken on the text of paragraph 2, on the understanding that some other body could be later substituted for the Permanent Central Board if the Committee so decided.

M. Bogomoloff (Union of Soviet Socialist Republics) could not accept that procedure. He considered that the question of the central authority must be settled first, and proposed that Chapter III of the Annex to the Advisory Committee's draft should be discussed by the plenary Conference before any decision was taken by the Sub-Committee.

The Chairman thought that this suggestion would reverse the proper procedure of the Conference, Chapter III having been already referred to the Sub-Committee.

After some discussion, the President of the Conference was asked to give a ruling in the matter.

M. de Brouckère (President of the Conference) said that the plenary Conference had unanimously decided to refer Chapters III, IV and V to the Sub-Committee, and he did not therefore consider it admissible for the Committee to refer them back to the Conference. He felt, however, that M. Bogomoloff's difficulty in regard to the wording of paragraph 2 could be met in various ways, and suggested that, instead of the words "Permanent Central Board" a blank space should be left or the general term "central organ" should be used.

Sir Malcolm Delevingne (Great Britain) and M. Bogomoloff (Union of Soviet Socialist Republics) both accepted this suggestion.

The Chairman then put to the vote paragraph 2 in the following form :

"The High Contracting Parties agree, in regard to the export of any of the drugs covered by group . . . of Article . . . of this Convention to countries to which neither this Convention nor the Geneva Convention applies, that the Government issuing an authorisation for any such export shall immediately notify the central organ of the issue of the authorisation."

The paragraph was adopted by six votes to five.

FIFTH MEETING.

Tuesday, June 30th, 1931, at 3.30 p.m.

Chairman : M. DE VASCONCELLOS (Portugal).

5.—EXAMINATION OF THE PLAN FOR THE CONTROL OF NARCOTIC DRUGS (conclusion); PARAGRAPHS 3 AND 4 : AMENDMENTS BY THE ARGENTINE AND BRITISH DELEGATIONS.

The Chairman asked the Sub-Committee to consider the following amendment presented by the Argentine delegation to paragraph 3 of the draft plan for control :

"The importing countries undertake not to make any imports without previous authorisation through the forwarding of an import certificate, which shall be addressed by the dealer concerned to the factory which is to carry out the order.

"A copy of this import certificate shall be immediately sent by the national bureau, or the corresponding competent authority, to the central bureau in Geneva, which shall inform the exporting country with the least possible delay whether the quantities of narcotic drugs ordered exceed or do not exceed the annual estimates of the importing country concerned."

Sir Malcolm Delevingne (Great Britain) pointed out that the new text of paragraph 1, proposed by the British delegation and adopted by the Sub-Committee at its last meeting, also covered paragraph 3 of the original text.

The Chairman replied that the amendment proposed by the Argentine delegation might

be regarded as forming an additional paragraph to the new paragraph 1.

M. Perez (Argentine) said that at the last meeting he had expressed his views with regard to the control of narcotic drugs, and he did not think it necessary to repeat his arguments.

The amendment he had put forward was very clear, and he considered the proposed measure absolutely necessary to protect both the importing country and the exporting country against any risk of forged or falsified certificates.

Dr. Kahler (Germany) could not agree with this view. The number of certificates granted every year amounted to tens of thousands, and the examination of all these certificates would impose very heavy administrative work on the central authority. This work would, moreover, be unnecessary in view of the control exercised by the importing country, which would be anxious to ensure that the limits of its estimates were not exceeded. The additional control by the central authority proposed by the Argentine delegation might be interpreted as signifying distrust of the importing countries.

Moreover, if it happened that a certificate was granted for an order in excess of the estimates for the importing country, the central authority would be able to ascertain the fact through the quarterly report, and the quantities in excess would be deducted from the estimates for the following year.

With regard to the falsification of certificates, which had been mentioned by **M. Perez**, **M. Kahler** stated that he had never yet heard of a case of this kind, and he considered the risk was too slight to justify the enormous increase of work which would be involved by the adoption of the Argentine proposal. The competent authorities of the exporting countries would take all possible steps to prevent an order accompanied by an import certificate of doubtful authenticity from being carried out.

Sir Malcolm Delevingne (Great Britain) remarked that the second paragraph of the Argentine delegation's amendment laid down no obligation for exporting countries. Must these countries wait for the notification to be made to them by the central authority before allowing the order to be carried out? The importing country might omit to send a copy of the import certificate to the central authority, and a country in which there was a risk of a doubtful certificate being granted would be the most likely to be guilty of such an omission.

If the Argentine delegation's amendment involved an obligation on the part of the exporting countries to wait for notification from the central authority, the control provided by this amendment was practically the same as the system of previous notification formerly proposed by the British delegation, though it was perhaps less efficacious than that system.

M. Bourgois (France) recognised that, as France would not be an importing country with the proposed new system, he was less qualified than **M. Perez** to speak of a question

which concerned, in particular, the importing countries. He feared, however, that these countries would view with surprise a provision which might appear to them to be inspired by a certain apprehension in entrusting to them a simple operation of addition. If a country happened to grant an import certificate for an order in excess of its estimates, it would presumably have a reason which it would communicate in due time to the central authority.

M. Perez (Argentine) thought the control of the central authority was absolutely essential.

Under the quota system, the manufacturing countries would know where they stood; they could not exceed the maximum allotted to them. Under the system of freedom of trade at present contemplated by the Conference, however, the manufacturing countries would have no means of verifying the validity of the import certificates presented to them, since they could not know the position of the importing country from which the order came. Centralisation was essential, for the central authority alone could give the necessary information to the exporting countries.

Another argument in favour of the Argentine delegation's amendment was the guarantee which it would afford to importing countries. It might happen that an order was carried out on the receipt of a falsified import certificate; the Customs authorities of the importing country would then notice that a large quantity of narcotic drugs for which an import certificate could obviously not have been regularly granted was entering that country. In this case, even if the quantity in question was seized, the harm would have been done; the excess of drugs would have been manufactured. In a country like the Argentine, however, where the frontiers were very extensive and difficult to watch, it might often happen that orders executed on receipt of a falsified certificate entered unlawfully.

M. Perez emphasised that the special geographical and administrative conditions of certain non-European countries must be taken into consideration. His amendment could not be interpreted as showing suspicion of those countries; it would give them assistance in their efforts to suppress the illicit traffic.

With regard to **Dr. Kahler's** objection that the adoption of this amendment would involve a large increase of administrative work, **M. Perez** pointed out that this additional work would fall only on the central authority. That body, however, would only exist for the purposes of the campaign against the illicit traffic, and, if the additional work imposed on it helped to hinder that traffic, the desired result would be attained. To draw up statistics after an interval of three months could not provide adequate means for the suppression of the illicit traffic any more than for the suppression of an epidemic. The ultimate aim of the Conference was to abolish a terrible evil, and no measure which might be effective in attaining that end should be set aside by considerations of economy of time or money.

In reply to Sir Malcolm Delevingne, M. Perez stated that his amendment was intended to imply an obligation on the part of the exporting countries to wait before allowing orders to be carried out until notification had been received from the central authority.

M. Sawada (Japan) reminded the Committee that his delegation had definitely opposed the system of previous authorisation both for importing and exporting countries. He thought this point had been settled by a vote.

He entirely agreed with the objections raised by M. Bourgois and M. Kahler, and considered that the measures provided in the original text and in the British delegation's amendments were quite sufficient to ensure effective control. He was therefore unable to accept the Argentine delegation's amendment.

The Chairman asked the Sub-Committee to vote on this amendment.

The Argentine delegation's amendment was rejected by six votes to four.

It was agreed that the new paragraph 1 proposed by the British delegation and adopted by the Sub-Committee covered the former paragraph 3, and that the latter paragraph would therefore be omitted.

The Chairman opened the discussion on the following new paragraph 3 proposed by the British delegation :

"If it appears from the returns made to the central organ in pursuance of paragraph 1, or from the notifications made to the central organ in pursuance of paragraph 2, that the quantities exported or authorised to be exported to any country exceed the aggregate of the amounts shown in the estimates for that country for that year as being required for domestic consumption, for conversion and for maintaining the reserve stock at the level specified in the estimate, after deduction of any amount which according to those estimates will be manufactured in that country in that year, the central organ shall immediately notify the fact to all the High Contracting Parties, who will not, during the currency of the year in question, authorise any new exports to that country unless (i) a supplementary estimate shall have been furnished by or on behalf of that country and shall have been communicated to the High Contracting Parties, or (ii) in exceptional cases the export is in the opinion of the Government of the exporting country essential in the interests of humanity or for the treatment of the sick."

Sir Malcolm Delevingne (Great Britain) explained that this new paragraph 3 extended to the countries which were parties to the Convention and had adopted the import certificate system; the measure provided in the latter part of paragraph 2 of the original text for the countries which were not parties to the Convention and had not adopted the import certificate system.

Another point which he would mention was that, in certain cases, it ought to be possible for an order to be carried out even if it was in excess of the estimates of the importing country; he referred particularly to the case of such a country as China. The requirements of European hospitals or doctors ought to be met even if through some error the estimates for China were exceeded.

The Sub-Committee adopted, subject to drafting amendments, the new paragraph 3 proposed by the British delegation.

The Chairman asked the Sub-Committee to consider the following new paragraph 4 proposed by the British delegation :

"The Permanent Central Board shall, upon the close of each year, prepare a statement showing in respect of each country for that year :

"(a) The estimates in respect of each drug;

"(b) The amount of each drug consumed;

"(c) The amount of each drug manufactured;

"(d) The amount of each drug converted;

"(e) The amount of each drug imported;

"(f) The amount of each drug exported.

"If such statement indicates that any High Contracting Party has, or may have, failed to carry out its obligations under this Convention, the Board shall have the right to ask for explanations from that High Contracting Party, and the procedure specified in paragraphs 2 to 7 of Article 24 of the Geneva Convention shall apply in any such case.

"The Board shall, as soon as possible thereafter, publish the statement above mentioned, together with an account of any explanations given or required in accordance with the preceding paragraph and any observations which the Board may desire to make in respect of any such explanation or request for an explanation."

M. Bogomoloff (Union of Soviet Socialist Republics) asked on behalf of the countries which were not parties to the 1925 Geneva Convention that the text of paragraphs 2 to 7 of Article 24 of that Convention should be reproduced in the text adopted.

The Sub-Committee decided to leave this question to the Drafting Committee.

M. Ekstrand (Director of the Opium Traffic Section) pointed out that the paragraph under discussion reproduced in part the provisions of paragraphs 2 to 7 of Article 24 of the Geneva Convention, but omitted all reference to the Secretary-General of the League of Nations. He did not know whether that omission was intentional or not, but, in view of the fact that the Covenant entrusted to the League the general

control of agreements concerning the traffic in opium and other dangerous drugs, he considered that the Sub-Committee should not lose sight of the part which must be played by the League, acting through its Secretary-General.

The Chairman thought that this question was not one for the Sub-Committee, but that it would certainly be thoroughly discussed by the plenary Conference. He understood that a small Committee, with M. de Brouckère (President of the Conference) as Chairman, had been asked to go into the matter. M. de Brouckère would perhaps be good enough to give his opinion on the subject.

M. de Brouckère (President of the Conference) considered that the Sub-Committee was entitled to discuss the point raised by M. Ekstrand. However, although the small Committee to which reference had just been made had not been asked to settle this question as a principle, but only in connection with Article 7, it could, if the Sub-Committee wished, examine it also in relation to the plan for control at present under discussion. M. de Brouckère added that it was easier to settle this problem in each individual case. He was convinced that all the countries represented at the Conference were prepared to make any reasonable concessions in this connection which might appear necessary.

The Chairman thanked M. de Brouckère, and said that the question raised by M. Ekstrand would be left to the plenary Conference.

The Sub-Committee adopted the new paragraph 4 proposed by the British delegation.

M. Bogomoloff (Union of Soviet Socialist Republics) reserved the right to submit amendments for those parts of the text which had been adopted subject to drafting modifications.

The Chairman stated that the Sub-Committee had completed the examination of Chapter IV of the Annex to the draft Convention.

6.—EXAMINATION OF THE ANNEX TO THE DRAFT CONVENTION : CHAPTER III.

The Chairman explained that the Sub-Committee, having defined the functions of the central authority, must now decide what that authority should be. He reminded the Sub-Committee that different opinions had been expressed on the subject, not only during the debates of the present Conference and its committees and sub-committees, but also in the Advisory Committee on Traffic in Opium and the Health Committee.

For the information of the Sub-Committee he read the following resolution of the Health Committee¹ :

“ The Health Committee considers that it should be represented on the competent body contemplated by Article 3 (paragraph

2) of the draft Convention on the Limitation of the Manufacture of Narcotic Drugs, this body having the task of examining the estimates supplied by the various Governments of their requirements in the matter of narcotic drugs, and of establishing such estimates, where necessary, for countries which have not furnished an estimate. The representation of the Committee on that body should, moreover, be adequate to enable it to exercise upon its deliberations an influence commensurate with the importance of the tasks with which that body is entrusted.”

Certain delegates wished the new functions contemplated by the present Convention to be entrusted to the Permanent Central Board, which was already in existence, while others favoured the creation of a new organisation.

Mr. Lyall, President of the Permanent Central Board, had informed the Chairman that the Board was prepared to accept the duties in question if they should be entrusted to it.

Finally, the Chairman reminded the Sub-Committee that the Soviet delegation had presented a proposal with reference to a “ Permanent International Narcotics Board ”.

Sir Malcolm Delevingne (Great Britain) emphasised that there must be no confusion between the central authority whose functions had been defined by the Sub-Committee and the “ competent authority ” mentioned in Article 3, paragraphs 2 and 3, and Article 4, paragraph 2, of the Advisory Committee's draft Convention and in Chapter I of the Annex, paragraphs 6 *et seq.*

He pointed out that the Health Committee's resolution which had been read referred only to the latter body.

The Chairman entirely agreed with Sir Malcolm Delevingne on that point. He had brought the Health Committee's resolution to the notice of the Sub-Committee merely for their information, certain delegates having expressed the opinion that the medical profession should also be represented on the central authority referred to in Chapter III.

M. Bogomoloff (Union of Soviet Socialist Republics) protested against the distinction drawn by Sir Malcolm Delevingne. Some delegations might wish to entrust to a single central body the functions defined by the Sub-Committee as well as the control of the estimates to be supplied by the various countries.

M. Bourgois (France) pointed out that the functions which had been defined by the Sub-Committee demanded special knowledge, competence and authority. If the organisation to which those functions were entrusted was to have the necessary authority in the eyes of the public, it must include representatives of the Health Committee (for medical questions), the Permanent Central Board (for statistical questions) and the Advisory Committee on Traffic in Opium (for the illicit traffic and administrative measures).

¹ See document C.280.M.131.1931.III.

M. Dinichert (Switzerland) reminded the Sub-Committee that the various bodies referred to in the Advisory Committee's draft Convention were :

(1) "The competent authority", which was to examine and control the estimates submitted by Governments and furnish estimates which were not forthcoming. It would have an important task to perform which would be, above all, scientific and medical in character ; but it would also be a delicate matter, seeing that the authority in question might have occasion to criticise the estimates furnished by certain Governments.

(2) The Permanent Central Board created by the Convention of 1925, to which the countries participating in that Convention had so far been required to forward certain statistics.

The plan for control adopted by the Sub-Committee maintained the obligation to forward quarterly statistics. According to the new plan, however, these statistics (which were, moreover, to cover a greater number of substances) would not only enable the organisation which received them to discover certain centres of illicit traffic, but were to be compared with the estimates supplied by Governments. This comparison constituted a new task which was essentially mechanical, and the Sub-Committee must decide whether this task should also be entrusted to the Permanent Central Board at present in existence.

(3) The Central Narcotics Office referred to in Chapter III of the Advisory Committee's draft Convention. There would now seem to be no object in establishing this Office, since the previous authorisation system and the quota system had been rejected.

M. Bogomoloff (Union of Soviet Socialist Republics) raised a question of procedure.

The Sub-Committee had before it only one formal text—that submitted by the Soviet delegation. He considered that it should first come to a decision with regard to that proposal. It might be that it would adopt it, or certain modifications might be introduced which would make it acceptable to all delegations ; or, again, the text might be rejected, in which case the Sub-Committee could consider any other solution.

M. Sawada (Japan) reminded the Sub-Committee that the Japanese delegation had, from the outset, been opposed to the creation of a new body. The Sub-Committee's decision with regard to the functions of the central authority had confirmed and strengthened that opinion, for the new duties were more or less similar to those which had so far been carried out by the Permanent Central Board and the League Secretariat. All the delegates were agreed that the Permanent Central Board had fulfilled the task entrusted to it very satisfactorily, and, therefore, the best and simplest solution was, he thought, to entrust to it the new functions defined by the Sub-Committee.

In reply to **M. Bogomoloff's** remark with regard to procedure, the Japanese delegation proposed that the functions defined by the Sub-Committee should be entrusted to the Permanent Central Board. He thought it was not necessary to submit this proposal in writing.

The Chairman concluded from the discussion that the Sub-Committee ought first to decide the following preliminary question : Should a new body be set up or not ?

If the decision was in the affirmative, the Sub-Committee should then proceed to the examination of the Soviet delegation's proposal. If, on the other hand, it decided that a new body should not be set up, it would only have to consider the British and Japanese proposals for entrusting the new functions to the present Permanent Central Board.

M. Bogomoloff (Union of Soviet Socialist Republics) had no objection to the proposed procedure, but reserved the right to introduce his amendment in the plenary Conference if the Sub-Committee should decide against the establishment of a new body. He added that, if the views of the delegations who were opposed to the creation of that body were adopted, the new Convention would only mark a very small step in advance of the 1925 Convention.

Mr. Lyall (President of the Permanent Central Board) stated that, except with respect to the functions of the "competent authority" contemplated in the Advisory Committee's draft Convention, the Permanent Central Board was prepared to accept without reservation the functions defined by the Sub-Committee.

The Sub-Committee, by seven votes to one, declared itself against the establishment of a new body to act as the central organ.

The Sub-Committee decided by eight votes to three that the functions which it had defined should be entrusted to the Permanent Central Opium Board.

M. Bogomoloff (Union of Soviet Socialist Republics) hoped that his vote would not be interpreted as implying any criticism of the work already accomplished by the Permanent Central Board. He would state in the plenary Conference that the Soviet delegation only wished to increase the importance of the body to which the control of narcotic drugs would be entrusted, and that it considered that the staff of the new body would obviously have included the present staff of the Permanent Central Board.¹

¹ See Vol. I, page 215.

TECHNICAL COMMITTEE.

FIRST MEETING.

Friday, June 5th, 1931, at 3.30 p.m.

Chairman : M. CHODZKO (Poland).

1.—PUBLICITY OF MEETINGS.

The Committee decided that its meetings should in general be public, but that it might hold private meetings for the discussion of special questions.

2.—DISCUSSION OF THE DRAFT CONVENTION FOR THE LIMITATION OF THE MANUFACTURE OF NARCOTICS : ARTICLE I (Vol. I, Annex 7).

The Chairman read the following amendments :

Amendment to paragraph 2, submitted by the Venezuelan Delegation :

“ The term ‘ narcotic drug ’ shall denote the following substances :

“ (1) Medicinal opium ;

“ (2) All alkaloids of opium and of the coca leaf, its salts and derivatives ;

“ (3) All preparations containing the above-mentioned substances, irrespective of whether they are or are not manufactured directly from the raw material.

“ Notwithstanding, if the Health Committee of the League of Nations, after having submitted the question to the Permanent Committee of the Office international d'Hygiène publique in Paris, and having received from the latter an opinion and report, has declared that certain of the said substances cannot themselves cause, or are not capable of being transformed into substances which might cause, addiction, and if the Health Committee has duly communicated this fact to the Council of the League of Nations and the Council has transmitted it further to the High Contracting Parties, the substances in question shall no longer come under the present Convention.”

Amendment to paragraph 2, submitted by the Spanish Delegation :

“ The following shall also be regarded as ‘ narcotic drugs ’ : all the other alkaloids of opium and coca leaf and derivatives thereof, together with all the substances mentioned in Article 4 of the Geneva Convention and in the present article, irrespective of the form in which they are offered for sale.

“ Nevertheless, if the Health Committee of the League of Nations, after having submitted the question to the Permanent Committee of the Office international d'Hygiène publique in Paris, and having

received advice and a report thereon, has found that these substances cannot give rise to the drug habit, and if the Health Committee has communicated this finding to the Council of the League of Nations and the Council has communicated it to the High Contracting Parties, these substances shall no longer come under the terms of the Convention.”

“ N.B.—The words ‘ and containing more than 20 per cent of morphine ’ in subparagraph (i) should be omitted.”

Sir Malcolm Delevingne (Great Britain) thought that the Venezuelan amendment introduced unnecessary complications, perhaps owing to a misunderstanding. No. 3 of the first paragraph, which referred to “ all preparations containing the above-mentioned substances ”, appeared to him superfluous, since the limitation of the manufacture of the substances themselves would already be ensured. Moreover, it would be quite impracticable to apply the provisions of the Convention to each of the innumerable medicinal preparations containing alkaloids of opium and the coca leaf. He also considered the reference to medicinal opium unnecessary. In view of these considerations, he thought M. Chacini-Itriago might be prepared to modify his proposals. It seemed to him that the Spanish amendment would provide a more useful basis for discussion, since it would concentrate attention on the alkaloids themselves.

Dr. Hoffmann (Panama) said that there was one very important point which must be examined by the experts. Two questions had been raised in regard to alkaloids such as codeine and papaverine—namely, were they habit-forming and were they themselves toxic ? There was a third point which must be elucidated, in connection with the direct preparation of certain compounds from opium by the Robertson process, for example, which, by the use of calcium chloride, enables both codeine and morphine to be prepared, the last-named substance being obtainable in quantities ten times greater than the quantities of morphine derived from codeine. A manufacturer might thus ask permission to manufacture 1,000 kilogrammes of codeine. By employing the process in question, from ten to forty times more morphine would be obtained than otherwise. The case was the same as regards papaverine.

The Chairman asked M. Hoffmann to put definite questions in writing to the experts.

Sir Malcolm Delevingne (Great Britain) thought there was no foundation for the fears expressed by Dr. Hoffmann. For the manufacture of codeine, large quantities of raw opium containing much more morphine than codeine would be required, and anyone who obtained morphine as a by-product would clearly be manufacturing morphine, which, under the regulations already in force, could not be done without a licence. Similarly, anyone manufacturing papaverine could not extract morphine as a by-product from the raw opium without Government authorisation. He might mention that in modern manufacture codeine was not produced direct from raw opium.

Dr. Hoffmann (Panama) said, in answer to an enquiry from the Chairman, that he did not wish to press his point at the moment, but would return to it later. He would add, however, that, although there had hitherto been no incentive for the manufacture of codeine from raw opium, the position to which he had referred might arise when the restriction of the manufacture of morphine became more effective.

Dr. Chacin-Itriago (Venezuela) recalled that the provisions of Chapter 3 of the Geneva Convention applied to "all preparations officinal and non-official (including the so-called anti-opium remedies) containing more than 0.2 per cent of morphine or more than 0.1 per cent of cocaine". His proposal went further and provided for the application of limitation to all preparations containing medicinal opium or alkaloids of opium and the coca leaf, its salts and derivatives, whether or not they were prepared directly from the raw material, but it also provided for exceptions to be made by the Health Committee. His intention had been to avoid as far as possible unforeseen developments in modern chemical technique.

Sir Malcolm Delevingne (Great Britain) said that Dr. Chacin-Itriago had not answered the main objections which he had raised to the Venezuelan amendment—namely, that, if the manufacture of morphine was limited, it was unnecessary to provide for it again in a limitation of preparations containing morphine; and, secondly, that it was impossible to apply the limitation scheme to all the medicinal preparations of morphine on the market.

Dr. de Myttenaere (Belgium) said that it was impossible to accept the amendment of the Venezuelan delegation without affecting all the usages of doctors and pharmacists. It was impracticable to insist on a medical prescription for every preparation containing the slightest quantity of narcotic drugs. All preparations on the market for the digestive, intestinal or pectoral organs contained small quantities of extracts of opium or of other substances coming under the Conventions.

The limits laid down in the Hague and Geneva Conventions (0.2 per cent of morphine and 0.1 per cent of cocaine) had not, to the knowledge of Dr. de Myttenaere or of the

Advisory Committee, given rise to abuse or fraud. The one classical case of fraud was that of a veterinary solution containing 0.2 per cent of morphine; no other cases of serious abuse were known. He considered, therefore, that there was no justification for amending the provisions of the above-mentioned Conventions.

Dr. Carrière (Switzerland) asked that the Committee should first discuss the inclusion of the alkaloids themselves in the Convention. The question of preparations seemed to him a secondary one.

The Chairman supported this suggestion.

Dr. Chacin-Itriago (Venezuela), in reply to an enquiry from M. Casares, said that the Spanish amendment and his own, were, in substance, identical. The Venezuelan text seemed to him clearer and simpler, but he was prepared to withdraw it.

The Chairman proposed that the discussion should be based on the first paragraph of the Spanish proposal, which was more general than the Venezuelan delegate's proposal. M. Chacin-Itriago could then propose any amendments he wished.

Dr. Chacin-Itriago (Venezuela) agreed to this procedure.

M. Bougault (France) agreed with the opinion expressed by Dr. de Myttenaere and with Dr. Carrière's proposal regarding procedure.

He wished to make a few general remarks on the wording of the proposal before the Committee. This proposal seemed to him both dangerous and contrary to the aims of the Conference. To his mind, its effect would be rather to create confusion by grouping under one denomination all the alkaloid derivatives which could be extracted from a plant, before it was known what derivatives could be extracted later from that plant. Suppose that tyrosine were found in the coca leaf or in opium, ought that product to come under the provisions of the Convention? He considered that this was a dangerous procedure which would not only lay the Conference open to criticism on the part of chemists, but would serve no purpose from the point of view of the limitation of narcotic drugs. Before drugs could be limited they must first be defined. If a substance was not narcotic, there was no need to mention it. M. Bougault therefore thought it essential for the names of the alkaloids to be specified. All the members of the Committee were perfectly well aware that certain alkaloids of opium were not narcotics. Why begin by stating that they were narcotics and then provide a long procedure by which it could be authoritatively proved that they were not?

M. Bougault drew attention to the possible effects of such a system. As Inspector of Pharmacies in Paris, he was able to state that the control of pharmacies in France was so strict that many pharmacists in his district refused to deliver narcotic drugs, even on a regular doctor's prescription, unless they had some personal knowledge of the customer in whose name the prescription

was made out. M. Bougault thought that was a consequence which the Committee must take into consideration. It must not forget that its aim was to prevent illicit commerce and not to hinder the medical and scientific use of narcotic drugs.

Dr. Carrière (Switzerland) agreed in general with M. Bougault's remarks, and did not think it was possible to limit, or even control, all the derivatives of opium and the coca leaf. M. Bougault had proved that there were some of these derivatives to which it would be impossible to apply any measures of control or limitation. If, therefore, it was desired to adopt a provision of this kind, the most that could be done would be to include the derivatives of morphine, ecgonine or cocaine. Personally, however, Dr. Carrière could not even adopt a proposal of that kind, at least as far as morphine was concerned, for there were certain derivatives of this substance which could not be subject to regulation.

Dr. Carrière then came to the question of codeine, on which the whole discussion turned, the other derivatives of morphine being of purely secondary importance. He had already expressed his opinion with regard to codeine in the Advisory Committee and at the present Conference. As a representative of the medical profession, he considered it impossible to limit codeine, the consumption of which was daily increasing. In his view, one of the aims of the Conference was to persuade doctors to substitute harmless derivatives for derivatives which were considered to be narcotics. Doctors could never understand why restrictions should be imposed on a product which was not a narcotic drug. At present no authentic case of drug addiction due to codeine was known, though some half-dozen had been mentioned in literature on the subject. Codeine was so extensively used that, if it were really a narcotic drug, cases of addiction due to it would be striking, whereas they were only exceptions and it could not be deduced from them that codeine was a narcotic drug.

The objection had been raised that codeine might be used for the manufacture of narcotic drugs, in particular dicodide. At present, dicodide was made not from codeine but from thebaine. It had been explained that the patentee of dicodide had had in his possession enormous stocks of thebaine for which he had no use and that he had made from them a special product, dicodide; but that, when thebaine was no longer on the market in sufficient quantities, recourse might be had to codeine for the preparation of dicodide, a product which, as Dr. Carrière recognised, was being increasingly used.

Dr. Carrière, however, considered that the only possible action that could be taken was to place codeine under control. In this connection, he drew the Committee's attention to Article 22 in the draft Convention, which referred to Articles 6, 12, 13 and 18 of the Geneva Convention. Article 6 of the Geneva Convention contained an allusion

to manufacture. Under that article, it would, consequently, be possible to bring the manufacture and, if need be, the sale of codeine under control. Articles 12, 13 and 18 covered imports and exports of codeine and dealt with the certificate system. Dr. Carrière supposed that the discussion would deal with this point, since he knew for a fact that certain manufacturing countries were prepared to agree that imports and exports of codeine should be subject to certain measures of control, but were averse from applying the very strict import and export certificate system to that preparation.

To sum up, Dr. Carrière considered that the first paragraph in the Spanish amendment was unacceptable because its effect might be to limit certain products for which neither limitation nor control were pertinent matters. If it were desired to apply that measure to all derivatives of morphine and codeine or ecgonine, a distinction would have to be made between the products subject to limitation—that was to say, those mentioned in Article 1 of the draft Convention—and the derivatives of morphine. The medical corps, however, would never consent to the limitation of codeine. Not only would its limitation arouse resistance from physicians, but it would also have an effect the reverse of that intended, which should be to allow doctors to substitute an innocuous substance for a dangerous product.

M. Casares (Spain) said that his amendment had been interpreted as if his intention had been to set up a complicated, futile and, indeed, ridiculous form of procedure and as if, for instance, it implied that codeine, which was not a narcotic, would be declared to be one and would then have to undergo a procedure to prove that it was not. If that had been the meaning of the Spanish amendment, it would not have been worth refuting.

The fact was, however, that, although the experts had said that certain innocuous alkaloids could be found in opium and the coca leaf, they had not proved that other and dangerous derivatives could not be extracted from them, nor that equally dangerous synthetic products could not be placed on the market. That was the sense in which the Spanish amendment would be found useful. There was the experience acquired from the earlier treaties and conventions; precise lists had been drawn up with the object of limiting narcotic drugs, but chemists had promptly discovered new products which did serious harm.

The Spanish amendment therefore had its uses. If the two paragraphs were taken as a whole, it would be seen that, after laying down the principle that all alkaloids of opium and the coca leaf should be limited, it excluded the products which were recognised as not being narcotic drugs.

Dr. Chacin-Itriago (Venezuela) said that codeine was not as indispensable as had been alleged. Morphine was a far more necessary drug, was indeed indispensable, but would nevertheless be limited. He had practised medicine in London and in his own country—that was to say, in a large country like Great

Britain and a small country like his own—and he had observed that codeine could—could, indeed, very easily—be dispensed with. It was, moreover, hardly used at all except as a sedative for coughs. Its place could, however, be taken by other medicines. Further, limitation did not mean abolition, and it would always be possible to order the quantities considered necessary.

In conclusion, he would draw attention to Mr. May's proposal, which he then read.¹

Mr. Treadway (United States of America) understood that the discussion was limited to what the term "narcotic drugs" should embrace. It was difficult to arrive at a satisfactory definition and, technically speaking, it might be necessary to include a large variety of substances other than those produced from opium and the coca leaf. At a previous meeting, the United States delegate had urged that, for the purpose of limiting the manufacture of narcotic drugs, it was necessary to control and limit the quantities of raw opium which went into the factories. His delegation regarded that as a basic principle, and he considered, therefore, that opium should be included in the term "narcotic drugs", also possibly all its alkaloids and derivatives. He thought that Sir Malcolm Delevingne, in objecting to the inclusion of the words "medicinal opium" in the Venezuelan amendment, was confusing the definition of narcotic drug with the definition of manufacture. In discussing the term "manufacture", medicinal opium might certainly be omitted, but he thought it necessary for the purposes of the Convention to establish as far as possible a scientific definition of the term "narcotic drugs". With regard to the question of codeine, the Committee might be interested to hear the views of Dr. Small, the United States alkaloid chemist.

Dr. Small (United States of America) stated that codeine was an exceedingly valuable drug, which, in itself, offered but slight danger of misuse and habituation, although isolated cases of habitual or occasional use of codeine to satisfy narcotic craving had been reported. Codeine must, however, be regarded as a dangerous substance because of the ease with which it could be converted into habit-forming drugs which came or should come under the articles of the Convention. Chief among these might be mentioned *eucodal* (dihydrohydroxycodeinone), *dicodide* (dihydrocodeinone) and *paramorphan* (dihydromorphine).

He would first consider eucodal. Without going into the somewhat complex chemical processes involved in the manufacture of eucodal, as described in the patent literature, he wished to point out that the drug could be prepared, not only from thebaine, but also from codeine, by a process which consisted essentially in a controlled oxidation of

codeine to hydroxycodone,¹ followed by the addition of two hydrogen atoms. Whether or not that process was at present commercially profitable did not greatly influence the importance which such a conversion of codeine would assume if other sources of supply of illicit drugs were cut off.

The question of the illicit conversion of codeine to dicodide introduced an even more serious danger than that already mentioned, and constituted a possibility which could by no means be disregarded. The process was covered by at least four patents.² To what extent these patented methods could be operated profitably for legitimate trade he had been unable to ascertain. He had, however, by experiments carried out in his own laboratory, convinced himself that the conversion of codeine to dicodide, at least on a modest scale, was a process requiring no expensive or complicated apparatus, and one which could be carried out by anyone possessing a very moderate ability as a chemist.

The possibility that a method of transforming codeine directly back to morphine might at any time be discovered was one which interested every nation and every conference on narcotics. With this fact in mind, he had studied a large number of processes which might be expected to lead to this transformation, including one which had been reported to him privately as yielding morphine in small amounts. All of these experiments had been unsuccessful, but that did not prove that the transformation was impossible.

Attempts to convert codeine to morphine had failed because of the instability of the product, morphine, toward the chemical agents necessary for the conversion. By a slight change in structure of the starting material, codeine, that condition was strikingly changed. Dihydrocodeine (paracodin) could be transformed smoothly and in a yield of about 60 per cent to pure dihydromorphine, a narcotic drug which had been on the market for many years under the name "paramorphan". The process, which had first been described by Mannich eleven years previously,³ and which he had confirmed in his own laboratory, was an exceedingly simple one which could be carried out by any advanced chemistry student in one day's work. The product, dihydromorphine, was described as similar to morphine in its physiological action, but slightly less effective. Noted pharmacologists—such as Wolff and Hatcher—had expressed the opinion that it could lead to or satisfy narcotic addiction; others had expressed the opinion

¹ See document C 168.M.62 1931.XI, page 22.

² German patent 411530.

³ German patents 408870, 360919, 365683, 415097.

⁴ *Archiv der Pharmazie*, vol. 258, page 295.

that it would not cause habituation if properly used. Dihydromorphine had been considered sufficiently dangerous to be included in national narcotic laws.¹ That few cases of addiction to dihydromorphine had been reported was attributed to its slight therapeutic use and the ready accessibility of more effective drugs. From dihydromorphine, by a simple acetylation process, dihydroheroin (Paralaudin) may be prepared. Concerning the addiction properties of dihydroheroin, little was known.

The danger of conversion to habit-forming drugs was not confined to codeine, but was present also in the case of other ethers of morphine, as codethylin (dionin).² Another morphine ether, in itself probably harmless, was so easily changed to morphine that it was only necessary to dissolve the compound in dilute acid and precipitate pure morphine alkaloid with ammonia.

The points set forth above were scientific facts, verifiable in any chemical laboratory, and showed plainly the urgent necessity for limiting and controlling the manufacture and preparation of codeine, a potentially dangerous drug, which was certain to become actually dangerous when other narcotics were strictly controlled.

Dr. Wu Lien-Teh (China) said that the Swiss delegates had been at great pains to show the necessity, from the point of view of the medical profession, for the use of certain drugs. He would, however, rather emphasise the sufferings entailed by their abuse. It must be remembered that the situation in Switzerland, where the population was small and the standard of education high, could in no way be compared with that in China. With regard to codeine, there were certain important points with which Dr. Carrière had not dealt. First, although it might be harmless in itself, it was capable of being converted without difficulty into the most injurious of substances. Secondly, anyone wishing to manufacture codeine required a certain quantity of opium to be turned into morphine and then into codeine. How could it be proved that that morphine had actually been used for producing codeine? It must be remembered that there would always be unscrupulous manufacturers. He was therefore glad that the Venezuelan and Spanish delegates had insisted so strongly on making the Convention as watertight as possible. For the same reason, he was strongly in favour of Mr. May's proposal. They must not follow the manufacturers, but must lead the way and endeavour to close all loopholes to the illicit traffic. In connection with the May scheme, he thought it would be useful to ask the experts to produce a list

¹ See "Das Opiumgesetz", by Dr. O. Anselmino, *Zeitschrift für Angewandte Chemie*, No. 51, December 1930.

² See German patent 365683.

of alkaloids from which narcotic drugs could be derived. That information would greatly facilitate the solution of the problem.

The Chairman said that this question would be communicated in writing to the experts, who would be asked to reply as promptly as possible.

Dr. Carrière (Switzerland) pointed out that he had not eulogised codeine or any other product. He had merely said that codeine was a useful medicine and that the medical corps would not acquiesce in its limitation.

Dr. Wu Lien-Teh had said that Dr. Carrière had passed somewhat rapidly over the fact that codeine could be converted into another substance. On the contrary, Dr. Carrière had mentioned this fact as one of the reasons for bringing codeine under control.

Dealing with Dr. Wu Lien-Teh's arguments, Dr. Carrière observed that the fact that there was nothing to prevent a manufacturer, who ordered a certain quantity of raw opium for the production of codeine, from importing the codeine from a foreign country and using the raw material for other purposes, was an argument in favour of controlling codeine.

M. Sjöstrand (Sweden) desired to express the opinion both of his Government and of medical circles in his country. The experience gained in Sweden in the matter might be of some weight. The competent bodies in Sweden did not feel the apprehensions which had been shown in other countries in regard to codeine, and considered that it could not engender addiction. As, moreover, they considered that that product could usefully be employed for the treatment of certain diseases of the lungs, throat, etc., they were not prepared to agree that the export and import of codeine should be subject to limitation. In their opinion, steps should be taken to facilitate the use of codeine in place of morphine, as the latter was a very dangerous medicament. If codeine were made subject to limitation, the impression might be given that it was as harmful as morphine, and that would be contrary to the object in view.

At the request of the Chinese delegation, the experts of the Committee were requested to draw up a list of alkaloids of opium and the coca leaf from which habit-forming narcotic drugs could be derived.

The Committee requested Dr. Small to take part in the discussions of the experts.

Dr. Wu Lien-Teh (China) understood that recently alkaloids had been made from the poppy, and would like the experts to include those alkaloids in their examination.

The Chairman would be glad to know the Committee's feelings concerning the Spanish proposal.

Dr. Carrière (Switzerland), Sir Malcolm Delevingne (Great Britain), Dr. Kahler (Germany) and M. Casares (Spain) thought that the Committee should postpone considering the Spanish proposal in substance until it had received the list which the experts had been asked to compile.

M. Casares (Spain), in order to obviate any possible misunderstanding as to the investigations which the experts would be asked to make in connection with the Spanish amendment, explained that he had assumed that there were certain alkaloids the chemical formulæ for which were not yet known to the medical and scientific world, but which might be revealed in future, and suggested that the experts might also be asked to answer the following question: What were the alkaloids derived from opium and the coca leaf which were at present recognised as unquestionably innocuous? This would simplify the procedure proposed for new products.

The Chairman concluded that, in these circumstances, the experts should also be

asked to supply a list of alkaloids which were not narcotics and could not be converted into narcotics.

Mr. Dixon (Expert) pointed out that the alkaloids contained in morphine could be divided into two groups, only one of which included narcotics; the other group was a very large one containing some twenty or more alkaloids. He presumed that only the phenanthrene group was of interest to the Committee.

Dr. Hoffmann (Panama) pointed out that thebaine, which was not regarded as a narcotic, could be converted into a dangerous product, dicodide. He thought that cases of that kind should be taken into account.

SECOND MEETING.

Monday, June 8th, 1931, at 3 p.m.

Chairman: **M. CHODZKO** (Poland).

3.—DISCUSSION OF THE DRAFT CONVENTION: ARTICLE 1 (continuation).

The Chairman read the following amendment:

Amendment to Article 1, Paragraph 2 (ii) submitted by the Delegation of Panama:

“Modify the text as follows:

“ ‘Diacetylmorphine and the other morphine esters and ethers and their salts.’ ”

Dr. Hoffmann (Panama) said that, as he had already explained, the arbitrary and unscientific distinction between esters and ethers made in the draft Convention was, in his view, unjustifiable. The only actual difference between the two was one of chemical structure, which did not affect the toxic and therapeutic qualities of the substances themselves.

If the esters alone were brought under the Convention, the ingenuity of the manufacturers would easily enable the restrictions of the Convention to be avoided by replacing acid (which was forbidden) by alcohol in the preparation of drugs.

M. von Knaffl-Lenz (Expert) stated that the experts had gone into this question and had drawn up lists giving all necessary details.

The Chairman said that the discussion on the Panama amendment would be resumed when the experts' report had been circulated.

He read the following amendment:

Amendment to Article 1 submitted by the Belgian Delegation:

“ 2 (iv). For the chemical nomenclature for acedicone adopt ‘acetylodihydrocodeinone’ in place of ‘acetylodemethylodihydrothebaine.’ ”

Dr. de Myttenaere (Belgium) explained that the Belgian delegation would prefer the use of “acetylodihydrocodeinone” to “acetylodemethylodihydrothebaine” in Article 1, paragraph 2 (iv), since, as **Dr. Knaffl-Lenz** had pointed out, the latter form was rather unusual and acedicone could be prepared on the basis of codeine as well as of thebaine.

M. Kahler (Germany) observed that acedicone was a German preparation. He thought it would be useful to mention the two names, as the term given in the draft Convention was used in the German patent, while that proposed by **Dr. de Myttenaere** was used in England.

Dr. Wasserberg (Health Section) informed the Committee that this view had been accepted by the experts.

M. von Knaffl-Lenz (Expert) explained that the name adopted in Germany ought to be given in brackets.

Dr. Carrière (Switzerland) suggested a drafting amendment to Article 1, paragraph 2 (iv). In view of the fact that the substances given in brackets were salts of the preceding substances, he proposed the following wording:

“ (iv) Dihydroxycodone, dihydrocodeinone . . . and their salts—e.g., eucodal, dicodide, etc.”

M. Bougault (France) thought that the point raised no difficulty and that it should be referred to the experts.

The Chairman stated that **Dr. Carrière's** proposal, which was accepted in principle, would be referred to the experts for their opinion on questions of detail.

He read the following amendment :

Amendment submitted by the Japanese Delegation :

" Article 1, paragraph 2 (iv), should be omitted."

M. Kusanobu (Japan) stated that the Japanese delegation asked for the omission of this sub-paragraph because the substances included therein had only recently come into the market ; their use was still, as it were, in an embryonic state, and it was difficult at the present stage to gauge their therapeutic value and the dangers of drug addiction to which they might give rise.

His delegation would, however, be glad to have the opinion of the other delegations on this point.

Dr. Carrière (Switzerland) said that he did not understand the object of the Japanese delegation in proposing the omission of sub-paragraph (iv).

The substances in question were in fact already subjected to control, and the draft Convention introduced no innovation in this matter. The Secretariat had made a recommendation with regard to these substances to the Governments, most of which had decided to apply measures of control to them, and, as this result had not been obtained without overcoming considerable opposition, Dr. Carrière thought it would be very regrettable to go back on it.

M. Kusanobu (Japan) explained that he was not opposed to control, but only to the limitation of manufacture, since too little was known about the drugs in question to make it possible to estimate requirements.

Dr. Carrière (Switzerland) could not agree with the Japanese delegate on this point. Cases of drug addiction caused by acedicone and dicodide were now becoming known, and eucodal seemed to be as dangerous as morphine.

It was impossible at the present day to exempt these substances from limitation. They must be treated like the others.

M. Kahler (Germany) agreed with Dr. Carrière that the preparations mentioned in sub-paragraph (iv) ought to come under the Convention, as they were known to be harmful. He thought, moreover, that there would be no difficulty in estimating requirements for these substances.

M. Casares (Spain) supported the views expressed by Dr. Carrière and M. Kahler. If the Japanese amendment were adopted, the Conference would seem to be going backwards instead of progressing.

Dr. de Myttenaere (Belgium) also shared this opinion. He mentioned that all the false prescriptions discovered in Belgium contained eucodal. This product, therefore, apparently had properties which appealed particularly to drug addicts.

M. Kusanobu (Japan) said that, in his country, no case of illicit traffic in the substances mentioned in sub-paragraph (iv) had been reported. His delegation was

willing, however, to withdraw its amendment if it could be given a formal assurance that such cases had arisen in other countries.

Dr. Carrière (Switzerland) did not know whether there had been any illicit traffic in the substances in question, but he had no hesitation in stating—particularly as regards eucodal, which had already been prepared for the last fifteen years—that they were capable of giving rise to the drug habit. He could not, however, give more exact information.

Dr. Wu Lien-Teh (China) stated that cases of illicit traffic in eucodal had been discovered in China. He pointed out that Japan had formerly recognised the substances mentioned in sub-paragraph (iv) as harmful.

The Chairman said that all the available information would be put at the disposal of the Japanese delegation.

M. Kusanobu (Japan) therefore withdrew his amendment.

The Chairman read the following amendment :

Amendment to Article 1, Paragraph 3, submitted by the Soviet Delegation :

" Include in Article 1, paragraph 3, the definitions of narcotic drugs which are contained in Article 1 of the Geneva Convention of 1925."

Sir Malcolm Delevingne (Great Britain) thought that the Committee could not discuss this amendment until it knew whether the drugs enumerated in the Geneva Convention would be included in the draft Convention.

M. Bougault (France) thought it was only a question of drafting.

The Committee decided to refer the amendment to the Drafting Committee.

The Chairman read the following amendment :

Amendment submitted by the Japanese Delegation :

" As regards the derivatives of morphine and ecgonine, a clear definition should be given."

The Chairman pointed out that this amendment did not mention to what paragraph of Article 1 it was to apply. He thought that paragraph 3 was intended.

M. Kusanobu (Japan) said that the place in which the proposed definition was inserted was a matter of indifference to his delegation, provided the definition was included in the Convention. Otherwise there might be differences of interpretation.

M. von Knaffl-Lenz (Expert) informed the Committee that the derivatives of morphine and ecgonine had been defined and listed by the experts.

The Committee decided that the question would be referred to the experts, who would be asked to consider the Japanese amendment.

M. Bougault (France) thought it would be desirable to omit the word "derivatives" altogether, as being too vague.

For instance, in the process of saponification of cocaine, three derivatives were obtained: benzoic acid, methyl alcohol and ecgonine. Although these three substances were all derivatives of cocaine, the draft Convention was intended to apply only to the last of them. For the sake of precision the word "narcotics" should be used.

M. van Wettum (Netherlands) pointed out that, as far as he recollected, the word "derivatives" was not used in the Geneva Convention as, at the time, the Sub-Committee F had been opposed to it. He supported **M. Bougault's** proposal.

The Chairman said that the question was a general one which was not within the competence of the Technical Committee.

Dr. Hoffmann (Panama) asked that the experts should consider whether psycaine (or pseudococaine) ought to be included in the list of narcotic drugs.

M. von Knaffl-Lenz (Expert) replied that psycaine did not give rise to the drug habit and that its manufacture was, moreover, so costly that it had been given up.

The Chairman read the following amendment:

Amendment to Article I submitted by the Indian Delegation:

"Paragraph 4: After the word 'products' in the first sentence insert the following:

"... such as crude morphine, which, for the purpose of this Convention, are not to be regarded as drugs in manufactured state."

Sir Malcolm Delevingne (Great Britain) stated, in the temporary absence of the Indian delegation, that he understood the object of the Indian amendment to be as follows:

A certain quantity of crude morphine was produced from time to time in the factory at Ghazipur as a by-product in the preparation of opium. The crude morphine was sent to England to be used in the manufacture of the finished product.

The Indian delegation wished it to be clearly laid down that the production of such crude morphine should not be limited in the same way as the finished product.

Mr. Duncan Hall (Opium Section) read the following paragraph from the Advisory Committee's report to the Council (document C.168.M.62.1931.XI, page 11):

"Lastly, the Committee considered the question of crude morphine, crude cocaine and ecgonine. It concluded that when crude morphine and crude cocaine are themselves used as drugs they should be covered by the Convention on Limitation; but, if they are converted into pure morphine and pure cocaine, they should

be treated as intermediate substances in accordance with the provisions of the draft Convention. Ecgonine also is an intermediate substance, the manufacture of which is already under control in accordance with the Geneva Convention."

Dr. Wu Lien-Teh (China) said that the Indian proposal had given him a shock. If it were adopted, he did not see how a country could be prevented from manufacturing as much crude morphine as it liked.

Mr. Treadway (United States of America) was also astonished at the proposal.

It was a known fact that every addict who could not obtain his favourite drug used any substitute he could procure.

It was possible that crude morphine was a by-product of the manufacture of opium, but the Committee was bound to regard it as a substance in which the active principles of opium were concentrated and not as a by-product.

M. Casares (Spain) warmly supported the opinions expressed by **Dr. Wu Lien-Teh** and **Mr. Treadway**.

Sir Malcolm Delevingne (Great Britain) thought he had been misunderstood. The crude morphine in question was not used as such, but was an intermediate stage in the production of morphine. It sufficed if the manufacture of the finished product were limited.

M. Casares (Spain) considered that the limitation of the manufacture of a narcotic could not be made to depend on the manufacturers' intentions. As crude morphine could be employed by addicts, its manufacture must be limited regardless of the manufacturers' intentions.

Sir Malcolm Delevingne (Great Britain) did not see how the manufacture of a product could be limited at the intermediate stage between the raw material and the finished product.

Mr. Treadway (United States of America) thought it necessary to define his delegation's position once again. The United States delegation held that any scheme for the limitation of manufacture must provide for the control and limitation of the quantities of raw materials entering the factories, and should not be restricted to control of the finished products leaving them. The immense variety of substances that could be obtained from opium was really very alarming. It would not suffice if a few of them were selected and brought under the Convention. The manufacturers must not be exposed to the temptation to profit by the gaps in the Convention and manufacture new products with the surplus raw materials in their hands.

Dr. Small (United States of America) pointed out that, if the Indian amendment were accepted, pantopon, totapon and 34 other substances with a morphine content of over 20 per cent would escape limitation.

Dr. de Myttenaere (Belgium) thought that, if crude morphine were to be regarded as a narcotic, it must be defined in the list of narcotics, since the degrees of refinement of morphine varied very considerably.

Sir Malcolm Delevingne (Great Britain) repeated that he did not see how the manufacture of crude morphine exported by the Ghazipur factory to England could be made subject to limitation. An estimate of requirements would have to be made, but it was a matter of indifference to the British manufacturers whether their raw materials were supplied them in the form of raw opium or crude morphine.

He believed that this was the only case contemplated by the Indian delegation.

M. Casares (Spain) thought it impossible to legislate for a particular case. If there were no limitation at all for crude morphine, it would seem as if it had been specially singled out for the attention of addicts.

Dr. Wu Lien-Teh (China) remarked that it was very difficult to control the production of raw opium because the quantities were very considerable, but a control of the production of crude morphine would apparently be easier.

He hoped that the Indian delegation would find it possible to facilitate the Committee's work by not pressing its amendment.

Dr. Carrière (Switzerland) admitted that the question was very perplexing. He wondered whether it would not be wise to reconsider the distinction, to which he had already drawn attention in connection with codeine, between control and limitation.

In dealing, for instance, with an honest factory, the Government knew the quantities of opium it imported and the exact quantities of alkaloids leaving the factory. Given efficient control, it should surely be possible to ascertain, from the monthly, quarterly or other returns from the factory, whether there were any leakages in the form of crude morphine, crude cocaine or ecgonine.

The Chairman pointed out that one member had asked for a definition of crude morphine.

M. von Knaffl-Lenz (Expert) thought a definition would be useful. The difficulty raised by the Indian amendment would disappear if it could be clearly laid down that it referred only to the particular cases mentioned by Sir Malcolm Delevingne.

Sir Malcolm Delevingne (Great Britain) replied that the case he had mentioned was not the only one. Crude cocaine was also an intermediate product which was exported for the purpose of refinement.

He recognised fully the importance of controlling the manufacture of these intermediate products, but observed that no one had explained the means by which the system of limitation could be applied to them.

He repeated that the manufacture of a substance could not be limited at all stages in its manufacture. Owing to the absence of a representative of the Indian delegation,

the amendment submitted should perhaps be postponed.

M. Kahler (Germany) was not sure that the cases mentioned by Sir Malcolm Delevingne were the only ones. It was possible, for instance, that intermediate products might be obtained in the manufacture of opium for smoking as well. The experts should be asked for their opinion on this point.

Sir Malcolm Delevingne (Great Britain) thought it was rather for the Technical Committee to examine this matter.

He understood that crude morphine was obtained in Formosa as a by-product in the manufacture of opium for smoking, and that it was then sent to Japan to be refined.

M. Kusanobu (Japan) confirmed this statement.

M. Casares (Spain) agreed with Sir Malcolm Delevingne. The question to be determined was one of fact, and it was not suitable for consideration by the experts.

The Chairman thought that the experts might give an opinion on the matter. The discussion on the Indian amendment should be resumed when a member of the delegation was present.

4.—DISCUSSION OF THE DRAFT CONVENTION : DRAFT ADDITIONAL ARTICLE PROPOSED BY THE AUSTRIAN DELEGATION.

The Chairman read the following additional article proposed by the Austrian delegation :

" The manufacture of diacetylmorphine shall be forbidden."

M. Schultz (Austria) said that there was no need for him to repeat the statement he had made during the general discussion in plenary conference. He would merely point out that he had drawn the Conference's attention to the fact that diacetylmorphine was the most harmful narcotic and that it was the only derivative of morphine which could be absorbed by snuffing, that its therapeutic value was doubtful, and that it had been proved that less harmful products could be substituted for it, as was shown by the total abolition in the United States of America of the manufacture and import of heroin.

As the dangers inherent in diacetylmorphine were far greater than the advantages resulting from its use, various Austrian medical associations had pressed for the entire abolition in all countries of the manufacture and import of this drug. The information collected by the Secretariat showed that the bulk of the heroin manufactured went into the illicit traffic.

The Austrian delegation therefore proposed that the manufacture and distribution of diacetylmorphine be limited to vanishing-point, and that all quantities seized be destroyed.

The delegation had further submitted certain subsidiary amendments, which would have to be adopted if the main proposal were accepted.

M. Schultz suggested that these amendments as a whole should be referred to the experts, and that the latter should be asked to reply to the following four questions :

(1) What are the properties of diacetylmorphine which make it particularly suitable for use as a narcotic and for the purposes of the illicit traffic ?

(2) What are the advantages of diacetylmorphine in therapeutics compared with morphine and the other derivatives of morphine ?

(3) Are the therapeutic properties of diacetylmorphine such that other medicines cannot be substituted for it without prejudice to the sick ?

(4) Are not the dangers of diacetylmorphine to the human race incomparably greater than the advantages derived from its use therapeutically ?

Dr. Hoffmann (Panama) pointed out that this question was not solely one of chemistry. He asked whether there were any specialists in internal medicine among the experts.

The Chairman replied that the experts were all very distinguished pharmacologists, and that, if they thought it necessary to consult other persons, they would inform the Committee to that effect.

Dr. de Myttenaere (Belgium) considered that the four questions put to the experts summarised all those which had formed the subject of conversations between the members of the various delegations. All knew the elements of the problem, and, greatly as the members of the delegations esteemed the knowledge of the experts, it was most unlikely that the conclusions at which they would arrive would change the opinions formed by the delegations.

The Chairman pointed out that every member of the Committee was entitled to

ask for the opinion of the experts, and the Committee could not dismiss the Austrian delegation's request.

Dr. Wu Lien-Teh (China) said that most of the members were very anxious to know the opinion of the experts, who were all doctors of medicine.

Dr. Carrière (Switzerland) would not oppose reference to the experts, although he was doubtful whether they would succeed in changing the opinions at which the delegations had arrived on the subject.

Sir Malcolm Delevingne (Great Britain) asked that the experts might be requested to prepare a *résumé* of medical opinion in the different countries on this question.

The Chairman thought it would be difficult for the experts to prepare a *résumé* of that kind, owing to lack of time. He urged that any delegations which were able to give information as to medical opinion in their country should communicate to the Committee.

Mr. Treadway (United States of America) supported the Austrian amendment and proposed an additional question to the experts: Is diacetylmorphine an indispensable drug ?

He asked whether Sir Malcolm Delevingne would accept the various books and reviews dealing with pharmacology as a source of information concerning the effects and dangers of diacetylmorphine, its specific uses and the possibility of substituting less harmful products.

Sir Malcolm Delevingne (Great Britain) could not undertake to accept the opinions which the experts might express as conclusive.

Dr. Wu Lien-Teh (China) asked that the medical expert attached to the United States delegation might take part in the experts' proceedings so as to reply to the questions put to them.

The Chairman noted that the Committee had no objection to this proposal, and said that the four questions formulated by the Austrian delegation and the other two questions put by Sir Malcolm Delevingne and Mr. Treadway respectively would be referred to the experts.

THIRD MEETING.

Tuesday, June 9th, 1931, at 4 p.m.

Chairman : M. CHODZKO (Poland).

5.—DISCUSSION OF THE DRAFT CONVENTION : ARTICLE 1 (continuation).

Correction of Amendment proposed by the Indian Delegation.

The Chairman read the following corrected amendment to Article I, submitted by the Indian delegation :

“ Add a new paragraph 4(a) as follows :

“ ‘ Crude morphine or crude cocaine which is not used as such but is used for the sole purpose of the manufacture of refined drugs shall be treated for the purposes of the scheme of limitation as raw materials for the manufacture of drugs.’ ”

Dr. Paranjpye (India) recalled his statement at the sixth plenary meeting to the

effect that the one Government factory which existed in India had, in the past, exported to the drug manufacturers of the United Kingdom, but to no other country, raw opium and raw morphine derived from the waste products of opium. The transaction was perfectly open, and control of manufacture in the United Kingdom was well known to be extremely strict. This export was only possible when the price of opium produced in other countries had risen to a certain point. It had, in fact, not taken place for the past two years, but the availability of supplies of raw material in India acted as a check on excessive rises in prices. The Indian Government thought it essential that, for the purpose of the new Convention, crude morphine should be regarded as a raw material and not be included among "manufactured" drugs as defined in Article I, paragraph 4. India would thus be enabled to continue to export it without demanding an export quota for manufactured drugs.

It seemed clear to Dr. Paranjpye that, under any system of direct limitation, morphine could only be counted once in the world total for manufactured drugs and should be set off against the manufacturing quota of the country which carried out the final process of manufacture or refining. The position had been stated by the British delegate at the fourteenth session of the Advisory Committee.¹

Dr. Paranjpye showed the Committee samples of refined morphine, a white substance, and crude morphine, a brown substance which was not suitable for direct medical use. He understood that the amendment had been criticised on the ground that its effect would be to exclude part-manufactured drugs like crude morphine from the scope of the limitation scheme, whether they were used for the production of refined drugs or directly for medical or scientific purposes. Though the crude morphine produced in India was not suitable for direct use without refining, it was not the intention of his delegation that any drugs which might conceivably be so used should be excluded from the limitation scheme, and the exemption of crude morphine from the closest control, as morphine under the terms of the Geneva Convention, had certainly not been contemplated. It seemed to his delegation so obvious that, for the purpose of the proposed scheme of direct limitation, crude morphine, like raw opium, should be treated as a raw or part-manufactured product that they would have been prepared to withdraw the original amendment had the Committee expressed concurrence with the Indian view.

M. Casares (Spain) thought that Dr. Paranjpye's remarks did not essentially

change the position as explained at the previous meeting by Sir Malcolm Delevingne, whom he thought was the only delegate in favour of the amendment.

Dr. Carrière (Switzerland) reminded M. Casares that he also had supported the amendment. His view was a purely practical one. Estimates for raw morphine did not exist in any country and would not appear in the world total; there would therefore be no means of limiting the manufacture of that substance. In his opinion it was sufficient to exercise strict control over refined morphine as at present; the limitation of the refined drug would automatically involve limitation of the raw substance.

M. van Wettum (Netherlands) was prepared to agree to the Indian amendment provided that ecgonine should be dealt with on the same footing as raw cocaine.

M. Tiffeneau (Rapporteur for the experts), in reply to the Chairman, said that raw cocaine could be used as such as a narcotic, but that this did not apply to ecgonine.

Dr. Wu Lien-Teh (China) said that, as far as he understood, the manufacture of raw morphine was confined to India and Formosa. He would like to ask whether it was possible to manufacture refined morphine from raw morphine in both countries.

Dr. Paranjpye (India) said that some refined morphine was manufactured in India from raw morphine, but a surplus of the raw material still remained which could be exported for the same purpose to the United Kingdom if required.

Dr. Small considered that there was a danger of raw morphine entering the illicit traffic if it were not subject to import and export regulations. He would point out that it was easier to obtain pure morphine from raw morphine than from opium.

Dr. Paranjpye (India) pointed out that the export of raw morphine was strictly controlled under the import certificate scheme laid down in the Geneva Convention.

The Chairman thought there was some misunderstanding. The Indian amendment referred not to control but to the limitation of manufacture.

Dr. Carrière (Switzerland) repeated that he did not see on what basis the manufacture of raw morphine could be limited.

M. Casares (Spain) understood that it was definitely established that raw morphine could be used as a narcotic drug. Every other consideration seemed to him secondary. It should not be impossible to find some basis for limitation, since the percentage of

¹ See Vol. I, Minutes of the eighteenth meeting.

pure morphine contained in raw morphine could be ascertained. He regarded it as very dangerous to introduce exceptions by the use of such a phrase as "which is not used as such". Similar phrases might be used to exempt all other drugs from the scheme. At present tons of drugs escaped control, and he could not support any amendment which would have the effect of weakening the Convention.

M. Kahler (Germany) concurred with Dr. Carrière's view that the application of direct limitation to raw morphine was impracticable. No country could give an estimate for raw morphine or raw cocaine. Moreover, the content of raw morphine was indefinite and variable.

Dr. Chacin-Itriago (Venezuela) supported M. Casares. He thought too much stress was being laid on the economic rather than the humanitarian side of the question.

Mr. Treadway (United States of America) thought the problem would be solved if the view of the United States Government were adopted that limitation of manufacture should be based on the limitation of the raw material entering the factory. Each manufacturer would then have to make an estimate of the quantity of raw morphine or opium he would require for the drugs he was permitted to produce, and in that way raw morphine could be brought into the scheme.

Sir Malcolm Delevingne (Great Britain) said that the points raised by Mr. Treadway would be of importance in connection with the United States amendments providing for the limitation of raw materials which entered the factories. In the event of some such scheme being adopted, the position would be entirely altered and the question of a limitation of raw morphine would then arise. In that case, the only practical lines on which to work would be to treat raw morphine in terms of its equivalent in raw opium. At present, however, the Committee was discussing the limitation of the manufacture of drugs, and he did not think that the United States delegation's suggestions were apposite.

The Committee requested the experts to determine whether raw morphine should be regarded as a raw material or as a manufactured product, and adjourned its discussion of the Indian amendment pending their reply.

M. van Wettum (Netherlands) said that he withdrew his proposal with regard to ecgonine because, as the draft stood, ecgonine would not come under the Convention and was not likely to be brought under it.

6.—CONSIDERATION OF THE REPORT OF THE COMMITTEE OF EXPERTS TO THE QUESTIONS PUT TO IT BY THE TECHNICAL COMMITTEE (Vol. II, Annex 3).

M. Tiffeneau (Rapporteur for the experts) gave detailed explanations of the experts' report on the questions put to them by the Committee at its first meeting in connection with the discussion on the Spanish and Venezuelan amendments.¹

The Chairman thanked the experts for their clear and comprehensive report. The conclusions of the report, however, lay outside their terms of reference and would not be discussed.

M. Tiffeneau (Rapporteur for the experts) said that the experts had drawn up the conclusions which they had felt to be requisite, but they had done so only for the sake of simplifying the question. He did not, however, press for the retention of the conclusions in the final text of the report.

Dr. Hoffmann (Panama) said he would like the words "and the other ethers and their salts" to be added at the end of Section II, paragraph 2, after the word "peronine".

M. Kahler (Germany) noted that the experts had included codeine among natural non-habit-forming alkaloids convertible into habit-forming alkaloids. As far as he was aware, codeine could be converted only into dicodide, and the process was not practicable for industrial purposes. It presented little danger, as dicodide was a patented German preparation manufactured by only one firm, and under the measures of control in force it could not possibly be produced without authorisation. The position with regard to codeine would be different, however, if it were known to be convertible into other narcotic substances. He would ask for information from the experts on the matter.

He would also like the experts to state whether dicodide could be converted into any other narcotic drug.

M. Tiffeneau (Rapporteur for the experts), replying to Dr. Kahler, observed that the experts had, later on in their report, classified three substances obtained from codeine and thebaine in the list of artificial alkaloids which might be converted into habit-forming drugs. The experts had taken into account certain reactions which they knew could be carried out, though in some cases the yield might be very small. It was always conceivable, however, that processes would be devised for increasing the yield; moreover, it was not known what particular yield might be of importance, more especially as, to drug addicts, the cost of production made little difference. They had therefore

¹ See Vol. II, Annex 4.

felt bound to take into account all reactions which could be or had been carried out.

He agreed with the delegate of Panama that phenol ethers should be included among alkaloids convertible into narcotic substances. He would point out that dionine had been included under this heading because, although it was not definitely known to be convertible into morphine or derivatives of morphine, a

similar reaction had been carried out in the case of codeine and peronine.

The Committee noted the report of the experts, taking into account the modification proposed by the delegate of Panama. It was decided that the conclusions should be omitted in the final version of the report.

FOURTH MEETING.

Wednesday, June 10th, 1931, at 3.30 p.m.

Chairman : M. CHODZKO (Poland).

7.—DISCUSSION OF THE DRAFT CONVENTION : ARTICLE 1 (continuation).

Sub-amendment to Articles 1 and 22 proposed by the Belgian Delegation :

The Chairman read the following amendment, proposed by the Belgian delegation :

“ The High Contracting Parties shall apply the provisions of the Geneva Convention to solutions or dilutions of morphine or cocaine or their respective salts in an inert, liquid or solid substance, whatever their degree of concentration.”

After a short discussion, the Committee decided that this amendment should be dealt with in connection with Article 22.

Amendment proposed by the Venezuelan Delegation :¹

Dr. Chacín-Itriago (Venezuela), after an exchange of views, said that he would withdraw his amendment in favour of the Spanish delegation's amendment.

Amendment proposed by the Spanish Delegation :¹

M. Casares (Spain) said that the experts' report must be taken into account with reference to the second paragraph of his amendment. It was definitely stated in the report that papaverine and narcotine were non-habit-forming alkaloids which were not convertible into habit-forming alkaloids ; these substances would therefore form the first two exceptions to the general rule proposed by the Spanish delegation. No exception must, however, be made in the case of any other substance until it had been proved that it was neither habit-forming nor capable of being converted into a habit-forming substance.

The Chairman opened the discussion on the first paragraph of the Spanish amendment.

Sub-amendment submitted by the Delegation of the Irish Free State :

The Chairman read the following amendment to Article 1, paragraph 2, proposed by the Irish delegation :

“ The Health Committee of the League of Nations is empowered to reconsider the case of any substance or preparation which, under the above provision, has been declared incapable of being transformed into substances liable to lead to addiction ; in such cases, the same machinery may be used to bring the substance or preparation again within the scope of this Convention.”

M. Kahler (Germany) was unable to agree with M. Casares for two reasons. In the first place, he considered that, as the aim of the Conference was to limit the manufacture of and illicit traffic in narcotic drugs, it could not subject substances which were not narcotic drugs to the provisions of the Convention. The procedure recommended by the Spanish delegation seemed to him illogical. In his opinion, the habit-forming drugs to be brought under international restrictions should be specified, and there was no reason for mentioning in the Convention alkaloids, such as papaverine and narcotine, which the experts had recognised as non-habit-forming and not convertible into habit-forming drugs. In the second place, M. Kahler referred to codeine, which was the first of the alkaloids classified under group II in the experts' report as being non-habit-forming but convertible into habit-forming alkaloids. As he had already stated at a plenary meeting of the Conference, in view of the utility and widespread use of codeine as a medicament, his Government was not prepared to bring it under the restrictions imposed on narcotic drugs.

At a previous meeting, M. Casares had drawn a distinction between the delegates who were in favour of extreme measures and the others. M. Kahler said that he also was among the supporters of extreme measures, but only when they were necessary, and he did not think that was the case in regard to the limitation of the manufacture of codeine.

¹ See Minutes of the first meeting of the Technical Committee, page 71.

He would favour as strict a control as possible over the manufacture and distribution of this product, but was not prepared to go further.

The Chairman thought that the discussion now turned on the conclusions to be drawn from the experts' report. In this report, the various alkaloids were separated into three groups. All the members of the Committee were undoubtedly in agreement that the alkaloids coming under group III, which were not habit-forming and not convertible into habit-forming drugs, should not come under the Convention. He believed they were also agreed that the manufacture of the alkaloids included in group I as being habit-forming and convertible into other habit-forming alkaloids should be subjected to limitation. With regard to the alkaloids in group II, which were non-habit-forming but convertible into habit-forming drugs, there was a difference of opinion. Some members of the Committee asked that they should be subjected to limitation, while others considered that strict control was sufficient. The Chairman asked the Committee to limit its discussions to this point.

M. Bougault (France) reminded the Committee that he had already expressed his opinion on this matter, and that it was after hearing his remarks that the Committee had asked for information from the experts. They had drawn up a remarkably clear report in which, apart from the alkaloids in group III, a distinction was drawn between narcotic alkaloids and those which were not narcotic but were convertible into narcotic drugs (groups I and II).

M. Bougault recalled that he had urged the necessity of adopting the term "narcotic drugs" to apply to all substances which could give rise to drug addiction, whether they were obtained from opium, the coca leaf or any other source. Every substance which might be recognised in the future as capable of leading to drug addiction must, in his opinion, come automatically under the provisions of the Convention without its being necessary to convene another Conference.

He would illustrate his point of view by a short digression. A plant of the cactus family known as peyotl had recently appeared on the market. This plant contained several alkaloids, in particular mezcaline or trimetroxyphenylethylamine, possessing properties which might possibly cause them to be classified later among narcotic drugs. If the general term "narcotic drugs" were adopted in the Convention, mezcaline would, if recognised as harmful, come automatically under the provisions of the Convention.

Returning to the question of the Spanish amendment, **M. Bougault** considered it essential to draw up a list of narcotic drugs recognised as such. If, however, substances which were not narcotic but only convertible into narcotic drugs were added to this list, there would be a risk of confusion which might be very detrimental to the application of the regulations which the Conference wished to set up.

Dr. Small had perhaps regarded the question from a standpoint which was too exclusively scientific when he stated that codeine could be converted into a narcotic substance. If anyone succeeded in obtaining 5 grammes of codeine, he could not extract from it an appreciable quantity of a narcotic substance, and, in any case, the process of conversion would be much too laborious to enable him to make any profit. **M. Bougault** therefore thought it would be a mistake in the Convention to assimilate codeine to narcotic drugs such as morphine, and was unable to agree with **M. Casares**.

Moreover, in addition to the victims of disease whom the Conference wished to help, there was another class of sick people who might be adversely affected by the application of the Convention. Unnecessary regulations would hinder the legitimate distribution of medicaments to those who needed them. It occurred to him that the good results of strict limitation might be counterbalanced by considerable harm and that, in endeavouring to accomplish a superhuman task, the Conference would be in danger of losing sight of the human aspect of the question.

M. Bougault added that, in his opinion, the alkaloids in group II should naturally be submitted to control.

M. Schultz (Austria) said that his Government was not prepared to agree to the limitation of the manufacture of codeine. It would accept control, but could not go further.

M. Tedaldi (Italy) supported the Spanish delegation's amendment.

M. Kahler (Germany) thought that, as the Chairman had remarked, all the members of the Committee were in agreement that the alkaloids in group III—*i.e.*, those which were not narcotic and not convertible into narcotic drugs—should be exempted from the provisions of the Convention.

This result could, however, be obtained in two ways: either alkaloids as a whole could be subjected to the restrictions laid down in the Convention and mention made of the substances which ought to form an exception to this general rule (that was the method advocated by the Spanish delegation), or the alkaloids which were narcotic, together with those which were convertible into narcotic drugs, could be specified and no other substances mentioned.

M. Kahler could only accept the second method.

Dr. Carrière (Switzerland) agreed with **M. Bougault** and **M. Kahler**.

M. Casares had heard the opinion of highly qualified speakers whose views were based not so much on economic as on humanitarian considerations. For the same humanitarian reasons, **Dr. Carrière** felt that it was irrational to subject the manufacture of this medicament to limitation. He would therefore ask **M. Casares** if, in order to avoid an *impasse*, he could not modify his position and agree that the alkaloids classified by

the experts in group II should be simply subjected to very strict control.

Dr. Carrière emphasised that codeine was manufactured in only a small number of countries and was strictly controlled. As this control applied both to the raw material and to the finished product, it seemed to him that leakages were very improbable.

At the same time, there was a point to which he would like to draw the Committee's attention. Group II comprised also dionine and peronine. Dionine was manufactured only in very small quantities and was very difficult to convert into narcotic drugs. This was, however, not true of peronine, which was a useless product and was in fact employed only for the manufacture of heroin. The Swiss delegation asked for limitation of the manufacture of peronine and was even in favour of prohibiting it. Dr. Carrière added that in Switzerland manufacturers had undertaken not to produce peronine.

Dr. Small (United States of America) referred to Dr. Kahler's statement that he was not in favour of limiting the alkaloids in group II. Among these alkaloids was levo-ecgonine, which was very easily convertible into cocaine, and it seemed obvious to Dr. Small that, if levo-ecgonine were not limited, the application of limitation to cocaine would be purely illusory.

Dr. Small would, moreover, remind those speakers who had opposed the limitation of codeine that there was no question of prohibiting it but simply of regulating its legitimate use. If its manufacture were not limited, what use would be made of the surplus which would remain after scientific and medical needs had been met?

With regard to M. Bougault's remarks on this subject, Dr. Small said that if he were given 5 grammes of codeine he could undertake to make $2\frac{1}{2}$ grammes of narcotic substance. Unfortunately, all chemists were not incorruptible, and if instead of only 5 grammes of codeine 5 kilogrammes or 500 kilogrammes were involved, it would certainly be profitable to turn them into a narcotic substance.

M. Tiffeneau (Rapporteur for the experts), with reference to an observation by Dr. Hoffmann (Panama), said that the experts agreed that the word "phenolic" could be struck out so that all ethers of morphine should be included in group II, paragraph 2, of their report.

Dr. Wu Lien-Teh (China) thought that the members of the Committee might be divided into two groups, of which one desired to maintain certain reservations in the Convention and the other was anxious to draw up a Convention containing no loopholes. While the representatives of certain delegations were not in favour of the limitation of the alkaloids in group II, particularly codeine, others considered that, in order to avoid the danger of non-narcotic alkaloids being converted into narcotic substances, it was essential to close every possible gap in the Convention. These members were anxious to avoid the errors of the past which resulted in the signature of successive

Conventions which had all proved inadequate. All the knowledge and energy of experts must be brought to bear upon an effort to devise methods for avoiding loopholes.

Dr. Wu Lien-Teh could not agree with M. Bougault's argument, as he had no doubt that unscrupulous chemists would in many cases discover a process for converting an apparently inoffensive substance into a narcotic drug. He thought it was particularly necessary to prevent the use for illicit purposes of morphine which was supposed to be intended for manufacturing codeine.

M. Bougault (France) thought there would be no grounds for anxiety on this point if strict control were exercised. It was known that a certain quantity of morphine corresponded to a certain quantity of codeine, and licensed manufacturers would have to account for the quantities of morphine received and the quantities of codeine manufactured.

M. Casares (Spain) believed that all the arguments for and against the Spanish amendment had now been set forth. The Committee was agreed that papaverine and narcotine should not come under the Convention, but it had to decide on the method by which this result should be attained. A decision also had to be taken with regard to the limitation or control of codeine.

M. Casares was very much interested in M. Bougault's suggestion that the general term "narcotic drugs" should be used so as to bring under the Convention all narcotic substances, even if they did not come from opium or the coca leaf. The Spanish delegation would welcome any formula which would amplify its proposal.

If M. Casares had been the only supporter of the limitation of the manufacture of codeine, he would have accepted Dr. Carrière's arguments. As, however, other members of the Committee were also in favour of this measure, M. Casares did not feel able to break away from them. He thought, moreover, that the detailed explanations given by Dr. Small had made the question of codeine very clear.

With regard to the treatment to be applied to alkaloids classified by the experts under group II, M. Casares had noted M. Tiffeneau's remark. He added that the question of yield was of no importance in the process of conversion for the purpose of producing narcotic substances, since there was no limit to the prices which could be demanded of drug addicts by illicit traffickers.

The Chairman said that a vote would now be taken on the first paragraph of the Spanish amendment. He felt he ought to remind the Committee that the result of this vote would have a very important bearing on the drafting of the Convention. The rejection of the Spanish amendment would imply the adoption of Article 1, paragraph 2, of the

draft Convention in its present form, if no further amendment were presented.

Dr. Carrière (Switzerland) said that he did not wish at the moment to put forward any amendment with regard to peronine.

Sir Malcolm Delevingne (Great Britain) raised a point of order. The first paragraph of the Spanish amendment laid down that "all the substances mentioned in Article 4 of the Geneva Convention" should also be included. These substances included medicinal opium and galenical preparations of Indian hemp, and he would like to know whether the Spanish delegation intended these products to come within the scope of its amendment.

M. Casares (Spain) wished for the moment to retain all the substances mentioned in Article 4 of the Geneva Convention, including medicinal opium, but, if an amendment for its exclusion were proposed, the Spanish delegation would be willing to consider it.

The Chairman noted that no amendment on this point was put forward.

He himself had so far refrained from taking part in the discussions in his capacity of representative of the Polish delegation; but, in order to explain his vote, he would now state that he had not been convinced by the various speakers who had maintained that morphine could be limited if codeine were not limited at the same time.

The Committee adopted the first paragraph of the Spanish delegation's amendment by nine votes to eight.

The Chairman asked the Secretary to read this amendment and stated that the Committee must decide upon it before voting on the second part of the Spanish amendment.

The Committee adopted the Irish Free State delegation's amendment as an addition to the second part of the Spanish amendment.

It also adopted the second paragraph of the Spanish amendment.

*Amendment proposed by the Japanese Delegation:*¹

M. Kusanobu (Japan) said that the experts' report did not take into account the Japanese amendment, which affirmed the necessity for a clear definition of the derivatives of morphine and ecgonine. The Japanese delegation asked for such a definition, because the term "derivatives" was sometimes used in its wider meaning and sometimes in a narrower sense. Without exact definition, divergencies of interpretation might lead to confusion and difficulties in the application of international control.

M. Tiffeneau (Rapporteur for the experts) explained that each time the word "derivatives" was used it would be necessary to specify what kind of derivatives were intended. For ecgonine it would be sufficient to use the terms "acyl derivatives" and "alkyl derivatives". In the case of morphine, however, the question was more complicated. There were derivatives of morphine which did not contain the morphine nucleus, as, for example, apomorphine. The experts would have to discover some terminology which would be sufficiently clear both in English and French. The term "*dérivés morphiniques*" applied only to derivatives containing the morphine nucleus, the other derivatives being designated in French by the vaguer term of "*dérivés de la morphine*", but there was no equivalent in English for this distinction.

The discussion of the Japanese amendment was adjourned until the experts' reply had been received. The definition requested would refer to Article I, paragraph 2.

¹ See Minutes of the second meeting of the Technical Committee, page 77.

FIFTH MEETING.

Friday, June 12th, 1931, at 3.30 p.m.

Chairman: M. CHODZKO (Poland).

8.—DISCUSSION OF THE DRAFT CONVENTION : ARTICLE 1 (continuation): AMENDMENT PROPOSED BY THE INDIAN DELEGATION.¹

Mr. Dixon (Expert) set forth the experts' reply to the questions put to them in regard to the Indian delegation's amendment.

¹ See Minutes of the third meeting of the Technical Committee, page 80

Crude morphine was a non-refined product containing a very varying percentage of morphine, the rest being mainly impurities. As it was produced on a large scale in factories, the experts thought that it should be regarded as a manufactured substance. Chemically it must be regarded as an intermediate product in relation to the refined alkaloids, but, as crude morphine might contain as much as 60 per cent of morphine, it should be regarded as a final product in relation to its possible consumption by drug addicts.

It could be definitely stated that crude morphine was a habit-forming narcotic drug.

Dr. Paranjpye (India) stated that, as he had already informed the Committee, crude morphine had never been regarded in India as suitable for sale as a manufactured drug. Representations had, however, been made privately to his delegation to the effect that, if crude morphine were not brought within the scope of the limitation scheme, it would inevitably be made in large quantities for the illicit traffic. Though his delegation did not understand how such a result could occur, in view of the provisions of the Geneva Convention, they agreed that it would be disastrous and were glad to have been instrumental in bringing the attention of the Committee to so important a question. He therefore proposed temporarily to withdraw the amendment and to consider further whether any provision seemed necessary to meet the special situation of the Indian Government in the matter. All that India asked was to be allowed, when prices permitted, to export from her State factory to the United Kingdom, for the production of refined products, a certain amount of crude morphine instead of raw opium.

He would at the same time point out that, if the experts' view were adopted, Article I, paragraph 4, of the draft Convention should be amended so as to deal with the double inclusion of crude and refined morphine in the estimates of world requirements of manufactured drugs.

He would add that, if the scheme of the Japanese and French delegations were adopted, no further amendment on behalf of the Indian Government would be necessary, as this scheme gave full freedom to all countries to compete for orders in the open market. He would also draw the Committee's attention to the fact that India had not asked for a quota for the export of manufactured drugs under the Advisory Committee's scheme and had no intention of doing so, provided her rare exports of crude morphine to the United Kingdom were permitted under the Convention.

The Chairman thanked Dr. Paranjpye for withdrawing his amendment. He understood that Dr. Paranjpye did not ask for a discussion on the suggestion he had just made with regard to the modification of Article I, paragraph 4.

Dr. Paranjpye (India) replied that he would leave the matter in the hands of the Committee.

M. Kusanobu (Japan) wished to supplement the explanations he had already given with regard to the production of crude morphine in Formosa. This substance

was an inevitable by-product of the manufacture of smoking-opium, as the latter must have a definite morphine content. Smoking-opium was prepared for the requirements of drug addicts under the strict regulations of the Japanese Government monopoly system. As long as it continued to be required, the production of crude morphine was inevitable, and as it was a by-product it was obviously not possible to fix a limit to its production.

All the crude morphine made in Formosa was distributed by the Japanese Government to manufacturers in Japan to be used in place of raw opium in the manufacture of morphine for medical and scientific purposes. There was, therefore, no possibility of its being diverted into illicit use. The Japanese delegation asked the Committee to consider the situation in Formosa as a special one, and to accept as sufficient that the crude morphine thus produced as a by-product should be controlled by being kept in the hands of the Government.

The Chairman said that, in view of the experts' report to the effect that crude morphine should be regarded as a manufactured substance, he was not clear why the word "part-manufactured" had been introduced in Article I, paragraph 4, of the draft Convention.

Sir Malcolm Delevingne (Great Britain) stated that the first sentence of paragraph 4 had been inserted with a view to providing for the special situation now under discussion. The object had been to ensure that, when a factory received crude morphine or crude cocaine instead of the raw material, the process of working up this part-manufactured product should be regarded as manufacture and should thus not escape control.

The Chairman understood from Sir Malcolm Delevingne's explanations that the process of refining must be regarded as manufacture.

He realised that the use of the term "part-manufactured" was to a certain extent justifiable, but he thought it would be preferable if some means could be found for avoiding it. Otherwise there would appear to be a contradiction between the experts' opinion and the wording of the Convention.

Sir Malcolm Delevingne (Great Britain) thought that the point might be met by the substitution of some such phrase as "not completely refined". It was purely a question of drafting, and he would suggest leaving it to the Legal and Drafting Committee.

Agreed.

REPORT OF THE EXPERTS ON THE DRAFTING OF ARTICLE I, PARAGRAPH 2 (iv)

(Vol. II, Annex 6).

Mr. Dixon (Expert) read the part of the experts' report relating to Article I, paragraph 2 (iv).

The experts suggested that that paragraph should be replaced by the following :

“ Dihydrooxycodine, dihydrocodeinone, dihydromorphinone, acetyldihydrocodeinone and their respective salts : eucodal, dicodide, dilaudide and acedicone ”.

In reply to an enquiry from the Chairman, he stated that the four salts named did not constitute an exhaustive list, but were those in most common use.

Sir Malcolm Delevingne (Great Britain) suggested that if eucodal, dicodide, dilaudide and acedicone were merely trade names, it would be better to avoid their use in the Convention. That was the view which had been taken with regard to the word “ heroin ” when the Geneva Convention was drawn up.

Mr. Dixon (Expert) admitted that there might be objections to the use of these trade names, but they were so familiar and the scientific terms were so difficult for those who were not experts that it had seemed permissible to use them in this case for the sake of clearness.

Sir Malcolm Delevingne (Great Britain) recognised the convenience of using the terms in question, and suggested that, as in the case of heroin in the Geneva Convention, they might be inserted in brackets to indicate that they were not scientific terms.

Dr. Wu Lien-Teh (China) supported this proposal.

Dr. Small (United States of America) pointed out that the meaning of the paragraph as redrafted by the experts differed slightly from that of the original draft and would seem to suggest that only the four salts specified should be included. He therefore thought the words “ and any other salts ” should be added.

Dr. de Myttenaere (Belgium) had understood from Professor Tiffeneau that the experts' proposals were merely in the nature of a correction of the original text and did not preclude the addition of other drugs—viz., hydromorphine and genomorphine.

M. Kusanobu (Japan) asked whether the word “ dicodide ” denoted dihydrocodeinone and whether in that case it was not an alkaloid.

M. Tiffeneau (Rapporteur for the experts) replied that dicodide was a salt, not an alkaloid.

He confirmed Dr. de Myttenaere's explanation that the experts had only attempted to rectify certain errors in the original wording. They were quite prepared to propose a complete text, and after consulting certain delegates he thought that Dr. Small's point would be met by the use of the words : “ . . . and their respective salts, some of which are used in medical practice and are known as eucodal, dicodide, dilaudide and acedicone ”.

Dr. Carrière (Switzerland) thought that the phraseology suggested by M. Tiffeneau was not altogether suitable for use in a Convention. He would prefer some such wording as he had already proposed at a previous meeting : “ . . . ” and their respective salts—*e.g.* . . . ” He would further point out that only the four salts mentioned by the experts were included in the Geneva Convention; he saw no objection to the addition of others, but the question would have to be decided.

Dr. de Myttenaere (Belgium) asked if the experts would add to the list of drugs under paragraph 2 (iv) hydromorphine (paramorphine) and oxidiaminmorphine (genomorphine).

Dr. Carrière (Switzerland) thought that the drafting of the whole of Article 1, paragraphs 1 to 4, should now be revised in the light of the experts' opinions and M. de Myttenaere's suggestions, and wondered whether the matter could not be referred to the experts.

M. Bougault (France) supported this view. He would also like the experts to consider a further matter: Mr. Duncan Hall had called his attention to the necessity for a clear definition of the word “ *stupéfiant* ”. In M. Bougault's opinion the word denoted a poison which had sedative properties; it produced euphoria and was habit-forming. He agreed, however, that a complete definition should be established together with the exact equivalent in English.

Mr. Duncan Hall (Opium Section) stated that the question was merely one of French drafting. His attention had been called to the fact that the term “ *stupéfiant* ” used in the French text of the Convention was not defined.

Sir Malcolm Delevingne (Great Britain), referring to M. Bougault's interpretation of the term, said that the equivalent in the English text of the Geneva Convention was “ narcotic drugs ”. There was, however, a whole series of narcotic drugs which were not habit-forming and not liable to lead to the same abuse as drugs coming under that Convention. He would suggest that, in establishing a definition of the term in question, the text of the Geneva Convention should be borne in mind, particularly part of Article 10 : “ In the event of the Health Committee . . . finding that any narcotic drug to which the present Convention does not apply is liable to similar abuse and productive of similar ill effects as the substances to which this chapter of the Convention applies . . . ”

Dr. Wu Lien-Teh (China) thought it desirable, at the present stage, for definite conclusions to be reached with regard to the drafting of Article 1, paragraphs 2 to 4.

Dr. Hoffmann (Panama) pointed out that his delegation had asked for the inclusion in paragraph 2 (ii) of all the morphine ethers as well as esters.¹

M. Casares (Spain) pointed out that, in connection with the proposed re-drafting, the wording of his amendment, which had been accepted by the Committee, must be examined. His attention had been called to the fact that the present text implied the inclusion of Indian hemp. That was not the Spanish delegation's intention and he would agree to any recasting of the amendment which would embody its essential principles. He thought the discussions in the plenary Conference would be greatly facilitated if a sub-committee were appointed to draw up a new text of the amendment.

APPOINTMENT OF A SUB-COMMITTEE.

The Committee decided that a sub-committee should be formed in accordance with M. Casares' proposal, composed of representatives of the following countries: Belgium, China, France, Germany, Great Britain, Japan, Panama, Spain, Switzerland and the United States, with M. BOUGAULT as Chairman.

The Chairman, in reply to a question from M. Bougault, said that the Sub-Committee would itself apply to the experts for any assistance it might require.

Dr. Kahler (Germany) noted that in the experts' report on Article 1, paragraph 2 (iv), the word "acetyldihydrocodeinone" was used. He would repeat his request that the term contained in the German patent should also be included.

The Chairman asked Dr. Kahler to bring this point up in the Sub-Committee.

¹ See Minutes of the second meeting of the Technical Committee, page 76.

M. Casares (Spain) explained that his intention in proposing a sub-committee was that it should consider a new drafting of the Spanish amendment. He did not object to other duties being entrusted to it, but they must be defined.

The Chairman said that the Committee would be asked to discuss the Spanish amendment and the drafting of Article 1, paragraph 2.

In reply to M. Casares he added that the definition of the word "*stupéfiant*" would be included in the re-drafting of paragraph 2.

In reply to an enquiry from Dr. Kahler, he stated that the Technical Committee would delegate its powers to the Sub-Committee, which would be entirely free to consult the experts.

It was understood that the Sub-Committee would be guided in its discussions by the principles set forth in the Spanish amendment.

REPORT OF THE EXPERTS ON THE THIRD PARAGRAPH OF ARTICLE 1.

M. Tiffeneau (Rapporteur for the experts) explained that slight amendments in the denotation of the drugs mentioned in Article 1, paragraph 3, had appeared desirable. The experts had omitted hydrochloric acid from the formulæ in order that the substances should be expressed in terms of the base and not of the salt. The last section of the paragraph should therefore read as follows :

- " Esters of morphine,
- " Dihydrooxycodone ($C_{17}H_{19}O_2N$),
- " Dihydrocodeinone ($C_{17}H_{19}NO_2$),
- " Dihydromorphinone ($C_{17}H_{19}O_2N$),
- " Acetyldihydrocodeinone ($C_{19}H_{21}NO_4$)."

It was necessary, however, to make a slight reservation with regard to the last name on the list, regarding which further enquiries were being made.

The Committee adopted the experts' text for transmission to the Legal and Drafting Committee.

SIXTH MEETING.

Tuesday, June 16th, 1931, at 4 p.m.

Chairman: M. DE MYTTENAERE (Belgium).

9.—DISCUSSION OF THE DRAFT CONVENTION : ARTICLE 1 (continuation) : REPORT OF THE SUB-COMMITTEE ON THE WORDING OF ARTICLE 1, PARAGRAPHS 2 AND 3 (Vol. II, Annex 8).

The Chairman drew the Committee's attention to the fact that the Sub-Committee, after preparing a new draft of paragraph 2, had found it necessary to propose at the same time a new draft of paragraph 3, which

had to be adapted to the more extensive enumeration included in the revised form of paragraph 2.

Sir Malcolm Delevingne (Great Britain) observed that, in his opinion, the definition of the term "narcotic drug" could not apply to the substances in group II. The Sub-Committee's definition read as follows, however :

" For the purposes of this Convention, the expression 'habit-forming narcotic drugs' shall denote the following drugs in a manufactured state : . . . "

This seemed to extend it so far as to comprise the substances included in all the three groups I, II and III.

M. Bougault (France) thought that the Sub-Committee intended the word "*stupéfiants*" to apply only to the substances in group I. The text originally suggested described the substances in group II as "non-narcotic products transformable into narcotics", but this heading had been omitted at the request of M. Casares. M. Bougault realised that the present wording might lead to confusion and thought it would perhaps be preferable to go back to the original suggestion.

Dr. Carrière (Switzerland) supported Sir Malcolm Delevingne's objection. He considered it would be a heresy to use the word "*stupéfiants*", even if the words "for the purposes of this Convention" were added, to denote substances such as ecgonine, which had none of the properties of a narcotic drug.

He proposed the adoption of the following text originally drawn up for group II :

"The expression 'non-habit-forming narcotic drugs convertible into habit-forming narcotic drugs' shall denote . . ."

M. Casares (Spain) explained that the Sub-Committee had debated at great length on the definition of the term "*stupéfiants*". The discussions had been so long and complicated that M. de Brouckère, the President of the Conference, had intervened and requested the members of the Sub-Committee to give up the attempt to arrive at a scientific definition and to content themselves with a purely conventional definition.

M. Casares added that it had been impossible to find another term which could apply to the substances in all three groups. The expression "harmful drugs", which he himself had proposed, had not been considered acceptable. He recognised, however, that there were grounds for Sir Malcolm Delevingne's objection, since the expression "habit-forming narcotic drugs" used in the English text to translate "*stupéfiants*" could obviously not be applied to the substances in group II. He would therefore propose that the words "habit-forming" should be omitted and the expression "narcotic drugs" used.

Dr. Chacin-Itriago (Venezuela) proposed the following definition of the word "*stupéfiants*" : "a substance which gives rise to addiction and privation phenomena".

The Chairman pointed out that the Sub-Committee had been unanimous, or almost unanimous, in deciding not to define the word "*stupéfiants*". This term was, in fact, sufficiently suggestive by itself, and, moreover, every definition had disadvantages.

Sir Malcolm Delevingne (Great Britain) said that he had been about to make a similar suggestion to that put forward by M. Casares. He agreed with him that the expression "habit-forming narcotic drugs" should be replaced by "narcotic drugs", which he considered to be the equivalent of the French term "*stupéfiants*".

At the same time, however, he doubted whether it was advisable to classify apomorphine among narcotic drugs, since this medicament was merely an emetic.

Mr. Treadway (United States of America) was also in favour of the expression "narcotic drugs".

M. Casares (Spain) thought that, according to the various texts then proposed, it would be easy to find a solution which would satisfy all delegates, as they were agreed in principle. He explained that he had objected to the text originally drawn up by the Sub-Committee because it established too great a contrast between the substances in group I, described as narcotic drugs, and those in group II, described as non-narcotic drugs. He proposed the following wording :

"Group I.—Narcotic drugs as such.

"Group II.—Substances convertible into narcotic drugs."

For group III, reference could be made to groups I and II.

The Chairman thought this proposal would satisfy everyone. He would, however, suggest omitting the words "as such" in group I.

M. Casares (Spain) saw no objection to that proposal.

Sir Malcolm Delevingne (Great Britain) was prepared to accept M. Casares' proposal. He would suggest, however, that in the English text the substances in group I should be denoted by the expression "habit-forming narcotic drugs" or, better still, by the expression "drugs of addiction".

Dr. Wu Lien-Teh (China) considered the expression "drugs of addiction" unsuitable, since it would include certain substances, such as veronal, which obviously ought not to come under the Convention.

The Chairman asked the Committee not to add to the word "*stupéfiants*" any words which would suggest a definition.

The Committee unanimously adopted the headings proposed by M. Casares—namely :

"Group I.—Narcotic drugs.

"Group II.—Substances convertible into narcotic drugs."

Article I, Group I of the Sub-Committee's Draft :

M. van Wettum (Netherlands) asked why crude morphine was not mentioned in paragraph (i) of group I, while crude cocaine was mentioned in paragraph (iii). He did not think that crude morphine was covered by the expression : "preparations . . . containing more than 20 per cent of morphine".

Sir Malcolm Delevingne (Great Britain) thought that the answer to M. van Wettum's question was that the Geneva Convention actually mentioned crude cocaine, but not crude morphine. If crude morphine were specifically mentioned in the new Convention, it might be thought that it did not come under the Geneva Convention.

If any change were to be made, he proposed the deletion of crude cocaine from paragraph (iii). However, as that substance was mentioned in the Geneva Convention, he thought it as well to retain it in the new Convention.

Dr. Wu Lien-Teh (China) could not agree with Sir Malcolm Delevingne. The Convention upon which the Conference was working was intended to be an advance on the Geneva Convention; that Convention was in no way a model to be copied. Moreover, it was only after lengthy discussion that the Technical Committee had decided that crude morphine should come under the new Convention. It was thus essential that it should be expressly mentioned therein.

M. Casares (Spain) pointed out that only after consultation between the competent organs of the League had it been definitely established that crude morphine came under the Geneva Convention. The fact that such consultation had been necessary proved that the text of the Convention was not clear on the matter. This defect must be avoided in the new Convention; hence crude morphine should be expressly mentioned.

M. van Wettum (Netherlands) agreed with M. Casares.

Sir Malcolm Delevingne (Great Britain) withdrew his suggestion.

The Chairman concluded that crude morphine should be mentioned at the beginning of paragraph (i).

Paragraph (i), thus amended, was adopted.

Paragraph (ii) was adopted, without prejudice, however, to any decision taken upon the Austrian delegation's amendment.

Paragraph (iii) was adopted, the term "ecgonine" being substituted for "Ecgonine".

Paragraph (iv) was adopted.

Article 1, Group II, of the Sub-Committee's Draft.

The Committee did not accept the following heading for Group II, proposed by M. Bougault (France):

"For the purposes of this Convention the expression 'substances convertible into narcotic drugs' shall denote the drugs, in their manufactured state, included in the following three sub-groups: "

The Committee adhered to its previous decision to adopt for the heading of Group II the wording: "Substances convertible into narcotic drugs".

Sir Malcolm Delevingne (Great Britain) stated that, as far as he knew, the patent for peronine had expired. He therefore proposed the deletion of the first bracket in sub-group (a): " (the hydrochloride of which bears the registered trade name peronine) ". The same applied to dionine in sub-group (b).

Sub-group (a) was adopted, with this amendment.

Sub-group (b) was adopted, subject also to the deletion of the bracket following the word ethylmorphine.

M. Kahler (Germany) proposed the deletion of sub-group (c). He drew attention to the passage in Dr. Anselmino's "A B C of Narcotic Drugs" which stated that it was "not possible to reconstitute morphine from apomorphine". Since apomorphine was therefore neither a narcotic drug nor a substance convertible into a narcotic drug, there was no reason why it should be included in the list of substances coming under the Convention.

Dr. Small (United States of America) believed that apomorphine had been included in the list in order that it might not give rise to the special form of fraud to which codeine manufacture was open. If apomorphine manufacture was not limited, dishonest manufacturers could pretend that quantities of morphine in their possession had been genuinely used for such manufacture, whereas they had really passed these into the illicit traffic.

Any decision on this point must depend on the method of limitation ultimately adopted.

Dr. Carrière (Switzerland) supported M. Kahler's proposal. He thought it odd to bring under the Convention a drug which was purely an emetic.

The world's needs in apomorphine amounted, however, to a few kilogrammes only; thus any factory which claimed to have manufactured large quantities would at once arouse the suspicion of the drug control authorities.

M. Bougault (France) agreed with Dr. Carrière. He had not seen more than 10 grammes of apomorphine prescribed during his whole career. Codeine could be obtained by two different means—directly from opium or synthetically from morphine. The fraud often referred to could be carried out by an unscrupulous manufacturer by claiming that he had manufactured his codeine synthetically from morphine while he had actually obtained it directly from opium, the morphine thus fraudulently accounted for being passed without difficulty into the illicit traffic.

With apomorphine, the case was quite different. This could be obtained only from morphine; hence any manufacturer stating that he had used a certain quantity of morphine to manufacture apomorphine must be able to show a corresponding quantity of manufactured apomorphine. Thus a relatively minor degree of control would be adequate to prevent any serious fraud.

Sub-group (c) could therefore quite easily be omitted.

Mr. Treadway (United States of America) stated that the United States delegation reserved its decision on this point.

Subject to this reservation, sub-group (c) was deleted.

Mr. Treadway (United States of America) asked why the trade names in brackets were retained in group I, whereas they had been deleted in group II.

Sir Malcolm Delevingne (Great Britain) explained that in these cases patents had not yet expired. The case was thus different from that of peronine and dionine. Further, the scientific names were so long and complicated as to be most inconvenient. It might nevertheless be well to draft the words in brackets in group I in such a way as to allow for the ultimate expiry of the patents.

Article 1, Group III, of the Sub-Committee's Draft.

The Chairman reminded the Committee that the proposed heading for group III was as follows :

“ Every other Manufactured Product, which may come under Groups I or II above, obtained from Opium or the Coca Leaf ”.

Dr. Small (United States of America) pointed out that there was no definition at the head of groups I and II, as adopted. He objected to the proposed heading, as there was no criterion for the classification of new products under either group.

M. Schultz (Austria) proposed that the substances which had originally been intended to come under group III should be classed under groups I and II, and that the list in group I should be followed by the words : “ and every other manufactured product capable of producing addiction obtained from opium or the coca leaf ”. The list in group II would similarly be followed by the words : “ and every other manufactured product convertible into a drug capable of producing addiction obtained from opium or the coca leaf ”.

M. Casares (Spain) said that, at first sight, this suggestion seemed logical. But the classifications, as they stood, were made with a view to applying different regulations to the substances in the different groups. As all the products mentioned in group III would be the subject of a special provision in the Convention, it was better to leave them in a group apart.

M. Schultz (Austria) saw the point of **M. Casares'** statement and withdrew his proposal.

The Committee adopted paragraph 2 (b).

The Chairman proposed that the paragraphs concerning limitation should be referred to the Limitation Committee, as they came within that Committee's competence.

M. Casares (Spain) thought it obvious that the Limitation Committee must settle the kind of limitation to be applied to each group of substances. He reminded the Committee, however, that it had already adopted the Spanish amendment, which prescribed a certain procedure.

To meet the views of certain members of the Committee who considered this procedure too strict, he had sought a formula which would leave the system of limitation open, though maintaining the principle of the Spanish amendment. If the Committee, having accepted the Spanish amendment, did not accept the text before it, which was, after all, a compromise, the Spanish delegation would be obliged to adhere to the text of the second paragraph of its amendment (the first paragraph of the Spanish amendment was not concerned).

Dr. Carrière (Switzerland) thought that the Committee should accept the text submitted by the Sub-Committee, which would be a useful guide to the Conference. He reserved his decision as regards the methods of application until these were decided.

M. Kahler (Germany) accepted the text of the paragraphs with the same reservation.

M. Bougault (France) was also ready to accept the text under discussion, although he had voted against the Spanish amendment.

The Chairman stated that the great majority of the members of the Committee was ready to accept the proposed text and to forward it to the Limitation Committee.

Sir Malcolm Delevingne (Great Britain) and **M. Schultz** (Austria) made reservations regarding this procedure.

Subject to these reservations, the Committee adopted the paragraphs concerning limitation.

M. Sjöstrand (Sweden) pointed out that a definition of crude morphine should be added to paragraph 3, since crude morphine was not defined in the Geneva Convention.

The Committee adopted the text proposed for paragraph 3, M. Bougault being asked to draft the definition requested by M. Sjöstrand and to submit it to the Committee at its next meeting.

SEVENTH MEETING.

Wednesday, June 17th, 1931, at 4 p.m.

Chairman : M. CHODZKO (Poland).

10.—DISCUSSION OF THE DRAFT CONVENTION : ARTICLE 1 (continuation) : REPORT OF THE SUB-COMMITTEE ON THE WORDING OF ARTICLE 1, PARAGRAPHS 2 AND 3 (Vol. II, Annex 6) (continuation).

M. Bougault (France) read the following draft definition of crude morphine, which he had prepared at the Committee's request :

“ Crude morphine = An intermediate product obtained during the manufacture of morphine from opium, consisting principally of morphine or its salts and containing various impurities (such as resins, colouring matter, etc.) and sometimes other alkaloids ”.

Dr. Small (United States of America) pointed out that the definition in its existing form would not include crude morphine made as a by-product in the manufacture of smoking-opium. He understood, moreover, from the Indian delegate that crude morphine was also obtained in the manufacture of opium for eating.

After some discussion, the Committee decided to omit the words “ during the manufacture of morphine ” from the proposed definition, which was adopted with this amendment, and was placed between the second and third sub-paragraphs of paragraph 3.

M. Sjöstrand (Sweden) understood that several other intermediate products were obtained in the manufacture of alkaloids from opium. He wondered whether it might not be found advisable to include them in the Convention.

The Chairman replied that the question was not relevant to the present discussion, which was concerned with definitions. The experts could be asked for their opinion.

Dr. Carrière (Switzerland) asked permission to raise a point in connection with group I, though he realised that he was not in order in doing so, since the report had been adopted.

It seemed to him desirable to delete at the end of sub-paragraph (iv) the words : “ also the morphine-N-oxide derivatives, their salts, and the other pentavalent nitrogen morphine derivatives ”¹. This passage was not in his opinion in keeping with the rest of the section. It was merely a chemical description of substances which, as far as he knew, did not at present exist, and it would not be understood by those who had to apply the Convention. Moreover, if any of these

substances were put on the market they would automatically come under group III.

Dr. Small (United States of America) thought that the scientific term “ pentavalent nitrogen morphine derivatives ” would certainly be understood. This term, in fact, referred to morphine methobromide, which had been on the market for a number of years and concerning the addiction properties of which very little was known. There were other substances of the same category which he knew by experience had much the same effect.

He would point out, moreover, that the substances mentioned in group I would be automatically restricted, whereas those in group III must be proved to be dangerous before they were restricted. He therefore considered it advisable to leave the text as it stood.

M. Bougault (France) supported Dr. Small and regretted that as Chairman of the Sub-Committee he had not informed Dr. Carrière of the facts to which Dr. Small had just referred.

Dr. Carrière (Switzerland) did not press his point.

11.—DISCUSSION OF THE DRAFT CONVENTION: DRAFT ADDITIONAL ARTICLE PROPOSED BY THE AUSTRIAN DELEGATION: REPORT OF THE EXPERTS CONCERNING DIACETYLMORPHINE (HEROIN) (Vol. II, Annex 7).

Mr. Dixon (Expert) read the report of the experts, comprising answers to six questions concerning diacetylmorphine, and amplified some of the explanations given therein. The paragraphs at the end of the report, reproducing the opinions of important authorities in certain countries which were unfavourable to the use of heroin, should, in his opinion, be omitted ; the experts realised that the report would not be unbiassed if these views were included without any mention being made of opposite opinions held by other authorities.

M. Schultz (Austria) concluded from the experts' report that, as he had already had occasion to point out, diacetylmorphine was the most dangerous of all narcotic drugs, as was evinced by its enormous toxic potency, its moral and mental effects, the difficulties of curing its victims and the dangers of relapse, and, finally, the extreme ease with which it could be used in the illicit traffic, largely owing to the smallness of the doses

¹ See Vol. II, Annex 8.

¹ See Minutes of the second meeting of the Technical Committee, page 79.

required. Moreover, diacetylmorphine was not indispensable. It had undoubtedly certain salutary effects, but its use was also attended by possibilities of harmful results and certain countries and associations had already decided to dispense with it. Lastly, the use of diacetylmorphine was largely a question of fashion and its disadvantages from the social point of view greatly outweighed its therapeutic value.

M. Schultz concluded that the Conference was bound to prescribe strong measures for its suppression. He would propose that the Technical Committee should attach the experts' report to its own report to the Conference and should recommend its adoption together with the Austrian amendment.

Dr. de Myttenaere (Belgium) reminded the Committee that he had already stated in plenary meetings of the Conference his view that diacetylmorphine was one of the best medicaments for the respiratory organs. The Chairman of the Committee, M. Chodzko, speaking as delegate of Poland, had asked in a plenary meeting what medical opinions had been consulted by those members of the Conference who advocated the total abolition of this medicament. Dr. de Myttenaere informed the Committee that the Belgian *Pharmacopœia*, IV, which had just been published, made it obligatory for diacetylmorphine to be kept by pharmacists. The Belgian Pharmacopœia Commission, of which he had been President for the last few months, included among its members Professor Heymans of the University of Ghent, Professor Ide of the Catholic University of Louvain and Professor Lanz of the University of Brussels, all of whom were very distinguished scholars to whom tributes had often been paid in international scientific circles. He felt bound to concur with the opinion of his learned colleagues that diacetylmorphine was a medicament of which neither doctors nor their patients should be deprived.

Dr. de Myttenaere congratulated the experts on their excellent report. He would point out, however, that, in their view, diacetylmorphine could be replaced for the purpose of action on the respiratory centre by dicodide and dilaudide. These two substances had been classified in group I, and it was difficult to foresee what use drug addicts might make of them when they became better known.

Moreover, the fact which had been mentioned by the experts that the Allgemeine Ortskrankenkasse, of Berlin, had used for its 500,000 insured members 3.24 grammes of diacetylmorphine in 1928 and the Krankenversicherungsanstalt der Bundesangestellten, of Vienna, had used 144 grammes for a similar number of members was a striking proof that there were cases in which only diacetylmorphine could save patients and that the use of this medicament could not be regarded as a passing fashion.

M. Tiffeneau had himself said that, in certain difficult cases in which most medicaments were of no avail, he had prescribed heroin with successful results.

Dr. de Myttenaere would not enumerate all the arguments against the adoption of

the Austrian delegation's amendment. He considered that the measure proposed in this amendment was premature. It was possible that the suppression of diacetylmorphine would one day become advisable, but for the moment all that should be done was to increase and strengthen measures of control.

It was his seriously considered opinion that, without thorough study of the question, it would be dangerous for the Conference to abolish the manufacture of a product which might cure certain invalids and at least relieve the sufferings of a large number.

Sir Malcolm Delevingne (Great Britain) wished to preface his remarks on the report by calling attention to certain points.

First, no comparison had been made in the report between diacetylmorphine and certain other drugs—*i.e.*, acedicone and eucodal—which, he understood, were not much less dangerous than diacetylmorphine; in fact, he had been informed that acedicone was more dangerous. If his information was correct, the arguments used by Dr. Schultz against diacetylmorphine would apply equally to these other drugs. He would like to know on what authority Dr. Schultz had stated that diacetylmorphine was the most dangerous of all narcotic drugs.

Moreover, the experts apparently considered that dilaudide was the most effective substitute for diacetylmorphine. He would like to know whether it was not a proprietary patented drug manufactured only by one firm. If it was, it appeared to him somewhat rash to abolish diacetylmorphine in its favour.

It was stated in the report that sudden withdrawal of the alkaloid was, according to most authorities, the best treatment for the morphine habit. The question of the treatment of addiction had been investigated some years previously by a Committee appointed by the Ministry of Health in Great Britain, and that Committee had not taken the view that sudden withdrawal was the best mode of treatment in all cases of morphine addiction. It was not the usual method used in Great Britain and in some cases was regarded as definitely dangerous.

Sir Malcolm asked whether it was a fact that morphine could be very easily transformed into diacetylmorphine. If that were the case, would not the suppression of the legitimate manufacture of heroin be ineffective as a safeguard against abuse?

He would like to have the experts' opinion on these points.

The report of the experts was, in his opinion, a document of the greatest interest and importance, which ought to be most carefully considered by the medical profession in any country where diacetylmorphine was still in use. He had not had an opportunity of definitely ascertaining what was the contemporary medical opinion in Great Britain on the value of diacetylmorphine as a drug, as he was unaware that the question was going to be raised at the Conference,

and he could only refer to the opinions given at the time of the Geneva Conference in 1925. The Royal College of Physicians and the Royal College of Surgeons of England and Scotland, and the British Medical Association, had all expressed the view that the use of diacetylmorphine should not be prohibited.

Sir Malcolm quoted resolutions from the Royal College of Physicians of Edinburgh and the Royal College of Surgeons of Edinburgh to the effect that, owing to the great value of heroin in the treatment and relief of sufferers, any interference with its supply for legitimate medical purposes was undesirable.

He would also refer to the opinion expressed by Sir William Willcox, who was a well-known authority on drugs and a member of the Drugs Committee of the Office international d'Hygiène publique, Paris. Sir William Willcox had stated in 1926 that heroin had therapeutic effects which were not supplied by morphine or other drugs and was more effective particularly in the relief of severe nerve pain. Its use should, in his view, be strictly regulated on account of the dangers of addiction to which it might lead, but should certainly not be forbidden.

Sir Malcolm admitted that the recent appearance on the market of new drugs, in particular dilaudide, might affect the position with regard to heroin, but he had every reason to believe that the medical views to which he referred were those held in Great Britain at the present time.

In the closing sentence of their report, the experts had expressed their belief that, if the doctors in countries where heroin was used were afforded the opportunity of examining and testing clinically the derivatives of morphine, to which attention had been drawn in the report, they would be induced to dispense with the use of heroin entirely. In this connection, he would add that, if it were definitely established that heroin could be replaced by less dangerous drugs, his delegation would be glad to see it abolished.

It would hardly redound to the credit of the Conference, or of the League, if the opinion of important sections of the medical profession were entirely set aside and, in view of the considerations which he had stated, Sir Malcolm did not feel prepared at the present time to support the Austrian delegation's proposal. He would, however, propose that, in the various countries where heroin was still in use, attention should be directed specially to the interesting and valuable report of the experts, and that the Conference should adopt a resolution, which would appear in the Final Act, recommending that a thorough enquiry should be made into the possibility of dispensing with the use of heroin.

M. Treadway (United States of America) said that the position of the American delegation with regard to diacetylmorphine was well known. He thought it important for the Committee to have the fullest information possible on the problem and would therefore ask that it should hear the views of Dr. Paul Wolff, of the University of Berlin, who was editor of one of the principal medical journals in Germany.

Dr. Wolff (Germany) drew the Committee's attention to a number of experiments carried out and of opinions expressed by scientists and medical practitioners with regard to narcotic drugs.

Dr. Trendelenburg, Professor of Pharmacology at Berlin, had stated in a very well-known therapeutic treatise that, in his view, diacetylmorphine ought no longer to be prescribed, on account of its serious secondary effects and of the great danger of heroinism it involved. A similar conclusion was expressed in another treatise issued a short time previously, which had been published by experts in German Switzerland. They said that heroin was specially recommended for dyspnoea, but that it was not more efficacious than morphine and its analgesic effect was inferior. Eminent professors of medicine at Zurich and Würzburg—such as Zaugg and Flury—had often stated that the prescription of diacetylmorphine was a mistake. Among the numerous pharmacologists and scientists whom he had consulted, Dr. Wolff had found no supporter of the opposite views. These opinions were absolutely in keeping with the position adopted in the "Grand manuel de thérapeutique", by S. Klempere and Rost, who said that, from the pharmacological and clinical point of view, diacetylmorphine was unnecessary.

It might be expected that the opinions of hospital doctors and practitioners would be different. In this connection, Dr. Wolff informed the Committee that there was in Germany a Commission, the Deutsche Arzneimittel Kommission, which dealt with the prescription of various drugs, and of which he was the secretary. The official publication of this Commission stated that diacetylmorphine was "a superfluous substance and ought no longer to be prescribed". Among the members of the Commission, there were three or four pharmacologists as well as five very well-known hospital doctors, but greater weight was attached to the opinion of the hospital doctors than to that of the pharmacologists. Not only the hospital doctors, but also the general practitioners who represented German medical associations on the Commission considered that diacetylmorphine was not essential.

In 1928, at a large Congress of practitioners held at Danzig, three reports on the dangers of drug addiction had been submitted, two by eminent professors of the Universities of Tübingen and Berlin and one by himself. As a result of those three reports, the representatives of the practitioners (about a hundred) had unanimously supported the thesis that, for the relief of coughs, morphine could nearly always, and diacetylmorphine

could always, be replaced by codeine and dionine.

Five or six years ago, an assembly convened under the auspices of the German Government had, as was known, decided that, if it should be agreed to abolish diacetylmorphine internationally, there would be no difficulty in suppressing it in Germany. The representatives of the German association which might be compared to the British Medical Association were of opinion that the abolition of diacetylmorphine would not leave a gap in therapeutics in Germany.

Dr. Wolff had again consulted a large number of hospital doctors in his country and all, without exception, had said that they had ceased for a long time to use diacetylmorphine.

According to the new regulations for medical prescriptions issued in Germany in February and April 1931, no doctor might supply more than 0.03 grammes of diacetylmorphine per person per day. The dose of diacetylmorphine was thus limited to a much smaller quantity than the dose for other substances of the same kind. In Germany, diacetylmorphine was thought to be of great importance to therapeutics.

Dr. Hrdlicka (Czechoslovakia) pointed out that the Austrian proposal for the total abolition of diacetylmorphine went outside the scope of the draft Convention submitted to the Governments and that his delegation had therefore not felt empowered hitherto to express a definite opinion upon it.

It had been suggested, however, that the solution of the problem should depend largely on the opinion of the medical profession in various countries. The information now before the Committee indicated that the balance of that opinion tended to emphasise the disadvantages and dangers of the use of diacetylmorphine. At the same time, it must be remembered that the medical use of various drugs and preparations was not subject to international regulations—except the provisions of certain bilateral commercial treaties—or even to national administrative rules. Doctors had behind them the authority of the medical faculties and assumed responsibility for the drugs they prescribed. In practice, the examination of new drugs by the various branches of the medical profession had generally resulted in the elimination of those which were useless or harmful.

The views and experience of those medical doctors who were in favour of the use of diacetylmorphine could not be lightly set aside. Nevertheless, the Czechoslovak delegation had been informed that the Ministry of Health and the medical faculties of Czechoslovakia were in favour of inserting in the Convention a provision for the total abolition of the manufacture of diacetylmorphine. His delegation would therefore support the Austrian amendment, but he would like it to be clearly understood that

their vote did not in any way imply distrust of medical men who still wished to retain diacetylmorphine. They were influenced only by the opinion that this drug was not absolutely indispensable for legitimate use and by their desire to assist in the effective abolition of the illicit traffic.

Dr. Carrière (Switzerland) remarked that the dangers of diacetylmorphine were well known and the question to be discussed was rather that of its utility. He thought Dr. Wolff would be interested to hear the results of enquiries which he had made at the two great tuberculosis centres at Leysin and Davos. At Leysin the doctors had, with one exception, expressed themselves in favour of the use of diacetylmorphine, while opinion at Davos was equally divided for and against it. Specialists had stated that in some cases it was the only drug which was really effective for coughs. In these circumstances, he would not consider himself justified, as a representative of the doctors of his country, in agreeing with the proposal to forbid the manufacture of diacetylmorphine.

The question of its replacement by other drugs still required further study and, in view of the marked divergencies of medical opinion throughout the world, he did not think the Conference had the right to take a definite decision in the matter, particularly as such a decision might, in practice, have a contrary effect to the aim of the Conference. For the moment, he thought the only step to be taken was to ask that the question of the abolition of diacetylmorphine should be thoroughly examined by the medical experts of all countries.

He would draw attention to one argument used by the experts which, in his opinion, was untenable. The figures for consumption of diacetylmorphine given in the statistics of sickness insurance societies of Vienna and Berlin had been quoted. He would point out, however, that sickness insurance societies tended to use the cheapest medicaments and that diacetylmorphine was comparatively expensive. In his opinion, the fact that the total consumption of diacetylmorphine for one year was 36 kilogrammes in Germany and 5 kilogrammes in Austria tended to prove that it was an indispensable medicament.

Dr. Wu Lien-Teh (China) emphasised that he had never disputed the utility of heroin in the medical profession. It was the terrible extent of its illicit uses, however, which caused him grave anxiety. He was thinking of the tons of heroin shipped to Egypt, China and, he feared, to India. It was upon the innumerable victims in those countries that the Conference should concentrate and not on the comparatively small number of tuberculosis patients, none

of whom, he felt convinced, would lose their lives as the result of the abolition of heroin.

Some of the delegates had had the privilege of seeing the Egyptian film which revealed the appalling ravages of this noxious drug, and the figures given by the League of Nations showed that its manufacture in excess of legitimate needs amounted to thousands of kilogrammes. In conclusion, he might describe heroin as the mad dog of narcotics; the only humane policy was to destroy it before it did further harm.

M. Bougault (France) said that the proposal under discussion was a medical question and could not be decided without a general consultation of the medical faculty in each country. He would therefore rely on the opinion expressed by the first French delegate in the plenary Conference. The latter had expressed his regret at not knowing the Austrian proposal in time to consult and learn the opinion of French doctors; in the absence of this authoritative opinion, he would ask for the maintenance of the manufacture of heroin, restricted to medical and scientific requirements.

The position taken up by the French delegation seemed to be at variance with the logical conclusions which followed from the experts' report, but it should be observed that it in no way implied any failure to appreciate the true value of that report. He did not oppose it at all; he accepted it in its entirety, without contesting a single point. What was more, in his opinion, the value of this report ought to be multiplied by a quality factor much greater than unity, in view of the authority of the distinguished experts. But, against the present facts (which concerned a limited number of patients), even magnified by the foregoing multiplication, he set the thousands and thousands of successful instances of the use of heroin in the treatment of tuberculosis, successes which had been vouched for by the majority of medical men in Switzerland and Belgium.

Moreover, there was another reason which stiffened his opposition to the Austrian delegate's proposal.

It was indeed (and M. Bougault had already emphasised the point) the sad and painful lot of that Conference that it could not take any useful action against the illicit drug traffic without at the same time restricting the right of other sufferers to follow freely the medical treatment adapted to their condition. Consequently, every decision should be examined as regards its effects from two points of view: first, how effective would it be in the campaign against drug addiction, and, secondly, to what extent would it prejudice the therapeutic treatment of certain classes of patients?

In the present case, the sufferers whose interests were opposed to those of drug addicts were tuberculosis patients. These patients were eminently deserving of sympathy; innocent victims of an inherited predisposition, of defective hygienic conditions, of under-feeding, of overwork, or even noble victims of duty; and, in saying that, he was thinking of the hospital attendants and nurses who contracted the disease at the bedside of tuberculosis cases.

On the other hand, there were the drug addicts; sufferers to be pitied no doubt, but themselves partly responsible for their condition, since, at the root of all drug addiction, there was always to be found some weakness of character which prevented the patient from resisting the lure of the fatal passion. If he had, as a doctor, to attend a tuberculosis case and a drug addict at the same time, he would give his attention first to the former and afterwards to the addict.

He next desired to indicate the consequence to these two classes of patient of the measure proposed. As regards tuberculosis cases, the result was clear. The answer "none" would come cold and sharp as the guillotine knife to patients needing heroin. From the day the prohibition came into force, it would be impossible for the patient to procure a single milligramme of heroin, even though it cost a thousand francs a milligramme. Admittedly, the doctor in attendance could point out to his patient that he was unreasonable, that great nations did without heroin, and that he had been deprived of his medicine for humanitarian reasons. It might be imagined what weight these considerations would have in consoling the patient, his family and his friends, and what estimate they would put on the humanity of such a measure.

At least it might be hoped that this painful sacrifice imposed on persons suffering from tuberculosis would be compensated by the efficacy of the proposed measure in suppressing the terrible drug traffic. M. Bougault, however, was convinced that in that respect serious disappointments must be expected, which possibly many of those who were in favour of abolition had not taken into account.

Indeed, during previous meetings, their attention had been called to the ease with which morphine could be converted into heroin; a document, prepared by Dr. Small, which had been distributed to the members of the Conference, brought out this point by describing in detail the method of conversion. The whole of the material necessary for this very simple process could be carried in a small suit-case and the operation could be carried out in the very smallest hotel bedroom. In such circumstances, he thought he was right in stating that wherever there was a drug trafficker and morphine, the trafficker would be able to get as much heroin as he wanted. It was therefore a mere illusion to believe that all that was needed to suppress that dangerous product was to suppress the lawful manufacture of heroin. To render the measure effective it would have to be accompanied by a second—namely, the suppression of the manufacture of morphine. That was impossible.

If a Government had the idea of abolishing the consumption of sea-salt and decreed that the manufacture of sea-salt was forbidden but that every citizen would be entitled to a certain amount of sea-water, it could readily be imagined how much clandestine manufacture there would be. It would be the same with heroin. Traffickers who hitherto had obtained supplies of heroin direct would henceforth obtain supplies of morphine by the same methods and themselves convert it

into heroin. There would be no statistical record of manufactured heroin, but the quantity of heroin available for drug addicts would not be reduced by a single gramme.

On the other hand, tuberculosis patients would be deprived of a medicament which many doctors considered useful.

M. Figueredo-Lora (Costa Rica) asked the experts to note that Costa Rica was among the countries which had forbidden the use of diacetylmorphine; this step had been taken in 1928.

He added that his medical experience had proved to him that diacetylmorphine was not an absolutely indispensable drug and he had never known a case of a patient who had died for the lack of it. There was an enormous disproportion between the advantages and disadvantages of the use of diacetylmorphine, and the figures published by the League showing that tons of this substance had passed into the illicit traffic were extremely disquieting.

M. Bougault, in expressing fears for the welfare of tuberculosis patients, had apparently not taken account of the existence of stocks. He understood that the stocks of diacetylmorphine at present in the world amounted to what had been called an astronomical number of doses. He would suggest therefore that the manufacture of this substance should be forbidden until the present stocks were exhausted. If this step were taken, there would be a sufficient supply to meet the needs of the medical profession for centuries.

M. Bougault (France) emphasised that he was not opposed to the strict limitation of the manufacture of diacetylmorphine. If the stocks were so enormous as would appear from **M. Figueredo-Lora's** statement he would, of course, not object to the cessation of manufacture.

M. Kusanobu (Japan) stated that diacetylmorphine was required in Japan for the medical treatment of the heroin addicts under strict Government control. Japanese medical experts considered it a useful medicament and were not in favour of its complete abolition. Then again, if export were prohibited, import should be prohibited also, so that transactions would be limited to countries not parties to the Convention.

Dr. Kahler (Germany) reminded the Committee that he had already expressed his views with regard to diacetylmorphine at a plenary meeting of the Conference. The question was not one of great importance for Germany, where, as **Dr. Wolff** had shown, it was not extensively used and was not regarded as indispensable. The Government had contemplated the possibility of entirely abolishing the manufacture and use of diacetylmorphine, but had given up the idea in deference to the opinion of some members of the medical profession who had considered this medicament useful and necessary. This opinion was reflected in the figures for the consumption of diacetylmorphine in Germany

which had been referred to in the experts' report. He therefore did not think that his Government would be prepared to agree to the complete abolition of diacetylmorphine.

M. Kahler felt, moreover, that an important decision of this kind should not be taken without hearing the views of important international authorities, in particular of the Office international d'Hygiène publique at Paris. Although he did not consider the present Conference competent to pronounce an opinion in the matter, he would be in favour of a proposal such as that made by **Sir Malcolm Delevingne** that the question of the abolition of diacetylmorphine should be carefully studied in every country.

With regard to **Dr. Wu Lien-Teh's** remarks concerning the illicit traffic, he thought he need hardly point out that no German factory could export a gramme of diacetylmorphine without an import certificate, and it was therefore impossible that any quantities of this drug which had entered the illicit traffic had come from licit sources in Germany.

With reference to the question of stocks mentioned by the delegate of Costa Rica, he would state that the stocks of diacetylmorphine in Germany on January 1st, 1931, amounted to 141 kilogrammes.

M. van Wettum (Netherlands) was not in a position to agree with the Austrian amendment, as the medical profession in his country still considered that the use of diacetylmorphine was indispensable in certain cases. He was, however, in favour of **Sir Malcolm Delevingne's** proposal for the inclusion in the Final Act of a recommendation that a thorough enquiry should be made in all countries into the possibility of dispensing with the use of diacetylmorphine.

M. Weinberg (Union of Soviet Socialist Republics) was also unable to support the Austrian amendment, in view of the opinion of the medical profession in the Soviet Union that diacetylmorphine was useful and in certain cases indispensable. As, however, a different opinion was held in some other countries, the Soviet delegation would be prepared, if the importing and exporting countries desired it, to agree to a proposal for the abolition of the export of diacetylmorphine. He would add that the delegates had had an opportunity of studying the legislation in force in the Soviet Union for the organisation and control of the production, manufacture and distribution of narcotic drugs.¹ These regulations gave every guarantee that diacetylmorphine manufactured in the Soviet Union would be used exclusively for medical and scientific purposes.

Mr. Dixon (Expert) intended to confine his remarks to the comments which had been made on the report of the experts by various delegates during the meeting.

¹ See Vol. I, Annex 32.

The French delegate had asked whether the experts had based their conclusions on experiments made on animals or on human beings. Unfortunately, they had based them on neither of these grounds, otherwise they might have been able to express themselves with absolute certainty. Certain experiments performed on patients in laboratories had been taken into account, but the experts' opinions were mainly the result of extensive clinical experience with drug addicts.

Referring to Sir Malcolm Delevingne's enquiry whether there were other alkaloids as dangerous as diacetylmorphine, he would point out that one characteristic peculiarity of diacetylmorphine was its great diffusibility. For this reason, it was the only drug of addiction of the morphine series which could be taken as snuff, and the ease with which it could be administered made it more dangerous than other substances. It was true that acedicone and eucodal were dangerous drugs, but it must be remembered that their manufacture was restricted by the fact that they were prepared not from morphine but from thebaine, of which there was only a very limited supply in the world. The information available with regard to these drugs was not yet very extensive, as the number of addicts was at present small.

Again, Professor Dixon thought that the opinion expressed by the experts in the report might be strengthened by saying that there was evidence that all pharmacologists and a large majority of eminent physicians in Europe and America were definitely opposed to the employment of heroin in medical practice, and he believed M. Tiffeneau would agree with him on this point.

Sir Malcolm Delevingne had stated that sudden withdrawal of the alkaloid was not the usual method of treating morphinism in England. He would remind him, however, that cases which occurred in England were very few and were nearly all of very long standing, and general practitioners had no real experience in the matter.

Sir Malcolm had referred to the opinion of the Royal College of Physicians of England with regard to the use of diacetylmorphine. He happened to be a member of that body and considered that most of the Fellows of the College knew little more about diacetylmorphine than the average medical man. The members of the British Medical Association had not to experiment but to follow the instructions they had received in the course of their training. The opinion of Sir William Willcox, to which reference had been made by Sir Malcolm, had been given at a small committee appointed by the Government to investigate the addiction question in England. He had himself been a member of that Committee and had taken an opposite view to that held by Sir William. They had both consulted witnesses who had

given opposite opinions, and he did not think that evidence carried great weight.

Dr. Carrière had made only one criticism, and this Mr. Dixon did not consider a valid one. It might be true that insurance societies tended to use the cheapest drugs, but, although morphine was cheaper than heroin weight for weight, heroin was considerably cheaper if the doses were compared.

M. Bougault had laid stress on the importance of diacetylmorphine in tubercular diseases of the respiratory tract. Probably any physician in the world would prefer diacetylmorphine to morphine or codeine for this purpose, but it must not be forgotten that other substances could be used. The French delegate had deplored the lot of patients who might be deprived of diacetylmorphine, but had not referred to the position of patients in the United States of America where this drug was prohibited.

Mr. Dixon realised that it might not be possible to replace diacetylmorphine immediately, and he entirely agreed with Sir Malcolm Delevingne that doctors must be educated. In conclusion, he would emphasise the experts' view that the dangers of diacetylmorphine far overshadowed the beneficial effects produced by the small amount which might conceivably be required by a few patients suffering from tuberculosis of the arynx.

M. Schultz (Austria), referring to certain objections which had been raised, emphasised that though the aim of the Austrian amendment was to abolish the manufacture of diacetylmorphine, it contained nothing to indicate that its legitimate use must be forbidden. The large quantities of that drug already in stock could still be employed for medical purposes. Moreover, the fact that the United States and Costa Rica had decided to dispense with diacetylmorphine was very significant. It had been said that dicodide, eucodal and dilaudide, the use of which had been proposed in place of diacetylmorphine, were also narcotic drugs, but the fact remained that they were less dangerous.

Sir Malcolm Delevingne had asked on what grounds M. Schultz had based his statement that diacetylmorphine was the most dangerous narcotic drug: he thought that conclusion was clear from the experts' report.

The argument used by M. Bougault that the abolition of the manufacture of diacetylmorphine would be entirely ineffective was in his view not valid. The same argument might be applied to any measures taken for the defence of society.

He had been greatly interested in the proposal, made by Sir Malcolm Delevingne and supported by other delegates, for the insertion of a recommendation in the Final Act. This proposal showed that progress had been made, but did not, in his opinion,

go far enough. In view of the conclusions of the experts' report, he considered it essential to take more energetic measures.

The Chairman said that the Austrian amendment would now be put to the vote.

M. Bougault (France) asked that in view of the importance of the vote it should be taken by roll-call. If the amendment were carried, it would be the first occasion on which an assembly of that kind had decided to restrict the freedom of medical practice.

The Chairman asked the Committee to vote on the following amendment, proposed by the Austrian delegation :

" Insert an additional article as follows :
' The manufacture of diacetylmorphine shall be forbidden ' "

The voting was as follows :

In favour of the amendment : Austria, China, Costa Rica, Czechoslovakia, Italy, Poland, Spain, United States of America, Venezuela.

Against the amendment : Belgium, Germany, Great Britain, France, Japan, Netherlands, Sweden, Switzerland, Union of Soviet Socialist Republics.

Absent : Danzig, Guatemala, Lithuania, Panama, Paraguay, Peru, Roumania.

The Chairman proposed that, as nine delegations were in favour and nine against the amendment, while seven were absent,

the vote should be taken again on the following day.

Sir Malcolm Delevingne pointed out that, under the ordinary rules of parliamentary procedure, if an amendment was not carried by a majority it was considered to be rejected. It would not therefore appear to be in order for the vote to be repeated.

The Chairman asked the President of the Conference to give a ruling on the point.

M. de Brouckère, as President of the Conference, confirmed Sir Malcolm Delevingne's view. Speaking somewhat unofficially he wished to add that, if a very small majority either for or against a proposal was reached on an important point in a committee, the usual course was to attempt to arrive at a compromise. He thought it would be fatal for the Conference to draw up a convention based on small majorities, since there would be no hope of its being universally accepted.

The Chairman announced that the Austrian amendment was rejected.

With regard to the question raised by the Swedish delegation concerning intermediate products other than crude morphine, he would suggest that it should be put to the experts and that the Swedish delegate should make any observations in that connection at the plenary meeting of the Conference.

Agreed.

EIGHTH MEETING.

Thursday, June 18th, 1931, at 3.30 p.m.

Chairman : M. CHODZKO (Poland).

12.—DISCUSSION OF THE DRAFT CONVENTION : ARTICLE 1 (continuation) : AMENDMENT PROPOSED BY THE JAPANESE DELEGATION : AND REPORT OF THE EXPERTS ON THE MEANING OF THE WORD "DERIVATIVE" (Vol. II, Annex 9).

Dr. von Knaffl-Lenz read the experts' report on the meaning of the word "derivative", adding certain explanations.

M. Kusanobu (Japan) explained that the Japanese delegates' intention in presenting its amendment was not so much to obtain a technical definition of the word "derivative" as to arrive at an international agreement with regard to its meaning, in view of the regulations to be applied to substances denoted by this term.

¹ See Minutes of the second meeting of the Technical Committee, page 77.

As any ambiguity on this subject was avoided in the new draft of Article 1, the Japanese delegation withdrew its amendment.

Proposal by the Delegation of Panama.

The Chairman read the following proposal by the delegation of Panama. In his opinion, it referred rather to Article 2 of the draft Convention than to Article 1, and the discussion of the amendment was rather a matter for the Legal Committee.

" Add the following paragraph to Article 1 :

" ' Manufacturers who have given, or will give, trade or proprietary names to any recognised narcotic drugs dealt with by the Convention, before bringing them into the market, shall be required to state after the trade name the correct chemical name and the exact amount of the narcotic present.' "

Dr. Hoffmann (Panama) considered that the Technical Committee also ought to examine the amendment which he had presented. He explained that the registered names of certain proprietary remedies gave no indication of their real nature. The result might be exemplified by the case of certain practitioners of his acquaintance who thought that eucodal was merely a special preparation of codeine, as aspirin was a special preparation of salicylic acid.

Dr. Hoffmann pointed out that his amendment had a special bearing on Article I, group I, paragraph (i), in which preparations containing more than 20 per cent of morphine were mentioned.

The list drawn up by Dr. Anselmino contained some twenty names which gave no indication whether the substances to which

they were applied contained more or less than 20 per cent of morphine.

Dr. de Myttenaere (Belgium) emphasised that Article I was concerned solely with definitions. In his opinion, the amendment proposed by the delegation of Panama rather involved a modification of the various national regulations.

He stated that, in Belgium, it was compulsory to give the chemical formula for a medicament after its name. The amendment proposed by the delegation of Panama might, he thought, be embodied in a new article of the Convention by which the Governments would undertake to introduce a similar provision in their national regulations.

The discussion of the amendment was adjourned to the following meeting.

NINTH MEETING.

Friday, June 19th, 1931, at 3.30 p.m.

Chairman: M. CHODZKO (Poland),

replaced during part of the meeting by Dr. DE MYTTENAERE (Belgium).

13.—DISCUSSION OF Dr. VON KNAFFL-LENZ' REPORT ON IMPURE ALKALOIDS (Vol. II, Annex 10).

Dr. von Knaffl-Lenz submitted his reply to the following question, which had been raised by the Swedish delegate:¹

“Are there other crude products than crude morphine which could be used for medical treatment or for illicit purposes?”

M. Sjöstrand (Sweden) stated that, in accordance with the procedure already explained by the Chairman, he reserved the right to bring up the matter in the plenary Conference, the Technical Committee's discussion on Article I being closed.

14.—DISCUSSION OF THE DRAFT CONVENTION : ARTICLE 2 : AMENDMENT PROPOSED BY THE POLISH DELEGATION AND SUB-AMENDMENT PROPOSED BY THE AUSTRIAN DELEGATION.

The Chairman asked Dr. de Myttenaere to preside during the discussion of this item, since he himself wished to present the Polish amendment.

(Dr. de Myttenaere (Belgium) took the chair.)

M. Chodzko (Poland) read the following amendment submitted by the Polish delegation:

“Insert as Article 2a:

“The High Contracting Parties undertake to prohibit the export from their territories of diacetylmorphine and of its salts and the preparations of diacetylmorphine and of its salts.”

He reminded the Committee that he had already expressed in the plenary Conference the views which had led the Polish delegation to put forward the amendment now under discussion. Since that time, however, the situation had been somewhat changed by the introduction of a new element. The Committee had heard the extremely impressive report on diacetylmorphine by the experts, whose views had been further amplified by Mr. Dixon. In spite of this report, however, the Austrian amendment for the abolition of the manufacture of diacetylmorphine had been rejected. He therefore presented the Polish amendment as a compromise which he hoped would be generally accepted. It appeared to him that the question did not affect the manufacturing countries; if there was any opposition it might be on the part of some consuming countries who were anxious to protect the rights of the medical profession.

M. Schultz (Austria) referred to his statement in the plenary Conference advocating the abolition of the manufacture, export and import of diacetylmorphine. For this purpose, he had proposed a number of amendments, but the first of these, which was concerned with manufacture, had been

¹ See Minutes of the seventh meeting of the Technical Committee, page 93.

rejected by the Technical Committee. This defeat was due perhaps to chance, several members of the Committee having been absent, but, even supposing the discussion had been continued in a plenary meeting and a majority in favour of the amendment secured, he feared the victory would have been illusory. In this Conference, the majority could not force its opinions upon the minority; everything depended on goodwill and a general understanding among the delegates. Realising the serious difficulties of a situation in which all the manufacturing countries represented on the Committee and two consuming countries had voted against his proposal he had decided to seek another more acceptable solution, for he was convinced that, if the abolition of the manufacture of diacetylmorphine was not at the moment practicable, no one would deny that the severest restrictions were absolutely indispensable. He would emphasise at the same time that he had in no way modified his views and reserved the right to return to the question of the abolition of manufacture at a plenary meeting.

The Polish proposal now before the Committee commended itself to M. Schultz as a compromise which would at least mark a step forward, and for that reason he strongly recommended its adoption. Moreover, it was so closely similar to the amendment to Article 17 proposed by his delegation that he had decided to withdraw that amendment.

At the same time, he felt that the objections to the abolition of diacetylmorphine which had been raised on behalf of the medical profession should receive full consideration. It had been stated in reply that the existence of large stocks of that drug would leave the doctors free to prescribe it when necessary, as was the case in the United States of America. This argument would not, however, have the same force in connection with a proposal for the abolition of exports. He had therefore endeavoured to devise a scheme which would satisfy the demands of the medical profession while ensuring absolutely strict control. It seemed to him that both these conditions were fulfilled by the terms of the following Austrian amendment, which was intended to supplement the Polish proposal :

" Nevertheless, at the definite request of a non-manufacturing country, based on import certificates, as provided for in this Convention, a manufacturing country may export to the competent department of the Government designated by the non-manufacturing country in question in the above-mentioned import certificates such quantities of diacetylmorphine and its salts and preparations of diacetylmorphine and of its salts as are necessary for the medical and scientific needs of the said country.

" Any stocks which may thus accumulate shall be kept under strict Government control."

All possibility of abuse would thus be excluded under an arrangement which would increase the responsibility of an importing

country by making it compulsory for consignments of diacetylmorphine to be made direct to its competent Government department and for stocks to be kept under strict Government control.

M. Chodzko (Poland) thanked M. Schultz for putting forward his sub-amendment, which he considered very sound and likely to facilitate the adoption of the Polish proposal. He would suggest a slight modification of the text by the addition of the words " at the disposal of the Government " after the word " kept " in the last paragraph, which would thus read :

" Any stocks which may thus accumulate shall be kept at the disposal of the Government and under strict Government control ".

The object of this alteration was to make it clear that the stocks would be treated differently from those of any other drugs. He would add that, in his view, the vote taken at the seventh meeting of the Committee was entirely negative. The Conference could not be satisfied with such a situation, and it would be better for its prestige if a solution could be found which would satisfy everyone's views.

M. Schultz (Austria) agreed to the addition of the words which he proposed.

Dr. Hoffmann (Panama) supported the Polish and Austrian proposals from the point of view of non-manufacturing countries.

Dr. Carrière (Switzerland) said that he would have found himself in an embarrassing position if the Polish proposal alone had been before the Committee. The effect of this amendment would have been completely to deprive certain countries of diacetylmorphine while other countries retained facilities for its use. He was therefore very grateful to the Austrian delegate for having put forward a sub-amendment which removed this objection and would satisfy divergent opinions. He was glad to be able to agree to the Polish amendment with the important addition of M. Schultz' proposals.

Dr. Kahler (Germany) regretted that he had not been able to reach the same conclusion as the last speaker. With regard to the Polish amendment he had already stated that the German delegation could not agree that diacetylmorphine should be unobtainable by certain sections of the medical profession, which considered it necessary. It might be argued that non-manufacturing countries could always convert morphine into heroin, but it would surely be contrary to the aims of the Conference to encourage the establishment of new factories, and it would, moreover, be unprofitable to produce very small quantities of diacetylmorphine.

In the second place, the prohibition of the export of diacetylmorphine seemed to him entirely unnecessary, since any country which was opposed to the use of that drug could protect itself by refusing to issue import certificates. A prohibition measure would be binding only on countries which had ratified the Convention and which would therefore in any case not export a gramme

of a dangerous drug without an import certificate. He therefore failed to see what object would be gained by adopting the Polish amendment.

The Austrian proposal involved a discrimination between the import certificates issued for heroin and those for other drugs, and he thought such a measure would be inadvisable at a time when the import certificate system was shown to be working satisfactorily.

At the same time, referring to M. Chodzko's desire for a general agreement, he would repeat that he would entirely favour a resolution by which all the contracting parties would agree to examine the possibility of the total abolition of heroin.

M. Ferri (Italy) strongly supported the Polish and Austrian proposals. To use M. Cavazzoni's expression, these proposals would provide a weapon for the future when research would be made into possibilities of dispensing with the use of narcotic drugs. The Italian delegation's view was that diacetylmorphine should be completely abolished, and this opinion had been corroborated by the experts. As a practical measure, however, his delegation was willing to accept the compromise embodied in the Polish amendment. At the same time, he wished to make it clear that he could accept the Austrian proposal only if it were definitely understood that it provided for exceptional measures which would not become the rule. As he understood the aim of the Austrian amendment, it was that the trade in diacetylmorphine should be destroyed as far as possible and only allowed under the strictest control to satisfy certain needs of the medical profession.

M. Ferri thought it essential, however, that the "competent department of the Government" should be strictly interpreted to designate, for example, the Public Health Department or a narcotics bureau, but not to apply to such institutions as hospitals, universities, pharmaceutical associations, etc. Speaking on behalf of a consuming country, he would ask the representatives of manufacturing countries not to be anxious for the rights of importing countries, which were themselves willing to submit to restrictions.

M. Bogomoloff (Union of Soviet Socialist Republics) reminded the Committee of the Soviet delegation's point of view that questions concerning imports of narcotic drugs should be entirely in the hands of importing and consuming countries. As he believed that those countries were opposed to the use of diacetylmorphine he was prepared to support them and to vote for the Polish amendment.

The Austrian proposal appeared to him to weaken that amendment, but, if it gave satisfaction to the consuming countries, he had nothing to say against it. Moreover, it contained one feature which particularly commended itself to him, in that it provided far stronger control for diacetylmorphine

than for other narcotic drugs. This policy was in accordance with the views of his delegation, which had already urged the necessity of State control over narcotic drugs.

Sir Malcolm Delevingne (Great Britain) considered that, although the prohibition of the manufacture of diacetylmorphine was not in the present circumstances practicable, it was at least a reasonable proposal. The abolition of its export seemed to him far less defensible. The result would be to allow some countries to use a drug which was denied to others, and, if the Polish amendment were carried, Great Britain would be in the position of not being able to supply diacetylmorphine to the Irish Free State or to its colonies and possessions.

He recognised that the Austrian sub-amendment represented a serious attempt to arrive at a compromise, and was very grateful to M. Schultz for the spirit of conciliation which he had shown. It was all the more a matter of regret to him that, after carefully examining the proposal, he was unable to support it. He failed to see how it added any additional safeguard to those provided by the Geneva Convention and supplemented by certain provisions of the new Convention. He saw no practical difference between consigning drugs direct to a person or firm authorised by the Government to receive them and consigning them direct to the Government department itself, since that department could immediately pass them on to the wholesalers, doctors or pharmacists. The effect of the change would, he thought, only be to place exporting countries in a difficult position. A country which received an order for export of diacetylmorphine—say, from a hospital or a pharmacist supported by a Government import certificate—would be obliged to refuse it, because consignments might be addressed only to a Government department.

If M. Ferri's interpretation of the Austrian amendment were accepted, however, that amendment presented in his view much more serious difficulties. In this connection, he would ask M. Chodzko to explain the exact meaning of the words "at the disposal of the Government" which he had proposed to add. If he understood M. Ferri correctly, his idea was that supplies would be held by Governments, who would only dole them out in exceptional cases under exceptional conditions. M. Schultz had apparently agreed with that view. In these circumstances, the effect would be that, owing to the extreme severity of the restrictions, medical men generally would be entirely prevented from using diacetylmorphine.

Sir Malcolm did not feel authorised to accept the Polish proposal even as modified by the Austrian sub-amendment and suggested that it would be preferable to give up the

discussion of controversial measures which could not be accepted by a number of countries.

M. Figueredo-Lora (Costa Rica) warmly supported the Polish and Austrian amendments, which he thought represented the most satisfactory compromise possible in the circumstances. He would ask Dr. Carrière whether these proposals would give entire satisfaction to the medical profession in Switzerland, where there was an extensive demand for diacetylmorphine on account of the large number of tuberculous patients. The opinion held in that country was, on that account, particularly important.

M. Chodzko (Poland) entirely agreed with the interpretation given to the Austrian proposals by the Italian delegate and accepted by M. Schultz. He emphasised that the amendment he had put forward embodied a principle which his delegation considered essential.

Referring to certain criticisms which had been made, he considered that account must be taken of the opinion of those consuming countries which did not wish diacetylmorphine to enter their territories.

Sir Malcolm Delevingne had said that the system proposed by the Austrian delegate would arouse difficulties. He apparently contemplated cases in which applications would be received by manufacturing countries from individual physicians or pharmacists. In M. Chodzko's view, such a situation would be impossible, since exports could be made only on the basis of import certificates issued by the importing State. In any case, however, he did not consider it a disadvantage to create difficulties; trade in a highly dangerous drug should not be an easy matter. He was unable to share Sir Malcolm's desire to avoid controversial questions; if that principle were followed, few important proposals could be discussed at all.

Sir Malcolm Delevingne (Great Britain) explained that M. Chodzko had misunderstood what he said. He had referred to orders for imports based on an import certificate issued by the Government of the importing country.

M. Kusanobu (Japan) stated that the Japanese delegation was unable to support the Polish and Austrian proposals. They considered that the prohibition of exports would not be effective in suppressing imports of diacetylmorphine, since it would be binding only on the parties to the Convention, and other countries would continue to export.

M. Schultz (Austria) emphasised that his proposal was intended to provide exceptional stipulations for the export of diacetylmorphine on account of the exceptional nature of that drug. Article 17 of the draft Convention laid down conditions for the export and import of narcotic drugs, but his delegation considered it indispensable to make special arrangements in the case of

diacetylmorphine. The measures he proposed were intended only to meet exceptional needs, and he confirmed M. Ferri's view that the term "competent department" referred to in the amendment must be interpreted in the strictest sense. The provision for consigning exports only to Government departments would, he thought, greatly reduce the possibilities of fraud.

M. Razet (France) reminded the Committee that M. Bougault had already expressed the French delegation's opinion that the Conference had no power to impose restrictions on the right to prescribe which doctors possessed. If a country which respected this right desired to import heroin to meet its medical requirements, it was not possible to refuse to export heroin. He was therefore unable to support the Polish amendment.

It was true that the Austrian sub-amendment rectified the Polish proposal to a certain extent; but, in his opinion, while it was provided, under the terms of the sub-amendment, that heroin could be sent only to a State administration, it went no further than the Geneva Convention. Under that Convention, every country was free to indicate on the import certificate the name of the addressee to whom the drugs should be consigned and the importing country must take that into account. The Austrian proposal, therefore, appeared to him to serve no useful purpose.

Dr. Carrière (Switzerland), replying to the delegate of Costa Rica, said he was satisfied that the adoption of the proposals under discussion would not seriously affect the freedom of the medical profession.

If he understood the Austrian proposals rightly, they constituted a method of application of the system of import certificates. Once a Government had imported diacetylmorphine, it could choose a method of distribution which would give all necessary facilities to doctors. It might, for instance, transmit it to a distributing bureau or to one or more firms, always, of course, under strict control.

He had not modified his views with regard to diacetylmorphine, but he was prepared to vote for the Polish and Austrian proposals as a measure of conciliation which would be likely to be acceptable.

Allusion had been made to the respective positions of manufacturing and consuming countries. He would state that, in the Committee's discussions, he had spoken entirely on behalf of the medical profession, and not as the representative of a manufacturing country.

Sir Malcolm Delevingne (Great Britain) considered that M. Carrière's interpretation of the Austrian proposals was very different from that of M. Ferri, which had been supported by M. Schultz and M. Chodzko.

M. Chodzko (Poland) did not agree that there was any difference between the

two interpretations. Under the proposed arrangements, a Government would have stocks of diacetylmorphine intended definitely for use by certain doctors and hospitals. It would be free to distribute them for those purposes in whatever manner it considered right, provided it retained strict control from beginning to end.

M. Schultz (Austria), replying to **M. Razet**, considered that the Austrian sub-amendment was a definite advance upon the provisions of the Geneva Convention. It increased the responsibility of the State; it made re-export impossible and had the advantage of ensuring that trade in diacetylmorphine would be carried on only between the manufacturer on the one hand and the Government of the importing country on the other.

So far, criticisms of the proposals had been made only by representatives of manufacturing countries. He did not think, however, that those countries need be anxious for the interests of the consuming countries.

M. van Wettum (Netherlands) stated that, as a representative of a consuming country, he would support all the arguments against the Polish and Austrian proposals made by the delegates of Germany, Great Britain, France and Japan.

M. Razet (France) thought it regrettable to make distinctions between manufacturing and non-manufacturing countries. The aim of all delegates was to co-operate in achieving a common end, and, if a particular view was expressed by representatives of manufacturing countries, it was only because they were speaking on a subject with which they had to deal daily.

M. Schultz (Austria) assured the French delegate that he had only intended to register a fact, and in no way wished to imply a criticism of any group of delegates.

The Chairman, in his capacity as delegate of Belgium, paid a tribute to the spirit of conciliation shown by **M. Schultz** in putting forward his sub-amendment. He was happy to support the Polish and Austrian proposals, and hoped that the statement made by **Dr. Carrière** would help to persuade delegates to vote in favour of them.

As Chairman, he announced that the vote would be taken by roll-call on the Polish amendment, together with the Austrian sub-amendment, itself amended by the insertion of the words "at the disposal of the Government" proposed by **M. Chodzko**.

The vote was as follows:

In favour of the amendments: Austria, Belgium, Costa Rica, Italy, Panama, Poland, Spain, Switzerland, Union of Soviet Socialist Republics, United States of America, Venezuela.

Against the amendments: France, Germany, Great Britain, Japan, Netherlands.

Abstentions: Czechoslovakia, Sweden.

Absent: China, Danzig, Guatemala, Lithuania, Paraguay, Peru and Roumania.

The Polish amendment and Austrian sub-amendment were adopted by eleven votes to five, with two abstentions, seven delegates being absent.

(**M. Chodzko** (Poland) resumed the chairmanship.)

Proposal by the Delegation of Panama for the Compulsory Indication of the Chemical Names of Narcotic Drugs.¹

Dr. Hoffmann (Panama) said that, as he had already explained to the Committee, it was in his view necessary for doctors, pharmacists and patients to be able to ascertain the character of the drugs they used. Manufacturing countries had laws which made it obligatory for manufacturers to state the chemical name of each drug for use within the country, but this did not in every case apply to drugs intended for export.

Dr. Kahler (Germany) informed the Committee that, in his country, every proprietary remedy containing a narcotic drug which was put on the market under a trade or special name must bear an indication of its composition, showing in particular the narcotic content and giving the chemical name of the narcotic drug. Seeing that this rule worked very well in Germany, the German delegation recommended that a similar measure should be generally applied to international trade.

Dr. de Myttenaere (Belgium) thought that there was no objection to **Dr. Hoffmann's** proposal. In his view, the only difficulty was to decide in what part of the Convention it should be inserted.

M. Razet (France) asked whether the words "*désignation chimique*"² used in the proposal referred to the chemical formula or only to the chemical name of a preparation. He added that, according to a French regulation which had proved very valuable, it was compulsory to give the chemical name.

Dr. Hoffmann (Panama) replied that only the chemical name was intended.

He asked that his proposal should be embodied in a new article of the draft Convention.

The proposal was unanimously adopted, and was referred to the Drafting Committee for insertion in a suitable place in the draft Convention.

¹ See Minutes of the eighth meeting of the Technical Committee, page 100.

² The question does not arise in connection with the English text of the proposal.

LEGAL AND DRAFTING COMMITTEE.

FIRST MEETING.

Friday, June 5th, 1931, at 3 p.m.

Chairman : Mr. CALDWELL (United States of America).

1.—PUBLICITY OF MEETINGS.

The Committee decided to hold its meetings in public.

2.—EXAMINATION OF THE DRAFT CONVENTION : RELATION OF ARTICLE 3, No. 1, SECOND PARAGRAPH OF THE ADVISORY COMMITTEE'S DRAFT¹ TO THE MOST - FAVOURED - NATION CLAUSE.

M. Barandon (Legal Section of Secretariat) pointed out that there was no uniform conception of the most-favoured-nation clause, which varied in the different treaties in which it appeared, sometimes applying solely to tariffs, sometimes to transport, sometimes to the treatment of foreigners. In its widest sense, in the Franco-German Commercial Treaties, for example, it covered all exchanges of goods. This meant that a privilege granted to any nation must also be granted to a nation enjoying the benefits of the clause, but also that all import restrictions and prohibitions must be applied to every country without distinction.

Given this particular conception of the clause, what did the second paragraph of Article 3, No. 1 involve? It might lead to the restriction or prohibition of certain imports, in which case it would not be possible to make an exception in favour of any one Power or Powers.

In the Franco-German Commercial Treaty, exceptions had been made regarding sanitary measures taken in the interests of public health. The import of narcotic drugs could undoubtedly be regarded as coming under that category.

A similar provision would be found in the International Convention for the Abolition of Import and Export Prohibitions and Restrictions of 1927, Article 4, paragraph 4, of which, under certain conditions, excepted "prohibitions or restrictions imposed for the protection of public health or for the protection of animals or plants against disease, insects and harmful parasites".

Both the Franco-German Treaty and the Geneva Convention of 1927, however,

contained a clause stipulating that the prohibitions and restrictions allowed should not be applied in such a manner as to constitute a means of arbitrary discrimination between foreign countries where the same conditions prevailed. That was the most restrictive conception of the most-favoured-nation clause which the Legal Committee might adopt. The second paragraph of Article 3, No. 1, of the draft Convention should not go beyond this.

He saw no legal difficulty in the paragraph as it stood, since it laid down that each country "may" mention the name of the countries from which it intended to purchase. This involved no compulsion; it was merely an option open to countries parties to the Convention. Any country exercising this option would be free to fulfil its international engagements.

He therefore saw no reason why the paragraph in question should not stand.

Mr. Fitzmaurice (Great Britain) pointed out that, when he raised the subject at the plenary session, he had only said that the application of the paragraph in question *might* involve violation of the most-favoured-nation clause, not that it would do so.

As M. Barandon's explanation had shown, it was likely that most countries would find that, in view of their commercial treaties, or, for instance, the Exports and Imports Prohibition Convention, they were not in a position to apply this paragraph of Article 3. If the terms of the paragraph were compulsory, it would conflict with the most-favoured-nation clause; if optional, however, it would not give rise to any legal objection.

He would prefer its omission, because it tended to place a moral obligation on signatory States, involving them in an awkward decision between failure to fulfil this obligation and violation of some commercial agreement. Even if omitted, it would still be open to countries to indicate the country or countries from which they intended to purchase, though he doubted whether it would be in order for Great Britain to do this; she would be saved

¹ See Vol. I, page 281.

embarrassment if the clause were omitted altogether.

M. Cavazzoni (Italy) failed to follow the legal argument set forth by the British delegation. The second paragraph of Article 3, No. 1, began by stating that it was understood that full liberty was reserved to each country to purchase its supplies in any country it wished. Thus no change in the existing situation was involved, since countries were already free to place their orders where they pleased, subject to their international undertakings as well as to considerations of price and quality.

The paragraph went on to say that each country "may, when giving its estimates, mention the country or the countries from which it intends to purchase its supplies".

If each State was allowed full freedom to choose the country or countries from which it intended to purchase its supplies, what legal difficulty could there be in stating the name of such country or countries? Unless fresh arguments or further explanations were laid before him, he would oppose the paragraph in question, which simply noted the position of freedom which existed at the present time.

He failed to understand objections to a provision which consolidated the *status quo*. Unless fresh arguments or explanations caused him to change his view, he could not agree to the deletion of the paragraph.

M. von Rheinbaben (Germany) agreed with **M. Cavazzoni**.

M. de Alva (Mexico) felt that the Committee was in general agreement with **M. Barandon's** statement that the paragraph in question did not involve violation of the most-favoured-nation clause. The British contention seemed perhaps somewhat extreme; the most-favoured-nation clause was rather in the nature of a safeguard, preventing one country from granting to another privileges which it was not willing to concede to a third. It could not be claimed that a country placing orders with another was forced to place similar orders with all other countries enjoying most-favoured-nation rights in their commercial treaties with it.

M. Bourgois (France) asked for further explanations, which he hoped would enable him to agree with **M. Cavazzoni**. The paragraph seemed to him legally tenable, since the word "may" made it optional. It was nevertheless true that, if a State not holding a drug import monopoly undertook to obtain its supplies for the following year from a certain country or countries, it forced its dealers to buy from those countries only, thus granting the countries special privileges and violating the most-favoured-nation clause.

This difficulty would obviously not arise in the case of a State holding a drug import monopoly, or where all the States concerned were parties to the Convention, which would override all other undertakings.

In spite of the option given by the use of the word "may", the paragraph could not apply in a case where a State not party to the Convention claimed most-favoured-nation treatment.

M. Cavazzoni (Italy) thought that the misunderstanding still existed. In his opinion, even if the word "shall" were substituted for "may" in the paragraph in question (as he had requested in the Advisory Committee), the paragraph would in no way violate the most-favoured-nation clause. The point of the paragraph was not the choice of the country or countries from which a State intended to purchase its supplies, but the liberty it retained to choose these countries. There might be legal objection to the paragraph if it contemplated restricting this liberty, but the objection would apply to the restriction and not to the choice of country. There was in any case no question of this, and the mere notification of particulars to a central office was in no way detrimental to a country's economic interests.

Mr. Fitzmaurice (Great Britain) agreed with **M. Bourgois'** clear explanation. Because the paragraph was optional, it was in order from the strictly legal point of view.

In reply to **M. de Alva**, countries were, of course, entitled to place their orders as they wished, and he would never have raised the point regarding the most-favoured-nation clause at all if the paragraph had asked countries to indicate where they had placed their orders after they had done so. Indication in advance, as provided in the paragraph, restricted the rights of manufacturers, gave the manufacturing country a monopoly, and thus might well involve violation of commercial treaties. This would not arise between countries parties to the convention, which would no doubt override commercial treaties, but countries not parties to it would be entitled to claim most-favoured-nation treatment, so raising practical difficulties.

For the reasons he had previously stated, he could not accept the paragraph if it were made compulsory.

M. Bourgois (France) wished to reply to one point in **M. Cavazzoni's** argument. Although, as **M. Cavazzoni** had said, the Governments were given a free hand, this was denied to the purchasing dealers. Liberty of choice was, in fact, transferred from the dealers to the Governments, and it was thus that the paragraph in question might violate the most-favoured-nation clause.

M. Cavazzoni (Italy) said that, unless he were mistaken, the British delegate had supplied no fresh argument. In any case,

he did not understand how mention of the country of purchase after instead of before the purchase altered the case.

In reply to M. Bourgois, treaties were concluded between States and not between dealers. These last must respect treaty provisions. A State must of course see that the commercial dealings of its nationals did not violate its international undertakings, but, subject to this reservation, dealers were free to choose the country or countries in which they placed their orders.

M. de Alva (Mexico) thought the French argument a good one for leaving the article as it stood. It restricted the rights of dealers and merchants, which was what the Conference in some degree sought to do, and was thus an ideal article.

M. Bourgois (France) illustrated his contention by pointing out that if the paragraph, instead of applying to drugs only, applied to all goods, it would of course be inadmissible. France, for example, would incontestably violate the most-favoured-nation clause were she to state that she would import from England only for one year.

Mr. Lester (Irish Free State) said that the greater part of his country's treaties were drawn up on the most-favoured-nation basis. It was unlikely, owing to the humanitarian aim of the Convention, that the question of fair treatment in the application of these treaties would arise. But since the paragraph gave rise to difficulties which should be avoided, and since information regarding the source of supplies was necessary, he suggested the insertion of the following clause :

" In view of the special nature of the Convention none of the articles shall be considered to be in conflict with the principles of the most-favoured-nation clause."

M. Rasmussen (Denmark) did not agree with M. Bourgois' argument. He saw no inconsistency between the paragraph and the most-favoured-nation clause, and he was inclined to think that even if it were made compulsory by the substitution of " shall mention " for " may mention " there would still be no inconsistency. The most-favoured-nation clause did not affect the liberty of countries to choose the source of their supplies. In any case, commercial treaties aimed at development of commerce, whereas the Convention set out to restrict it, of course as regarded drugs only.

M. Barandon (Legal Section) compared the paragraph which Mr. Lester had suggested to Article 21 of the Covenant, which tended

to create rather than to prevent difficulties. There was no doubt that the paragraph under discussion would clash with some commercial treaties. The question was, which should prevail ?

M. Dinichert (Switzerland) confessed that he could not yet quite see his way clearly.

At first sight, the fact that should help to remove any disquietude felt by the Committee seemed to be the optional character of the provision of Article 3. In his view, the position, contrary to what had been said by certain speakers, would be very different if the provision were compulsory.

Moreover, if a State thought it preferable not to make use of this provision it would certainly not come into conflict with any other country. The question might then arise, however, whether such a State would allow the provision to be used to its own detriment. As regards the consequences of the provision, the opinions that had been expressed in the Committee had been very divergent.

The aim of the Convention was to give each State the option of saying from what country or countries it proposed to obtain its supplies. That was only an option, but, if it were utilised, it would have to be utilised to the full. There was one conceivable case which appeared not to have been foreseen by those who had drafted the Convention—namely, that in which a country said that it could not name another country or countries for the whole of its imports of narcotics, but only for part. It would communicate the required information to the Central Office only in so far as it obtained such information from the parties concerned in its own territory. That would not be a collective and general measure, and there would seem to be no legal objection arising out of the most-favoured-nation clause.

Moreover, M. Dinichert hesitated to agree with the Legal Adviser of the British delegation as regards the distinction which the latter had drawn between cases in which the appointment of a country or countries had been made in advance or as and when orders were given. M. Dinichert himself thought that the criterion to be adopted should be, not the time when the appointment was made, but the freedom of choice which the parties concerned were allowed.

If the case were now considered in which the appointment was made in advance and for all the narcotics to be imported, M. Dinichert was inclined to believe (though he left it to the economists to give a final pronouncement on the point) that such a measure would, in actual fact, constitute a restriction or prohibition of the imports of certain countries. Since the most-favoured-nation clause was, as Dr. Barandon had pointed out, bound up with the cognate conception of the prohibition of all discrimination in regard to import restrictions or prohibitions, the legal objection raised by the British delegation would be justified.

M. Dinichert naturally thought, like the preceding speakers, that a legal difficulty could arise only in the event of intervention on the part of a State which was not a party to the Convention.

He felt obliged to repeat that he was not in a position to give a definite opinion immediately on the point, more particularly since the problem could not be envisaged only from the legal point of view, but must be regarded also from the economic point of view.

M. de Alva (Mexico) considered that M. Dinichert had introduced a new idea which would perhaps lead to the solution of the problem. M. Dinichert had observed that, according as a Government left its nationals free or not to choose in what country they would place their orders, there might or might not arise a clash with the most-favoured-nation clause. The point was: What was the present-day attitude of countries in the matter? Was it admitted that a country could reserve the right to control the trade of its nationals?

If the economic epoch of *laissez-faire* still existed, any convention restricting the freedom of the individual would justify the arguments of the British and French delegations.

As, however, for some years past it had been considered that a State had acquired the right to impose restrictions upon private trade, the question was: Who, in the last resort, carried on the trade in narcotics? If the State, M. Alva's thesis held good; if the individual, the British thesis held good.

Mr. Fitzmaurice (Great Britain), in view of the fact that more than one delegate had failed to understand his point that, if the information referred to in the paragraph in question were given after instead of before the purchase of supplies, no violation of the most-favoured-nation clause would be involved, explained that indication in advance removed all the rights to competition granted under commercial treaties.

It had been suggested that the point turned on whether restriction were imposed on the traders or not. Actually the point was that no country could rightfully impose restrictions on the nationals of other countries by depriving them of the right to compete for its orders. As the paragraph was optional he was willing that it should stand, provided that the words "subject to its international obligations" were introduced before the words "when giving its estimates".

Subhi Ziya Bey (Turkey) thought that the discussions that had taken place revealed the full weight of the legal objection raised by the British delegation. He regretted that the question could not be elucidated on the basis of purely legal considerations, and that, in accordance with the usual tendency, the discussions were placed rather on what might be called a scholastic basis. Arguments might be adduced *ad infinitum* in favour of either thesis without any definite conclusion being reached.

He felt bound to say that he did not clearly understand the scope of the paragraph in question. It began by placing on record a freedom which was not limited by anything in the rest of the Convention. It was a

natural freedom, and there seemed no need to place it on record. The second part of the paragraph gave the States parties to the Convention the option to state from what country or countries they intended to obtain their supplies. If, however, a State did not make use of that option, no inconvenience would seem to ensue.

In consequence, he thought there was no need to keep the paragraph, which would always be a weak point of the Convention and might give rise to difficulties in the future.

The Chairman reminded the Committee that its task was solely to examine the relations between the paragraph in question and the most-favoured-nation clause, and not to discuss the desirability of leaving it in the Convention or not.

M. Cavazzoni (Italy) welcomed the straightforward proposal made by the British delegation.

Some previous speakers had feared that the declaration that would be made under Article 3, No. 1, second paragraph, would restrict the rights of manufacturing countries. He would reply to this by quoting Sir Malcolm Delevingne, who had said that a form of international cartel already existed and regulated the world price of drugs. In any case, he did not consider that indications given in accordance with the paragraph would affect free competition. The amendment proposed by the British delegation was in itself a proof that the legal objection it had raised earlier was without foundation. In the amendment, the word "may" was qualified by the reservation "subject to its international obligations". It was obvious, however, that, if the word "may" were used, the State was free to take earlier international obligations into account.

He pointed out to Subhi Ziya Bey that the paragraph was the result of a compromise reached during the January session of the Advisory Committee between the delegations in favour of the quota system and those against it.

The Italian delegation, which was against the quota system, had accepted as the procedure to be followed that laid down in the paragraph under discussion. The Central Office, basing its decisions on the information supplied by the different States, could vary the quantities allocated to the different countries. Countries could not, of course, execute orders until these had been referred to the Central Office. The object of the provision was, after all, to lighten the Central Office's task.

For all these reasons he hoped that he need not press further for the maintenance of the paragraph as it stood in the draft Convention.

M. Bourgois (France) supported the British proposal, which did not present any objection and would serve to remove the scruples of any jurists who submitted the provisions of the Convention to close scrutiny.

M. von Rheinbaben (Germany) felt that it was for the plenary Conference to modify the text of the Convention. The present Committee was required to answer "Yes" or "No", possibly with some qualification of its reply, to the question submitted to it.

M. Cavazzoni (Italy) agreed.

M. Bourgois (France) proposed that a vote be taken on the following :

"The Committee considers that the difficulty in question will be removed if the words 'subject to its international obligations' are added to the second paragraph of Article 3, No. 1".

Mr. Fitzmaurice (Great Britain) agreed that the Committee could not decide on the new wording. It must, however, make a recommendation. As the question turned, not on the wording of the Convention, but on the nature of the commercial treaties, he proposed the following :

"The Committee, having considered the question whether the second paragraph of the first part of Article 3 involves any conflict with the principle of the most-favoured-nation clause in commercial treaties, has come to the conclusion that this must depend on the provisions of the treaties in question. It is possible that a country which, in conformity with the paragraph in question, indicates in advance where it will purchase its supplies, may find itself involved in the violation of the most-favoured-nation clause in its commercial treaties with countries not parties to the Convention. Since, however, the paragraph imposes no obligation upon countries, but merely gives them an option which they can exercise or not as they please, the Committee considers that there is no legal objection to the paragraph as at present drafted.

"In order, however, to make it quite clear that countries need not accept the provisions of the paragraph unless they are in a position to do so, having regard to their commercial treaties, the Committee recommends that the paragraph be re-drafted as follows :

"It is understood that full liberty is reserved to each country to purchase its supplies of narcotic drugs in any country it wishes and it may, subject to its international obligations, mention the country or the countries from which it intends to purchase its supplies."

M. Bourgois (France) withdrew his proposal for the moment, since it was embodied in the last sentence of the British proposal.

M. Cavazzoni (Italy) repeated that the first part of the British proposal was an excellent reply to the legal objection which that delegation had raised. The second part contradicted the first.

Moreover, **M. Cavazzoni** thought that the present Convention should be understood to override the two earlier Conventions, namely, those concluded at The Hague and at Geneva.

He asked that the two parts of the British proposal should be voted upon separately.

M. Rasmussen (Denmark) pointed out that the words "subject to" in the British proposal gave preference to the commercial treaties, thus defeating the intention of its proposer. The amendment was not quite as inoffensive as it looked.

Mr. Fitzmaurice (Great Britain), in reply to the Danish delegate, had not intended to prejudge the question as to whether or no the Convention overrode commercial treaties. There was very little doubt that in most respects it would do so.

M. von Rheinbaben (Germany) proposed that **M. Rasmussen's** point should be met by substituting the words "having due regard to" for "subject to".

M. Cavazzoni (Italy) stated that the British delegation had itself replied to the question it had raised, when it declared that, from the strictly legal point of view, the second paragraph of Article 3, No. 1, in no way violated the most-favoured-nation clause.

He could not accept the amendment proposed in the second part of the British resolution; but, in the interests of the Committee's work, would propose a compromise—namely, that the Committee's recommendation should make reference to the original British proposal.

After some discussion as to whether a delegation had the right to demand that a proposal should be voted in sections, the **Chairman** asked **M. de Brouckère**, President of the Conference, to give his opinion on the subject.

M. de Brouckère (President of the Conference) explained that it was usual for assemblies to conform to parliamentary procedure, which, however, varied on this particular point. According to continental procedure, members had the right to demand the division of any proposal into sections for purposes of voting; they could even, in theory, ask for a separate vote on every word. He thought that in Anglo-Saxon countries this was not the case; at Geneva, however, the tradition was that a vote by sections could be demanded.

In the case in question, the two points of view could be reconciled in that, if division was refused in accordance with Anglo-Saxon procedure, M. Cavazzoni would be free to introduce an amendment advocating the deletion of the last part of the British proposal, upon which the Committee would be obliged to vote before voting on the British proposal as a whole.

The first part of the British delegation's proposal (down to the words "as at present drafted") was adopted by sixteen votes, three votes being subject to reservations regarding drafting; the remaining nine members of the Committee were absent.

The vote was taken by roll-call, as follows :

In favour : Denmark, Egypt, France, Germany, Great Britain, Irish Free State, Japan, Netherlands, Norway, Siam, Switzerland, Turkey, United States of America.

In favour with reservation : Italy, Mexico, Poland.

Absent : Abyssinia, Albania, Chile, Cuba, Dominican Republic, Hungary, Liberia, Monaco, Union of Soviet Socialist Republics.

The second part of the British delegation's proposal, with M. von Rheinbaben's amendment, was adopted by thirteen votes (one with a reservation regarding drafting) to three, nine delegations being absent.

The vote was taken by roll-call, as follows :

In favour : Egypt, France, Germany, Great Britain, Irish Free State, Japan, Netherlands, Norway, Siam, Switzerland, Turkey, United States of America.

In favour with reservation : Mexico.

Against : Denmark, Italy, Poland.

Absent : The same delegations as in the case of the previous vote.

Subject to drafting amendments, the British proposal was adopted.

SECOND MEETING.

Monday, June 8th, 1931, at 3 p.m.

Chairman : Mr. CALDWELL (United States of America).

3.—POWERS OF THE PERMANENT CENTRAL OPIUM BOARD : DIVERGENCE BETWEEN THE ENGLISH AND FRENCH TEXTS OF ARTICLE 24 OF THE INTERNATIONAL OPIUM CONVENTION SIGNED AT GENEVA ON FEBRUARY 19th, 1925 (document C.88 (I).M.44.(I).1925.XI).

M. Barandon (Legal Section of the Secretariat) pointed out that the President of the Permanent Central Board's letter¹ advocated amending or interpreting the Convention in the sense of the English text. The President of the Limitation Conference, however, had pointed out that the French text interpreted the meaning of those who had drawn up the Convention. M. Barandon would emphasise that this was clear from the Minutes of the second Opium Conference.² Here M. Sugimura's observation³ and the President's reply⁴ proved conclusively that the English text should read "so that there is", and not "or that there is".⁴

An amendment as proposed by the President of the Permanent Central Board involved enormous difficulties, even if, as had been suggested, the President of the Board and the Chairman of the Advisory Committee met and reached agreement on the form of such an amendment, since it would require unanimous agreement and the signature of the contracting parties to the 1925 Convention as well as of States who had acceded or might in future accede to it. Even if the States concerned were unanimous there would, while the necessary ratifications were being acquired, be a long period of uncertainty as to which text was valid.

The President of the Conference had suggested a new article in the new Convention, extending the powers of the Central Board, and, as this could not be drafted until the nature of such extension had been agreed upon, M. Barandon proposed that the Committee should submit a brief report to the Conference stating that the French was the correct text and suggesting that the moment was not ripe for the Committee to propose further procedure or a new article in the new Convention until it had been decided as to the competence of the Central Board.

Mr. Fitzmaurice (Great Britain) was in general agreement with M. Barandon but disapproved of his suggestion for the first

¹ Document C.110.1931.XI.

² Document C.760.M.260.1924.XI.

³ See page 347 (English text).

⁴ See final English text of the Convention, document C.760.M.260.1924.XI., page 515.

paragraph of his report, as it was not in accordance with Article 33 of the Convention, which stated that the French and English texts were both authentic. It should be stated that the Committee, after examination of the Minutes, considered that the French text represented the true intention of those drafting the Convention.

He was not in favour of postponing a decision regarding future procedure, as, whether it was decided to interpret the article in the sense of the English or of the French text, either an amendment of the Geneva Convention or the embodiment of an article on the subject of the present Convention was necessary. The question might therefore as well be considered at once as later.

Mr. Lyall (President of the Permanent Central Board) stated on behalf of the Board that its sole consideration was how it could best perform its duty of fighting the illicit traffic. The Advisory Committee examined this traffic in detail, and the Central Board's task was to denounce to the Council the countries found to be encouraging the traffic. The legal question was outside the Board's province, but it was unanimously agreed that, if the French text were to prevail, it would be impossible for it to carry out its duties.

His personal view of the legal aspect of the question was that the French text rendered Article 24 futile. It meant that, if a country became a danger to the rest of the world owing to the accumulation of stocks, the Board was to denounce it. Accumulation was not the danger; dissemination was the crime to be denounced. Japan, for instance, had accumulated enormous stocks, but was not a source of danger because of the Government's control of the stocks.

Article 26, which laid down the procedure to be taken by the Central Board in the case of countries not parties to the Convention, did not mention stocks or in any way narrow the category of offences giving rise to denunciation. It was inconceivable that the drafters of the Convention had intended to give the Board greater powers over non-party countries than over countries parties to it. The incompatibility of the French sentence in Article 24 with the rest of the Convention would not have escaped notice if the English text had not given a coherent version.

The Central Board required power if a country was in danger of becoming a centre of the traffic; the reason for that danger was immaterial and need not have been mentioned in the article.

He would be only too glad to meet the Chairman of the Advisory Committee, but could only engage in a friendly exchange of opinions with him, as he was unable to take official action except on the instructions of his Board.

M. Barandon (Legal Section) agreed with Mr. Fitzmaurice that the Committee should give the Conference its reason for considering the French the correct text.

On the matter of procedure, he had wanted to avoid suggesting any amendment involving ratification. He would therefore make a further suggestion: if the Conference agreed that the French text were to stand, a unanimous declaration to this effect might be made in the Final Act.

If, on the other hand, the English text, though not what was meant by the original drafters, was preferred by the Conference, an amendment or, as the President of the Conference had suggested, a new article was the only solution. He again urged that the Committee should wait before deciding on procedure until it knew which text was to be followed. So far, the question was one of drafting only. It might, however, become one of substance—a matter for discussion either by the Conference in plenary session or by some other Committee.

Mr. Fitzmaurice (Great Britain) agreed that the decision as to procedure might well be postponed.

To his mind, neither a new article, as suggested by the President of the Conference, nor a statement in the Final Act, as proposed by M. Barandon, represented an ideal solution. Either might involve signature, on a matter concerning the old Convention, by a country, not party to it, but represented at the present Conference, or failure to sign by a party to the old Convention; both these situations would raise many difficulties.

Legally, only the signatories of the original Convention were competent to alter it, though, if the countries present at the Conference were unanimous, there was not much danger of failure to obtain the necessary ratifications.

The Chairman thought that one difficulty raised by Mr. Fitzmaurice was eliminated, in that it was most unlikely that representatives of countries which were not parties to the 1925 Convention would consider signing any Final Act or other document which altered it.

M. Ferri (Italy) agreed that the Minutes quoted by M. Barandon proved that the French text was that intended. Some elements in other parts of the Convention might, as Mr. Lyall had pointed out with reference to Article 26, imply that the English text had expressed what was meant. It would be possible to read into the French text the same meaning as the English, as, in the interpretation of laws, "et" could be given a disjunctive instead of a conjunctive sense. He proposed that the Legal Section should consider whether the word "et" in the French text could be given

the function of separation and the meaning of "ou", thus widening the powers of the Central Board in the French text also and avoiding the necessity of amendment.

M. Dinichert (Switzerland) agreed with **M. Barandon** that the French text represented the intention of that Conference. The two authentic texts were not mutually exclusive; the English was merely more comprehensive. No one agreeing to the English could repudiate the French, since both were binding to the extent of the French.

The letter from the President of the Central Board advocating amendment or interpretation in the sense of the English text put a new aspect upon the question. Switzerland, incidentally, would accept any proposal so extending the powers of the Central Board. There were two courses open were they to fall in with this suggestion for extension :

(a) To draw up an amendment to the 1925 Convention to be signed and ratified by all the parties to that Convention (this presented many practical difficulties);

(b) To add a provision to the new Convention, not as an amendment to the old, but as a new text (this had the advantage of coming into force as soon as enough countries had ratified the Convention).

A difficulty would arise here in that the new text might be valid between some States and not between others. In this case, the Central Board could no doubt arrange to apply whichever provisions of the Convention were applicable, according to whether the State or States concerned had ratified the new or were still bound only by the old Convention. He therefore proposed to report :

(1) That the Committee had decided, after considering the opinion of the technical organs concerned, that, in view of the Conference records, the French text must be considered to express the intention of the parties, no legal discussion being involved here, since it was undeniable that being the narrower text it was acceptable to all; and

(2) That a new provision should be introduced into the new Convention, widening, if necessary, the powers of the Central Board.

M. Shibusawa (Japan) agreed with paragraph 1 of **M. Dinichert's** proposal. As regarded increasing the powers of the Central Board on the lines of the English text, it would be preferable not to open the discussion on that point in the Legal Committee. As regarded the question, he proposed the preparation of a protocol requiring ratification, as this would avoid constitutional difficulties.

Subhi Ziya Bey (Turkey) said that his country was not a signatory of the 1925

Convention. **Mr. Fitzmaurice** had pointed out the difficulties involved if any country in Turkey's position were to sign a Final Act, though, as the President had said, it was always possible to abstain from signing the Act in question. He did not consider the Conference competent to examine a question in which all its members could not take part. He therefore agreed with **M. Dinichert's** solution as to taking fresh initiative by inserting a new article in the new Convention. He would prefer to abandon all attempt to determine which of the texts was the correct version.

M. de Alva (Mexico) thought, as the two texts were authentic, **M. Ferri's** solution was the best offered. This did not exclude the Swiss delegate's proposal to insert a new article in the new Convention.

M. Gajardo (Chile) did not consider the Conference competent to deal with the question of interpretation; this was within the powers of the 1925 signatories only. He would find it difficult to sign articles or documents referring to treaties to which his country was not a party. He advocated adopting **M. Dinichert's** suggestion.

M. Barandon (Legal Section) pointed out that, as regarded the competence of the present Conference to deal with the point, the Council, at its sixty-second session, had adopted the conclusions of **M. Fotitch's** report,¹ which proposed communicating the text of the Advisory Committee's report and of the draft Convention to Governments, so that their delegates should be in a solution to deal with this question at the present Conference. The Conference was thus competent to discuss the point and to sign documents concerning it.

M. Rasmussen (Denmark) agreed with **Mr. Fitzmaurice** as to the wording of any report to the Council on the authenticity of the French text. As regarded procedure, he proposed that to avoid the difficulty arising out of new ratifications, a separate declaration interpreting the 1925 Convention should be adopted and signed by the contracting parties to that Convention, and that **M. Dinichert's** suggestion for a new article should be adopted. Denmark would be in favour of any change tending to give the Central Board powers in the sense of the English text.

M. von Rheinbaben (Germany) pointed out, in reply to the Italian delegate, that the difference between "et" and "ou" could not be argued away. The two texts nevertheless were both valid.

All present seemed to agree that it was difficult to amend the Geneva Convention, though there was no doubt that they were competent to do so. He did not agree with **M. Barandon's** suggestion for a Final Act.

¹ See Vol. I, Annex 7(b), page 299.

He advocated awaiting the discussion on other parts of the Convention which might materially affect their decision ; the reservation, for instance, which Japan proposed to make regarding the new competent authority might do so.

The Chairman could not accept the implication made by M. Barandon that a request from the Council to Governments invited to the Conference granted delegates powers to sign documents concerning a matter not directly connected with the original purpose of the Conference. He himself had no power to do so.

M. Gajardo (Chile) agreed. He therefore preferred the indirect means of reaching a solution proposed by M. Dinichert.

Subhi Ziya Bey (Turkey) was not convinced by the documents read by M. Barandon that the Conference's mandate covered questions affecting the text of the 1925 Convention. He too supported M. Dinichert's solution, which avoided all difficulties.

M. Bogomoloff (Union of Soviet Socialist Republics) also declared that he had no powers to sign documents dealing with the 1925 Convention, to which the Soviet Union was not a party.

M. de Alva (Mexico) said that, though his country was not a party to the 1925 Convention, he was authorised to discuss any question and to sign any document prepared by the Conference. He was present at the Legal Committee as a jurist, nominated by the Conference in that capacity, and was thus free to give his opinion. Final decisions, of course, rested with his Government and not with himself.

M. Dinichert (Switzerland) thought that to carry out the request made by the Council of the League and quoted in the Secretary-General's circular letter of March 11th, 1931,¹ the convening of a special meeting of the representatives of the Powers signatory to the 1925 Convention might be contemplated, and that, as regarded the future, the Committee could in due course agree on a new article in the new Convention.

M. Barandon (Legal Section) hoped that, though countries might not feel in a position to sign documents dealing with the 1925 Convention, they would nevertheless be able to discuss the question. The Credentials Committee had based its report on the assumption that the delegates' full powers covered signature, though of course the Conference could not compel any delegate to sign if he did not wish to do so.

¹ Circular letter 44.1931.XI.

Undoubtedly, however, they were competent to discuss the question in their capacity of jurists, as the Mexican delegate had pointed out. Assuming this, he proposed that the following report should be made to the Conference :

" I. After examination of the records of the 1925 Conference, the Committee has come to the conclusion that the French text of Article 24 of the 1925 Convention represents the intention of the Conference which drew up the said Convention.

" II. As to the question of further procedure, the Committee considers that it cannot usefully advise the present Conference on this question until it has been definitely established whether the competence of the Permanent Central Board shall be as stated in the French text of Article 24 or as stated in the English text, since the procedure to be adopted will vary according to the decision reached."

The first paragraph was based purely on a question of fact and was thus indisputable.

M. Rasmussen (Denmark) proposed that the word " will " at the end of paragraph II should be altered to " may ".

M. von Rheinbaben (Germany) could not accept paragraph II. The Committee should give the Conference a lead, advising them to embody an article in the new Convention which would put an end to all doubt as to the powers of the Central Board.

The Chairman proposed to put paragraph I of M. Barandon's draft to the vote, the delegates of Chile, Turkey and the Union of Soviet Socialist Republics stating that they must abstain from voting.

M. Dinichert (Switzerland) said that, if delegates proposed to abstain, he would renew his suggestion that the matter should be placed before a meeting of the representatives of the States parties to the 1925 Convention.

M. Ferri (Italy) agreed. He did not agree with the legal interpretation of either of the existing texts.

M. Dinichert (Switzerland) proposed a report to the Conference stating two conclusions :

(1) That the interpretation of Article 24 of the 1925 Convention was only within the competence of the Governments parties to that Convention ;

(2) That the Committee proposed the insertion in the new Convention of an article defining the powers of the Central Board, corresponding in scope to Article 24 of the 1925 Convention.

Mr. Fitzmaurice (Great Britain) pointed out that four States signatory to the 1925 Convention—Australia, New Zealand, South Africa and Bulgaria—were not present at the

Conference. Thus M. Dinichert's first suggestion could not be carried out at the present Conference.

He urged the adoption of M. Barandon's report. It was true that paragraph I, which stated a fact, was indisputable. Paragraph II postponed action until agreement had been reached between the Permanent Central Board and the Advisory Committee, when a decision would be easier, and when M.

Dinichert's suggestion, which paragraph II in no way prejudiced, might be valuable.

M. Bourgois (France) had some doubts in regard to M. Dinichert's suggestion, which tended to raise once more all the difficulties with which the 1925 Conference had been faced.

The discussion was adjourned to the next meeting.

THIRD MEETING.

Tuesday, June 9th, 1931, at 3 p.m.

Chairman: M. CALDWELL (United States of America).

4.—POWERS OF THE PERMANENT CENTRAL OPIUM BOARD : DIVERGENCE BETWEEN THE ENGLISH AND FRENCH TEXTS OF ARTICLE 24 OF THE INTERNATIONAL OPIUM CONVENTION SIGNED AT GENEVA ON FEBRUARY 19th, 1925 (continuation).

M. Dinichert (Switzerland) submitted the following draft resolution :

" After a careful discussion of the questions raised by the discrepancy between the French and English texts of Article 24 of the Geneva Convention of February 19th, 1925 ;

" The Legal Committee desires to submit to the Conference the two following resolutions :

" I.

" An examination of the documents of the Second International Opium Conference of 1924-25 has shown that it is the French text of Article 24, paragraph 1, of the 1925 Convention which answers to the negotiators' intentions, this being corroborated by the logical meaning of the text.

" Furthermore, the competence conferred by this clause on the Permanent Central Board according to the French text is, in any case, included in the competence provided for in the English text.

" II.

" The Committee considers that a stipulation corresponding in its essence with Article 24, paragraph 1, of the 1925 Convention might usefully be introduced into the proposed new Convention. Its exact text should be examined on a later occasion."

Alternative text for I :

" The Committee considers that, in accordance with the opinion expressed by the Council of the League of Nations at its meeting of January 24th, 1931, the delegations of the States parties to the Geneva Convention of 1925 who are participating in the present Conference should confer together with regard to the discrepancy of the texts in question."

As regards No. I of his draft resolution, M. Dinichert thought it would be desirable—though without drafting a new document to be submitted for signature and ratification to the States parties to the 1925 Convention—to note that it was the French text of Article 24, paragraph 1, of the Convention which reflected the intentions of the negotiators. Moreover, from the point of view of the international engagements which had been entered into, no country could dispute that it was bound by the 1925 Convention, at all events to the extent of the provisions of the French text. In No. II of his draft resolution, M. Dinichert had purposely avoided submitting a definite text. That could be worked out at the subsequent discussions.

Lastly, in order to meet the possibility that delegations might feel bound to raise a question of competence in regard to the vote on No. I, M. Dinichert had submitted an alternative text which could be substituted for that of No. I, in order that a unanimous decision might be reached on a formula.

M. von Rheinbaben (Germany) accepted the first of M. Dinichert's draft resolutions. He proposed the substitution of the word "should" for "might usefully" in the text of the second, thus taking into consideration some remarks made earlier by the President of the Central Board.

It would be somewhat difficult to carry out the proposal suggested in the alternative text. He suggested that the "exact text", mentioned in the last sentence of section II of the draft resolution, should be drafted

first, and that a clause should be embodied in the Protocol or Final Act of the Conference recommending States to apply either the French text or the English text of Article 24, paragraph 1, pending the adoption of a new provision regarding the powers of the Central Board.

M. Gajardo (Chile) stated that, in his opinion, the present Conference was not competent to interpret the 1925 Convention.

It would be creating a dangerous precedent to ask a Conference, if not to discuss, at all events to interpret an Act drawn up by another Conference of which the participating States were different. **M. Gajardo** could accept No. II and the "alternative text" of the draft resolution and also the amendment proposed by the German delegation.

Russell Pasha (Egypt), speaking as a working police official, emphasised the danger inherent in the English text of Article 24, paragraph 1, the wording of which gave the Central Board the right to ask for an explanation from a country which, according to the information at the Board's disposal, was in danger of becoming the centre of the illicit traffic, not only on account of accumulations of excessively large stocks of substances covered by the 1925 Convention, but for any reason whatever. The corresponding French text did not give the Board this right and therefore did not present the same danger. If the English text were adhered to, a Government receiving a request for an explanation for reasons other than accumulation of stocks in its territory might well ask what authority was entitled to speak on behalf of the League on illicit traffic questions. So far, the Advisory Committee had been considered the competent authority on questions of illicit traffic, the Central Board being only the authority on statistics. In conclusion, he thought the French text should be adhered to, since it avoided duplication and all consequent confusion.

M. Bogomoloff (Union of Soviet Socialist Republics) proposed that the Committee should first vote as between No. I of **M. Dinichert's** draft and the alternative text of that draft. **M. Bogomoloff** himself could only vote for the latter.

Mr. Lyall (President of the Permanent Central Board) understood that it was the unanimous opinion of the Committee that the French text of Article 24 of the Geneva Convention correctly represented the intentions of those who negotiated that Convention.

On the other hand, the Chilean delegate had pointed out that those who signed the Convention, if they knew English better than French, would have read the English text of the Convention and signed it on the understanding that it was correct. According to that text, they seemed to be adequately protected against illicit traffic in the drugs

covered by the Convention, as far as this could be done by treaty stipulations. They now learned that, in the unanimous opinions of the eight men, of eight different nationalities, who were appointed by the Council to see that the Geneva Convention was carried out, and who had been engaged for nearly 2½ years in performing this duty, the Convention was totally inadequate to protect the contracting Powers against the illicit traffic. The Powers who signed the Convention in the belief that the English text was correct had therefore done so under a complete misunderstanding. As the signatures had been obtained under so grave a misconception, the validity of the whole treaty became extremely doubtful: that, however, was a legal point, upon which his opinion was of no value and he would not press it.

He must, however, submit to the Committee that the Central Board unanimously considered that it was a fact of major importance that the provisions of the English text of the paragraph in question were adequate, if faithfully carried out, to secure protection against the illicit traffic, whilst those of the corresponding French text were not. If no reference were made to this fact in the resolution adopted by the Legal Committee, some reference ought at least to be made to it in the Chairman's report to the plenary Conference.

M. Ekstrand (Director of the Opium Traffic and Social Questions Section) pointed out that there were two organs at present dealing with opium matters. First, there was the Advisory Committee on traffic in opium and other dangerous drugs, the advisory organ created by the Council and Assembly as part of the machinery necessary to enable the League to fulfil its obligations under Article 23 of the Covenant. The Opium Advisory Committee was composed of the representatives of twenty-one Governments, and of three assessors, but it did not correspond directly with Governments. It advised the Council. Action in relation to Governments was therefore taken by the Secretary-General acting on instructions from the Council. Secondly, there was the Permanent Central Opium Board, created under the Geneva Convention to carry out the special duties assigned to it under Chapter VI of that Convention. The Board corresponded directly with the Governments, and not through the medium of the Council and the Secretary-General, except that in one case, in relation to the application of the sanctions provided in Article 24 of the Convention, it might ask for explanations through the Secretary-General. It was essential for the smooth working of this machinery that the scope of the jurisdiction of these two organs should be clearly defined. The Advisory Committee, in accordance with decisions of the Council and Assembly, acted through the Council and the Secretariat in questions relating to the illicit traffic, except as regarded the special type of activity specifically assigned under

the terms of the French text of the Geneva Convention to the Permanent Central Board in connection with its examination of the statistics received by it under the Convention.

The preceding observations did not apply to official action taken by the Secretary-General on the Council's instructions. The Secretariat was constantly in almost daily communication with the Governments on matters relating to the illicit traffic.

An amendment or interpretation of the Geneva Convention in the sense of the English text of Article 24 would appear to confer upon the Central Board powers of a general and undefined character over the whole field of the illicit traffic. Although the French text of Article 24, paragraph 1, represented the intention of the framers of the Convention in question, such power was not contemplated by the Second Opium Conference in 1925. It was essential to avoid any clash of jurisdiction between the Council, acting through the Secretary-General on the advice of the Opium Advisory Committee, and the Permanent Central Board.

As the Board corresponded directly with Governments and not through the medium of the Secretary-General, it was difficult in the circumstances to see how, in practice, overlapping and confusion prejudicial to the League's work on the illicit traffic could be avoided.

Some discussion took place as to the order in which the various parts of M. Dinichert's draft resolution should be considered.

The Committee decided by eleven votes to five to vote first upon No. I of that draft.

M. Gajardo (Chile) and **Mr. Fitzmaurice** (Great Britain) considered that only States parties to the 1925 Convention had a right to give an opinion on the interpretation of any article thereof. In **Mr. Fitzmaurice's** view, the representatives of States not parties to the Convention must necessarily abstain from voting on No. I.

The Chairman disagreed. Since the question had been referred to the Legal Committee, its members were competent to discuss and decide it. Each member was free to decide whether he would vote or abstain.

Mr. Fitzmaurice (Great Britain) asked **M. Dinichert** if he would withdraw the alternative text, in order that the representatives of States parties to the 1925 Convention might alone give their opinion on the interpretation thereof; this would be done if No. I only were put to the vote.

The Chairman stated that it was too late to withdraw the alternative text to No. I,

as the Committee had taken a decision on the order in which it should vote on the three parts of the resolution.

M. von Rheinbaben (Germany) stated that he held the same view as the British delegate in regard to No. I. He would therefore be obliged to vote against the alternative text, and the unanimity which that text had been designed to secure would, in any event, not be secured.

The Committee adopted No. I of M. Dinichert's draft resolution by fourteen votes to two, with two abstentions.

M. Gajardo (Chile) asked that his abstention might be recorded in the Minutes.

The Committee rejected the alternative text by nine votes to three, with three abstentions.

Mr. Fitzmaurice (Great Britain) proposed, in place of the text of No. II, the following text, which had been submitted on the previous day by the Secretariat in the same connection :

" As to the question of further procedure, the Committee considers that it cannot usefully advise the present Conference on this question until it has been definitively established whether the competence of the Permanent Central Board shall be as stated in the French text of Article 24 or as stated in the English text, since the procedure to be adopted may vary according to the decision reached ".

It would be better not to settle this point until it was known how the question of principle would be solved.

M. von Rheinbaben (Germany) read the following text, which might perhaps meet the British delegate's point :

" As to the question of further procedure, the Committee considers that this Conference should, when deliberating on the respective articles of the new Convention, try to exclude any doubt as to the general scope of Article 24 of the Geneva Convention ".

In adopting this formula the Committee would be proposing something substantial, without, however, committing itself.

Mr. Fitzmaurice (Great Britain) could accept the German delegate's text provided it were amended as follows :

" As to the question of further procedure, the Committee considers that this Conference should, when deliberating on the respective articles of the new Convention, exclude any doubt as to the functions and powers of the Permanent Central Opium Board ".

M. von Rheinbaben (Germany) accepted this amendment.

M. Ekstrand (Director of the Opium Traffic and Social Questions Section) said that he had never heard of any doubts as to the Permanent Central Board's powers regarded as a whole. The only point under discussion was the interpretation of the

passage in Article 24 referring to its powers. He accordingly proposed that the wording suggested for Section II of the draft resolution should be completed by the addition of the words "under the terms of Article 24".

Mr. Fitzmaurice (Great Britain) thought that it was precisely because everyone knew that Article 24 alone was involved that there was no need to mention it. Reference to that article would, moreover, be inexpedient, since the Committee might be thought to be wishing either to amend or to interpret the 1925 Convention, and this might raise again the question of the competence of the representatives of the countries not parties to the 1925 Convention. It would therefore be better to speak merely of introducing into the Convention, or a protocol, or some other act, a clause concerning the powers and functions of the Permanent Central Board.

M. von Rheinbaben (Germany) suggested that the reference to Article 24 should be given in the title to the resolution.

M. Dinichert (Switzerland) observed that he had not invented the title given to his draft resolution. He admitted, however, that the reference he had suggested to Article 24 in No. II was not necessary. The main step had been taken for the moment, since the Committee had succeeded in solving the difficulty without having to frame a new text which would then have had to be signed and ratified. What happened in future would be determined in No. II in the form in which it had been drafted by M. von Rheinbaben or in the following form :

"As to the question of further procedure, the Committee considers that this Conference should, when deliberating on the respective articles of the new Convention, determine exactly the powers and functions of the Permanent Central Board".

M. Ekstrand (Director of the Opium Traffic and Social Questions Section) would have been glad to be able to agree with M. Dinichert's view, but considered that the present Conference was not competent to determine the Permanent Central Board's powers and functions. These had been defined by the 1925 Conference, and the text drawn up by that Conference was precise at all points, except for the matter dealt with in Article 24. M. von Rheinbaben's draft resolution was far too wide and the Committee would, in M. Ekstrand's opinion, be wise to limit its discussion to the discrepancy which had given rise to the Council's question.

The Chairman pointed out that the phrase "when deliberating on the respective articles of the new Convention", in M. von Rheinbaben's resolution, might lead the reader to think that the object was to exclude a number of doubts occurring throughout the Convention.

Subhi Ziya Bey (Turkey) asked whether in the event of No. II of the draft resolution being accepted, the question would have been finally settled, or whether the consent of the parties to the 1925 Convention to the solution proposed would have to be secured. In the former contingency, the present Conference would be assuming responsibility for settling a question which was not within its competence and, in the second, the draft resolution concerned only the representatives of the parties to the 1925 Convention. Subhi Ziya Bey would greatly prefer the second alternative, nor did he quite understand what further action the Conference could take on this resolution. For this purpose, it would, he thought, be necessary to have a text in a special protocol and not in the new Convention. With regard to the question raised in No. II of the resolution, the best solution would be to ask delegations which were dubious as to the interpretation of Article 24 to make suggestions to the Conference, so that the latter would be in a position to adopt certain articles dealing with the matter in the new Convention or, at any rate, settle the point in a protocol or in the Final Act.

Mr. Fitzmaurice (Great Britain) proposed the following amended text :

"As to the question of procedure, the Committee considers that this Conference should, when deliberating on the respective articles of the new Convention, exclude in the Convention any doubt as to the powers of the Permanent Central Opium Board under the terms of Article 24 of the Geneva Convention".

M. Gajardo (Chile) would be prepared to accept this text if the reference to the question of procedure and to Article 24 of the Geneva Convention were struck out.

M. von Rheinbaben (Germany) supported the text as amended by Mr. Fitzmaurice.

M. Dinichert (Switzerland) would be willing to accept any formula preferred by the majority, but did not at the moment understand the intentions of the majority.

M. Ferri (Italy) concurred in the British amendment, particularly as it was quite impossible not to refer to the 1925 Convention in the proposed formula, at least indirectly, since mention of the Permanent Central Board set up under that Convention was inevitable.

The Committee adopted the amended text proposed by the British delegate for No. II of M. Dinichert's draft resolution by twelve votes to one, with two abstentions.

FOURTH MEETING.

Wednesday, June 10th, 1931, at 3 p.m.

Chairman : M. CALDWELL (United States of America).

5.—EXAMINATION OF THE DRAFT CONVENTION : AMENDMENTS OF ARTICLE 3, No. 3, AND ARTICLE 4, No. 2.

The Chairman read the following amendment to Article 3, No. 3, proposed by the delegation of the Union of Soviet Socialist Republics :

" (1) Section 3 of this article should be omitted, as any provision within the body of the Convention relating to States not parties thereto has no adequate juridical basis ;

" (2) A recommendation should be embodied either in the Final Act or in some other annexed text inviting States not parties to the Convention to provide their estimates, being guided as far as possible by the provisions of Article 6 of the Convention "

M. Bogomoloff (Union of Soviet Socialist Republics) stated that his delegation had no objection to the sense or the spirit of the paragraphs in question. Its amendment was based on the purely legal objection that it was a bad precedent and contrary to the spirit of international agreements to place obligations on countries not parties to such agreements. To cover both his legal point and that of the necessity of obtaining world estimates, he proposed to substitute for Article 3, No. 3, the following :

" The competent authority will make an estimate of the world's needs in narcotic drugs mentioned in No. 1. The competent authority should invite States not parties to the Convention to furnish their estimates, being guided as far as possible by the provisions of Article 6 of the Convention "

Sir Malcolm Delevingne (Great Britain) asked if M. Bogomoloff would explain what the competent authority was to do when a State not party to the Convention failed to furnish an estimate. It was essential for the working of the scheme to know the estimates for every country in the world, otherwise exports could not be controlled and kept within the limits of such estimates. If the first sentence of M. Bogomoloff's new proposal covered the furnishing by the competent authority of estimates for all non-party countries failing to accede to a request to supply them, he could see no difference between it and the text of the Convention as drafted by the Advisory Committee. He had no objection to the second sentence of the new proposal.

M. Bogomoloff (Union of Soviet Socialist Republics) said that he had intended that his first sentence should cover the point raised by Sir Malcolm Delevingne. To make the matter quite clear, he suggested the addition of the words " and the needs of individual countries " after the words " the world's needs ".

Mr. Fitzmaurice (Great Britain) saw no legal objection to the text of the Convention as it stood, since no obligation was placed by it upon countries not parties to the Convention. It was because such countries were under no obligation that it was necessary for the estimate to be furnished by some other authority.

M. Ferri (Italy) considered the discussion premature, as all consideration of the establishment and the powers of the competent authority was yet to come. Italy would be in favour of any provision giving extensive powers to this authority.

The legal obligation imposed by the draft Convention as it stood applied only to States parties to it. He did not therefore see the difficulty raised by M. Bogomoloff.

To make Article 3 quite clear as regarded both the legal point that no obligation was placed upon countries not parties to the Convention and the question of furnishing the competent authority with the right to make an estimate, should need arise, he proposed—first, that No. 1 of the article should be retained as it stood ; secondly, that No. 2 should invite non-party States to furnish estimates ; and, thirdly, that No. 3 should state that, in the event of failure to supply estimates by a contracting party or by a State not a party to the Convention invited to do so, the competent authority should itself proceed to furnish the estimates required.

M. Bogomoloff (Union of Soviet Socialist Republics) had no objection to an article drawn up on the lines of M. Ferri's proposal.

After discussion, the Committee unanimously adopted the following text for Article 3, No. 3 :

" The competent authority shall invite countries to which this Convention does not apply to furnish estimates in accordance with No. 1 of this article, being guided by the provisions of Article 6 of the Convention. In the event of no estimate being furnished on behalf of any such country, the competent authority shall itself make the estimate."

Mr. Fitzmaurice (Great Britain) proposed a consequential amendment to Article 4, No. 2, to read as follows:

"The competent authority will similarly, if necessary, invite any country to which this Convention does not apply to furnish

a supplementary estimate and, in the event of no such estimate being furnished, the competent authority shall itself make the estimate."

Agreed.

ANNEX 1.

LIST OF COMMITTEES AND THEIR MEMBERS.

I. LEGAL AND DRAFTING COMMITTEE.

This includes the Legal Committee already constituted, it has been enlarged and its terms of reference extended. It is constituted as follows :

Chairman : Mr. CALDWELL (United States of America), Vice-President of the Conference.

Vice-Chairman : Switzerland.

Members : Abyssinia, Albania, Chile, Cuba, Denmark, Dominican Republic, Egypt, France, Germany, Great Britain, Hungary, Irish Free State, Italy, Japan, Liberia, Mexico, Monaco, Netherlands, Norway, Poland, Siam, Turkey, Union of Soviet Socialist Republics.

2. TECHNICAL COMMITTEE.

Chairman : Poland.

Vice-Chairman : Belgium.

Members : Austria, China, Costa Rica, Czechoslovakia, Danzig, France, Germany, Great Britain, Guatemala, Italy, Japan, Lithuania, Netherlands, Panama, Paraguay, Peru, Roumania, Spain, Sweden, Switzerland, Union of Soviet Socialist Republics, United States of America, Venezuela.

3. COMMITTEE FOR LIMITATION.

Chairman : M. DE VASCONCELLOS (Portugal), Vice-President of the Conference.

Vice-Chairman : Argentine.

Members : Canada, Egypt, Finland, France, Germany, Great Britain, Greece, Hejaz, India, Italy, Japan, Latvia, Luxemburg, Netherlands, Persia, Poland, Siam, Spain, Switzerland, Turkey, Union of Soviet Socialist Republics, United States of America, Uruguay, Yugoslavia.

ANNEX 2.

NOTE BY THE LEGAL ADVISER TO THE CONFERENCE.

The following questions have been asked :

I. Are there any precedents similar to Article 18 of the draft Convention, under which the annex would be regarded as an integral part of the Convention and the rules of the annex may be revised in a special manner ?

II. Does the annex to the draft Convention contain questions of substance or only questions as to the application of the principles found in the draft Convention itself ?

III. Should a stipulation be inserted in the draft Convention providing for a right of appeal on the part of the contracting parties against a decision taken by any organ created for the revision of the annex to the Convention ?

I. PRECEDENTS.

A. CONVENTIONS CONCLUDED UNDER THE AUSPICES OF THE LEAGUE OF NATIONS.

Amongst the agreements and conventions concluded under the auspices of the League of Nations there are many which are accompanied by annexes. The nature of these annexes and their relation with the principal part of the Convention vary considerably.

In a very large number of cases the annexes are merely models on which certain documents or signs mentioned in the Convention are to be made by the contracting parties.¹ In these cases it is never expressly stated that the annexes form an integral part of the Convention, but there is no doubt that such is the case, because the models are purely accessory to the Convention. In no case can these annexes be changed without a formal amendment to the Convention, involving the agreement and ratification of all the contracting parties.

There is, further, a group of conventions in which the annexes relate to detailed regulations for definite duties to be undertaken by domestic organs and authorities of the contracting parties, by virtue of the Convention. As an example might be given the agreements of October 23rd, 1930, concerning maritime signals and manned lightships not at their stations; the agreements have annexes relating to certain signals at sea. In the two agreements, the contracting parties undertake to put into force the provisions of the regulations annexed. It follows that these annexes are integral parts of the agreements. No procedure is laid down for a modification of the annexes except that of the agreements. Another example in this second group of Conventions is the Convention of November 27th, 1925, concerning the tonnage measurement of vessels employed in inland navigation. The legal nature of the annexes containing detailed regulations as to tonnage is the same as that of the annexes to the two above-mentioned agreements. Lastly might be mentioned in this group of conventions the International Convention concerning Economic Statistics of December 14th, 1928, which is accompanied by six annexes containing the general principles and models which the contracting parties undertake to accept for the drawing up of statistics to be prepared by them under the Convention. It is not laid down that the annexes are an integral part of the Convention, but this follows from the fact that the parties undertake in the Convention certain obligations as regards the annexes. All questions of organisation are dealt with in the Convention itself. Nothing is provided as to an independent modification of the annexes; on the contrary, if the system of statistics indicated in one of the annexes should prove not to be satisfactory, an additional agreement by the parties is provided for.

In the third group of conventions with annexes are to be found certain conventions concluded by the Communications and Transit Organisation. Conventions in this group have in common the fact that they provide for an international regime for certain means of communication. The regime is laid down in a statute annexed to the Convention. The nature of these annexes is different from that of annexes in the two groups mentioned above in this respect—that the annexes of the third group do not merely contain models or methods of application of principles contained in the Convention, but also the very essence of the international regime provided for by the Convention. The latter merely contains the acceptance of the statute annexed and the protocol articles. Although the statutes are the very essence of the international agreement, they cannot be changed independently of the Convention, because the latter contains all the provisions as to coming into force, denunciation and possible revision. The Conventions of this third group are, in particular, the conventions and statutes of the international regime, (a) of railways, dated December 9th, 1923; (b) of maritime ports, dated December 9th, 1923; and of the regime of navigable waterways of international concern, dated April 20th, 1921.

Lastly, as the fourth type of conventions accompanied by annexes may be mentioned those which set up an autonomous body the statutes of which are contained in the annexes. This is the case with the conventions and statutes establishing an International Relief Union, signed at Geneva on July 12th, 1927. The statutes of the International Relief Union form the annex of the said Convention. This annex is not an integral part of the Convention; on the contrary, it provides for the setting up of an autonomous body. Under Article 21 of the Convention, the annexed statutes may be modified by the general council. Here, then, a change in the annex may be made independently of the Convention; but it is clearly understood that, in this case, the annex does not form an integral part of the Convention, but sets up an autonomous body which follows its own rules. It must, however, be emphasised that all fundamental points as to the Relief Union set up by the Convention (finances, organs, etc.) are, in principle, dealt with in the Convention itself.

The statutes of the International Relief Union may be compared to the rules of the Permanent Court of International Justice, which may be amended by the Court without any necessity for an amendment in the statute; the latter cannot be changed without the agreement of the parties to the Protocol of December 16th, 1920, to which the Statute of the Court is annexed.

B. CONVENTIONS CONCLUDED PRIOR TO AND OUTSIDE THE LEAGUE OF NATIONS.

This relates to a number of postal and railway conventions. They may be divided into two principal groups.

In the first group are the Convention of December 28th, 1857, between Austria, Prussia and certain other German States concerning telegraphic communication between the said

¹ Examples: Convention on the Registration of Vessels engaged in Inland Navigation, etc., of December 9th, 1930; Convention on the Unification of Road Signalling of March 30th, 1931; Convention on the Taxation of Foreign Motor Vehicles of March 30th, 1931; Convention on Financial Assistance signed during the eleventh Assembly in September 1930; Agreement concerning the Preparation of a Transit Card for Emigrants of June 14th, 1929; Opium Convention of February 19th, 1925.

countries, and the International Telegraph Convention of St. Petersburg of July 22nd, 1875. These two conventions are completed by regulations which form an integral part of the Convention (Convention of 1857) or which have the same value as the Convention (Convention of 1875).

Nevertheless, it is stated in both cases that the provisions of the regulations may be "modified at any time by joint agreement between the administrations of the contracting States". We thus have here two important precedents in which the provisions of an annex, although it forms an integral part of the Convention, may be changed independently. The change may be made "at any time"—that is to say, independently of the period of the Convention, and jointly by the national administrations; that is to say, in the case of the Convention of 1875,¹ by organs other than those which concluded the convention (Heads of States represented by plenipotentiaries). In both cases the entry into force of any modification of the regulations is not subject to ratification.

The other principal group of conventions in question consists of postal or railway conventions to which executive regulations are attached or which establish an international organ, the organisation and operation of which form the subject of annexed regulations. That is the case with the Universal Postal Convention of London, signed on June 28th, 1929. The annexes containing the regulations for the execution of the Convention and the provisions regarding air transport of letter mail are not expressly declared to form an integral part of the Convention, but it is stated that they shall have the same duration as the Convention unless they are renewed by joint agreement between the parties concerned.

Lastly, mention should be made of the International Convention of October 23rd, 1924, regarding the transport of goods by rail. This Convention establishes a Commission of Experts, the organisation and working of which forms the subject of annexed regulations. Nothing is said as to the method of modifying these regulations, and it must therefore be assumed that they cannot be modified independently of the Convention.

C. RECAPITULATION.

The list given above cannot be regarded as absolutely complete, but we think it contains examples of all types that may be found. For the first question put to us, it provides the following reply :

1. The Conventions concluded under the auspices of the League of Nations never provide a special method of amendment for annexes forming an integral part of the Convention. In the only case where an independent method of amendment is provided (International Relief Union), the organisation concerned is autonomous, and it is not stated that the annex forms an integral part of the Convention.

2. The Postal Conventions concluded before the existence of or outside the League of Nations include conventions having annexes which, although they form an integral part of the Convention, may be specially and independently modified. Such modifications, however, are not entrusted to a special organ, but are effected by agreement between the administrations of the contracting States.

3. In all conventions providing for the creation of special organs the fundamental and principal provisions regarding organisation, competence and financial matters are contained, not in the annexes, but in the body of the Convention itself.

II. CONTENTS OF THE ANNEX.

It appears that the "Regulations" attached to the draft Convention do not deal only with the application of the principles laid down in the actual text of the Convention, but that they contain certain essential points which are not regulated in principle in the Convention. The main points in question are the creation, organisation, competence and financial regulations of two new organs—the "competent organ" and the "Central Narcotics Bureau". True, the two organs are mentioned and certain duties are allotted to them in the body of the Convention; but the fundamental provisions relating to the creation, organisation, competence and finances of these organs are in the attached regulations. Indeed, it is difficult to understand the meaning of the last paragraph of Article 10, No. 4, of the draft Convention, in which the "Narcotics Bureau" is mentioned, without any explanation or without reference to the annex.

It should be borne in mind that in all the conventions examined above which provide for the creation of special organs the fundamental and principal provisions regarding organisation, competence, etc., are contained, not in the annexes, but in the actual text of the respective conventions. Another convention in point is that of Geneva, dated February 19th, 1925, which lays down the regulations for the creation, organisation and competence of the "Permanent Central Board" in a special chapter of the Convention, not in an annex. It may be asked why these methods have been abandoned for the present draft Convention and its annex. The reason might be that it was intended to provide, for the points regulated in the annex, a simplified method of revision and modification such as that indicated in Article 18 of the draft Convention.

¹ The Convention of 1857 is an agreement between the Administrations of the States concerned.

It must be remembered, however, that there is no convention concluded under the auspices of the League which, whilst declaring the annex to be an integral part of the convention, provides a special method for the revision or modification of the annex. Even in the Postal Conventions cited above the amendment of the annex is not placed in the hands of a special organ, but rests with the Governments concerned. For the present draft Convention the method of revising or modifying the annex has not yet been defined; but serious objections have already been raised in the Conference to the withdrawal of essential questions from the sovereignty of the contracting States by regulating such questions in an annex.

III. RIGHT OF APPEAL.

It is difficult to give an opinion on a question of right of appeal against any decision taken by an organ established for the revision of the annex to such conventions without knowing the nature and powers of the organ.

If the organ is a commission independent of the Governments concerned, the instance of appeal might be an international organisation, such as the Health Committee of the League of Nations. Or, again, it might be arranged that, at the request of a certain number of States, a conference of contracting parties would be convened by the Secretary-General of the League of Nations to take a decision on the appeal. Such a conference need not be composed of plenipotentiaries of heads of States; all that would be needed would be a conference of delegates of the national administrations concerned (on the model of the Postal Conventions mentioned above). The question of appeal, however, would lose a great deal of its importance if the fundamental provisions were placed, not in the annex, but in the body of the Convention itself.

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ANNEX 3.

REPORT OF THE COMMITTEE OF EXPERTS¹ ON THE NATURAL AND ARTIFICIAL ALKALOIDS (INCLUDING THEIR RESPECTIVE SALTS) DERIVED FROM OPIUM OR OPIUM POPPY AND COCA LEAVES.

The experts were asked to examine the following questions:

(a) Which are the alkaloids of opium, opium poppy, and coca leaves which are habit-forming narcotic drugs?

(b) From what alkaloids of opium, opium poppy, and coca leaves can habit-forming narcotic drugs be derived?

(c) What are the alkaloids of opium, the opium poppy and coca leaves which, although not habit-forming, may be converted into habit-forming narcotic drugs?

On these questions the experts reached a unanimous decision, which is embodied in the following report:

NATURAL AND ARTIFICIAL ALKALOIDS OF OPIUM, OPIUM POPPY AND COCA LEAVES (INCLUDING THEIR RESPECTIVE SALTS)

I. *Habit-forming alkaloids convertible into other habit-forming alkaloids:*

1. Natural alkaloids:

Morphine,
Cocaine.

2. Artificial alkaloids:

Acedicone,
Diacodide,
Dilaudide,
Eucodal,
Geno-morphine,
Heroin and other morphine-esters,
Acylalkyl derivatives of l.-ecgonine.

¹ The Technical Committee, in the course of its discussions, submitted certain questions to the experts of the Conference appointed by the Council on the proposal of the Health Committee—namely, Professor W. E. DIXON, Professor ERICH VON KNAFFL-LENZ, Professor M. TIFFENEAU and Dr. P. WOLFF. In accordance with the Technical Committee's decision, Dr. SMALL, of the United States delegation, also attended the meetings of the experts. The questions and the experts' replies are embodied in Annexes 3, 5, 6, 7, 9 and 10.

II. *Non-habit-forming alkaloids but convertible into habit-forming alkaloids :*

1. Natural alkaloids :

Codeine,
Thebaine.

2. Artificial alkaloids :

Dionine,
Peronine and other ethers of morphine,
L.-ecgonine.

III. *Non-habit-forming alkaloids which are not convertible into habit-forming alkaloids :*

Narcotine,
Papaverine.

Appendix.

ALKALOIDS OF OPIUM AND OPIUM POPPY AND THEIR DERIVATIVES.

I. PREAMBLE.

The opium alkaloids may be divided sharply into two groups :

1. The isoquinoline alkaloids, such as papaverine and narcotine, which are not habit-forming and which cannot be converted into other habit-forming narcotic drugs ;

2. The group of phenanthrene alkaloids, consisting in the main of the following three substances : morphine, codeine, thebaine, of which only morphine is habit-forming, but which may all be converted into other narcotic and habit-forming drugs.

Beside these alkaloids present in opium in more or less important quantities and which may be called *natural alkaloids*, there are a series of derived alkaloids which may be called also *artificial alkaloids*—*i.e.*, alkaloids obtained by submitting the natural alkaloids or their derivatives to the action of chemical reagents.

In a certain number of cases we may utilise these alkaloids, even if they are not habit-forming, as rough material for preparation of habit-forming alkaloids.

II. LISTS OF ALKALOIDS.

In the lists below, which include only phenanthrene alkaloids, natural and artificial alkaloids are classified according to their habit-forming character, or according to the possibility of converting them into habit-forming narcotic drugs.

I. *Opium and opium-poppy alkaloids, which are narcotic and habit-forming drugs :*

Morphine and its salts.

II. *Principal opium and opium-poppy alkaloids and the artificial alkaloids obtained from them which are not habit-forming narcotic drugs :*

§ 1.—Natural alkaloids and their salts :

Codeine,
Thebaine.

§ 2.—Artificial alkaloids (obtained from morphine) and their salts :

Ethylmorphine and dionine,
Benzylmorphine and peronine,
Other phenolic ethers of morphine.

III. *Natural and artificial opium and opium-poppy alkaloids which may be converted into habit-forming narcotic drugs.*

§ 1.—Natural alkaloids : the following alkaloids and their respective salts :

Morphine,
Codeine,
Thebaine.

§ 2.—Artificial alkaloids :

(a) Obtained from morphine : the following alkaloids, and their respective salts :

- (1) Esters of morphine (diacetylmorphine, benzoylmorphine, etc.).
- (2) Dihydromorphine (paramorphan) and its esters.

- (3) Derivatives of morphinone and their esters,
- (4) Derivatives¹ of codeinone and their esters,
- (5) The pentavalent nitrogen morphine derivatives consisting of two groups:
 - (a) The N-oxides and their salts;
 - (b) The alkyl-halids, such as morphine-methobromide and all analogous alkyl compounds.

(b) Obtained from codeine² and thebaine; the following alkaloids and their respective salts:

- (1) Dihydrocodeinone (of which dicodide is a salt),
- (2) Acetyldihydrocodeinone (of which acedicone is a salt),
- (3) Dihydrohydroxycodeinone (of which eucodal is a salt).

These three alkaloids, which are derivatives of codeinone and which may also be obtained from codeine or from thebaine, may also be classed in group III, § 2 (a) (4).

IV. *Opium and opium-poppy alkaloids which are not habit-forming but may be converted into habit-forming narcotic drugs*

- (a) Codeine and thebaine (see III, § 2 (b));
- (b) Phenolic ethers of morphine other than codeine:
 - Ethylmorphine (of which dionine is a salt),
 - Benzylmorphine (of which peronine is a salt).

In general, it may be said of all these phenolic ethers, as for codeine, that the recovery from them of habit-forming alkaloids of the morphine group is possible.

As regards peronine, there is reason to believe that this substance has been utilised for the manufacture of morphine and diacetylmorphine. In the case of ethylmorphine or its hydrochloride, dionine, no precise information is available regarding its conversion into alkaloids of the morphine group, but such transformation seems to be possible.

ALKALOIDS OF COCA LEAVES AND THEIR DERIVATIVES.

I. PREAMBLE.

Cocaine is methylbenzoyl-ecgonine. It is present in coca leaves with other derivatives of l-ecgonine. It can be extracted directly from coca leaves; but it can also be prepared from ecgonine obtained by saponification of the whole alkaloid content of the coca leaves. Whilst cocaine is a local anaesthetic and produces drug addiction, ecgonine has no anaesthetic quality and does not produce addiction; but all the acylalkyl-derivatives of l-ecgonine (including cocaine, which is one of them) may produce drug addiction.

II. LISTS OF ALKALOIDS.

The natural and artificial alkaloids of this group may therefore be classified as follows:

I. *Alkaloids producing addiction:*

Cocaine and its salts,
Acylalkyl-derivatives of l-ecgonine.

II. *Alkaloids which do not produce addiction but are convertible into cocaine:*

L-ecgonine.

ANNEX 4.

Conf. L.F.S. 58.

STATEMENT BY M. TIFFENEAU ON THE REPORT OF THE COMMITTEE OF EXPERTS ON THE NATURAL AND ARTIFICIAL ALKALOIDS (INCLUDING THEIR RESPECTIVE SALTS) DERIVED FROM OPIUM OR FROM OPIUM POPPY AND COCA LEAVES.

The general idea in consulting the experts³ was to draw such a distinction between the various alkaloids of opium and of coca leaves as would determine which of them would come under the regulations contemplated.

¹ Excepting thebaine—i.e., the methyl-ether of the enolic form of codeinone. Other ether-derivatives of the enolic form of codeinone are unknown. It is probable, according to the present state of our knowledge, that they are not habit-forming.

² Dihydrocodeinone mentioned above III, § 2 (a) (3), may be obtained also from codeine.

³ See note to Annex 3.

The experts were asked to draw up three lists : the first of alkaloids which are narcotic drugs, the second of alkaloids which are convertible into narcotic alkaloids, and the third of non-narcotic alkaloids which are convertible into narcotic alkaloids. The experts felt that these questions might be expanded, and that a further list should be added of alkaloids which are neither narcotics nor convertible into narcotics.

The experts also considered that it might not be sufficient to submit mere detailed lists of the alkaloids, but that they should give general explanations and the relevant grounds therefor, and more detailed lists which could be summarised more clearly and concisely in a final list. These explanations and motives were embodied in an annex, the contents of which I will first describe and then read the final list which summarises it. It was thought that opium alkaloids should be separated in the annexes from the alkaloids of coca leaves, both groups being combined in the final list.

From the standpoint of nomenclature, it seemed advisable to draw a distinction between, and have a special terminology for, the alkaloids present in opium and in coca leaves, which can be described as natural alkaloids, and the derived alkaloids obtained by the chemical treatment of natural alkaloids, which we will call artificial alkaloids—a term which is sufficiently explicit and has the advantage of possessing an exact English equivalent. Each part of the annex, one for opium and the other for coca leaves, is preceded by a preamble giving the various chemical or physiological facts regarding the alkaloids referred to.

OPIUM.

Opium alkaloids may be divided according to their chemical composition into two groups—the isoquinoline group (including papaverine and narcotine, which are not narcotics and cannot be converted into narcotic alkaloids), and the phenanthrene group, consisting in the main of the three substances, morphine, codeine and thebaine, of which only morphine is habit-forming, but which may all three be converted into other narcotic and habit-forming drugs.

The alkaloids of opium and the opium poppy may be classified in four groups :

I. Alkaloids which are narcotic and habit-forming, comprising morphine and its salts ;

II. Alkaloids which are not habit-forming narcotic drugs, comprising the following natural alkaloids and their salts : codeine and thebaine, and the following artificial alkaloids and their salts : dionine and peronine, which are phenolic ethers of morphine ;

III. Alkaloids which may be converted into habit-forming narcotic drugs, consisting of two groups :

Group 1.—Natural alkaloids and their salts—namely, morphine, codeine and thebaine.

Group 2.—Artificial alkaloids obtained, some from morphine and others from codeine or thebaine.

(a) The following are those obtained from morphine :

(1) Morphine esters, such as diacetylmorphine ;

(2) Dihydromorphine and its esters ;

(3) and (4) Derivatives of morphinone and codeinone and their esters ;

(5) The pentavalent nitrogen morphine derivatives.

(b) The following are those obtained from codeine and thebaine : dicodide, acedicone and eucodal.

IV. Non-habit-forming alkaloids which may be converted into habit-forming narcotic drugs. These include natural alkaloids like codeine and thebaine and artificial alkaloids such as the phenolic ethers of morphine other than codeine—viz., dionine and peronine.

ALKALOIDS OF COCA LEAVES.

The Preamble states that cocaine is methylbenzoyl-ecgonine, which can be extracted directly from coca leaves or prepared by converting the ecgonine extracted from the total alkaloids of coca leaves. Whilst cocaine is a local anæsthetic and produces drug addiction ecgonine is neither an anæsthetic nor capable of creating the drug habit.

The alkaloids of coca leaves may thus be classified as alkaloids producing addiction including both cocaine and the acylalkyl-derivatives of l-ecgonine and alkaloids which do not produce addiction but are convertible into cocaine, represented by l-ecgonine only.

The annexes furthermore contain detailed information, particularly in the footnotes, as to the interconnection of the various alkaloids, at any rate as far as opium alkaloids are concerned.

The final list for which the Committee of Experts was asked was obtained by combining and condensing the various groups shown in the annexes and simplifying the explanation, particularly by substituting for the scientific names the simpler terms adopted in therapeutic medicine, most of which appear in previous conventions.

I will now read the list, adding my comments where necessary :

I. Habit-forming alkaloids convertible into other habit-forming alkaloids :

(1). Natural : Morphine, cocaine and other acylalkyl-derivatives of l.-ecgonine.
(The classification of these derived alkaloids in this group is a mistake ; they should be put in the next group, after heroin.)

2. Artificial : Acedicone, dicodide, dilaudide, eucodal, geno-morphine, heroin and other morphine esters.

II. Non-habit-forming alkaloids but convertible into habit-forming alkaloids :

1. Natural : Codeine, thebaine, l.-ecgonine.

(In this case also ecgonine, as a derived alkaloid, should be classified with artificial alkaloids after peronine.)

2. Artificial : Dionine and peronine.

III. Non-habit-forming alkaloids which are not convertible into habit-forming alkaloids : There are only two such alkaloids belonging to the isoquinoline group—viz., narcotine and papaverine.

Although their terms of reference were strictly limited to drawing up lists of alkaloids which must meet the Technical Committee's requirements, the experts felt that, in order to give a better idea of the value of the classification and of the properties attributed to each class of alkaloids, they should frame conclusions which coincide, incidentally, with the decisions of the Health Committee of the League of Nations.

CONCLUSIONS.

1. The manufacture of the alkaloids of Group I should be limited.
2. The alkaloids of Group II should be put under control.
3. The alkaloids of Group III should not be mentioned in the Convention ; to put, therefore, under the Convention *all* the opium alkaloids, as the delegation of Venezuela proposes, would be inadvisable.

It should be added that Dr. Small, who was appointed by the Technical Committee to sit with the experts, made reservations regarding conclusion No. 2.

The experts submit the foregoing general information and classification to the Technical Committee, and, as the question is a very complex one, they are prepared to give members of the Committee any supplementary information they may require.

ANNEX 5.

Conf.L.F.S./C.Tech.2.

REPORT OF THE COMMITTEE OF EXPERTS ON CERTAIN QUESTIONS REFERRING TO CRUDE MORPHINE.

The experts were asked to examine the following questions :

1. Should crude morphine be regarded as a raw material or a drug in the manufactured state ?
2. Does it possess habit-forming properties of a narcotic drug ?

On these questions the experts reached a unanimous decision, which is embodied in the following report :

CRUDE MORPHINE.

1. Crude morphine is an unrefined product containing a considerable amount of impurities.

As it is being produced in considerable quantities in factories, we think it should be regarded as a manufactured substance.

Chemically, it must be regarded as an intermediate product in relation to the refined alkaloids ; but, as crude morphine may contain as much as 60 per cent of morphine, it should be considered a final product in relation to its possible consumption by drug addicts.

2. Crude morphine is a habit-forming narcotic drug.

¹ See footnote to Annex 3, page 124.

ANNEX 6.

REPORT OF THE COMMITTEE OF EXPERTS¹ CONCERNING THE TEXT
OF ARTICLE 1, No. 2 (iv) AND No. 3, THIRD PARAGRAPH,
OF THE DRAFT CONVENTION.

The opinion of the experts was asked as to the wording of Article 1, No. 2 (iv) and No. 3, third paragraph.

On these questions the experts reached a unanimous decision, which is embodied in the following report.

Article 1, No. 2 (iv), should be replaced by the following :

“ Dihydrooxycodine, dihydrocodeine, dihydromorphine, acetyldihydrocodeine and their respective salts : eucodal, dicodide, dilaudide and acedicone.”

Article 1, No. 3, third paragraph, should be replaced by the following :

“ Esters of morphine :

Dihydrooxycodine (C₁₇H₁₉O₄N),
Dihydrocodeine (C₁₇H₁₉NO₂),
Dihydromorphine (C₁₇H₁₉O₄N),
Acetyldihydrocodeine (C₁₉H₂₁NO₂).”

ANNEX 7.

REPORT OF THE COMMITTEE OF EXPERTS¹ CONCERNING
DIACETYLMORPHINE (HEROIN).

The experts were asked to examine the following questions :

1. What are the properties of diacetylmorphine which make it particularly suitable to serve as a habit-forming narcotic drug and to form the subject of illicit traffic ?
2. What are the therapeutic advantages of diacetylmorphine as compared with those of morphine and other morphine derivatives ?
3. Are the therapeutic properties of diacetylmorphine such that it cannot be replaced by other medicaments without ill-effects on the patient ?
4. Are not the risks of diacetylmorphine for humanity incomparably greater than the advantages resulting from its therapeutic use ?
5. Can the experts state what is the medical practice in each of the countries possessing a highly developed medical system as regards the use of diacetylmorphine, and give their opinion as to the value of its use ?
6. Is diacetylmorphine (heroin) an indispensable drug ?

On these questions the experts reached a unanimous decision, which is embodied in the following report :

PREAMBLE

Morphine and its derivatives, whether habit-forming or not, possess several characteristic properties in common. The different alkaloids, however, exhibit these properties in very varying degrees, to which it is necessary to refer before answering the questions. These properties may be reduced to the following three principal actions :

A. ANALGESIC AND EUPHORIC PROPERTIES.

These belong only to the habit-forming morphine alkaloids ; they render these alkaloids pain-relieving, and in certain persons they alter psychological reflexes, so as to produce a feeling of happiness and well-being. The continual use of such alkaloids leads to addiction, and the addict acquires an irresistible craving and an ever-increasing tolerance.

¹ See footnote to Annex 3, page 4.

B. DEPRESSING PROPERTIES ON THE RESPIRATORY CENTRE.

These are common to all the habit-forming morphine alkaloids, though different alkaloids show the effect in different degrees. This effect is manifested principally in the relief of coughing and all painful affections of the respiratory system.

C. DEPRESSING PROPERTIES ON THE ALIMENTARY CANAL.

These are shown best with morphine and renders it valuable in the treatment of certain forms of colic.

The differences between the various morphine alkaloids with regard to these properties is chiefly quantitative. These differences are not necessarily in the same direction; any one of these properties may be exaggerated whilst another is at the same time hardly obvious. In *codeine*, for example, the analgesic and euphoric properties A of morphine are very weak, whilst the B property is relatively little changed, and the C effect is a little weaker. In heroin, the properties A and B are stronger, whilst the intestinal action C hardly exists.

The knowledge of these properties to the physician is of the utmost importance, not only in the treatment of drug addiction, but, what is much more important, the prevention of this condition. It is also an essential part of the doctors' armamentum to be able to prescribe these drugs with the least risk, whilst providing for all the patient's requirements. Thus the choice of a drug like codeine for the relief of cough avoids the analgesic and euphoric action of morphine, which in this case is useless or even harmful, as it involves unnecessary risks.

Question 1.—In reply to the first question, heroin is more powerful than morphine and its dose is smaller. Unlike morphine, it may be readily taken as snuff. In the East it is occasionally smoked. Also, in view of the smallness of its dose, trafficking is easier.

Heroin euphoria is much more pronounced than that of morphine, and constipation does not occur in the addict—that is, the A and B effects are stronger and the C effect negligible.

Question 2.—Heroin is at least equal to morphine in its effect in the relief of pain (A). It is more effective than either morphine or codeine in the relief of cough (B). It does not constipate.

Question 3.—We believe that the properties of diacetylmorphine which render it popular with some physicians can in most, if not all, cases be efficiently replaced by other morphine drugs. For the relief of cough codeine is a valuable substitute, though not so strong as heroin: dicodide has as powerful an effect on the respiratory centre as morphine, though less than that of heroin, and its addiction properties are less pronounced than those of the latter drugs. For the relief of pain in patients in whom it is undesirable to act on the bowels, heroin is better than morphine, but dilaudide offers the same advantages. This alkaloid has much the same type of effect on the respiratory centre as heroin, but is weaker; it is about the same as heroin in its pain-relieving properties, and, like heroin, has little effect on the alimentary canal. Furthermore, the euphoric effects of dilaudide are weaker than those of both morphine and heroin as gauged by withdrawal symptoms.¹

Question 4.—We feel that the dangerous nature of heroin from the social point of view overshadows its therapeutic importance.

The social dangers of heroin arise, on the one hand, from the great reputation this substance possesses among drug addicts and from the enormous illicit traffic which has arisen; on the other hand, they come from its characteristic habit-forming properties, which, from the medical point of view, are much worse than those of other habit-forming narcotic drugs.

The effect of heroin is, in the main, to produce a change in personality as shown by an utter disregard for the conventions and the morals of civilisation. The disease progresses more rapidly than with any other habit-forming narcotic drug; all the higher faculties of mind, such as judgment, self-control and attention, are weakened, and such people rapidly become mental and moral degenerates.

The heroin habit is the most difficult of all to cure. Sudden withdrawal of the alkaloid, which, according to most authorities, is the best treatment for the morphine habit, may lead to cramps and convulsions and even to death from respiratory failure. But, besides the difficulty of withdrawal, the after-convalescent treatment, both psychical and physical, is longer and more difficult with heroin than with morphine and relapse is the rule.

¹ With regard to the recently introduced dilaudide, Mr. DIXON and M. TIFFENEAU desire to place on record that they have had no personal experience.

Question 5.—The opinion of the medical profession on the therapeutical value of heroin varies, not only in different countries, but even in the same country.

The medical consumption rates per head of the population for this substance, as shown by the League statistics, differ to such an extent that it suggests that its use is perhaps not unconnected with fashion. For example, there is a difference of 400 per cent between the consumption rates for Great Britain and Germany, 4,000 per cent between those of Switzerland and France and 4,500 per cent between Switzerland and Japan. Our attention has been drawn to the use made of heroin in the following sickness insurance societies (*Kranken Kasse*) of two large cities in Central Europe.

The large Society "*Allgemeine Ortskrankenkasse der Stadt Berlin*", with a membership of about 500,000, shows, for 1927, a consumption of 0, and for 1928 a consumption of 3.24 grammes. If this figure were accepted as a basis of estimation, then, for a group of 65 millions of inhabitants, which represents the whole German population, the consumption should only total 425 grammes, whereas the actual consumption of this country was 36 kilogrammes during the same year.

The "*Krankenversicherungsanstalt der Bundesangestellten*" of Vienna, which has also a membership of about half a million, shows for the same period a total consumption of 144 grammes. Estimated on this basis, the total consumption of Austria would amount to 1,930 grammes, whereas it was actually over 5 kilogrammes. In considering this figure, it should be borne in mind that these two groups of insured people belong to large urban centres whose narcotic consumption is usually higher than that of the rural populations, and that the members of these sickness insurance societies always represent that portion of the population which is best provided for as regards medical assistance.

We have evidence that a large majority of the eminent pharmacologists and physicians in various countries are definitely opposed to the employment of heroin in medical practice.

Question 6.—In view of the evidence which we possess, and especially the fact that all the beneficial actions of heroin can, in our opinion, be obtained by one or other of the drugs mentioned, we believe that heroin can be entirely dispensed with. If the doctors in countries where heroin is used are afforded the opportunity of examining and testing clinically the morphinic derivatives to which we have drawn attention, we feel little doubt that they may be induced to dispense with the use of heroin entirely.

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ANNEX 8.

REPORT OF THE SUB-COMMITTEE OF THE TECHNICAL COMMITTEE ON THE WORDING OF ARTICLE I, Nos. 2 AND 3.

The Sub-Committee was asked to frame a final draft of Article I, No. 2, and, in particular, if possible, to define the expression "habit-forming narcotic drug" in its fullest and widest sense, to draw up a list of all the substances covered by the Convention, and to develop and define more specifically the tenor of the Spanish amendment on the basis of the experts' report.

Finding it impossible to arrive at a perfect definition of the expression "habit-forming narcotic drug", either on the basis of physiological properties or on that of chemical constitution, the Sub-Committee decided to limit the definition to "the purposes of the Convention"; it has, in fact, omitted any definition, and merely enumerated under the head of "habit-forming narcotic drugs" the drugs to which it proposes that the special measures aimed at by this Convention should be applied.

In view of the obvious desirability of specifying by name as many as possible of the drugs which fall within the Conference's scope, the Sub-Committee decided to amplify paragraph 3, though without in any way changing the decisions already reached, and continuing on the same lines.

The substances enumerated have been divided into three groups, one of which—the second—has been subdivided into three sub-groups.

Group I comprises compounds described as "habit-forming narcotic drugs". The Drafting Committee would observe that, while bearing in mind the Technical Committee's decision and the experts' report, which describe acedicone under the name of "acetyldihydrocodeinone", it proposes to add the words "or acetyldemethylodihydrothebaine", in deference to the nomenclature hitherto employed.

As regards diacetylmorphine, which comes into this group, any decision on the subject must be deferred until the Technical Committee has come to a decision on the Austrian delegation's amendment.

Group II comprises non-habit-forming narcotic drugs convertible into habit-forming drugs. These are subdivided, for convenience as regards the rules to be applied to them later, into three sub-groups (a), (b) and (c).

Group III covers compounds as yet unknown which may fall into either of the two previous groups.

Article I, No. 3, has been accordingly adapted to the more complete list given in No. 2 of the present draft.

This draft did not, however, cover the entire substance of the Spanish amendment; it was necessary to produce a text embodying the decision regarding limitation which was voted

at an earlier meeting. This is the object of the three paragraphs entitled " Paragraphs concerning Limitation ", each of which applies to a certain class of substances enumerated in paragraph 2. These three paragraphs may be inserted after paragraph 3 of the draft Convention, or anywhere else in the draft Convention, when the final wording is decided upon, or they may be omitted if at a later state they are not thought necessary. It was, however, essential that they should appear in this report in order to give a complete idea of the Spanish amendment as accepted by the Technical Committee.

TEXT PROPOSED FOR ARTICLE I, Nos. 2 AND 3.

ARTICLE I.

No. 2 (A).—For the purposes of this Convention the expression " habit-forming narcotic drugs " shall denote the following drugs in a manufactured state :

Group I.

- (i) Morphine and its salts, including preparations made directly from raw opium and containing more than 20 per cent of morphine ;
- (ii) Diacetylmorphine and the other esters of morphine and their salts ;
- (iii) Crude cocaine ; cocaine and its salts ; all the esters of l-ecgonine and their salts ;
- (iv) Dihydrohydroxycodeinone (the hydrochloride of which bears the registered trade name of eucodal) ; dihydrocodeinone (the salt of which bears the registered trade name of dicodide), dihydromorphinone (the hydrochloride of which bears the registered trade name of dilaudide), acetyldihydrocodeinone or acetyldemethylodihydrothebaine (the hydrochloride of which bears the registered trade name of acedicone), morphine-N-oxide (registered trade name genomorphine), and dihydromorphine (the hydrochloride of which bears the registered trade name of paramorfan), their esters and salts ; also the morphine-N-oxide derivatives, their salts, and the other pentavalent nitrogen morphine derivatives.

Group II.

This group is divided into three sub-groups, (a), (b) and (c).

Sub-group (a).—Ecgonine, thebaine, benzylmorphine (the hydrochloride of which bears the registered trade name peronine), and their salts ; all the ethers of morphine, and their salts, except codeine (methyilmorphine), ethylmorphine and their salts.

Sub-group (b).—Codeine (methyilmorphine) and ethylmorphine (the hydrochloride of which bears the registered trade name dionine), and their salts.

Sub-group (c).—Apomorphine and its salts.

Group III.

Every other manufactured product capable of producing addiction and obtained from opium or the coca leaf.

No. 2 (B).—Any of the foregoing drugs produced by a synthetic process shall be treated for the purposes of this Convention in the same way as if produced from opium or the coca leaf.

Explanatory Note.

The paragraphs which follow refer to the limitation of the substances covered by the three Groups I, II and III. They may be inserted after No. 3, or anywhere else in the draft, when the final wording is decided upon.

Paragraphs concerning Limitation.

- (i) The substances covered by Group I and sub-group (a) of Group II shall be subject to limitation as provided in Article . . . (strict limitation).
- (ii) The substances covered by sub-groups (b) and (c) of Group II shall be subject to limitation as provided in Article . . . (more elastic limitation).
- (iii) The substances covered by Group III shall be subject to the procedure referred to in Article . . . (May proposal, Spanish amendment, Sir Malcolm Delevingne's suggestion).

No. 3.—The definitions of morphine, diacetylmorphine, cocaine, crude cocaine and ecgonine contained in Article I of the Geneva Convention shall apply for the purposes of the present Convention.

For the other drugs belonging to the three groups specified in No. 2 above, the following definitions shall apply for the purposes of the present Convention :

Esters of morphine or of another of the above-mentioned products (the word " ester " is used in accordance with chemical nomenclature).

Ethers of morphine (the word " ether " is employed in accordance with chemical nomenclature) :

Dihydrohydroxycodeinone	C ₁₇ H ₁₉ O ₃ N
Dihydrocodeinone	C ₁₇ H ₁₉ O ₂ N
Dihydromorphinone	C ₁₇ H ₁₉ O ₂ N
Acetyldihydrocodeinone or Acetyldemethyldihydrothebaine	C ₂₃ H ₂₇ O ₄ N
Morphine-N-oxide	C ₁₇ H ₁₇ O ₃ N
Dihydromorphine	C ₁₇ H ₁₉ O ₂ N
Thebaine	C ₁₅ H ₁₇ O ₂ N
Codeine (methylether of morphine)	C ₁₈ H ₂₁ O ₂ N
Ethylether of morphine	C ₁₉ H ₂₃ O ₂ N
Benzylether of morphine	C ₂₂ H ₂₇ O ₂ N

ANNEX 9.

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REPORT OF THE COMMITTEE OF EXPERTS¹ ON THE MEANING OF THE TERM " DERIVATIVE "

The experts were asked to give a precise definition of the term " derivative ". They reached a unanimous decision, which is embodied in the following report.

1. The difficulties of interpreting arising with regard to the precise meaning of the English term " derivative ", corresponding to the French noun " dérivé ", are due to the fact that the English term in scientific language has one precise meaning, signifying group- or series-relationships and not necessarily the origin, while the French word *dérivé* includes both : group-relationship or origin, as the case may be.

2. Thus, English expressions, " derivative of phenanthrene " (of morphine or of ecgonine) do not necessarily signify the origin of these derivatives from phenanthrene (morphine or ecgonine) respectively, but that they possess certain common chemical structures and chemical properties. Thus, the derivatives of the phenanthrene group are characterised by the presence of a common phenanthrene nucleus, those of the morphine group by the general structure of morphine and its principal chemical properties and those of the ecgonine group by the typical nucleus of ecgonine.

3. On the other hand, the corresponding French expression means origin as well as group-relationship, and phrases like *dérivés de la morphine* cover, not only substances having analogous chemical structures, but also substances obtained from morphine, even if these substances have lost the characteristic structure of this alkaloid.

Thus, apomorphine may be considered either as being a morphine derivative, if viewed from the standpoint of a substance obtained from morphine, or the reverse, if viewed from the standpoint of its structure, which, in the case of apomorphine, is materially altered.

4. This confusion can be avoided only by adopting in French terminology one special name for the group-relationship and another when the origin is meant. We propose, when referring to the first meaning, to use such expressions as, "*Dérivés du groupe du phénanthrène, dérivés du groupe de la morphine, dérivés du groupe de l'ecgonine*", etc. To give full significance to any of these expressions, it would be necessary to give the structure and chemical properties characterising each of them. Origin or extraction should not be expressed in French by "*dérivé de*" but by the more precise expression, "*dérivé provenant de*" (derivative obtained from).

5. Although the scientific use of the English phrase " derivative of " signifies precisely the group-relationship and requires no new terminology, nevertheless we propose, in order to make the terminology in both languages uniform and to facilitate the task of this Conference, to employ in English, as in French, the expression " derivative of the group . . . ". This expression applied to the group of morphine alkaloids would have a wider meaning than the expression " derivatives of morphine ".

The phrase " derivative of " has been applied to opium and coca alkaloids in some cases. The frequently used, though not precise, expression, opium derivative (*dérivé de l'opium*), has no scientific significance. Thus with regard to opium alkaloids, we propose to use the phrase : Alkaloids obtained or extracted from opium (*Alcaloïdes provenant de l'opium*).

We have prepared a list giving certain examples of the way in which this terminology may be applied to the alkaloids of opium and of the coca leaf. This list may be consulted by the Conference.

¹ See footnote to Annex 3, page 124.

ANNEX 10.

REPORT OF PROFESSOR KNAFFL-LENZ¹ ON IMPURE ALKALOIDS.

Professor Knaffl-Lenz was asked to examine the following question :

“ Are there other crude products than crude morphine which could be used for medical treatment or for illicit purposes ? ”

He submitted the following report :

In our reply to the question concerning crude morphine, we have already stated that, as compared with refined morphine, this substance is an intermediate product containing impurities, but it can be regarded as a final product, as it is possible for it to be used for the purposes of addiction. Consequently, crude morphine has been included in the group of alkaloids covered by Article 1 of the draft Convention.

☛ All the alkaloids enumerated in the Convention can be sold in varying states of purity, and can be used under certain conditions directly for consumption, at least for illicit consumption. In such circumstances, these impure alkaloids are no longer intermediate products and should be classed with pure alkaloids.

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ANNEX 11.

OUTLINE OF THE LABORATORY SEPARATION OF MORPHINE FROM OPIUM, SUBMITTED BY THE DELEGATION OF THE UNITED STATES OF AMERICA AND PREPARED BY DR. LYNDON F. SMALL.

Raw opium is an exceedingly complex mixture of alkaloids, resinous materials, inorganic salts and other substances. About twenty-three opium alkaloids are known, most of which occur in such small quantities as to be only scientific curiosities. The alkaloids are present for the most part in the form of salts, which are soluble in water. The problem involved in the manufacture of morphine from opium is the separation of the morphine from the inert resinous materials and from the other alkaloids.

In factory procedure, operating with large quantities of material for legitimate trade, where the margin of profit is relatively small and the product must be of the highest purity, the utmost care must be used to avoid losses in the extraction and purification of the morphine. On a small scale, of one or several kilogrammes of opium, the extraction of morphine is not a complicated or particularly expensive procedure. It is described as a laboratory exercise for chemistry students by SCHWYZER in his book, *Die Fabrikation der Alkaloide*. The process in outline is as follows :

One kilogramme of opium is passed through a food-chopper. The chopped product is then submitted in small portions to a systematic extraction with about 2.5 litres of water, whereby a clear dark brown solution is obtained. This solution is treated with a concentrated solution of calcium chloride, which converts the opium alkaloids present into the hydrochloride salts. The filtered solution, containing the salts, is now concentrated at a moderate temperature, and, on standing two days, deposits a crystalline paste consisting for the most part of the hydrochlorides of morphine and codeine. This mixture of salts is separated as completely as possible from the brown liquid. To separate the morphine from the codeine, the mixture of salts is dissolved in water and ammonia added, whereupon morphine alkaloid separates out as a yellow powder, and the codeine remains in solution. The yellow morphine so obtained can be purified by dissolving in dilute hydrochloric acid, treating with charcoal to remove coloured impurities, and crystallising from water, giving a pure white morphine hydrochloride in a yield of about 70 to 80 per cent of the morphine content. In order to obtain a good laboratory yield (92 to 94 per cent of the morphine present in the opium) a somewhat more elaborate procedure is necessary.

Diacetylmorphine (heroin) can be prepared directly from the crude yellow morphine mentioned above. The morphine is heated with acetic anhydride and benzol for three hours at 80° C., the benzol removed by distillation, and the mixture poured into water. On addition

¹ See footnote to Annex 3, page 124.

of soda, diacetylmorphine precipitates out. This product is easily purified by crystallisation from methyl alcohol, and converted to diacetylmorphine hydrochloride (heroin) by treatment with an alcoholic solution of hydrochloric acid.

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REPORT OF THE SUB-COMMITTEE APPOINTED TO COMBINE IN A SINGLE TEXT THE JAPANESE AMENDMENT AND THE FRENCH PROPOSALS REGARDING ARTICLES 8 *et seq.* OF THE DRAFT CONVENTION.

The Sub-Committee, consisting of delegates from the following countries : France, Germany, Italy, Japan, Spain, Switzerland, the United States of America and Great Britain, was instructed by the Limitation Committee to draw up a text which would embody both the Japanese delegation's amendment to Article VIII of the draft Convention and the French suggestions.

The Sub-Committee resolved on its part to appoint a small sub-committee, consisting of the French and Japanese representatives, under the chairmanship of the Spanish delegate and with the German delegate as observer, to combine in one document the texts submitted by the Japanese and French delegations.

This special Sub-Committee agreed on the text reproduced hereunder. The Sub-Committee noted this text and asked its authors for all necessary information on the various points. These explanations were required by the Italian and Swiss delegations particularly. The most important question was whether, in connection with paragraph 3, a Central Narcotics Bureau should be set up at Geneva, or whether, in view of the procedure prescribed in the amendment referred to, there was no need to create such a bureau. The Sub-Committee decided that it should not go into the substance of this question, as the wording of the amendment submitted to it made no special reference to such a body.

By decision of the Sub-Committee, the following text is therefore submitted to the Limitation Committee as that drawn up by the special Sub-Committee.

" I.

" No country may manufacture during one year a quantity superior to the total of the quantities mentioned below :

" (1) The quantity of narcotic drugs necessary for its medical and scientific needs within the limits of its estimates ;

" (2) The quantity intended for conversion either for domestic consumption or for export ;

" (3) The quantity necessary for export, based on firm orders received by the country for execution against import certificates delivered in accordance with the procedure provided for in Chapter V of the Geneva Convention and in the present Convention ;

" (4) The quantity necessary to maintain, in the factories under Government control, a special stock which may be replaced as deliveries are effected and which shall be limited in accordance with paragraph 2.

" Any quantity in excess, whatever its origin may be—imports, seizures, cancelled orders or returned deliveries—shall be deducted from the quantity to be manufactured during the following year.

" No narcotic drugs may be permitted to leave a factory without authorisation of the competent national authorities, which will control and limit the supplies kept by wholesale dealers.

" II.

" The special stocks in all countries mentioned above shall not at any time exceed half the quantity necessary for the medical and scientific needs of that country, plus a quantity equal to 50 per cent of the total of its exports during the period of twelve months extending from July 1st to June 30th of the year preceding the current year."
