

SOCIETE DES NATIONS

LEAGUE OF NATIONS

DELEGATION DES SEIZE

COMMITTEE OF SIXTEEN

AMERIQUE. ETATS-UNIS DE.	UNITED STATES OF AMERICA.
BRESIL.	BRAZIL.
EMPIRE BRITANNIQUE.	BRITISH EMPIRE.
CHINE.	CHINA.
CUBA.	CUBA.
EGYPTE.	EGYPT.
FINLANDE.	FINLAND.
FRANCE.	FRANCE.
INDE.	INDIA.
ITALIE.	ITALY.
JAPON.	JAPAN.
PAYS-BAS.	NETHERLANDS.
PERSE.	PERSIA.
POLOGNE.	POLAND.
PORTUGAL.	PORTUGAL.
SIAM.	SIAM.

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SOCIÉTÉ DES NATIONS.

Opium/C.S./5

DELEGATION DES SEIZE.

PROPOSITIONS DE LA DÉLÉGATION FRANÇAISE

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Les Puissances contractantes

fermement résolues à combattre et à détruire l'usage de l'opium préparé dans les territoires placés sous leur autorité, mais considérant que l'existence d'une vaste contrebande entrave considérablement l'exécution des dispositions du Chapitre II de la Convention de La Haye et que la consommation de l'opium préparé dans la plupart des territoires intéressés dépend étroitement de la production de l'opium brut dans les pays limitrophes de ces territoires,

conviennent entre elles des dispositions suivantes:

ARTICLE I.

Dès la ratification de la présente Convention, les pays producteurs d'opium brut prendront les mesures nécessaires pour rendre pratiquement impossible toute exportation frauduleuse d'opium/<sup>brut</sup>/hors des territoires placés sous leur autorité.

ARTICLE II.

Dans un délai de 5 ans à partir de la ratification de la présente Convention, les pays producteurs d'opium brut supprimeront la culture du pavot dans les territoires placés sous leur autorité, ou réduiront cette culture à un degré suffisant pour qu'aucune quantité d'opium brut ne puisse plus être versée frauduleusement dans la consommation.

ARTICLE III.

Au cours de l'année qui suivra l'expiration du délai de 5 ans prévu à l'article II, le Conseil de la Société des Nations

constatera officiellement la suppression de la culture du pavot dans les pays producteurs d'opium brut ou la réduction de cette culture jusqu'au degré indiqué au même article II.

#### ARTICLE IV.

Dès notification de la décision prise par le Conseil de la Société des Nations pour constater la suppression ou la réduction de la culture du pavot dans les pays producteurs d'opium brut, comme il est dit aux articles II et III de la présente Convention, les pays intéressés réduiront progressivement l'usage de l'opium préparé dans les territoires placés sous leur autorité de manière à supprimer complètement cet usage dans un délai maximum de quinze ans.

#### ARTICLE V.

En vue de coordonner leurs efforts, les pays producteurs d'opium brut et les pays consommateurs d'opium préparé établiront entre eux une étroite collaboration.

#### ARTICLE VI.

Dans l'année qui précédera l'expiration du délai de quinze ans prévu à l'article IV, les puissances contractantes réunies en Conférence spéciale examineront les mesures à prendre à l'égard des intoxiqués invétérés dont l'état pathologique aura été constaté par les autorités médicales.

#### ARTICLE VII.

Ces dispositions confirment et complètent dans l'opinion des puissances contractantes celles qui ont été consacrées par la Convention de la Haye de 1912 et celles qui sont insérées dans le protocole final adopté par la première Conférence de l'opium réunie à GENEVE le 3 Novembre 1924.

LEAGUE OF NATIONS.

Opium/C.S. 1

SECOND OPIUM CONFERENCE.

GENEVA, January 24th, 1925.

Proposals submitted by the Delegation for the United States  
of America on Chapter II of the Hague Opium Convention.  
(See Document O.D.C. 34)

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PREPARED OPIUM.

Definition. 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.

Article 6.

The Contracting Parties shall take measures for the gradual and effective suppression of the manufacture of, internal trade in, and the use of, prepared opium.

Article 7.

The Contracting Parties shall prohibit the import and export of prepared opium.

Article 8.

Each Contracting Party in whose territory the use of prepared opium is now temporarily permitted agrees to reduce its imports of raw opium for the purpose of making prepared opium by 10 per cent of its present importation each year for a period of 10 years beginning with the date of ratification of this Convention by it, and further agrees not to supplement the  
/reduction.

reduction by domestically produced opium: and further agrees that at the end of such period of 10 years it will prohibit the importation of raw opium for the purpose of making prepared opium. By "present importation" is understood the importation during the 12 months immediately preceding the date the Contracting Party ratifies this Convention.

LEAGUE OF NATIONS.

Opium/C.S./2.

Committee of Sixteen.

Geneva, January 24th, 1925.

French Declaration.

(Extract from the Verbatim Report of the twenty-second plenary session, held on January 21st, 1925).

The Government of the French Republic, being firmly resolved to fight against the use of opium and other narcotics under any form in the countries placed under its authority;

But considering, as it has already stated, that the consumption of these drugs in its possessions in Indo-China is closely dependent on the production in the neighbouring countries,

Undertakes to abolish completely the use of prepared opium in its territory within the periods and subject to the conditions specified below:-

(1) Within a period of two years from the date of ratification of this Convention, States exercising authority in territories (geographically) contiguous to French Indo-China will suppress the cultivation of the poppy, or will effect a very considerable reduction therein, for all other purposes other than medical and scientific;

During the third year the Council of the League of Nations will officially declare the effective disappearance, or very considerable reduction of the cultivation of the poppy in these territories.

The Government of the French Republic undertakes, as soon as the Council of the League of Nations has notified it

of this decision, to suppress progressively and completely the use of prepared opium in Indo-China within a maximum period of fifteen years."

As regards the scope and meaning of this declaration, I, of course, entirely agree with what Lord Cecil said in regard to the legal aspect, and I have therefore added the following paragraph to the declaration:-

In the view of the French Government, these provisions confirm and complete those adopted in virtue of the Hague Convention of 1912, and those inserted in the draft Final Protocol adopted by the First Opium Conference which met at Geneva on November 3rd, 1924.

LEAGUE OF NATIONS.

Opium/C.S./5

Committee of Sixteen.

Geneva, January 24th 1925.

BRITISH DECLARATION.

(Extract from the Verbatim Report of the nineteenth Plenary session held on January 19th 1925.)

(1) His Majesty's Government undertakes that opium smoking shall be abolished in the British Far Eastern territories, in which such smoking is temporarily authorised within a period of not more than 15 years from the date on which the effective execution of the measures taken by China to suppress the growth of the opium poppy has reached such a stage as to remove the danger of opium smuggling from China into those territories.

(2) As soon as it is established in the manner indicated in the following paragraph that the effective execution of the said measures has reached the stage referred to above, the necessary measures will be initiated to enable the complete prohibition of smoking to be effective at the end of the said period.

(3) The question when the effective execution of the measures mentioned in paragraph (1) has reached the stage referred to in that paragraph shall be decided by a Commission to be appointed by the Council of the League of Nations, whose decision shall be final.

Then comes an explanatory paragraph:

(4) It is understood (1) that as soon as the period of 15 years referred to in paragraph (1) has begun to run opium-smoking by persons who are not smokers at that date shall forthwith be prohibited: (2) that the complete prohibition of opium smoking to be effective by the end of the said period of 15 years is not inconsistent with special and temporary provisions for persons in whose case it is certified by the medical authorities of the State concerned that they cannot be completely deprived of the drug without serious danger to life or health.

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The British Government is prepared to hold by the offer which I understand was made before the Christmas vacation,



that if it is desired they will recommend and urge upon the Council of the League of Nations the nomination of a small impartial Commission. As far as we are concerned it may be presided over by an American Chairman, and the Commission may go to these territories, investigate them and see whether the proposals and offers which the British Government have made or are prepared to make can be improved upon, and if that Commission reports and the Council adopts its report that something more ought to be done, then undoubtedly a different situation would arise and the British Government would be disposed to carry out whatever is recommended. That is the attitude of the British Government on this question of Opium smoking.

LEAGUE OF NATIONS

COMMITTEE OF SIXTEEN -

STATEMENT BY THE PORTUGUESE DELEGATION.

Like other delegations, the Portuguese Delegation clearly defined its point of view at the meeting of the Second Conference on December 12th last.

It stated that, in its opinion, the Conference was not competent to take a decision on the United States proposals regarding Chapter II of the Hague Convention.

After defining its attitude, the Portuguese Delegation refrained from making any further allusion to the proposal in question. It is now, however, glad to have this opportunity of offering its sincere cooperation in the work which we all desire to accomplish, in an atmosphere of calm; namely to discover some method of putting our programme into effect, without sacrificing any of the fundamental principles on which it is based.

From the outset, the Portuguese Delegation has repeatedly proclaimed that it was Portugal's most ardent desire to devote all her energies to the conclusion of an international agreement, based on humanitarian considerations, which would definitely put an end to the terrible effects of the drug habit. We have seldom alluded to our national interests, because we consider that the interests of individual countries should be subordinated to those of mankind as a whole.

But as Portugal is called upon to give her opinion on a question closely affecting the administration of one of her colonies, she feels it to be incumbent upon her, at this new

meeting, to make a brief, but definite statement concerning her attitude at the First Conference.

The truth is as follows: Portugal, as everyone knows, was the first country to open the gates of the Far East to shipping and commerce. At this very moment the Great Powers, through their representatives at Lisbon, are paying a tribute to the memory of the great Portuguese navigator, Vasco da Gama.

Our action, as a civilising Power, has brought us certain advantages; but we have suffered the grievous and inevitable consequences of the services we have rendered humanity.

The opium evil is one of these consequences.

Our colony in the Far East, Macao, is the only part of all the Portuguese possessions to which the provisions of Chapter II of the Opium Convention apply, as it is in Macao alone that the habit of smoking prepared opium is permitted. For three centuries Macao was the only port on the Chinese coast open to the trade of the whole world. Consequently until 1845, the entire trade in opium destined for China ( a trade in which, be it noted, countries other than our own took part) passed through the port of Macao. The result of this was that the trade took the name of the port through which it passed and that is why the word "Macao" has become indissolubly linked with that of the drug whose terrible effects we are now endeavouring to combat.

Before other Chinese ports were opened to general trade, the trade in opium for China, passing through Macao, amounted to tens of thousands of cases (approximately 33,000). After the opening of other ports, the trade through Macao fell to the average figure of 1,858 cases- as is shown by the statistics previous to the Hague Convention of 1912. After the conclusion of this Convention, to which Portugal was a party, and as a consequence of an agreement between our country and the British Empire, the

opium trade in our colony gradually decreased, until only 500 cases were handled in 1913, and 330 in 1924.

It should be noted too that this diminution occurred simultaneously with a considerable increase in the population of our colony. Indeed its population<sup>is</sup>/now estimated to be nearly double that of a few years ago, apart from the fact that the floating population is certainly nine times as great as the fixed population. These figures show how large must be the volume of trade between our colony and the neighbouring territories. Notwithstanding these facts, which are a striking testimony to our efforts to reduce consumption, the name of our colony continues, and is likely to continue, to be applied to practically all the contraband opium which floods the Far East in quantities often greater than those of legally prepared opium. I have felt it my duty to draw attention to these facts, as many persons in perfectly good faith attribute to us a responsibility which is not ours. For instance, Bishop Brent, the distinguished representative of the United States, in a speech on Opium in the Philippines, which is reproduced in a pamphlet circulated to us at the beginning of the Second Opium Conference, said "the Moros bring a good deal of the drug in their vintas from Borneo..... We also know that a good deal comes in from Macao. Macao, I think, is the worst source of infection."

The fact is that every smuggler uses the renowned Macao trademark in order to stimulate his illicit sales. In so doing he greatly harms the reputation of the Portuguese authorities, who are powerless to combat the abuse. This brings me to the statement, Gentlemen, that while the opium problem concerns us financially, as it does other countries, the material interests

involved are as nothing compared with the moral interest we have in the effective suppression of the opium traffic, since a victory over this evil would bring to us, more than to any other country, the moral reparation which is our due. We therefore give our wholehearted support to the measures which aim at totally suppressing such opium traffic as is still considered to be legitimate. But we cannot extend this support to any measure which, while having the appearance of restricting legitimate trade, would only tend to increase illicit traffic. To support such a proposal would be doing a disservice to the humanitarian cause for which the Opium Conference is working.

We have thought it our duty on this occasion to offer these observations, for it is natural that certain delegates should not be familiar with all the details of the opium question which do not directly concern them. This preliminary explanation is therefore necessary to an understanding of what follows. What is the task of the delegations here assembled? They intend to examine the proposals and suggestions submitted to the Second Conference with regard to Chapter II of the Hague Convention and then to present a report to each of the two Conferences. The independence of the two Conferences, having thus been reaffirmed, the question of competence no longer exists, for if, as there is reason to hope, we arrive at any solution at all that could be included in the Conventions drawn up by the two Conferences respectively, the formula laid down would ipso facto hold good for all nations taking part in the Second Conference. The question of competence being thus disposed of, we find ourselves faced with (1) a Japanese suggestion for organising the work of co-ordination, a suggestion which, as a matter of fact, it is for

us to apply, since it is we who are dealing with the coordination of the work; (2) the United States proposal concerning the Chapter in the Hague Convention and (3) the opinions of the British and French Governments on the same question.

What is the object of all these proposals, and how do they differ one from another?

Their object is to fix a period within which the habit of smoking opium may be regarded as suppressed in the Far East. The American proposal fixed a period of ten years from the signing of the Convention, irrespective of the situation in each of the countries concerned, and particularly in China, the country most intimately affected. This period has been increased and extended to 15 years by the United States Delegate. The British point of view adopts the same period, but makes the date on which this period shall commence dependent upon the situation in China, in order that the measures taken by the nations collaborating with China may be effective. At the same time the British Government proposes the creation of a Commission consisting of representatives of countries not concerned in the question of prepared opium, to study the situation on the spot and decide, with a full knowledge of the facts, on what date the period of 15 years should commence.

The French Government, considering that the situation in Indo-China depends closely upon production in the neighbouring countries, undertakes to abolish the use of opium within 15 years, provided that in the third year following the signature

of the Convention the League of Nations finds that China has, during the two first years following this signature, put into force the measures necessary to suppress the opium traffic, the period of 15 years to commence from the date of this finding.

Such is the gist of the suggestions on which we have to pronounce. In order to be able to give a reasoned opinion, let us rapidly survey the drug problem as it has been presented to the First and Second Conferences.

Apart from the question of hashish, which has recently been raised, the whole object of our work, according to our fundamental statute- the Hague Convention- is to combat (a) the effects of opium and its alkaloid salts, and (b) the effects of the coca leaf and its alkaloids.

That distinguished statesman, Lord Cecil, when he addressed the Second Conference on the subject in great detail, divided the influence of these drugs into four categories according to the nature and gravity of their effects. This classification, by reason of its clearness, has the advantage of indicating the measures to be adopted in order to arrive at a practical result.

To place opium-smoking and the abuse of alkaloid derivatives of opium in the same category would be to jeopardise the prospects of success of the campaign which has been undertaken. We should be equally wrong if we attached the identical importance to the habit of chewing coca leaves and the use of cocaine. There is also another point which we must bear in mind: we must distinguish between matters which concern individual countries only, matters which are of limited international importance, and matters which are of world-wide concern.

This classification does not take the gravity of the intoxication into account but it has an important bearing upon the steps which must be taken. Some persons find that chewing opium is more harmful than smoking it, but we are not for the moment, concerned with such differences of opinion. For the conference, the real importance of the problem is the danger that certain forms of the abuse of these drugs may spread and be propagated. For example the Indian habit of chewing opium, and the mastication of coca leaves in South America, have existed for ages and are purely local practices which are not likely to spread elsewhere, whatever their physical effects may be. The League is therefore not concerned with these questions which can only be solved by legislative and administrative action on the part of the countries concerned. We class them as national problems.

Apart from all international action, individual countries are bound to take steps to deal with these questions in order to protect the health of the community and their own sovereignty. The case of opium for smoking is quite different. It must be classed among the questions of limited international importance. Although opium for smoking is at present used almost exclusively by Chinese, it must be remembered that the Chinese are to be



found in a number of countries other than China, and that China has appealed to other countries for help and support in her efforts to abolish the evil from which her people are suffering not only in her own territory but in other countries as well. This, therefore, is a truly international problem, one for which all are collectively responsible; a responsibility which increases proportionately as countries are more directly concerned in the solution of the problem.

The problem of alkaloids, too, is world-wide, both on account of its prevalence and the nature of the problem itself.

Day by day it is spreading and contaminating every nation and every race. Certain nations have for generations been able to smoke opium and chew coca leaves; but woe betide any nation which does not stoutly defend itself against the alkaloids of these products which demoralise and rapidly kill off their victims.

Let us for the time being confine our attention to the problem of limited international importance with which we are dealing and with which the First Conference was particularly concerned, namely, the habit of opium smoking.

The first essential measure - and the only radical one - would be strictly to limit the production of opium to medical and scientific requirements. To such a radical measure, however, there are insurmountable obstacles. The cultivation of the poppy is an extremely simple matter, and consequently it is difficult to prevent; moreover it is carried on in vast districts where the organisation of effective supervision is almost impossible. Certain countries represented at this Conference exercise or desire to exercise the necessary supervision; - namely, China, India, Persia, Turkey, Egypt, Yugoslavia and Greece. But there are other countries of equal importance, such as Russia, Afganistan and Turkestan, whose intentions we do not know, and on whose help we cannot rely.

Theoretically then the restriction of cultivation is the only effective remedy but in practice we must frankly admit that this is not the case. Therefore, the only measures left to us are, on the one hand the reduction of the opium trade and on the other the reduction of consumption. Trade includes transit, importation, preparation and exportation. Consumption on the other hand can only be dealt with through the smokers themselves. The First Conference recognised the impossibility of attacking the problem at its source by restricting cultivation, and it endeavoured to utilise the other two methods of restriction. Accordingly it decided that Governments should have a monopoly of the trade in prepared opium. If, in addition to this step, we could find some ready means of combating the illegitimate trade in opium we could without difficulty attain the ideal of the Hague Convention - we could gradually suppress the use of opium for smoking. But such means do not exist. The regions in which the traffic is carried on are too vast and too difficult to supervise, and they are in addition experiencing serious political disturbances which prevent the Governments from exercising control. We may say - and the fact is borne out by irrefutable figures which have often been submitted to Conferences - that smuggling increases in direct proportion to the restrictive measures taken. If our sole concern is to abolish this evil, we must agree that the only method of preventing the spread of illicit traffic is to create a State monopoly. Such a monopoly would be justified on the ground of the protection of social welfare and not on account of the revenue which would accrue to the countries forced to adopt this method of solving the problem. If a country attempted to reduce the consumption under its control, without taking energetic and organised steps to reduce the cultivation of, and illicit traffic in opium, it would simply bring about an increase in illicit trade, (even though the official figures showed a reduction,) since the consumption of smuggled opium would increase proportionate-

Production, trade and consumption are therefore complementary operations, and their counterpart is - contraband, This fact was recognised by the First Conference after a comprehensive and thorough study of the question with a view to finding some system of control which would suppress smuggling. But the effectiveness of the measures of suppression is of less importance than the situation in the great country which forms the predominant factor of the opium trade.

In these circumstances, it is not surprising that the measures proposed by the Conference depend on the measures taken by China herself, which must be at least as strict and effective as those which the other countries have decided to adopt.

No less inoperative than the measures relating to cultivation and trade are the measures applying to consumers. The rationing and registration of smokers and the measures designed to prevent the spread of the habit to other persons were carefully considered by the First Conference.

A scrutiny of the Minutes of the First Conference will show the care with which this subject was studied, and will render it possible to appreciate the full value of the reasons which led the Conference to recognise that the proposals for rationing and registration were ineffective and inopportune. It will also show that the Conference thereupon endeavoured to give wider scope to measures of another kind, such as those designed to prevent the spread of the habit to other persons. Due recognition should be given to the intentions of the First Conference, whose members were not only inspired by the lofty idealism which animates the League of Nations but possessed great experience in the matter acquired on the spot.

Turning now to the suggestions submitted to this delegation, we find that they relate to the fixing of the maximum time limit for the suppression of the opium-smoking habit. All these proposals are based on the fact that apart from medical and

and scientific needs, the continued use of prepared opium necessitates its cultivation over very wide areas, constituting a fresh source of supply for the illicit traffic. The point at issue here is perhaps a debatable one, but the proposal is dictated by a lofty humanitarian ideal with which we fully sympathise. The Hague Convention, which pronounced in favour of gradual suppression had the same end in view.

The only fundamental difference between the American point of view on the one hand and the British and French points of view on the other consists in the importance attributed to the secondary factors of the problem. The United States delegation desires to fix a period immediately. The other delegations wish to make the beginning of this period depend upon the moment when unity and co-ordination of effort has been attained. In our opinion the results of the two proposals will in practice be the same. One party desires to fix the date of the journey, in spite of prevailing bad weather, and declares that it will nevertheless arrive at its destination. The other party wishes to wait for fine weather before starting, so as to be certain of arriving. The latter is no doubt actuated by prudence, but, in point of fact, who shall say that to-day's bad weather will not be followed by fine days or that to-morrow's calm will not be succeeded by a storm? The period, on the duration of which everybody is agreed, really constitutes a negligible factor in a social problem of this importance, and, if it is expedient to fix a period, why should we not decide upon it immediately, leaving it to the future to prove us right? Let us admit that the Hague Convention was in this respect more prudent, although at that time conditions were far more favourable. It restricted itself to the use of the words "progressive and gradual suppression."

If, in spite of the disturbed conditions in the Far East, we succeed in suppressing the habit of opium smoking within 15 years, that is all to the good. But, even so and even if we succeed, by adopting suitable measures, in preventing the formation of new smokers, we shall not be able to eliminate the inveterate smoker. We shall be faced with a certain number of opium addicts who have to be medically supplied with the daily dose of opium prescribed by scientific experience. Such is the case in Formosa, as the Japanese representative has told us.

Thus, at the end of 15 years, legitimate consumption will cease, but, in the case of registered and rationed addicts who, on a medical prescription, receive that amount of opium which is medically essential for them, it will only have changed its name.

The First Conference recognised the impossibility of immediately registering and rationing existing smokers. It also resolved to prevent by all means in its power the formation of new smokers. For these reasons it was unable to fix the period within which the habit of opium smoking could be entirely suppressed.

Having proceeded thus far in our statement, we may observe in the light of the foregoing considerations that, in spite of the divergence of the ideas expressed there is nothing, we think, to prevent us from arriving at a formula of agreement. The divergence is only apparent, and we are all anxious to arrive at an understanding.

We might then agree upon the maximum period within which we all desire that the habit of opium smoking should be suppressed. As, however, we are forced to take into account both the results of the present situation and unforeseen circumstances, we could leave the subsequent ratification of the date of the periods' commencement for consideration later, we could proceed as if that date had been fixed as from the signing of the Convention, and could at once put into force the measures contemplated.

The formula of agreement might therefore be as follows:

"Having agreed upon a period of 15 years, we consider that it would be expedient a) for this period to commence as from the signing of the Convention, but it would be for the Conference, which, according to Article 12 of the Agreement of the First Conference, will take place in 1929, or by a Commission<sup>has</sup>/proposed by the British Delegation either to ratify the date of the commencement of these 15 years, or to determine upon another date, should the circumstances which at present make it difficult to control smuggling still exist, or be further accentuated. b) During the period of 15 years every country in which the use of opium for smoking is still authorised should only reduce the quantity of opium for consumption by a fraction at least corresponding to the co-efficient of the adult death rate, so that at the end of this period the quantity of opium necessary for the medical treatment of opium addicts in each country would then be less in all cases than the quantity consumed to-day, being reduced by a figure equal to 15 times the co-efficient of the annual adult death rate; c) all opium addicts surviving at the end of 15 years should be duly rationed and registered and might, after medical examination, receive a quantity of opium supplied to them through the administration; d) during this period of 15 years, the different countries should undertake to proceed to register smokers and to take all executive measures necessary to enforce this decision.

The provisions which we have suggested above constitute, in our opinion, a corollary to the ideas already expressed, as well as material for co-ordinating these opinions with one another and with those of the Portuguese Delegation.

The Portuguese Delegation therefore has the honour to submit to this Assembly its proposals as summarized in the above resolution.

SOCIETE DES NATIONS.

LEAGUE OF NATIONS.

Opium/C.S./C.R.L.

SECOND OPIUM CONFERENCE

COMMITTEE OF SIXTEEN.

VERBATIM REPORT

of the

FIRST MEETING

Held on Monday, January 26th, 1925, at 10.30 a.m.

CHAIRMAN: SIR ERIC DRUMMOND.

OPENING REMARKS BY THE SECRETARY GENERAL.

The SECRETARY-GENERAL (Sir Eric Drummond): As a result of the resolutions passed by the First and by the Second Conferences on Saturday last, of which you are aware, the First Conference met on Saturday afternoon and chose the following eight States to be the members of this Committee of Sixteen which now meets for the first time. These States are:

British Empire,  
China,  
France,  
India,  
Japan,  
Netherlands,  
Portugal,  
Siam.

The Second Conference also met and chose, on their side, eight States, namely:

United States of America,  
Brazil,  
Cuba,  
Egypt,  
Finland,  
Italy,  
Persia,  
Poland.

The Committee of Sixteen is therefore constituted, and I presume that the first item on its agenda will be the election of a President, either from amongst the members



of the Committee itself, or I presume an invitation could be extended, if the Committee thinks fit, to someone outside its own membership. That, of course, is entirely for the Committee itself to decide.

I would therefore like to ask whether any member of the Committee has a proposal to make on this subject.

ELECTION OF PRESIDENT

The Hon. Stephen G. PORTER (United States of America):

I desire to place before the Committee a nomination for President. I nominate the distinguished Delegate from Cuba, M. Agüero y Bethancourt. He is our Vice-President and he has served faithfully and long in this Conference. He is a man who is wellknown to all of us and it seems to me that he would make an ideal President of this Committee.

Dr. SZE (China): I have great pleasure in seconding the nomination made by the Delegate from the United States of America, that Mr. Agüero y Bethancourt of Cuba be elected President of this joint Committee.

Mr W.G. Van WETTUM (Netherlands): My view is that we ought to elect as our President neither a Member of the First nor of the Second Conference. We must try to get someone who is outside the body of this joint Committee, and that is quite usual. I propose, therefore, ~~the~~<sup>as</sup> President Mr. Zahle President of the Second Conference.

Sir Malcolm DELEIVINGNE (Great Britain): I am in entire agreement with what Mr Van Wettum has said. This is, in effect, a Conference between two Delegations & a Delegation from the First Conference and a Delegation from the Second Conference - in order to examine certain proposals which have been made in the Second Conference with reference to the work of the First Conference; and it seems to me that the usual procedure would be that the two Delegations should agree upon some mutual

Chairman from outside. It seems to me, and I think it also seems to other members of the Delegation from the First Conference, that the Chairman should be chosen neither from one side nor the other. An obvious selection is that suggested by the President of the First Conference - namely Mr Zahle, who has presided so long over the work of the Second Conference. We hope that this will be acceptable to the Delegation from the Second Conference. It appears to be essential for the success of our work that the Chairman and, if there is to be a Vice-Chairman, the Vice-Chairman also, should be selected by agreement between the two Delegations from outside their numbers.

M. VIREHER (France) (Translation): I am in agreement with the proposal of the Delegates for the Netherlands and Great Britain. They consider that the best way of forming grounds of agreement between the two groups of the First Conference and the Second Conference is to select an independent president and the French Delegation supports the proposal that Mr. Zahle should be elected.

Dr. Rodrigo RODRIGUES (Portugal) (Translation): I desire to support the views of the Delegations of France, the Netherlands and Great Britain.

Dr. SZE (China): This Committee is meeting in order to work out some kind of solution of the problem referred to it that will be acceptable to all, and I am somewhat surprised that the word neutrality should be used in this connection. I think it is most deplorable that it should have been used. We do not want to cast any reflection upon anybody and I have the greatest respect for both of the gentlemen who have been proposed. In view of the fact that Mr. Agüero y Bethancourt has been nominated by the American Delegate - a nomination which I had the honour of seconding - I hope that he will be acceptable. The presiding officer is <sup>only</sup> expected to preside and to be impartial. I think it would be very unfortunate if

at the very beginning of these sittings, the word neutrality should be imported into the proceedings.

M. Agüero y BETHANCOURT (Cuba) (Translation): I am very much obliged to Mr Porter and Dr Sze for having thought of me in connection with the Presidency of this Committee of 16. Once, however, a doubt has been expressed by any member in regard to my neutrality, and ~~as a desire~~ expressed to have someone from outside the Committee of 16 in order to secure greater impartiality, I feel bound to withdraw my candidature for the position. I could not accept the chairmanship of a committee in which opposition to myself had been manifested. The first duty of a Chairman is to be impartial, and as there does not appear to be complete confidence in my impartiality, I feel bound to withdraw.

The Secretary-General: There were, there still are, two proposals in regard to the election of the Chairman. The first is the proposition made by the representative of the United States of America, seconded by the representative of China, that M. Agüero y Bethancourt should be nominated as President. M. Agüero ~~x~~ has now, however, informed the Committee that he has withdrawn his candidature for the position. I do not know whether the representative of the United States wishes to proceed with his motion or not. I do not know whether it is in front of me in view of the fact that the candidate proposed says that he does not wish to be nominated for the position. If it is in front of me it will have to be put to the vote of the Conference.

The Hon. STEPHEN G. PORTER (United States of America): I regret exceedingly, Mr. Secretary, the withdrawal of H. Agüero, but however, I feel bound by his wishes in the matter.

Sir MALCOLM DELEIVINGNE (British Empire): I should like to say one word in reference to what has been said by the representatives of China and Cuba. There is of course no personal question in a matter of this kind and I rather regret that the personal aspect has been introduced. We have raised the question on our side purely as a question of principle and of what in our view is the ordinary, well established procedure in the somewhat exceptional circumstances in which we are met. I therefore venture on our behalf, certainly on my behalf, to deprecate those personal questions and to say most emphatically on my own account that they have not entered into the matter at all. It seems to me that this is a matter which ought to be settled by agreement between the two delegations, and personally I should be quite content to leave it to be settled between Mr. Porter, who is regarded as the leading Member of the delegation from the Second Conference, and the President of the First Conference, who may be regarded as the leading Member of that First Conference. I do not know whether that is a suggestion which would command the assent of the two Delegations. For my own part I should be quite content to leave it to those two gentlemen, to be settled by agreement.

M. FALCIONI (Italy) (Translation): I was about to speak before the Hon. delegate for Great Britain spoke in order to beg my colleagues to consider very seriously the gravity of the decision they are about to take, in case they should not arrive at a unanimous decision, because the question of impartiality has been raised, and it would be a most unfortunate thing if the President elected should be one who is not unanimously accepted by the whole Mixed Committee.

Therefore I entirely support what the Hon. delegate for Great Britain has said about the importance of an agreement between the two delegations, and I think that is a most important question.

M. AGUERO y BETHANCOURT (Cuba) (Translation): I should like in the first instance to thank the Hon. delegate for Great Britain for the declaration which he has just made to the effect that personal considerations did not enter into his reasons. I have assumed that to be the case but I am very glad to hear that expressed. I would never have believed it possible that there could be any personal objection to any member of this Committee. But I still desire to withdraw my candidature, which has been proposed by Mr. Porter and seconded by Dr. Sze, because I do not wish that my name should in any way become the cause of disagreement within this Committee. I put entirely on one side any personal consideration; but I would not like my name to be associated with any disagreement in this Committee and I feel bound to add that it is not a very easy task which it has been suggested should be confided to me.

M. KIRCHER (France) (Translation): I beg to assure M. Aguero y Bethancourt on behalf of the French Delegation that it never entertained the smallest degree of doubt as to his impartiality. M. Aguero has <sup>won</sup> the esteem of all the Conference. But this is a question of principle and it is in the interests of the Committee that there should be unanimity. I therefore support the proposal of the Hon. delegate for Great Britain.

M. van WETTUM (Netherlands): I also wish to express my regret in the same way as has been done by Sir Malcolm Delevingne. I did not use the word "impartiality"; I used the word "neutrality". I have great respect for the personality of M. Aguero. I quite

agree with the proposal which has just been made by Sir Malcolm Delevingne that we choose a President by mutual consent with Mr. Porter.

The SECRETARY GENERAL: A proposal has been put forward which seems to <sup>meet</sup> with general approval, that the President shall be chosen by agreement between Mr. Porter on the one side and the President of the First Conference, M. van Wettum, on the other side. If that proposal meets with your approval, as I think it does, I would suggest that the Committee might perhaps best adjourn for twenty minutes or half an hour in order that that exchange of views should take place, and then I hope very much that the Committee will be able to decide on a President elected unanimously, which is one of the most important factors in the success of the work. If no one has any opposition to make to that proposal I suggest that the Committee stands adjourned for half an hour.

The Hon. STEPHEN G. PORTER (United States of America): May I suggest, Mr. Secretary, that I should like to be heard on this. I feel that there is no necessity of going to all that trouble, it would only delay our work. Many of us thought that Dr. Agüero had earned whatever honour is attached to the Chairmanship, and yesterday afternoon I said that I would take pleasure in suggesting his name. But inasmuch as he has withdrawn I think that it is nothing more than proper for me to agree, so that the election of Dr. Zahle may be made unanimous.

The SECRETARY GENERAL: In those circumstances it does not seem necessary that any adjournment should take place. The Representative of the Netherlands having proposed Dr. Zahle and the representative of the United States having now agreed to that proposal I think that it would be the unanimous wish of the Conference that

Dr. Zahle should be invited to serve as your President. If that is so, I presume that the first thing to do will be to convey that invitation to Dr. Zahle, and I will undertake to do so immediately.

M. AGUERO y BETHANCOURT (Cuba) (Translation): I support the proposal.

ADOPTED

The SECRETARY GENERAL: I am sorry to tell you that Dr. Zahle is not particularly well this morning and is confined to his room. Therefore, although I hope that he will be available this afternoon, he will not be available to take up his duties this morning. I do not know if in those circumstances you are prepared to elect a Vice-President to carry on temporarily. That is for the Conference to decide.

ELECTION OF VICE-PRESIDENT.

Dr. SZE (China): Mr. Chairman and Gentlemen, I am very sorry to hear that Dr. Zahle is indisposed and I am sure I am speaking the sentiments of this Committee in wishing him a speedy recovery. In the meantime may I have the honour to propose that Sir Eric Drummond be elected unanimously as Vice-President of this Committee.

May I add one word. I did not mean to say that you should be elected only during the absence of Dr. Zahle; I mean that we would like to impose upon your kindness to continue to preside. So I have the honour to propose that Sir Eric Drummond be elected permanent Vice-President. He will thus continue to preside this morning, and in case Dr. Zahle cannot come this afternoon, or at any other time.

M. AGUERO y BETHANCOURT (Cuba) (Translation): I support that proposal.

The Hon. STEPHEN G. PORTER (United States of America): The delegation of the United States supports the proposal.

Sir Malcolm DELEIVINGNE (British Empire): The British Delegation warmly supports the proposal.

The SECRETARY GENERAL: I am very much flattered and very

much honoured, and very much troubled. But naturally, in order to help things forward, I am entirely willing to put myself at the disposal of the Committee.

I am very grateful to the representative of China, but I would ask, if I may, that he would not insist on its being a permanent appointment, because in that case I should have to attend all the meetings, and honestly I do not know that I can. But I would be most willing to act as President in the absence of Dr. Zahle.



(Translation)

M. SUGIURA (Japan)/I merely wish to add a few words for the sake of clearness. Naturally, I have no objection to the appointment of the Secretary-General in any way, but we have to consider the status of the Secretary-General and we must be aware of creating a precedent because the Secretary-General might be another person at some later date. Therefore, I quite agree that the appointment of the Secretary-General shall be as provisional President only and not as Permanent Vice-President.

The SECRETARY-GENERAL: The representative of Japan has expressed entirely my view; that is what I feel. Therefore, perhaps I might be looked upon merely as the substitute of Dr. Zahle until he is strong enough to take up his duties. That I think, would meet all the difficulties. (Adopted).

RULES OF PROCEDURE AND PUBLICITY

The VICE-PRESIDENT: If that is agreed, gentlemen, I think that the first two items which you ought to consider for the Agenda will be <sup>firstly</sup> whether you will agree to the Rules of Procedure which were adopted for the Second Conference, and whether the Committee thinks that those Rules of Procedure should be followed if they do, and I presume they are based on what has taken place in conferences generally, I take it that this Committee would think that they are proper rules for their guidance. I do not suppose there is any objection to the adoption of those rules, and if there is not, I shall declare them adopted.

The second question is one of more difficulty, and it is for the Conference to decide. The question is whether the proceedings shall be in public or not. That is entirely a matter for the Conference itself, and therefore I should be

grateful for any proposition that any member of the Committee may desire to make on that subject.

The Hon. Stephen G. PORTER (United States of America):  
Mr. President, I see no reason why we should depart from the policy which we have followed all through this Conference. There is nothing of a confidential nature to be discussed. We always have the right at any time to declare an executive session and to go into a confidential meeting if we feel that the necessities of the situation demand it. But I think that we should follow the rules that has been followed before as it might create some unfavourable comment if the meetings were not held in public. As I have said before, if you close the doors, you will have a lot of people clamouring to get in. No doubt you have all observed that since we have had these doors open, we have had very slim audiences, especially at the Conference.

Dr. SZE (China): Mr. President and gentlemen: I have looked up the Rules of Procedure adopted by the Second Conference and I see that in Article 6 provision has been made in regard to this question. With your permission, I propose to read that Article. It says: "All meetings of the Conference shall be public unless a decision is taken to the contrary. Decisions taken by private meetings shall be announced at a public meeting." Therefore, I think, Mr. President, that since we have adopted the Rules of Procedure we should follow Article 6.

(Translation)

M. FAICIONI (Italy): I entirely agree with what has been said by Mr. Porter. This is a small committee and we do not desire to have too much publicity in regard to it, but, on the other hand, as Mr. Zahle, the President of the Second Conference, said yesterday, the nominations made have been made in respect

of countries and not of individuals, and therefore, as in regard to some delegations several members have full powers, it is desirable that all the delegates who have full powers should be entitled to remain present at the sittings of the Committee.

Sir Malcolm DELEIVINGNE (Great Britain): I am entirely in favour of publicity and I think that, so far as possible, the proceedings should be in public.

M. AGUERO-y-BETHANCOURT (Cuba):<sup>(Translation)</sup> I entirely support the proposal of Mr. Porter in regard to the publicity of the meetings, firstly for the reason given by the honourable delegate for China, that is to say that Article 6 of the Rules of Procedure says that meetings shall be in public unless there is a decision to the contrary, and secondly, because there is nothing secret in what we have to discuss. All the proposals are already known to everybody, and our task is really to seek some formula of conciliation to enable the Conference to find a way out of this deadlock and publicity would not be an obstacle to that. On the other hand, if we hold the meetings in secret, the public will have doubts as to our good faith and will think we are shifting the scene of battle from the Conference to the Committee. It is important to give the public confidence in what we are doing, and therefore I am in favour of publicity.

The VICE-PRESIDENT: Nobody has proposed that the meetings shall not be in public, and various representatives have proposed that they shall be and that Article 6 of the Rules of Procedure already adopted by the Conference shall continue to govern the proceedings of this Committee as regards publicity. I therefore assume that it can be considered as adopted.

With regard to the point raised by the representative of Italy, I think there can be no doubt that, as a choice has been made of States, any representative of those States having pleins pouvoirs would be most certainly entitled to sit on the Committee

if a delegation so decides.

M. Van WETTUM (Netherlands): May I ask if we are to apply the Rules of Procedure of the Second Conference? I have not the Rules of Procedure before me, but I think that we cannot take a decision by voting. If we have to take a decision then the members of the First Conference will have to decide on any particular questions for themselves, and the members of the Second Conference will also have to decide for themselves, so that I doubt whether we can apply <sup>the</sup> rules of the Second Conference and put anything to the vote.

M. TOIVOLA (Finland): Mr. President, May I just say a few words on the composition of our Committee? There have been several mentions made of two delegations. Now if I <sup>rightly</sup> read the resolution, or the amendment, which was adopted on Saturday, it reads like this: "The Second Opium Conference decides to name eight delegates representative of Governments who have not participated in the First Conference, to form a Committee with eight members designated by the latter." The words are; "to form a Committee"; it is not "a mixed committee" and I cannot see how we can work here if we take the view put forward by the Dutch delegate that the two parts should meet together and decide separately what view they take and that we should then come together again. We have to work here, in my opinion, as a committee, every member as representative of his Government and not as part of a delegation which ought to take a vote on every subject separately and then come here and say; "We are of this opinion; what is your opinion?"

On those lines we should never come to an agreement or reach the end of our work. I am sure about that. I ask you, therefore, not to talk about two delegations, but from the very beginning to accept the fact that we form a Committee, and nothing else.

M. van WETTUM (Netherlands): I should like to ask whether the delegate of Finland is of opinion that there is no difference between a committee and a delegation. The first delegate of the Netherlands asked, the day before yesterday, that the word employed should be "delegation" and not "commission", because it seemed to him that there was a difference between the two. In the French text, therefore, we have the word "delegation" and not "commission".

M. TOIVOLA (Finland): I should like to make a short reply. The delegate of the Netherlands proposed on Saturday that this body should be called a delegation, but not even in his proposal did he suggest it should be a joint delegation. If we accept this view as to there being two delegations, then both will meet separately, and there may be differences of opinion amongst the delegates at both these meetings.

I cannot accept the position that I am here as a representative of a delegation; I am here to represent Finland, and not any delegation. The eight members who were elected by the Second Conference do not form a delegation, and I do not say a word in the name of any such delegation;

I am speaking in the name of my Government. I cannot see my way to accept the position that there are two delegations.

Sir Malcolm DELEVLINGUE (British Empire): I suggest that we do not go into this matter any further, at any rate at the present time. I think the delegate of Finland is quite right in saying that we <sup>are all</sup> of us here as representatives of our countries. On the other hand, we are in fact also a meeting by delegation of the two Conferences.

The reason why I suggest we should not go any further into the matter now is that the whole purpose of this meeting is to arrive at an agreement, and to arrive at an agreement both sides have got to be satisfied. It seems to me quite evident that both delegations (for, after all, there are two delegations here, even if we call the whole one delegation) have got not only to agree between themselves but also to agree amongst themselves, because supposing we arrive at an agreement which involves some addition to the Convention which has been drawn up by the First Conference, that addition can only be made if the members of the First Conference are agreed amongst themselves that it should be made. In the case of the Second Conference, if anything is done which involves inserting some article in the Convention to be drawn up by the Second Conference, the members of the Second Conference must also agree amongst themselves.

If we are to arrive at a successful result (and I am sure we all hope we shall) the two delegations (I use the term without prejudice) have got to agree between themselves

and individually. They have to agree amongst themselves, and I think, therefore, it would be better if we did not pursue this point any further at the present moment.

M. TOIVOLA (Finland): I agree with what Sir Malcolm Delevingne has said, but there is just one word that I should like to add. I hope that the explanation he has given will not exclude the possibility of taking a vote on some questions here in this Committee. It may happen that some small question may arise on which we shall have to take a decision. If a vote is taken, it may happen that we shall not all agree at once, but it may very well happen that if the two delegations - as you call them - separate and discuss the matter they may, after a while, reach unanimity in regard to it. It would certainly be a pity, however, if we could not take a vote on any small divergence of opinion which might arise here in this Committee. We must work as a committee, and in all committees votes are taken; so we must, on some occasions, take a vote, should the necessity arise. All the same, I hope we shall reach unanimity in regard to every important question.

The VICE-PRESIDENT: It seems to me that the suggestion which has been made that the question should not be discussed further has a great deal to recommend it, if not everything in its favour, particularly as I hope that the question of voting may never arise, because I trust that the decisions of the Committee will really be unanimous. I think that is almost essential if the

Committee is going to arrive at those practical results for which we all hope. Perhaps the question of voting, therefore, might be left on one side, at any rate for the moment.

#### THE AGENDA

The VICE-PRESIDENT: I think that the question now arises of the actual proposals which this Committee was summoned to consider. There are actually three proposals, suggestions or declarations before this Committee. The first is the proposal submitted by the delegation of the United States of America on Chapter II of The Hague Opium Convention. The second is the British declaration made at the Plenary Session of the Second Conference held on the 19th January last, and the third the French declaration made at the 22nd Plenary Session of the Second Conference on January 21st.

If the Committee agrees, it seems to me the right procedure would be that the Committee should start by considering these proposals and declarations in the order in which they were received; namely, that the first proposal to be considered (though naturally the other two will have to be considered in conjunction with it) would be the proposal submitted by the delegation of the United States of America.

I do not think it is possible to co-ordinate them in such a way as to enable you to take them article by article from the various proposals and declarations; as far as I can make out, that would be very difficult. I think the only method to be adopted, therefore, is to take first the suggestion that was proposed first, and consider that in the first instance.



The Vice-President: If that is agreed, I would propose that the consideration of the proposals of the United States be begun, article by article, unless it is the wish that there should be a general statement on the whole question. It may be the desire of certain of the Delegations that a general statement should be made on the subject of prepared opium, or of the proposals made by the United States Delegation in regard to it. I therefore open that general discussion now.

The Hon. Stephen G. PORTER (United States of America): May I make a suggestion? I have gone ~~x~~ very carefully over all the proposals. It is always of great advantage to reduce the matters in dispute to the smallest possible compass. There does not seem to be any material dispute here as to the period of time, namely 15 years. There does not seem to be any dispute as to the ~~xxxxxxx~~ care of the confirmed addicts at the end of that period. The question seems to us to have narrowed down to a very simple one so far as our procedure is concerned, but to a very perplexing one so far as the result is concerned — that is, when shall the 15 years begin to run. I was wondering whether the discussion of the point in dispute would not be better than going into a general analysis of all the various suggestions.

May I repeat that there is really only one question before this Committee; that is, the date when this 15 years shall begin to run. Inasmuch as that is a matter in controversy between all the suggestions, or declarations, or programmes, it would be better, perhaps, for us to discuss it from that standpoint.

I would like to add that perhaps it would be wise for us this morning to have matters in readiness for Mr Zahle when he is able to preside over the Committee. I really would not like to go on without his consent. It seems to me that it might embarrass him somewhat to take up the matter where we have left off. I was going to suggest that we should adjourn and be called together by the Chair as soon as Mr Zahle's condition can be ascertained. I hope you understand, Mr Chairman, why I make the suggestion. If I were in Mr Zahle's position I should want to be here when the actual debate began.

The VICE-PRESIDENT: The suggestion made by the representative of the United States meets entirely, if I may say so, with the full agreement of Mr Zahle's temporary representative, and I hope very much that the Conference will accept it. Matters have now reached the stage at which the real work of the Committee must begin and it would be very difficult for the President to assume the Chair after the discussion had begun. I therefore hope that the Committee will agree to adjourn until half past three this afternoon. Will that suit the Committee?

The Hon. Stephen G. PORTER (United States of America): Anything will suit me; but I suggested that we should be re-convened on your call after you have ascertained when it will be possible for Mr Zahle to preside. I think that is the safer plan.

The VICE-PRESIDENT: Certainly. Supposing Mr Zahle is able to preside this afternoon, the Committee would be available, I suppose at 4 o'clock. It may be wise, ~~therefore~~ to postpone the meeting until tomorrow morning in order to put Mr Zahle in full possession of all that has passed. I should prefer to do

that if the Committee agreed.

Mr. Aguero y Bethancourt (Cuba) (Translation): As Mr. Able is indisposed, we ought not to try to force the pace and fix ~~xxx~~<sup>a</sup> definite hour like 4 o'clock. To be a good President, you require to be in good health. I propose, therefore, that we adjourn now until tomorrow morning.

The VICE-PRESIDENT: Then I propose to the Conference that its next meeting shall be at ten thirty tomorrow morning. (Agreed)

The meeting is adjourned.

The Committee adjourned at 11.55 until 10.30 a. m. tomorrow.

SOCIÉTÉ DES NATIONS.

LEAGUE OF NATIONS.

(Opium C.S./P.V.2.)

DEUXIÈME CONFÉRENCE DE L'OPIMUM

DÉLÉGATION D'ISRAËL

Compte-Rendu Sténographique

de la

DEUXIÈME SÉANCE

tenue le samedi 31 janvier 1925 à 3 h.30.

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PRÉSIDENT : M. Hørulf ZAHLE.

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EXAMEN DES PROPOSITIONS ET SUGGESTIONS SOUMISES PAR DIVERS  
ETATS AU SUJET DU CHAPITRE II DU PROGRAMME AMERICAIN.

LE PRESIDENT.- La séance est ouverte. Lorsque la Délégation des Seize s'est réunie pour la première fois, je n'y étais pas présent, ~~par~~ étant donné que je n'avais rien à y faire. Vous m'avez fait l'honneur de m'élire Président. Je vous remercie de tout coeur de cette nouvelle marque de confiance et j'espère pouvoir m'en rendre digne.

Je n'ai pas fait distribuer d'ordre du jour officiel parce que notre ordre du jour est la résolution votée samedi dernier par les deux Conférences de l'Opium. Aux termes de cette résolution, la Délégation des Seize est chargée d'examiner les propositions de la Délégation des Etats-Unis d'Amérique en même temps que les diverses suggestions qui ont été présentées au cours des dernières discussions et déclarations de la deuxième Conférence. La Délégation des Seize aura à présenter un rapport dans le plus bref délai possible, aux deux Conférences, sur le résultat de ses travaux.

Vous avons été saisi hier et ce matin de nouvelles rédactions des anciennes propositions, de la part de plusieurs délégations ici présentes. Je pense que ces Délégations désireraient peut-être donner quelques renseignements supplémentaires au sujet de leurs propositions. La parole est à M. Kircher, délégué de la France.

M. KIRCHER (France).- M. le Président, La Délégation des Seize est actuellement saisie de trois propositions: les propositions américaine, française et anglaise. Je cite ces trois propositions suivant l'ordre dans lequel elles ont été distribuées.

Avant d'aborder le fond du problème, je crois qu'il serait utile et nécessaire de dire quelques mots sur une question préjudicielle, une question de forme qui ne manque pas d'importance et sur laquelle je désire qu'aucun malentendu ne subsiste dans l'esprit d'aucune Délégation.

Vous avez certainement remarqué, Messieurs, que les propositions anglaise et française, qui préconisent l'adoption de mesures absolument identiques - à quelques détails près - vous ont été présentées sous une forme très différente. Les suggestions françaises, dans leur forme actuelle, font l'objet d'un seul et même acte qui englobe les obligations nouvelles contractées par les pays consommateurs d'opium préparé, d'une part, et par les pays producteurs d'opium brut, d'autre part? Cet acte peut être délibéré et adopté comme une résolution émanant de la Délégation des Seize, résolutions à soumettre, en séance plénière, à la ratification des Puissances représentées à la deuxième Conférence, et à signer, par conséquent, par toutes ces Puissances.

Ainsi formulée et adoptée, notre proposition élude le problème juridique de la compétence des deux Conférences qui a soulevé des discussions extrêmement intéressantes, mais dont la solution pleinement satisfaisante pour tous est encore à trouver. Je m'empresse de dire que la Délégation française <sup>en</sup> adoptant une formule qui englobe les engagements à prendre, par les pays représentés à la première Conférence, ainsi que ceux que doivent contresigner certains des pays qui ne sont venus qu'à la deuxième Conférence, n'a pas eu l'intention d'abandonner la position qu'elle avait prise

au sujet de la question de compétence; elle a voulu simplement aller au plus pressé, condenser dans quelques articles très simples, très courts et très précis, les mesures qui lui paraissaient propres à atteindre le but suprême que nous nous proposons tous, c'est-à-dire la suppression des fléaux dont souffre l'humanité, se réservant de reprendre, le moment venu, sous la forme qui paraîtrait convenable, les propositions dont l'Assemblée aurait accepté le principe, de manière à sauvegarder toutes les susceptibilités qu'éprouvent légitimement de nombreuses Puissances relativement à la<sup>question</sup> compétence.

Nous pensons, que pour atteindre ce but, les mesures, dont la mise en vigueur auraient été décidée, pourraient faire l'objet de deux actes distincts:

D'une part, les engagements conditionnels relatifs à la suppression de la consommation de l'opium préparé dans les pays qui autorisent encore cet usage, seraient inscrits dans un premier rapport, une première Convention, un addendum -comme on voudra- au titre de résolutions émanant de la première Conférence seule, à ratifier dans une réunion des membres de la première Conférence convoqués ad hoc, et à signer uniquement par les membres de ladite Conférence;

D'autre part, les engagements corrélatifs concernant la suppression ou la limitation de la production de l'opium brut, ou plus exactement encore la suppression ou la limitation de la culture du pavot seraient inscrits dans un deuxième accord, une deuxième Convention, un addendum, au titre de résolutions émanant de la deuxième Conférence, laquelle prendrait acte, au préalable, des engagements conditionnels signés par les Puissances représentées à la première Conférence.

- 4/5 -

Cette formule, absolument juridique, résout, à notre avis, d'une manière pleinement satisfaisante la question de la compétence qui a failli devenir la pierre d'achoppement pour les travaux des Puissances venues à Genève de tous les coins du monde.



La délégation française est extrêmement heureuse que la délégation britannique ait pris les devants et qu'elle se soit donné la peine de rédiger ses propositions dès l'ouverture de nos délibérations suivant la formule définitive que nous avons envisagée. Je déclare, par conséquent, que la délégation française est entièrement d'accord avec la délégation britannique pour recommander à la délégation des seize l'adoption de deux votes distincts pour enregistrer pratiquement et juridiquement les résolutions que nous allons adopter.

Cette question préjudicielle est élucidée, j'aborde le fond du problème et ici encore, je veux être très bref parce que je ne veux pas abuser de <sup>votre</sup> patience et parce que vous connaissez aussi bien que moi les multiples données qui doivent nous dicter nos opinions et nos décisions.

Nous sommes tous d'accord, Messieurs, sur un certain nombre de points, sur un grand nombre de points; je le note avec satisfaction. Nos opinions ne diffèrent, si l'on va au fond des choses, que sur une seule question.

tout d'abord, l'unanimité est acquise sur les points suivants:

1°) les peuples qui ont adhéré à la convention de La Haye ont l'obligation de supprimer dans un délai aussi rapproché que possible, l'usage de l'opium préparé dans les territoires <sup>sous</sup> placés leur autorité.

2°) le plus grand nombre, sinon la totalité des pays consommateurs d'opium préparé, ont rencontré de sérieuses difficultés pour poursuivre l'oeuvre entreprise et qu'ils poursuivent sans se décourager, du fait d'une contrebande intensive contre laquelle ils sont, pour ainsi dire, désarmés.

3°) Cette contrebande, loin de décroître, prend des proportions de plus en plus inquiétantes, nonobstant les mesures douanières et de police prises à l'intérieur de chaque Etat ou, internationalement.

46) Pour détruire la contrebande, il n'existe pas d'autre moyen pratique et efficace que de tarir le mal à sa source, c'est à dire, de limiter la production de l'opium brut et, partant, la culture du pavot aux besoins de la consommation légitime, car il est manifeste que la contrebande disparaîtra et cessera d'être le cauchemar du monde lorsque les fraudeurs ne pourront plus trouver l'aliment pour le trafic criminel.

Jusqu'à présent, les opinions concordent. Le seul point sur lequel tout le monde n'est plus d'accord, c'est le procédé, la méthode à employer pour atteindre ce but. Certains estiment que les pays consommateurs d'opium préparé peuvent et doivent continuer à donner l'exemple, peuvent et doivent aller plus loin dans la voie où ils se sont engagés, peuvent et doivent s'imposer l'obligation de réduire encore hic et nunc d'un pourcentage déterminé les quantités d'opium qu'ils mettent chaque année à la disposition de leurs sujets afin d'arriver dans un délai également déterminé à la disparition radicale et complète de l'usage de l'opium préparé.

D'autres, au contraire, estiment que les pays consommateurs d'opium préparé sont arrivés à l'extrême limite des réductions auxquelles ils peuvent raisonnablement consentir et déclarent que des compressions nouvelles seraient inefficaces et même qu'elles iraient directement à l'encontre du but poursuivi.

Je suis bien obligé de noter ici que les peuples qui tiennent ce langage, sont ceux précisément, qui doivent le mieux connaître la question parce que c'est chez eux que les populations usent de l'opium.

Et je me demande comment la totalité des réserves que l'Empire britannique, le Japon, les Pays-Bas, le Portugal, le Siam et la France, qui ne sont tout de même pas des puissances suspectes de sentiments anti-humains, ne retient pas davantage l'attention des autres puissances. Je me demande comment

il se fait que lorsque , à l'unanimité, nous proclamons solennellement à la face du monde que nous ne pouvons plus aller de l'avant, nous ne sommes pas mieux écoutés, nous ne sommes pas crus sur parole.

Nous ne devons donc, qu'avant de procéder contractuellement à de nouvelles réductions des quantités dont disposent annuellement nos régies, ou nos monopoles, les peuples que ces questions intéressent, nous donner des garanties contre l'inefficacité des mesures que nous prendrons et même contre les fâcheux effets de ces mesures.

Je ne voudrais pas abuser de la patience des Membres de la délégation des seize, mais je suis bien obligé de dire que la contrebande sévit cruellement aux frontières de presque tous les peuples qui consomment encore de l'opium répéré. La consommation de l'Indo-Chine que je connais particulièrement puisque, depuis 10 ans j'ai l'honneur de diriger la régie de l'opium, n'est pas considérable. Elle représente un pourcentage presque insignifiant si on la compare à celle des autres pays. Mais, à nos frontières, sur toute l'étendue de nos frontières terrestres et de nos frontières maritimes, la contrebande sévit avec intensité. C'est par milliers de kilogs que les fraudeurs peuvent alimenter les populations soumises à mon autorité. ~~Et~~ Et si, par hasard, je diminue d'un kilogramme la quantité que le receveur de la régie met à la disposition des fumeurs, dans un village déterminé, pour une somme très élevée: 200 piastres, que se passera-t-il ? C'est que les contrebandiers viendront à domicile offrir, non pas un kilogramme d'opium pour 200 piastres, mais en offrir 7 ou 8 kilogrammes pour la même somme. Actuellement, les ~~fumeurs~~ fumeurs sont obligés de se déranger pour venir au bureau de la régie. Ils paient, comme je viens de le dire, une somme considérable.

Si je ne leur donne pas l'opium dont ils ont besoin, c'est la contrebande qui le leur fournira, et qui leur apportera pour 20 piastres seulement, la quantité d'opium que je leur fournis pour 200.

Calculez, Messieurs, les résultats de ce phénomène contre lequel nous ne pouvons rien. Il saute manifestement aux yeux que les fumeurs qui sont en ce moment obligés, de se déranger pour avoir l'opium qui leur est nécessaire, auront recours, ~~nécessairement~~ <sup>en</sup> à la contrebande si on leur supprime radicalement la distribution, et vous n'ignorez pas que les fumeurs d'opium constituent une sorte de franc-maçonnerie, que tout fumeur cherche à faire des adeptes. Dans ces conditions, la suppression radicale entraînera automatiquement une augmentation des consommateurs. Est-ce le résultat que vous recherchez ? Est-ce pour augmenter le nombre des fumeurs que vous préconisez des mesures semblables ?

Je ne le crois pas.

C'est pour ces motifs qu'après avoir mûrement réfléchi à ce grave problème, nous avons dit que nous ne pouvions pas aller plus loin dans la voie dans laquelle nous nous sommes engagés avant qu'on ne nous garantisse que les peuples que la question de l'opium intéresse et que j'ai le devoir de défendre contre l'opiomanie, ne seront pas victimes des effets que je viens de signaler. C'est une responsabilité très grande que nous devons prendre puisqu'il s'agit, peut-être, par notre décision, ~~de faire progresser ou rétrograder~~ de faire progresser ou rétrograder l'humanité. Aussi, est-ce avec un sentiment religieux que nous nous sommes posés la question: pouvons-nous accéder à la requête qui nous est si éloquemment présentée par le grand peuple américain ? Pouvons-nous, hic et nunc, adhérer à cette prière ?

Notre conscience a répondu : non.

Nous avons des devoirs envers l'humanité, mais nous avons aussi des devoirs envers nos nationaux. Nous ne pouvons pas faire encourir à ceux-ci le risque d'être intoxiqués par les milliers de kilogrammes de poison qui circulent à nos frontières; ce serait un crime. Nous ne le commettrons pas.

Nous demandons aux ~~xxxixxxxix~~ pays producteurs de faire à leur tour un effort. Nous leur demandons de réduire dans des proportions satisfaisantes les quantités d'opium qu'ils produisent.; Nous leur demandons de réduire la culture du pavot. Certes, bien des peuples seraient obligés de s'imposer des sacrifices considérables, aux points de vue politique, économique et financier. Nous n'ignorons pas que des milliers de paysans vivent de la culture du pavot, mais, Messieurs, le devoir que ces pays producteurs ont à remplir envers l'humanité leur dicte leur conduite. Ils doivent aussi s'engager résolument dans la voie du progrès. Ils doivent aussi faire des efforts, s'imposer des restrictions, et tendre à la suppression complète de l'opium brut destiné à faire de l'opium préparé ou des drogues nuisibles. Ils doivent tendre à ne plus produire d'opium que pour les besoins légitimes du monde.

Les propositions que nous formulons nous paraissent, au surplus, constituer un énorme progrès, contrairement à ce qui a été dit, sur l'état de choses actuel.

Examinons, si vous le voulez bien, la situation juridique qui a été faite aux pays consommateurs d'opium préparé, par l'article 6 de la Convention de La Haye, et celle ~~qui a été faite~~ dans laquelle nous allons nous trouver, nous, pays consommateurs, par notre propre volonté, lorsque nous aurons signé la Convention de 1925.

Trois éléments juridiques nouveaux, et d'une importance capitale, sont introduits par nos soins dans notre statut de pays consommateurs d'opium préparé. L'article 6 de la Convention de La Haye est libellé comme suit:

"Les Hautes Parties contractantes prendront des mesures pour la suppression graduelle et efficace de la fabrication, du commerce intérieur et de l'usage de l'opium préparé, dans la limite des conditions différentes, propres à chaque pays, à moins que des mesures existantes n'aient déjà réglé la matière."

Si nous analysons juridiquement la situation des pays consommateurs d'opium préparé, il ressort de cet article 6 je constate et si je compare cette situation avec celle que nous voulons nous imposer :

1° que le délai à déterminer, qui figure dans l'article 6, est remplacé par un délai fixe, immuable, invariable, de quinze ans. C'est en quinze années que nous nous engageons à supprimer totalement la consommation de l'opium préparé. Donc, fait nouveau, au lieu d'un temps illimité qui serait peut-être de vingt ans, de cinquante ans ou d'un siècle, <sup>et plus</sup> c'est en quinze ans que nous, pays consommateurs d'opium préparé, nous nous engageons à supprimer radicalement la consommation.

Je crois que ce fait nouveau a de l'importance.

2° En vertu de l'article 6 de la Convention de La Haye, qui doit être juge des mesures à prendre? Nous-mêmes. C'est nous qui sommes juges de ce que nous voulons faire, c'est nous qui avons qualité pour dire: nous ferons ceci et nous

ne ferons pas cela. En vertu de la nouvelle Convention de 1925, -j'espère qu'en la baptisant la Convention de 1925 je ne commets pas une erreur-, ce n'est plus nous qui sommes les juges, nous n'avons plus aucune qualité pour prendre nos décisions volontairement, nous nous soumettons à un organisme extérieur, nous nous soumettons à la décision que prendra le Conseil de la Société des Nations, ou une Commission, ou un autre organisme., ce point de détail sera fixé plus tard. N'est-ce pas là un fait juridique nouveau et d'une importance capitale? Je crois inutile d'insister sur les avantages énormes que l'humanité peut retirer de ce ~~ce~~ abandon volontaire de nos droits.

3° Un dernier point important, c'est que, en vertu de l'article 6 de la Convention de La Haye, nous sommes juges et maîtres nous-mêmes des conditions qui doivent nous dicter notre décision. Je relis: "...dans la limite des conditions différentes propres à chaque pays, à moins que des mesures existantes n'aient déjà réglé la matière".

Je ne voudrais pas entamer ici une discussion juridique ni faire un trop long exposé, mais enfin lorsqu'il est dit: "... dans la limite des conditions différentes, etc..", cela veut dire qu'on permet, par le fait même, juridiquement, à chaque pays, de déterminer les conditions qui doivent mener sa décision; chaque pays a parfaitement le droit, et je crois que la question n'a jamais été soulevée devant aucun Tribunal, de choisir comme il veut parmi les circonstances politiques, économiques ou financières, les raisons qui doivent guider sa décision. Certes, il a pris un engagement à la face du monde, mais il s'est réservé le droit de déterminer l'étendue, la nature des mesures qu'il veut prendre, selon

les circonstances. Dans la Convention de 1925, nous faisons l'abandon complet de tout cela. Il n'existe plus qu'une seule condition qui pourra influencer sur les décisions que nous aurons à prendre et cette décision n'est même pas intérieure, c'est une décision extérieure. C'est la garantie que je demandais aux pays producteurs de ne pas venir empoisonner les peuples soumis à mon autorité. N'est-ce pas là un fait juridique nouveau?

Je ne saurais assez insister et dire combien ces trois faits juridiques modifient essentiellement le statut international des pays consommateurs d'opium préparé. Je crois avoir suffisamment démontré qu'il serait souverainement injuste de prétendre que les propositions anglaise et française ne constituent pas un pas en avant dans la lutte contre l'opiomanie.

Et, m'adressant au très honorable représentant des Etats-Unis d'Amérique, dont la haute influence peut amener une solution si heureuse de ces débats, j'ose l'adjurer de vouloir bien apprécier équitablement les sacrifices que nous, pays consommateurs, nous nous imposons pour répondre à ses aspirations, à son idéal. Que M. Porter nous dise: "Cui", et ce soir même la question de l'opium sera une question résolue; dans quelques années, dans de très courtes années l'humanité ne connaîtra plus ce fléau.

(Applaudissements).



M. RODRIGO RODRIGUEZ (Portugal).-- Nous sommes arrivés à un moment, Messieurs, où nous sommes obligés de faire une déclaration sur la situation du pays que nous avons l'honneur de représenter, en cherchant une formule de conciliation que nous désirons tous trouver. J' avais donc préparé un exposé, au nom de la Délégation portugaise; mais j'ai reçu entretemps la deuxième proposition britannique très détaillée, et je déclare que je me rallie entièrement à cette proposition. Dans ces conditions, il me paraît inutile de vous faire l'exposé que j'avais préparé et je prie Monsieur le Président de bien vouloir, par l'entremise du Secrétariat, faire traduire et distribuer la déclaration que j'avais ~~l'intention~~ l'intention de présenter ici.

LE PRÉSIDENT.-- L'honorable Délégué portugais m'a transmis un exemplaire de sa déclaration qui sera traduite et distribuée aux membres de la Conférence.

Sir Malcolm DELEVINGS (Grande-Bretagne) (traduction)

Je ne désire pas discuter maintenant, en détail, la proposition britannique qui a, je crois, l'appui de la majorité des Puissances représentées à la première Conférence. Cette proposition vient de vous être distribuée et si vous avez le temps de l'examiner à loisir avant la discussion générale, cela facilitera les délibérations. Je pense cependant qu'il est préférable que je donne quelques mots d'explication au sujet de la genèse de ce projet et de la politique suivie par le Gouvernement britannique au cours de ces dernières années.

A la suite de l'entrée en vigueur - vers la fin de la guerre - de la Convention de la Haye, le Gouvernement britannique examina la position dans laquelle il se trouvait au point de vue des obligations contractées, notamment en ce qui concerne l'article 6 du chapitre II. Les résultats de l'examen effectué par le Gouvernement britannique et des rapports reçus des diverses colonies de la Couronne, montrèrent que la situation n'était pas satisfaisante. Par conséquent, les Délégués britanniques au Comité consultatif firent une proposition tendant à la convocation d'une Conférence qui serait chargée d'examiner la question et de voir les mesures effectives qui pourraient être prises. En même temps, le Gouvernement britannique, par l'intermédiaire de son délégué au Comité consultatif, envoya des suggestions concernant les propositions à faire à ladite Conférence. Vous trouverez dans le rapport du Comité consultatif, de 1923, ces suggestions parmi lesquelles figure, en première ligne, la propo-

sition concernant le rationnement et l'enregistrement des fumeurs en vue de réduire la consommation de l'opium.

C'est à la suite de ces suggestions, qui reçurent un accueil favorable, que la première Conférence a été convoquée. Voilà donc la genèse de cette question et ce sont les suggestions du Gouvernement britannique qui ont donné au Comité consultatif une base de délibération pour la Conférence.

Dans l'intervalle d'une année et demie qui s'est écoulé entre le moment où des suggestions ont été faites, et celui où la première Conférence a été convoquée, le Gouvernement britannique, ainsi que tous les autres Gouvernements, ont étudié très soigneusement la question. Le Gouvernement britannique a reçu de ses colonies, notamment de Hong-Kong et de Malaisie, un certain nombre de rapports. Le rapport de la Malaisie constitue un véritable réservoir d'informations; il expose de la manière la plus franche, et la plus détaillée possible, l'état actuel de la question.

À la suite de l'examen qui fut fait, des rapports de ces colonies et de l'enquête faite en Angleterre, le Gouvernement britannique a conclu que le projet de rationnement et d'enregistrement des fumeurs, était voué à un échec certain; cette méthode, qui paraissait la plus effective, ne pouvait, dans l'état actuel de la question, être adoptée.

Au cours de la première Conférence, j'ai donné tous les détails de l'examen qui nous avait conduit à ces conclusions. Lord Robert Cecil vous les a également donnés et vous venez encore de les entendre de la bouche de l'expert français. Nous nous trouvons dans une nouvelle situation très délicate par

suite du fait que la contrebande est devenue de plus en plus grande. Les rapports pour 1923-1924, émanant des colonies de Hong-Kong et de Malaisie, citent des faits concrets à ce sujet qui démontrent, d'une manière effective, que la contrebande se développe de plus en plus. Si on ne voulait pas une réforme purement théorique, on ne pouvait adopter le projet de rationnement et d'enregistrement des fumées. Une seule voie restait ouverte: exposer franchement la situation à la première Conférence, donner toutes les explications désirables; produire tous les rapports que l'on possédait à ce sujet. C'est ce que nous avons fait, et nous savons que tous les Gouvernements sont prêts à prendre les mesures nécessaires pour aboutir à la suppression du fléau, dès que cela sera possible. La première Conférence a terminé ses travaux difficiles. La proposition émanant de la Grande-Bretagne a été étudiée par presque tous les Etats et nous savons maintenant que tous les Gouvernements désirent voir disparaître ce fléau grâce à des mesures adéquates qui seront prises.

Je ne veux pas entrer dans la discussion du Protocole. Je dirai simplement qu'il se compose de deux parties, la première concernant la première Conférence, et la deuxième concernant la deuxième Conférence. Cette deuxième partie du Protocole est, en somme, une suggestion précise en vue de rendre plus effectives les obligations que prendront les Etats. Je tiens tout d'abord à déclarer que l'adoption du premier Protocole n'est nullement liée à celle du deuxième Protocole. Ce dernier constitue une suggestion. Il n'est pas nécessaire d'insister sur les liens très forts qui existent entre la production de la matière première

et la consommation. Toutes les fois qu'il y a excès de production d'opium brut ou de drogues, il y a abus. <sup>et,</sup> par conséquent, accroissement du trafic illicite. Pour y remédier, les Etats doivent adopter une politique de restriction de production. C'est ce que contient notre deuxième suggestion. Je répète que les deux protocoles ne sont pas liés entre-eux. La première Conférence pourra adopter le premier Protocole et il conviendra à la deuxième Conférence de voir ce qu'elle voudra faire au sujet du deuxième Protocole.

On a entendu dire ici que, par suite des propositions faites actuellement, un pas en arrière sera <sup>it</sup> fait du sujet des obligations contractées en vertu de la Convention de la Haye. Je tiens à déclarer que rien dans notre position ne justifie cette manière de voir, et pour éviter tout malentendu, nous avons inséré dans le premier Protocole, un article spécial indiquant que telle n'est pas notre intention, et qui définit clairement les vues des Gouvernements à ce sujet.

M. VAN WETTUM (Pays-Bas) (Traduction) - J'ai déjà exposé à plusieurs reprises quels étaient les buts et les résultats de la politique de l'opium dans les Indes néerlandaises. Je ne crois pas nécessaire d'abuser de la patience des délégations/ici présentes pour expliquer à nouveau en détail la situation qui vous est certainement bien connue. Je suis sûr que chaque personne qui étudie d'une façon impartiale cet exposé qui est appuyé par les chiffres publiés annuellement par le Gouvernement des Indes néerlandaises, chiffres qui peuvent être consultés par tout le monde, arrivera à la conclusion de M. le Jonkheer LOUDON, c'est à dire que le Gouvernement néerlandais a rempli les devoirs, les obligations qu'il avait assumées aux termes de la Convention de La Haye et qu'il a fait tout ce qui était dans son pouvoir pour amener, aussi rapidement que possible, la suppression effective de l'usage de l'opium préparé.

Comme nous l'avons déjà dit, la seule raison qui nous a empêchés de faire/plus que nous avons fait est que, des mesures encore plus sévères que celles déjà prises n'auraient pas d'effet et causeraient même des désavantages au but poursuivi, car le trafic illicite est, pour ainsi dire, en embuscade, attendant l'occasion de reconquérir et d'amplifier son marché. Nous savons, que depuis que nous avons pris, pendant ces dernières années, les mesures restrictives les plus efficaces en ce qui concerne la prohibition, c'est à dire l'introduction du système des permis et du rationnement dans les grands centres des Indes néerlandaises, une réduction de plus de 50% s'est produite. Mais nous nous sommes rendu compte que cette diminution de l'usage légal ne correspond pas à la diminution de l'usage effectif. Nous avons beaucoup de raisons de croire que cette diminution du commerce légal a produit une augmentation du trafic illicite; par conséquent, nous ne sommes pas satisfaits que les mesures sévères que nous avons prises n'aient pas été effectives.

Nous pensons que des mesures encore plus sévères auraient des effets désastreux, non seulement dans notre propre territoire, mais aussi dans les pays producteurs, car toute demande non satisfaite d'une façon légale a pour répercussion immédiate, le trafic clandestin ou l'exportation d'opium de ces pays.

Nous avons, par conséquent, pensé qu'il était de notre devoir de ne pas prendre de mesures restrictives plus sévères avant d'être parfaitement sûrs que la consommation <sup>illicite</sup> d'opium n'augmente pas davantage dans nos territoires.

C'est le point de vue qui a été soutenu par notre délégation pendant tous les débats de la première Conférence, ayant toujours présent à l'esprit que les stipulations de la première Conférence doivent être encore renforcées par les autres Conférences qui se tiendront à l'avenir dès que la situation en Extrême-Orient, en ce qui concerne le trafic et la contrebande se sera améliorée.

C'est l'idée fondamentale de l'article 12 de la Convention précitée. Lorsque les pays producteurs auront envisagé ~~leur~~ le problème de leur côté, cet article pourra avoir son plein effet.

Si on nous promet d'exécuter ce que nous demandons, nous pourrions, de notre côté, nous engager à faire un examen complet de la situation et prendre l'engagement définitif d'abolir la consommation dans un certain nombre d'années, lorsque le trafic illicite aura diminué de manière à ne plus présenter d'obstacle à l'exécution des mesures que nous prendrons.

Cette idée vient d'être exprimée par la délégation britannique et est entièrement appuyée par nous. Nous sommes convaincus que les protocoles qui nous sont soumis sont les moyens de sortir des difficultés dans lesquelles nous nous débattons. J'espère que toutes les délégations présentes voudront bien collaborer de tous leurs efforts afin de lutter contre le trafic de l'opium. J'estime que c'est la seule façon d'arriver au but que nous visons tous.

LE PRESIDENT.- Messieurs, il n'y a plus d'orateur inscrit. Quelqu'un désire-t-il encore prendre la parole ?

Puisque personne ne demande la parole, je ne permets d'interpréter ce silence de la manière suivante:

Je suggère que les propositions qui nous ont été faites ainsi que les remarques de très grande valeur que nous venons d'entendre, soient étudiées de plus près par les Membres de cette délégation.

Si vous n'y voyez pas d'objection, je vous propose de lever la séance et de nous réunir à nouveau lundi matin à 10 heures 30.

M. PORTER (Etats-Unis) (Traduction).- Lundi, la Sous-Commission A et la Sous-Commission B doivent se réunir. En outre, un des Membres de la délégation américaine est souffrant.

La suite de la discussion ne pourrait-elle être remise à mardi matin ?

LE PRESIDENT.- Je ne permettrai de demander au Secrétariat si les séances des Sous-Commissions sont fixées définitivement pour lundi.



LE SECRETIRE.- Il y a toujours deux sous-commissions qui siègent.

LE PRESIDENT.- Dans ces conditions, il me semble que la proposition que vient de nous faire le premier délégué des Etats-Unis est tout à fait acceptable, et je pense que les membres de la Commission s'y rallieront volontiers.

S'il n'y a pas d'avis contraire, je me permets donc de fixer la prochaine séance de la délégation des Seizo à mardi matin, à 10 heures 30.

La séance est levée à 17 heures.

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SOCIÉTÉ DES NATIONS

LEAGUE OF NATIONS

Opium/C.S/C.R. 3.

SECOND OPIUM CONFERENCE

COMMITTEE OF SIXTEEN

VERBATIM REPORT

of the

THIRD MEETING

Held on Tuesday, February 3rd, 1925,

at 10.30 a.m.

PRESIDENT:

M. Herluf ZAHLE.

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DISCUSSION ON VARIOUS PROPOSALS AND SUGGESTIONS  
CONCERNING CHAPTER II OF THE AMERICAN  
PROGRAM E

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The PRESIDENT (Translation): We adjourned last Saturday because some Delegations had submitted observations in regard to the proposals which had already been made. These observations were of an interesting character and were not previously known to the other Delegations. In addition, the Delegation of Portugal had presented a long memorandum which could only be distributed last Saturday. We were unable, therefore, to continue the discussion on Saturday and adjourned until today. I now declare the discussion open on the question ~~for~~ which the Committee of Sixteen was originally set up to consider. Does any member desire to speak? I call upon the First Delegate of the United States of America, Mr. Porter.

The Hon. Stephen G. PORTER (United States of America) Mr President and Gentlemen of the Committee; I have discussed the American Proposals in the Plenary sessions on numerous occasions; in fact, I have stated about everything I care to state in their support. Therefore I shall be quite brief this morning and will re-state in the form of a resumé the position of the United States in regard to Chapter II.

In my remarks at the Plenary Session of the Conference held on January 20th/1925 I indicated that the Delegation of the United States was willing to increase the period contained in Chapter II of our suggestions after the termination of which the use of Opium for smoking shall not be permitted, from ten to fifteen years, the various Governments concerned to determine the internal measures to be adopted by them in carrying out

the obligation undertaken. Article 8 of our Suggestions, therefore, should be amended to read as follows:

"The Contracting Parties in whose territories the use of prepared opium is now temporarily permitted under the Hague Convention agree that within 15 years from the ratification of this Convention, the importation, exportation, sale, manufacture, distribution, and use of prepared opium in all territories subject to their jurisdiction shall not be permitted."

I further stated that we were not unwilling that the Convention should recognise, and if necessary make adequate provision for, with appropriate safeguards, persons in whose case it was certified by the competent medical authorities of the States concerned that they could not be deprived of the drug without serious danger to health or to life.

I, therefore, request the Committee to consider our proposal in the amended form as indicated.

The distinguished Delegate from Great Britain and other Delegates have assured the Conference, if indeed any assurance were necessary, that the Governments they represent not only recognise the obligations undertaken under the Hague Convention but were determined to carry them out to the fullest extent. The various proposals and declarations which have been referred to ~~in~~ this Committee for examination indicate that it is the intention on the part of

the Governments in whose territories the use of prepared opium is still permitted effectively to suppress this traffic. All apparently are agreed that the traffic shall be terminated after the expiration of a period of fifteen years. The only point at issue therefore would appear to be the question as to the time when the fifteen year period shall begin to run. In the proposal which we have offered it has been suggested that the fifteen year period shall begin to run immediately. In other proposals or declarations the suggestion has been made that the commencement of the period shall be conditioned upon an event or contingency, the occurrence of which cannot at the moment with certainty be foretold.

While recognising the difficulties confronting a number of the nations in their endeavour to suppress effectively the traffic in prepared opium we consider that it would be most unfortunate should this Committee fail to recommend that the traffic in prepared opium shall be brought to an end within a definite period. At the present stage of our deliberations it cannot be definitely foretold just what is to become of the Hague Convention. We accordingly took occasion to state to the Second Conference that the United States was not prepared to forego any right which under the Hague Convention it was entitled to enjoy. The United States is seriously suffering from ill-effects due to the leakage in the distribution of enormous quantities of raw and prepared opium in the Far Eastern Territory and the only remedy we have is the right to insist that the nations signatory to the Hague Convention effectively and progressively suppress this traffic.

At this stage of our deliberations when the final effect of the agreement concluded by the Second Conference upon the

Hague Convention cannot definitely be ascertained, we would be most reluctant, in fact we could not willingly give our consent, that the clear and explicit obligation undertaken under the Hague Convention should be exchanged for or transformed into a conditional or contingent obligation. In thus making known our position we do not mean to imply that any nation here represented is seeking or intends to secure the avoidance of an obligation which under the Hague Convention it solemnly undertook to fulfill. It is unnecessary to point out that an interpretation or construction of an instrument with which we all may now be in accord may not, years later under different conditions and circumstances, be so generally accepted.

We believe that if international obligations are to be performed that so far as may be possible they should be clearly defined. The introduction of contingencies or conditions into international agreements often give rise to doubts and misgivings, and I am sure all the Delegates will agree, should be avoided if it is at all possible so to do. I conceive it therefore to be the duty of this Committee, after considering the question as to when the traffic in prepared opium shall be terminated, to forward, if it is humanly possible, a recommendation setting forth a definite and certain period after which the traffic in prepared opium no longer shall be permitted.

(Japan)

M. JUGIMURA (Translation): Mr. President and Gentlemen:

We have now entered on the decisive week of our labours and it is absolutely necessary that we should arrive at a definite conclusion after our long and laborious discussions. In these circumstances there is a moral obligation on every one of us to endeavour to find a basis of agreement between the various points of view to throw light as far as possible on this complex situation, and to make every suggestion which the goodwill of all of us may inspire in order that the work which we accomplish may be satisfactory and equitable and may be acceptable to everybody.

It is in this spirit that I venture to speak to you once more. Last Saturday M. Kircher, the distinguished representative of France, pointed out very correctly, that his proposal, although it had not given entire satisfaction to some delegations, nevertheless marked an important progress as compared with the situation which was brought into existence by the Hague Convention. I recognise the correctness of his observation, and I am anxious that we should not lose the fruit of our prolonged discussions, even if the result is not entirely satisfactory. For that reason I feel compelled to continue unremittingly my efforts for conciliation, because when all is said and done this conference cannot disperse without having reached an agreement. In spite of all the difficulties and fortified by my profound confidence in our ultimate success, I am going to ask you once more to make further efforts and further sacrifices in order that we may at last reach a basis of agreement upon which all the delegations may be able to reconcile their views in full and entire confidence. I am fully convinced that this question is less complicated than it appears to be, and I base

my confidence on the well-known Anglo-Saxon proverb: "Where there is a will there is way".

In my opinion it would be best, as a first step, to find a solution for the questions of substance. We could then go on and find solutions for the secondary problems of <sup>competence</sup> and of form. The best method to arrive at a wise and equitable solution would be in reconciling, as a first step, the French and British proposals, which are already in agreement so far as principles are concerned. We could then go on to discuss this new ~~project~~ project and endeavour to master it so far as may appear desirable.

The one point to be <sup>solved</sup> is this question of the time when the period of fifteen years is to commence, at the expiration of which the suppression of opium for smoking is to <sup>be</sup> carried out, and when that period is to stop. It is not necessary for me to state that the point of time of departure must be simultaneous as regards all the contracting ~~parties~~ powers, no matter whether it is a producing or consuming country. The point which divides opinions in regard to this matter, is the existence of contraband trade which is carried out on an immense scale, and which thus hampers any step forward. We are all agreed that this contraband trade exists, but opinions differ as to its extent. I have no intention of commencing any further researches into the inexhaustible material which is provided for us in regard to this matter, but I would like to state very frankly that many effective and productive measures may still be taken by the producing and consuming countries. In order to put an effective stop to the contraband trade which so greatly hampers the accomplishments of our humanitarian task, it is necessary to



set in motion a system of close and frank co-operation between the producing countries and the consuming countries. The former must take all necessary measures, not only with a view to reducing the cultivation of the poppy, but also to exercise a strict control over its exports. The consuming countries and those which are, so to speak, centres of the traffic are also under the obligation to come to an agreement with a view to coordinating their police measures, because it is very often the case that the Headquarters of the smugglers are situated outside the producing countries.

As regards the abolition of opium smoking, the producing countries must not keep on endeavouring to throw the <sup>onus</sup> of taking the first step upon the other party and wait to take any effective steps until the others have taken the first step in that direction. To act thus is merely to go on turning in a vicious circle from which we shall never find an issue. All the measures must be taken simultaneously, although at the same time we should not require that they should be on rigidly parallel lines. We should begin by the measures <sup>most</sup> easy to adopt and our methods will then progress with methodical certainty, just as one sees a patch of oil extend progressively and increasingly over a pool of water.

I would like to add that we must count in the first place on the national measures which each contracting party can take in order to proceed with this great task of social purification. We must rely, in the first instance, on our own forces. When we have thus given ~~our-+type-~~ evidence of our good-will we shall be in a better position to ask for the active co-operation of the other powers. This co-operation will be

a compliment to our own efforts. Thus, in the case of the island of Formosa, it is by our own efforts that we have been able to produce such excellent results, but in the case of Quantung we have had to invite the valuable and friendly cooperation of China. But it was we who took the initiative in these measures because we are convinced that in regard to this question it is above all on its own efforts that each power must count in order that the result may be really effective.

If we are always going to wait until the other governments take the initiative in the struggle against the opium habit, we may wait for a very long time, each one accusing his neighbour of failing to take the first step. We must remember that a great Power has the honourable privilege of going further in the direction of the common good than those who do not dispose of the same resources. It is for the great Powers to mark out the way for others, and to prove by their courage on behalf of humanity that their power is based on a moral foundation.

Do not let us forget that nothing great can be accomplished in this world without a readiness to make sacrifices. Do not let each country wait for its neighbour to make sacrifices. There is very little glory to be gained in going to the aid of the victorious party, while, on the other hand there is much honour to be gained by making it possible for victory to be won in spite of all immediate obstacles.

In my opinion, every country which, after having ratified the agreement, finds itself, for one reason or another, unable in practice to carry out its international obligations as regards the opium traffic, should be allowed the possibility of an appeal either to the Council of the League of Nations <sup>to</sup> or the Committee set up by the Council, or else it should be entitled to demand the assembly of a conference of the Contracting Powers signatories of the First Opium Convention, those Powers to be joined, if necessary, by any other countries concerned.

I hope I am not being indiscreet in stating that during a private conversation which I had with Mr. Porter, he said he would be disposed to allow a right of appeal to the Council of the League of Nations to any Contracting Power which might find itself faced with such internal or external difficulties that it was unable to carry out the obligations which it had undertaken. I am convinced that everyone will fully appreciate the value of so far-reaching a concession, made by a great country which is not represented on the Council of the League of Nations.

If I still remain a convinced optimist in regard to the successful issue of our labours, it is because I know and appreciate the fervent desire for an agreement which animates all the delegations here present. During the discussions which took place last Saturday morning, I was very much gratified to observe the mutual goodwill which the British and American delegates displayed in abstaining from adopting any rigid or dogmatic attitude.

Lord Cecil asked whether the producing countries could not make the effort which they were asked to make after a period of grace of five years, and the distinguished representative of the United States, Mr. Porter, said that he was prepared to make a further concession, in order to demonstrate his desire for conciliation, by extending the period of grace after which the period of fifteen years would commence to run to three years. Mr. Porter has given us a further proof of his conciliatory spirit by the remarks he has made to us this morning.

Now that these two standpoints have been brought so close together, it seems to me that we have come to the dawn of a new day, and I feel certain that the wisdom of all the other eminent delegates will succeed in finding a means of transforming this hope into a satisfactory reality.

Mr. CLAYTON (India): The difference of opinion which has manifested itself among certain delegations here may perhaps be described as one between those who think the Chapters of The Hague Convention should be dealt with independently and can be realised independently and those who think that ~~independent action~~ independent action under each Chapter is difficult and that real progress can only be achieved by an advance under all the Chapters together.

I should like to point out, that, when The Hague Convention was originally drawn up, this point was very much before the Conference. The proposal originally was to deal with opium. It was represented very strongly on behalf of Great Britain that to deal with opium alone would not be satisfactory, and that there was a real danger that the reduction of opium might simply be attended with an increase in the consumption of drugs. It was said then, by representatives who were present at that Conference, that:

"The necessity for the British proposals had become obvious to all the Governments interested in the Far East; for, beginning with the suppression of the opium vice in China and other far eastern countries, a determined, and one might almost say a calculated, effort was made by the manufacturers of morphine and cocaine to introduce these drugs in

replacement of opium. Such efforts had largely succeeded; and to the world was presented the spectacle of many great Governments willingly sacrificing or providing for the sacrifice of an opium revenue of great magnitude, only to see the subjects of some of them pressing two other deadly drugs into the hands of those far eastern peoples who had heroically determined and were bent upon the abandonment of the opium vice."

As a consequence, all the representatives there present agreed to include provisions in regard to drugs in that Convention. The words that I have just read are almost the words that have been used in this Conference by certain delegations as indicating the difficulty which they encounter in reducing prepared opium because of the way in which contraband is pouring into their countries.

The connection between Chapter II and Chapter III was therefore very strongly emphasised in the original Conference. The connection between Chapter II and Chapter I is being very strongly emphasised by the Powers concerned with Chapter II in this Conference.

I venture to suggest that these considerations point to the fact that the only way of carrying out effectively the provisions of The Hague Convention is for an advance to be made all along the line. Therefore, if these considerations are borne in mind, it will be seen how extremely difficult it must necessarily be for any country to guarantee to carry out suppression (that is to say, where the question of control goes beyond mere control and reaches the actual point of suppression) under Chapter I, unless it is assured of equal progress all along the line.

I suggest that if these considerations are borne in mind it is possible they will help forward the realisation of an agreement. If an advance all along the line is to be secured, it is obviously desirable that there should be some outside authority, and that outside authority is at present to ~~be~~<sup>be</sup> found in the League of Nations. Therefore, from the point of view of the considerations which I have advanced, it seems to me that the proposals of the British Delegation (in which the moment at which suppression can be definitely foretold depends upon the advance made under other Chapters) are particularly desirable. Unless means can be taken for bringing the whole advance under The Hague Convention into one line, great difficulties, and possibly a great set-back, may occur.

I would only say, with regard to the suggestion of the hon. delegate for Japan, that it seems to me that it would be a very serious set-back if any country, after having put its signature to an agreement, were obliged to go to the League and say that, in whatever circumstances, it was unable to carry it out.

M. SUGIMURA (Japan) (Translation): I wish to ask for a word of explanation. In the first instance, this <sup>is an</sup> idea which, perhaps, has not purely emanated from the Japanese Delegation. It has been shared by other Delegations. It has been shared in particular by the British, the French, and the American Delegations. I should like to ask the Delegate for India whether he means that once this period of 15 years has commenced to run, no matter what obstacles or difficulties may arise or be caused, the Powers are to continue executing it regardless of any circumstances. In all political and commercial conventions of any kind whatsoever, it is necessary to take into account the possibility of special situations arising, such as the situation of war. <sup>For</sup> /a Convention of this kind it is above all necessary that there should be social stability and effective administration. The existence of an intensive contraband trade would be a serious obstacle to the execution of the Treaty. Therefore I should like to ask Mr Clayton whether he really means that, no matter what obstacles of this sort may arise, there shall be no appeal to any international organisation but that the contracting parties should continue to carry the Treaty into execution regardless of all obstacles?

Mr. CLAYTON (India): May I reply to M. Sugimura that, as his case is put now, I am fully in agreement with him and that really the point between us is an extremely small one.

Viscount CECIL (Great Britain): I can only speak by permission of the Committee because I am not, strictly speaking, a delegate to this body; but Sir Malcolm Delevingne,



who is the Delegate, has been good enough to ask me to say a few words on this occasion.

I think the speeches to which we have listened, particularly the speeches of the American Delegate and the Japanese Delegate, have been of great interest and all of us, I suppose, will feel ourselves in hearty agreement with what fell from the Japanese Delegate/<sup>as</sup> to the immense desirability of reaching a settlement of this question if it is possible to do so. Indeed, I have very little criticism, beyond of course what has already passed, to make on either speech. <sup>But</sup> There was one phrase in the speech of my distinguished friend, Mr Porter, which I admit I did not quite follow, but no doubt that was because I did not appreciate exactly what he meant. He spoke of the leakage of opium being a great danger to the United States. I should, of course, agree with that most thoroughly; it is a great danger to all of us. But I cannot myself see how his motion, if passed, would affect that danger in the least. The danger arises from <sup>the</sup> over-production of opium in certain countries and the search, in consequence, of those who own the opium for markets in which to sell it. As long as that over-production continues, the question of whether part of it is consumed in smoking or not does not appear to affect the position as far as the danger to the United States is concerned. I do not in the least say that is a reason why he should not take an interest in the subject; but it is really that difficulty which I venture to present to him as one which is worth considering. In other words, as long as there is over-production of opium there will always be a grave danger of its causing evil in the world.

That is the reason, no doubt, why those who have been considering this matter for the last years have always come to the conclusion that if you want to put a stop to the opium evil, the morphine evil, or the cocaine evil, you have to go to the very source of it -- production -- as the only way in which ultimately you can control the distribution of these dangerous substances.

On one point I most heartily agree. Mr Porter said that he thought it of great importance -- I do not agree with the application of the observation but I agree with the general principle most heartily -- that international obligations should be clear and definite. I do not believe there is any better principle to adopt in international relations. I believe that four-fifths of the misunderstandings between peoples arise from <sup>the</sup> want ~~of~~ of courage or want of clearness with which their respective positions have been stated at critical moments, and that unless you state accurately what you really mean (that is really the function of diplomacy to state, no doubt persuasively and in a conciliatory manner but perfectly clearly and accurately what is your position and what you feel about it) and convey that to the other parties concerned there is always a danger of misunderstanding, and from misunderstandings half the disputes and difficulties in international relations arise.

I admit, if Mr Porter will allow me to say so, that I feel a little disappointed that the arguments which I endeavoured to adduce to the Conference the other day -- I am afraid I spoke twice and at considerable length -- he did not regard as of sufficient value to deal with at all. I am very sorry, but I am not going to repeat them. I will merely remind the Committee, broadly speaking, of what our objections were to the American scheme.

Let me assure Mr. Porter and everybody else, that it is not that there is any difference of opinion, and I was very glad to hear that he recognised it, as to the object in view. We are all desirous of putting a stop to opium smoking at the earliest possible moment. There is no difference of opinion between us on that point. I am here to say that in the most explicit and definite way on behalf of the British Government.

The whole question is, what is the best method, what is the effective method of pursuing that object. I ventured on the last occasion to point out that in my view there were very grave difficulties in the way of adopting the American proposals -- difficulties of a purely practical character; I am not going to recite them, I merely refer to them. I pointed out that as long as you have an alternative source of opium, a contraband source of opium in these consuming countries, the countries where smoking continued, it was not of any use, it was not likely to be effective on a priori grounds to cut off a section, and that the smallest section in many of the countries, of the supply. You have to cut off all the supply if you are to do any good. Therefore the mere prohibition of opium by a Government would not be likely to be of use.

I pointed out secondly and I am not going into any detail now, that we had behind us a vast mass -- I think I may put it as high as that -- of authoritative opinion. We had the views of all the experts in these districts who have considered the matter and have advised us very strongly in that sense after making a very special investigation of the most elaborate character into the problem, the results of which have been published in large official publications.

I was able to say, too, that that was not only the opinion of those who were on the spot but the opinion also of such a man as Sir John Jordan whose general competence and impartiality is admitted on all hands. I even went so far as to say that, as I read and understood the published utterances of Bishop Brent, he also took the same view. I may be wrong in that but I have not been contradicted.

Finally, I pointed out that the experience of this method of prohibition had not been satisfactory. I pointed out the experience of Japan in <sup>Kuan</sup> ~~Quangtung~~. I pointed out the experience of India in Burmah. I ventured, even, to cite the experience of the American Government in the Philippines / I regret that it has been impossible for the American Government to furnish us with the full details of the latest results, which might modify our opinion, of this experiment. As far as our information goes, thought it had been in operation for a great many years, more than the 15 years suggested, it had not so far succeeded in its object.

Now, that was the view and that is the view of the British Government -- that this plan would be ineffective; and I want ~~very~~ very strongly to press on the whole Conference what the British Government feel very strongly about adopting or pledging itself to an ineffective method of reform, a method of reform which will not accomplish the object in view, because it will not be carried out by the population to whom it is directed. If we were to say tomorrow: "We abolish all opium smoking", and the result of it was, as we believe the result would be, that opium smoking would continue to flourish and would increase in all probability in our Dominions, we should be faced ~~with~~ not

only with a disastrous failure in this particular object, but we should have done infinite harm in other ways. We should have struck a great blow at our national reputation. Everyone, naturally, thinks very highly of his own country. I may think too highly of my country, but we believe (it may be an unfounded belief) that we have a reputation for carrying out literally our international obligations when we have undertaken them; and we would regard ourselves as false to our whole traditions and our whole trust if we consciously and intentionally undertook an international obligation which we believed it was impossible for us to fulfill.

We have a very strong view that nothing is more disastrous than for Governments to enact a law which is generally disobeyed. It is not only that you fail to carry out what you desire to do; but you breed in the people a disregard and a disrespect for law which may inflict infinite damage on the population of the country.

Therefore we will not assent under any circumstances to undertake an international obligation or enact laws which we do not think will in fact be carried out, because we believe not only will we do no good in that way but that we will do very great harm both internationally and nationally. I am quite sure that those considerations were fully present to my friend the delegate of Japan's mind; I am sure that he would assent to everything that I have said on that point. But there were phrases in his speech which seemed to indicate - I do not know whether I misunderstood them; I daresay I did - that we were to undertake some obligation and then go to the League of Nations to allow us to say that we were unable to fulfil that obligation. I may have misunderstood him - I am very glad to see that he rejects that view, because I am quite sure that that would be an altogether disastrous suggestion.

In these circumstances what is it that we can do? I want to remove as far as ever I can by words - it is very difficult of course - the impression that we are content to do nothing. That is not at all the position of the British Government. They are most anxious to proceed as rapidly as they can in the cause of this reform and I agree with what fell from Mr. Clayton just now that our proposal is strictly founded on what we conceive to be the policy of the Hague Convention. So far from regarding it for an instant as weakening the Hague Convention or substituting a new obligation for the Hague Convention, we utterly repudiate that, and I think I shall be able to show in a minute that we have made it perfectly clear that that by no possibility can be the operation of our proposal. We take the Hague Convention; we take it as a whole; we say we are anxious to see the whole of its policy carried out. We recognise that it binds us and binds all other

parties to it as much as ever, but we suggest certain things which can be done which in our view will make it much more effective than it has ever been.

And I must remind the Committee that the Hague Convention does not consist only of the obligations placed on the consuming Powers by Article 6; there are equally precise, perhaps more precise and even much more precise, obligations placed on the producing Powers by Articles 1 and 3.

Article 1 is this: "

"The Contracting Powers shall enact effective laws or regulations for the control of the production and distribution of raw opium unless laws or regulations on the subject are already in existence."

Article 3 is even more precise in connection with this subject:

"The Contracting Powers shall take measures:

- a) To prevent the export of raw opium to countries which shall have prohibited its entry, and
- b) To control the export of raw opium to countries which restrict its import, unless regulations on the subject are already in existence."

Therefore there is a perfectly definite obligation, as I read it, on the part of all the producing countries to prevent smuggling, illicit import, into other countries. Though I am far from saying that the ineffectiveness of the operation of those articles removes our obligation under Articles 6 and 7, yet it is right to say and to say with great definiteness, that it is in fact the failure to carry out those obligations ~~that has produced the failure~~ - I am not saying conscious or intentional or wicked or blameable failure, but the actual failure to carry out those obligations which really has brought us into the whole of this trouble. If it had been possible for them to have been carried out I have no doubt by this time the evil of opium smoking <sup>would</sup> have been practically well under control, if not altogether abolished.

Therefore, what can we do? In the first place we reassert in the strongest language in the proposal we suggest that the first

Conference should adopt, our continuing obligation under the Hague Convention. Let me just read two passages from the Preamble.

This is what we ask the First Conference to say:-

"Recognising that the signature of the said Convention does not in any way minimise the obligation, already assumed by them under Article VI of the Hague Convention of 1912, in regard to the gradual and effective suppression of the manufacture of, internal trade in, and use of prepared opium;

Anxious to take all practicable steps to ensure the complete and final execution of the said obligation " -

there we recite our obligation under the Hague Convention in the most precise terms, and when you come to the operative part of the Convention we put as the very first and foremost provision :-

"The States signatories of the present Protocol recognise that the provisions of the Convention signed this day are supplementary to, and designed to facilitate, the execution of, the obligation assumed by the signatory States under Article VI of the Hague Convention of 1912, which obligation remains in full force and effect."

I venture to say that it is quite impossible to make it clearer by any international document that whatever is put into this document is in supplement, in addition, and not in substitution for the Hague Convention. That is the first thing we do. So much for Article VI.

Then we turn as it were to the obligations assumed by the producing countries under Articles 1 and 3 of the Hague Convention, and we say that these obligations have never been carried out. They are the real difficulty which hinders the effectiveness of our operations in pursuance of Article VI, and we ask the producing countries to take a more definite and precise obligation with reference to the stoppage of smuggling; and we say that as soon as they have one that we will take a much more definite and precise obligation than that imposed upon us by Article VI of the Hague Convention in order to stop opium smoking altogether. That is the effect of Article 2 of our Protocol:-



"The States signatories of the present Protocol undertake that the use of prepared opium shall be effectively prohibited in their Far Eastern Territories in which such use is temporarily authorised" - effectively mind - "within a period of not more than fifteen years from the date on which the effective execution of the measures taken by the producing countries to limit and control the production and distribution of raw opium has reached such a stage" - I call attention to the drafting here - "that opium smuggling into the said territories no longer constitutes a serious obstacle to the carrying out of the measures necessary to that end".

I remember that on a previous occasion the distinguished delegate from the United States criticised the wording which we had adopted in what has been called the British declaration. There we said that our obligation should arise as soon as the danger of smuggling was at an end. He said "there is always danger of smuggling, and therefore that really is a perfectly indefinite obligation". We do not quite agree. We think his reading of what we put into the British declaration is not correct, but in order to remove any possible misapprehension on that point we have altered the drafting of it, so that we say now that our obligation to put an absolute end to the whole thing within fifteen years is to begin as soon as smuggling ceases to constitute a serious obstacle to our proceedings. That seems to me to be a very definite obligation.

You may say "Ah, yes, but who is to be the judge of when this condition of affairs has arisen? Who is to say when smuggling has ceased to be a serious obstacle?" That is a very proper request for information, and we answer that we will put it into the hands of an absolutely impartial international body. We suggest that we shall not be the judges, that it shall be left to be determined by an International Commission appointed by the Council of the League of Nations. We do not say determined by the Council of the League of Nations, and I will tell you why. If we had said that, it would have required a unanimous decision of the Council, and therefore any single member of the Council could hold up that decision, and consequently hold up the obligation to put an end

to opium smoking within fifteen years. We say a Commission appointed by the Council, and the reason we do that is because under the terms of the Covenant a Commission is appointed;— it is one of the few things which can be done by a majority; it is appointed by a majority of the Council. The Commission would be nominated consequently by a majority of the Council. Though of course I cannot bind what the Council will do in future years I say that as far as the British Government is concerned they would welcome the appointment of an American citizen as a member of that Commission. They are perfectly satisfied that the Commission should be absolutely and entirely impartial. The Commission would meet and act in a judicial capacity or semi-judicial capacity. It would determine, like other judicial bodies, the issues submitted to it, I suppose in the way that all other judicial bodies determine them, namely by a majority of the judges if there is a difference of opinion. Therefore you would get an absolute certainty as far as human provisions can provide for absolute certainty, that when smuggling had ceased to be an obstacle to the prohibition of opium smoking then the obligation would arise by the decision of this impartial body to put a stop to that smoking within a definite period. We have said fifteen years, but I do not attach a very great deal of importance to the number of years; it might be shorter than that if necessary. We are content that the obligation should be absolutely definite and precise..

Now I venture very respectfully to ask Mr. Porter to consider those two obligations the obligation under Article VI of the Hague Convention and the obligation that we are prepared to assume under this Protocol.

What is the obligation under Article VI of the Hague Convention? I am sorry to repeat what was so very admirably said by my friend

M. Kircher on behalf of the French Delegation on the last occasion, but I think he will forgive me if I do repeat it, as it is necessary in order to make my meaning clear. What is Article 6?

"The Contracting Powers shall take measures for the gradual and effective suppression of the manufacture of, internal trade in, and use of, prepared opium,"

There is no definite period at all. All that is said there is that it is to be effected, and it is not to be immediate; it is to be gradual. The Parties to the Hague Convention are absolutely left at large as to the period of time in which they are to carry out their obligations. Then it goes on:-

"with due regard to the varying circumstances of each country concerned".

That seems to be one of the vaguest obligations that have ever been put into an international document. It merely means that each country acknowledges the principle that opium smoking ought to come to an end, and subject to what it may regard as the varying circumstances of its own country it is gradually to put a stop to it; but if they say "there is this financial, or this social, or this political difficulty in my way; we cannot do anything", they are absolutely free, strictly speaking, under the terms of the Hague Convention.

Now just compare with that the clearness of the obligation we are ready to assume under this Protocol. We say that as soon as one condition is fulfilled, which we regard as practically essential, without which we cannot do anything, as soon as that condition is fulfilled - and as to when it is fulfilled we leave to the decision of an absolutely impartial international body - we will enter into an absolute obligation to put a stop altogether to opium smoking - a clean sweep within a definite period of fifteen years. I cannot con-  
that the obligation we are ready to assume under this Protocol is not clearer, far more definite, far more precise, and far more effective than that which existed and still exists under the Hague Convention.

My friend, Monsieur Sugimura, very properly points out that possibly that is going too far, because that is really what his observations amount to. He says : "You are taking an absolute obligation in fifteen years, subject only to the suppression of smoking; all sorts of other things may arise." We are content so far as our Protocol is concerned, to take the risk of it. We believe that so far as human foresight can go, the only thing that need be considered as a possible obstacle is the introduction of contraband opium. That may arise from the disturbances in a neighbouring country or from other circumstances, but it is the introduction of contraband opium that makes it impossible for us to suppress opium smoking. But until and as soon as that is removed we are prepared to assume our obligation. The only thing we do say in Article 7 of our Protocol is this, that if, after stopping smuggling for a certain period it again re-arises owing to disturbances, or whatever may be the cause, then we do agree with my friend, Mr. Sugimura, that in that case the obligation here may be denounced and a conference may be called of all the parties in order to consider what is the best thing to be done in the circumstances. I think myself that that would really flow from the general principles of international law but in any case, in order to make it clear, in that case we do not propose that the thing should be left without a remedy, we propose that there should be a fresh conference to consider what should be done.

Now I have pointed out the obligation we assume. We have put forward another Protocol which we suggest a second conference

might adopt <sup>in</sup> which we ask that the producing countries should undertake within five years - the period is only suggestive - to take sufficient measures to put a stop to smuggling. That is a matter on which we must, of course, take <sup>the</sup> views of the producing countries. If they tell us that they cannot undertake such an obligation we, at any rate, are not going to say or suggest that a majority of this conference can impose upon them any obligation which they are unwilling or unable to undertake. We wait for their views on that proposal. We have taken it not from our own but from the French proposal, but we think it would be a <sup>desirable</sup> thing to fix a period of five years, or any other period, within which they would say that they would do it, or do their best to do it, leaving it again to an impartial international commission appointed by the League of Nations to say whether or not they had been successful in carrying out their obligation. We are content to leave it in that way if they will accept it. If they will not then our obligation remains. We do not wish to diminish it and we say that as soon as they have done it, as soon as smuggling is stopped - and we are prepared to cooperate to the utmost of our power in stopping smuggling - then our absolute obligation shall remain whatever may be the decision of the producing countries as regards our proposed Protocol ~~no~~ 2.

We do not <sup>leave</sup> it there. We think that it was necessary, in order to avoid any possible misunderstanding, to put another provision into our Protocol. We say in the fourth article of the Protocol that, pending this stoppage of smuggling, we will none the less proceed with every measure in our power to put a stop to opium smoking. We recite in broad general lines what we regard as the kind of way in which we can proceed.

We will by any other measures that are practicable make every effort to reduce the consumption of prepared opium, to encourage the abandonment of the practice by existing smokers and to combat the illicit traffic. We undertake that obligation absolutely. We shall go on whatever the decision of this conference and whatever the result of our meetings may be. We regard ourselves as absolutely bound by the obligation, in Article 6 of the Hague Convention, and we shall carry it out to the full. Of course during that period of five years the more smuggling is reduced, even before it is absolutely stopped, the more effective will our measures to reduce <sup>smoking</sup> be, and we are prepared, if there is any doubt about that, to make it quite clear in our draft. It is obvious, but we are quite prepared to make it clear, and I agree most fully with <sup>what</sup> M. Sugimura said, that our efforts must be simultaneous; we must not sit still and wait until the other people have stopped smuggling; we must go on. All we are doing is to make our position clear so that we cannot be reproached of any <sup>want</sup> of international good faith; if, after the period of five years, we are still unable to stop opium smoking because opium smoking still continues.

I need not trouble the committee with Article 5 which is of minor importance. It merely indicates the kind of measures we think may be adopted. The moment the obstacle of smoking is removed there are certain obvious things we can do and we bind ourselves to do them. That is not of much importance, nor is Article 6 which provides for the continuance of those

addicts who cannot be deprived of their opium without danger to their health, as to which there is no difference of opinion between Americans and ourselves.

Finally there is Article 7 to which I have already alluded and which is a provision in case smuggling should recrudescence after being put down.

Now I am most sincere, as I said at the beginning, in my most earnest desire for an agreement in this matter. I was sent out here by the British Government to try to obtain an agreement if we could and I am still most anxious to cooperate in every possible way in obtaining that agreement. The one thing I think we possibly can do, and I hope shall do without loss of time, is to complete the drug convention which is very near completion now and which can be within a few more days absolutely put in a concrete and definite form. I hope that whatever happens to this committee, or to any other, we shall all agree to sign and to make effective that extremely valuable step in dealing with the great evils arising from opium and cocaine.

I am sorry to have occupied the committee at such length but I was anxious to do two things; to show that we were not taking up an obstructive attitude, but on the contrary that our attitude was merely dictated by what we sincerely and genuinely believe to be practicable, and secondly to point out that it is an entire mistake to suggest that what we have put in this Protocol is nothing of real value, but does represent a very distinct and very large advance on the obligations we are under in regard to Article 6 of the Hague Convention.

(Applause)

M. Agüero y BETHANCOURT (Cuba) (Translation) I think we have all listened with great attention to the various proposals submitted by the Delegations and that we have all had time to reflect on the brilliant speeches which have been delivered by each in support of his own standpoint. I think the time has now arrived when we should put an end to ~~this~~<sup>this</sup> discussion, which is in danger of becoming interminable. Arguments have been offered over and over again by those concerned and it would seem as though the arguments have been exhausted on both sides. The time has now come for good sense to predominate and to assist us in arriving at a final solution.

I do not wish to intervene in the debate except to make a very short proposal. I would ask the indulgence of the President for not having submitted it in writing but it is very short and I trust I may be excused. It is that the Committee of Sixteen should appoint a Sub-Committee of four or five members of the Committee which should include, first, the authors of the proposals which we have before us and, secondly, some of the members who have not submitted any proposal at all and who are, so to speak, neutral members. Those four or five members could more easily proceed by private conversations to find some basis of agreement which would enable a solution to be reached. As has been pointed out more than once, there are a great many points held in common by the different delegations and there is really only one point of difference -- the time when the period of 15 years is to commence running.



The remark of the Delegate for Japan in regard to the private conversations which he had with Mr Porter shows that there is a genuinely conciliatory spirit prevailing on both sides. I propose, therefore, that the representatives of the British, American and French Delegations should form part of the Sub-Committee which I propose shall be constituted.

The PRESIDENT (Translation): The proposal of the Delegate for Cuba can, of course, be discussed by this Committee although it has not been submitted in writing. I do not think the Committee would offer any objection<sup>to</sup>/that being done. Before it is discussed, however, I wish to make some remarks. The Powers who are most concerned in this question have, of course, made efforts to reach an agreement and to find some ground for conciliation during the last few days. Unfortunately they have not, so far, succeeded. If a Sub-Committee now seeks to work on the same lines -- a Sub-Committee containing the Powers who have already held these private conversations -- I do not see that it has any greater prospect of success. I have another proposal to make which may be discussed at the same time as that of the Delegate for Cuba. It is that this Committee should elect two Rapporteurs, The Resolution by which this Committee was set up provided that there should be a report to each Conference. Therefore, there would have to be two Rapporteurs, one to report to the first Conference and one to report to the Second Conference. To those two Rapporteurs there should be added a third to be elected by the members of this Committee and that body of three should constitute a Sub-Committee which should endeavour to do the work proposed by the Delegate for Cuba.

M. AGUERO Y BETHANCOURT (Cuba)(Translation)

I regret that I cannot agree with the proposal made by the President and that I must maintain my own -- that the Committee of Sixteen should appoint a Sub-Committee consisting of four members which should include the representatives of the United States of America, of France and of Great Britain and one from those States which have not submitted any proposals, what may be called the neutral States. The reason why I maintain this point of view is that I consider, from the present situation of the debate, that there is evidence of a tendency towards conciliation. The psychological situation is not the same as it was a few days ago and the speeches to which we have listened today give us every ground for being optimistic as to the possibility of finding a formula of conciliation. It will certainly be easier to find such a formula in conversations between four or five persons in private than in debate across the table in full Committee. I do not wish to discuss the proposal of the President; I simply wish to maintain my own proposition.

The PRESIDENT (Translation): The proposition of the Delegate for Cuba is now open for discussion.

M. Urho TOIVOLA (Finland) (Translation) I think, ~~however that~~ there is every possibility of reconciling the two proposals which are now before us. In regard to the two Rapporteurs, the necessity for them will only arise later. If we appointed a Sub-Committee, as suggested by the Delegate for Cuba, we might include in it two of what have been called neutral members and those two members could

act later on as Rapporteurs. They would be best suited for acting in that capacity.

Viscount CECIL (Great Britain): I shall be very glad to know what the American Delegation thinks of this proposal, because if they think there is a possibility of agreement and conciliation, I need not say that the British Delegation will be only too happy to join in any proposal even if it offers only a faint hope of producing an agreement. Therefore, I should be glad, before expressing a final opinion as to the proposal, to hear what the American Delegation has to say. There is only one thing that I want to say and to say it with such emphasis as it is possible for me to command. That is, that this must not be merely a dilatory proposal. We must get on. I hope I do not put it too crudely or too emphatically, but I feel very strongly that we have now arrived at a stage in our deliberations when it is quite clear that we can adopt a Convention about drugs which will be of the greatest value to the world; at least, that is the opinion of all the experts on the subject.

I think there is only one Sub-Committee which has not yet reported, and that meets this afternoon, and will then, I hope and trust, be ready to report; for, if I may say so with all respect to that Sub-Committee, I understand it has been discussing the same point for at least two months, and therefore should probably have exhausted all that can be said on the subject. I hope, therefore, that that Sub-Committee will report whatever it can report.

The Co-ordination Committee can then meet tomorrow. I will inform myself, as soon as I can, of the points that will arise before that Committee, but I see no reason why its labours should not be completed with great rapidity. Its work should not occupy it for more than a day, or indeed for more than one morning, because if it does not reach agreement I have no doubt at all it ought to refer the matter not back to a Sub-Committee but to the Conference, which is the only body which can determine finally any differences of opinion. I hope there will not be any. I believe there are only two serious differences in the reports of the Sub-Committees, and I cannot help thinking those will be adjusted without difficulty. We may confidently hope, therefore, that the Co-ordination Committee will finish its labours tomorrow.

I hope it may be possible to ask the Drafting Committee to proceed immediately at that stage and produce a draft, so that by Friday at latest a Draft Convention on Drugs may be before the Conference for its final consideration and decision. That would mean that real progress had been made, and we should justify the Opium Conference,

which has not escaped criticism outside these walls. We should show that we have really accomplished a definite and important work for the good of mankind. That would be safe whatever happened to the disputes and differences of opinion which still divide us on the question of opium smoking.

If that is the kind of plan which M. Aguero has in mind, I shall be in hearty agreement with it. Let us try every means for smoothing out this one last difference of opinion, the only important difference of opinion which still divides the Conference. If we can smooth it out let us by all means do so. I could not assent to it except on the condition that we are really going on with the rest of our work and completing that, whatever may be the consequences to this dispute.

I hope I have not expressed myself too emphatically, but I do feel that we must justify our proceeding in the eyes of the rest of the world.

The Hon. Stephen G. PORTER (U.S.A.): I am in hearty accord with the statement of the distinguished delegate of Great Britain that we must hurry on. In fact, I am reminded of his saying the other day that he was fearful of violating the hospitality of Geneva. I have been here so much longer than he has that I know I have violated it.

I see no objection to the appointment of this Committee. It has been our uniform policy to meet with everyone who cared to discuss the matter. I cannot, however, answer his other question as to the result, because

I am not a prophet. We have built up structures so many times only to see them dashed to pieces, but perhaps it will be a good thing to appoint the Committee and see what the result is.

M. IGUERO (Cuba) (Translation): When I proposed the setting up of a Sub-Committee of four or five, I certainly did not mean that it should engage in any dilatory procedure. On the contrary, I was taking the English saying "Go Ahead" as my motto. I felt we were losing time in this discussion, and that more rapid progress could be made in a Sub-Committee. That Sub-Committee will not in any way, of course, suspend or delay the work of the other Sub-Committees or of the Plenary Conference.

By setting up this Sub-Committee we shall be saving time, because it will not be necessary there to repeat old arguments or make long and useless statements, but simply to try to arrive at a basis of agreement, which is, after all, the supreme ideal of all of us.

The proposal which I make has already received the assent of many other delegations. As regards the question of the Rapporteur, that is a separate matter. The Rapporteur can be appointed whenever we reach an agreement, but an agreement must be the basis of anything that is to be accomplished later on.

M. KIRSCHER (France) (Translation): The French Delegation thinks that no method which affords any chance of reaching an agreement ought to be rejected, and it therefore supports the proposal of the Cuban delegate, who has been the author in the past of many proposals which have assisted the Conference in making progress.

The French delegation entirely agrees with Lord Cecil's remarks with regard to the work of the Conference generally.

The PRESIDENT (Translation): The proposal made by the hon. delegate for Cuba did not go into details in regard to the exact constitution of this Committee. He spoke of four or five members, including two neutrals, and specified three states by name. I would like to ask him for details as to how the two neutrals are to be chosen, and so on.

(Cuba)  
M. AGUIERO/(Translation): I suggest that the Committee be composed of representatives of Great Britain, France, and the United States of America, with the addition of the delegate for Japan, who has already shown such a conciliatory spirit in the speeches he has made. The President should also be a member of the Committee.

(Several delegates suggested that the representative of Cuba should himself be a member of the Committee but he signified his unwillingness to accept).

The PRESIDENT (Translation): I have an amendment to propose to M. Aguiero's proposal, which I trust you will accept. Of the four members he has named, only the representative of the United States will represent the Second Conference. I therefore suggest that the name of the delegate for Finland be added.

M. AGUERO Y BETHANCOURT (Cuba) (Translation):

I accept the proposal to add the Honorable Delegate for Finland, all the more so because he is a person who is held in such high esteem by all the members of the conference. T

The PRESIDENT. (Translation): The proposal is that his committee appoints a sub-committee consisting of representatives of the United States of America, Great Britain, France, and M. Sugimura, / M. Toivola.

As regards the proposal which M. Aguero made that I myself should form part of this committee, I would be very glad to attend as an observer, but not to participate in the discussion.

We will now vote on the proposal made. Does anyone oppose the motion of the Honorable delegate for Cuba.

There being no opposition the proposal is therefore unanimously accepted.

Viscount CECIL (Great Britain): Shall we have to adjourn? / Sine die!

The PRESIDENT (Translation) The Committee of sixteen will have to adjourn indefinitely, but it would be desirable to fix the first meeting of the sub-committee at once. Sub-committee B is meeting this afternoon.

Dr. SZE (China): I have always been in favour of speed and I was glad to see this morning that two delegations were also in favour of speed; in fact the distinguished delegate from Great Britain mentioned a programme for the whole conference. In that case it would be difficult if the sub-committee were to discuss indefinitely. I think the sub-committee should be instructed to proceed with their work speedily and that sometime



should be settled when the sub-committee should report to this committee.

The PRESIDENT (Translation): In regard to what has been said by the Honourable delegate for Chin, it would be very difficult to fix an exact time when the sub-committee should terminate its labours. I think the Honourable Delegate for China should find great satisfaction in the spirit in which the proposal was made, and the emphasis which was laid on the necessity for speed by the two delegates mentioned. They both emphasised the necessity for the committee completing its labours as soon as possible and the Honourable Delegate for Cuba made his motion in the same spirit. If, however, it is desirable to fix an absolute time perhaps the Honourable Delegate for China would make a proposal.

As regards the sub-committee meeting to-day, I would ask the Honourable Delegate for the United States of America whether he will be able to send a representative, as the United States is affected by the meeting of Subcommittee B, which sits this afternoon. If there is no objection on the part of the United States, the new sub-committee which has just been appointed could meet at three o'clock this afternoon.

The Hon. STEPHEN G. PORTER (United States of America): Mr. President, I would like very much to comply with your request, but our representative on sub-committee B. is ill, and I feel under an imperative obligation to attend that meeting. As we all know, the limitation of production is the heart of the whole matter, and I should not feel that I was doing right in remaining away. I should be glad to meet the sub-committee tonight or tomorrow morning, or at any time

but obviously I cannot be in two places at once.

Dr. SZE (China) I quite agree that it is impossible to give this/<sup>sub-</sup>Committee a mandate as to when they are to report. What I had in mind was this; that we do not want to have a repetition of the experience of this Committee of sixteen. With all the desire for conciliation, this Committee was appointed and some work was done by it, but after its first meeting, when we elected the President, we heard nothing more for a week. That is what I want to avoid. I want the work to proceed in order that we may be able to comply with the programme suggested by Lord Cecil.

The PRESIDENT (translation). As regards the observation of the honourable delegate for China, to the effect that nothing has been heard of the Committee of sixteen for some time, I wish to draw the attention of the Chinese delegation to the fact that private conversations have been continuing and that I received suggestions every day from the delegations most concerned. I adopted the suggestions of the delegates that they should not meet, in order to allow every possible effort to be made to come to an agreement by private conversations. I give this as a personal explanation.

As regards the hour at which the newly appointed Committee is to meet, it appears that it will not be possible to-day because the United States will have to be represented on Sub-Committee "B", a reason which ~~the President~~ I fully accept.

I do not think it would be possible for the Sub-Committee to meet to-night, as such an idea would not be acceptable.

As regards to-morrow, there is the difficulty that the coordinating committee is to begin, although I doubt whether it will be able to finish. The question is whether the coordinating committee should meet at the same time as the newly appointed committee, as one of the delegates is on both.

Viscount CECIL (Great Britain). I feel tremendously the difficulty we are in, but it is quite evident that it will be quite impossible for this sub-committee to meet at all unless we take some step in that direction. I do not know whether M. Sugimura can help us at all and whether he regards it as absolutely essential that he should be present at the Committee on Coordination. If he could find somebody else to represent his country on that committee, it might be possible for us to meet to-morrow morning. I have received a communication from my French colleague to the effect that it will suit that delegation to meet to-morrow morning, and I do not know whether one might venture to make an appeal to M. Sugimura and whether it would be possible for him to meet this sub-committee to-morrow morning.

M. SUGIMURA (Japan) (Translation): I am in favour of having a night sitting. I think it is absolutely necessary that we should redouble our efforts. It is the only way in which we shall ever find an issue of this difficulty. It is only on those conditions that I accepted membership on this Sub-committee. I therefore propose a night sitting.

M. AGUERO y BETHANCOURT (Cuba) (Translation): There is a Spanish proverb which says "strike while the iron is hot" and I think we ought to take advantage of the favourable atmosphere now prevailing and not lose time. I therefore support the proposal of the honourable delegate of Japan that the Sub-committee should meet tonight. Such a thing has been done before in the history of the League of Nations, with good results.

The PRESIDENT (Translation): I will ask the Chairman of Sub-committee B what time he thinks that Committee will finish this afternoon.

M. CHODEKO (Poland) (Translation): I think 6 o'clock would be the probable time.

The PRESIDENT (Translation): I will ask the United States Delegation whether they will be able to take part in a sitting of the newly appointed sub-committee at 6 o'clock this evening?

The Hon. STEPHEN G. PORTER (United States of America): That entirely depends upon ~~the~~ getting through with sub-committee "E". As I said I am not<sup>a</sup> prophet. I should prefer to have the meeting at 9 o'clock so as to give us a little breathing spell.

Viscount  
CECIL (British Empire): I should be quite content to meet at any time this afternoon, even at 2.30, and start directly. I am not desirous of delay, but I am afraid that I do not agree with M. Agüero as to the favourable results of after-dinner meetings during the Assembly. I have attended several of them. They are exhausting and they arrive at exceedingly foolish decisions which usually have to be reviewed by somebody else. That is my experience and I am altogether against it. I should be very glad to hear the views of the French Delegation on this point. It does not affect me so much as others, but to sit all day in Committee up till dinner time and then to meet

again directly after dinner is not the way to arrive at a reasonable decision. I think it is exceedingly likely that no one will attend the Commission in a temper to agree to anything.

M. KISCHER (France) (Translation): The French Delegation agrees with what has been said by Lord Cecil. Today we have heard the speeches of the Delegations of the United States of America, Gt. Britain and Japan. We need time to reflect on those speeches in order to digest them and fully appreciate their substance. I therefore propose that the new Sub-committee should meet at 10 o'clock tomorrow morning.

M. SUGIMURA (Japan) (Translation): I have heard from private sources that the French Delegation have a very good reason for opposing the motion of a night sitting. I therefore withdraw my motion as far as today is concerned, but for the future, I reserve my entire liberty to come back to such a proposal.

The PRESIDENT (Translation): I will ask M. Sugimura whether the meeting of the Co-ordinating Committee tomorrow would make it impossible for him to attend a meeting of the sub-committee.

M. SUGIMURA (Japan) (Translation): I think that sub-committee "E" which elected the Japanese Delegation to be represented on the Co-ordinating Committee may have desired that I should personally be there to represent them, and I feel bound to be loyal to their wishes in this matter, especially as the Co-ordinating Committee has very important work to do, and it is impossible for me to be in two places at once. I would therefore prefer to retain my liberty to go to either Committee.

The PRESIDENT (Translation): The situation is an impossible one and it is necessary for me to take a decision. Therefore with a view to expediting the work of the Sub-committee I decide - and I trust the Committee will accept my decision - that the Sub-committee shall meet at 10.30 tomorrow morning. As to the Co-ordinating Committee I reserve my decision whether it shall meet tomorrow afternoon or at some other time. The Committee of Sixteen is adjourned to an indefinite time, and the Sub-committee will meet at 10.30 tomorrow.

(The Committee rose at 1.25 p.m.).

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SECOND QUARTER CONFERENCE

MINUTES OF THE MEETING OF THE COORDINATION

COMMITTEE HELD AT 3 p.m., February 4th, 1925.

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ii. SJOSTRAND in the Chair

Present: All the members of the Committee and  
M. Zahle, President of the Conference.

ELECTION OF CHAIRMAN

M. SJOSTRAND was appointed Chairman of the Committee.

CO-ORDINATION OF THE VARIOUS REPORTS PRESENTED BY THE  
SUB-COMMITTEES.

M. ZAHLE, President of the Conference, said that the  
Co-ordination Committee had been called together as a result  
of the resolution adopted by the Conference on December 8th,  
1924, (ODC.60/1).

A slight variation was being made in the procedure  
described in the resolution. It was laid down in the re-  
solution that the Drafting Committee should begin its work  
as soon as the report of any of the sub-committees had been  
approved by the Conference. It was now proposed that the  
reports of the sub-committees should be sent to the Drafting  
Committee before being submitted to the Conference. The  
present Committee would consider these reports, which would  
be forwarded at once to the Drafting Committee, which would,  
in turn, present them to the Conference.

The CHAIRMAN said that Sir Malcolm Delevingne had  
drafted a short memorandum setting forth the divergencies  
between the reports of the various sub-committees (O.D.C./C.C./:  
He suggested that this memorandum should be taken as a basis  
for the present discussion.

Sir Malcolm D. LEVINGNE (Great Britain) said that in preparing this memorandum he had merely wished to facilitate the work of the Committee. The Committee was called together with the object of reconciling any divergencies which might be found between the reports of the various sub-committees, and he had felt that their work would be simplified if attention were drawn to these divergencies. The divergencies were extremely few. The two most important differences related to 1) the constitution of the Central Board, and 2) the period within which the statistics<sup>of exports and imports</sup> were to be furnished <sup>by</sup> the Governments.

The first part of the memorandum relating to the constitution of the Central Board was read to the Committee.

M. CHODZIO (Poland) proposed that the article drafted by Sub-Committee "A" should be taken as a basis of discussion, as it was more detailed in character than any other text which was before the Committee.

This proposal was adopted, and Article 2 of the draft articles submitted by Sub-Committee "A" was read.

Sir Malcolm DELEVINGNE (Great Britain) said that there was a difference of opinion between Sub-Committee "A" and Sub-Committees "B" and "D". Sub-Committee "A" recommended that the Central Board should consist of individuals who were <sup>not</sup> representative of any particular interests, whereas Sub-Committees "B" and "D" recommended that the Central Board should be constituted in equal numbers of representatives of the manufacturing and producing countries on the one hand, and of the consuming countries on the other hand. He would point out that all powers of control had been

taken from the Board, which now had only powers of inquiry and recommendation. Moreover, the Board was to be appointed not by the Council, but by a new electoral body, on which the producing and consuming countries were almost equally represented. The electoral body could accordingly be trusted to see that the balance of representation would be fairly divided as between the producing and consuming countries. In these circumstances, which were different from those which prevailed when the question had been discussed by Sub-Committees B and D, he did not think there could be any serious objection to the adoption of the scheme submitted by Sub-Committee A.

M. DINICHERT (Switzerland), rapporteur of Sub-Committee B, said that the report of his Committee did not refer to this question. Sub-Committee B had dealt with the matter only incidentally, and had not thought it advisable to make specific proposals in regard to a matter which was under consideration by Sub-Committee A. Certain members of Sub-Committee B had presented observations, but no formal proposals had been put forward.

M. VEVERKA (Czechoslovakia), rapporteur of Sub-Committee D., said that his Committee had put forward a recommendation to the effect that the Central Board should be constituted in equal numbers of representatives of the manufacturing and producing countries and of the consuming countries. He could, however, accept the scheme presented by Sub-Committee A, in view of the facts to which Sir Malcolm Delevingne had alluded.

The Committee agreed to accept the proposals put forward by Sub-Committee A.

The CHAIRMAN said that the Committee would now take the second part of the memorandum dealing with statistics. He pointed out that the points dealt with in this part of the memorandum were covered by Article 4 of the draft articles submitted by Sub-Committee A. Article 4 might, therefore, be taken as a basis of discussion.



Sir Malcolm DEDEVINGNE (Great Britain) suggested that the Committee should first consider statistics of exports and imports which were dealt with in paragraph (a) of his memorandum.

M. DINICHERT (Switzerland) said that the divergency noted in the memorandum, which related to the period within which statistics should be furnished to the Governments, was one of the most important. The matter had been thoroughly discussed in Sub-Committee B. The decision which had been reached by the Sub-Committee, after every endeavour had been made to obtain the greatest possible concessions from the countries which produced raw opium, was that it would be impossible for the Governments to do more than furnish annual statistics of imports and exports. He noted that Sub-Committee A had come to the conclusion that these statistics could be furnished quarterly. He did not quite see how this was possible in view of the declarations which had been made by producing countries or how the two views could be reconciled. Sir Malcolm Delevingne suggested in his memorandum that a solution of the difficulty might be found in the licensing system. Licences, however, did not always indicate exports and imports which had really taken place. Licences for imports were issued, but it was not known to the authorities when or whether these imports and exports actually passed the frontier. Figures showing the licences issued could not therefore take the place of actual statistics of imports and exports.

Sir Malcolm DELEVINGNE (Great Britain) said that the system of quarterly returns was the basis of the scheme of

supervision submitted by Sub-Committee A. By the examination of these returns the Board would be able to follow the course of the international traffic. He did not think the difficulty described by M. Dinichert was vital. Licences would be issued to cover every individual consignment. The issue of the licences was not proof that the export which it covered had taken place, but it was quite easy for the Governments to obtain from the licences information as to the actual quantities passing the frontiers. When, for example, the British Government issued a licence to an individual importer, the importer surrendered the licence to the Customs authorities when the import was made. The licensing authorities endorsed it, thus certifying that the import had taken place, and the licence was at once returned to the authorities in London, who thus were able to ascertain the exact quantities actually imported during a given period. Licences for export were similarly endorsed and returned to the Governments. The system of licences recommended by Sub-Committee B would therefore enable the Governments to furnish the Board with the necessary data. It was admitted that unless this system were adopted, quarterly returns would be very difficult or impossible. The Central Board would then be obliged to rely solely on the annual returns made by the Customs authorities.

M. VEVERKA (Czechoslovakia) Rapporteur of Sub-Committee B thought that Sub-Committee B could accept the proposal of Sub-Committee A.

M. DINICHERT (Switzerland) agreed that the proposal of Sub-Committee A implied the adoption of the system of licences. This was, in fact, the agreed point of departure. He did not see, however, how, by means of a clause in a convention,

Governments could be obliged to adopt a specific system for the delivery of licences and specific customs arrangements such as those described by Sir Malcolm Delevingne. Certain countries were unable to obtain Customs returns in three or even in six months. The licensing system must be regarded as only part of the general operations of the Customs authorities, and, if a Government stated that the organisation of its Customs did not permit of such returns, it would be useless to embody such a provision in the Convention. He must accordingly make a formal reservation in this matter on behalf of Sub-Committee E.

Sir Malcolm DELEVINGNE (Great Britain) said that the proposal of Sub-Committee A. implied an effective administration of the Customs and a co-ordination between the Customs authorities and the authorities entrusted with the control of the traffic in dangerous drugs. There could be no difficulty in countries with a highly developed administration. The Government would issue its instructions and the necessary co-ordination would be arranged. Difficulties could only arise if there was a division of control and if the Customs refused to work with the authorities controlling the drug traffic. It must, however, be assumed that the Customs administrations of the Governments signing the Convention would be effectively organised. The proposal put forward by Sub-Committee A depended on the adoption of the licensing system proposed by Sub-Committee E. and on efficient administration by the countries adopting it.

M. DINICHERT (Switzerland) said that, as rapporteur, he felt obliged to defend the members of Sub-Committee B from any reflection upon their goodwill in this matter. There were certain countries which were resolved to accept only such engagements as they could fulfil. Sub-Committee B had not discussed the certificate system or the method of control to be adopted by the customs authorities. Reservations, however, had been made in regard to the period within which statistics of exports and imports could be furnished to the governments. The difficulty was purely material. He would refer the matter again to Sub-Committee B, but he did not feel that much could be gained by asking his Sub-Committee to reconsider the matter, unless some new arguments or facts could be adduced. An endeavour had been made without success to obtain an agreement in Sub-Committee B in regard to a period of six months.

M. CHODZKO (Poland) Chairman of Sub-Committee B, doubted whether it would be possible to obtain any further concession in Sub-Committee B.

Mr. Neville (United States) inquired to what particular substances the objections raised in Sub-Committee B related. Did the difficulty arise in respect of raw opium, which was bulky, and which was introduced in a large number of ports, or did it arise in respect of drugs which were of small bulk, and which were introduced only in a few ports.

Mr. SHEPHERD (Australia) said that so far as he remembered only the Persian and Turkish delegates in Sub-Committee B had found it difficult to agree to a shorter period. The other delegates were, if necessary, prepared to supply the statistics quarterly.

M. DINICHERT (Switzerland) said that as rapporteur of Sub-Committee B, he was not presenting individual views, but submitting results which had been unanimously accepted, and

which were presented on behalf of the whole Committee. It had been impossible to obtain unanimity even for a period of six months, and no better result was to be anticipated if the matter were again discussed. The Sub-Committee had never considered the possibility of States being able to make different arrangements under the Convention, nor had it dealt with any distinction in regard to substances, such as that to which Mr. Neville had referred.

Suroya BEY (Turkey) said that Turkey was prepared to accept the three months period recommended by Sub-Committee A.

M. SUGIMURA (Japan) said that the agreement as to a three months' period had only been reached in Sub-Committee A. after hard discussion. The result of this discussion was of value, and it had been obtained thanks to the conciliatory spirit shown by a great Latin country. In Sub-Committee B unanimity had not apparently been reached. He would like to inquire what countries were against the proposal for a three months period. Even in countries with undeveloped administrations it could hardly be impossible to furnish the information required. Goods passed along definite trade routes, and the frontier stations were few in number.

He would also like to inquire why it was suggested that the year in respect of which the statistics were to be furnished should be the financial year.

Sir Malcolm DELEVINGNE (Great Britain) said it was a matter of considerable gratification that the Turkish delegate accepted the period of three months.

It did not seem likely that any final conclusion could be reached in the present Committee. He therefore suggested that the divergence of views should be noted, together with the fact that certain . . .

members of Sub-Committee B could not accept the period of three months recommended by Sub-Committee A. The dissenting members of Sub-Committee B could take up the matter in the full Conference and urge their objections.

M. DINICHERT (Switzerland) said that this was a question of procedure which could only be decided by the Chairman. He had no objection either to the matter being referred back to Sub-Committee B, or to the course proposed by Sir Malcolm Delevingne.

M. CHCIZLO (Poland) Chairman of Sub-Committee B, thought that on the whole it would be well to call his Committee together, particularly as M. Sugimura had raised the other questions, notably the question of the financial year.

M. DINICHERT (Switzerland), replying to the question of M. Sugimura as to the financial year, said that this subject had been raised by two or three members of Sub-Committee B. These members represented countries in which the customs statistics were not made up at the end of the calendar year, but at the end of the financial year, i.e. March 31st. The question could be reconsidered if there were another meeting of Sub-Committee B.

The CHAIRMAN suggested that the reservations of the rapporteur of Sub-Committee B should be noted in the minutes. He would ask the Chairman and Rapporteur of Sub-Committee B to bring the matter before the Sub-Committee and report the results of their further deliberations direct to the drafting committee.

M. CHCIZLO (Poland) agreed to this procedure.

The Committee then passed to a consideration of paragraphs b and c of Part II of the memorandum of Sir Malcolm Delevingne.

Sir Malcolm DELIVINGNE (Great Britain) thought that the divergence between Sub-Committee A and Sub-Committee B, to which attention was drawn in paragraph b, was a matter for the drafting committee.

M. DINICHERT (Switzerland) referring to paragraph c said that the words "if it is possible" had been inserted in deference to the representations of certain delegates to the effect that they could not otherwise give the undertaking which was required. It had not, however, been intended that the insertion of this phrase rendered the Governments free to act as they pleased in the matter. Governments were bound to furnish the statistics in question if they were able to do so.

In regard to the period within which it was proposed that statistics in regard to stocks should be furnished to the governments, he would ask whether Sub-Committee A could not accept the period of three months suggested by Sub-Committee B.

The CHAIRMAN said that the period within which figures in regard to stocks could be furnished had been the subject of a very exhaustive discussion in sub-Committee A, and that it would not be possible for the sub-Committee to revise its decision.

M. DINICHERT (Switzerland) inquired as to the reason for the adoption of this period, pointing out that his own sub-Committee had already been called upon to explain its attitude in regard to the period within which statistics of exports and imports should be furnished. Sub-Committee A suggested a period of five months, which was longer than the period suggested by Sub-Committee B.

M. SUGIMURA (Japan) said that the period of five months had been the result of very careful consideration. He had always considered it doubtful whether statistics of stocks could be furnished in three months, and he had accepted a period of five months in a spirit of conciliation. The question of stocks was one of some complexity, and he welcomed the suggestion of Sub-Committee B. that it was desirable in this connection to define what was meant by "wholesale dealer".

M. VEVERKA (Czecho-Slovakia) rapporteur of Sub-Committee D. said he was prepared to accept the proposal put forward by Sub-Committee A.

Sir Malcolm DELEIVINGNE (Great Britain) pointed out that the extension of the period from three to five months was in favour of the interests of the producing country. He submitted that the questions dealt with in paragraph c. of his memorandum were matters for the drafting committee.

M. DINICHERT (Switzerland) said he was only protesting against taking the question now under discussion as a mere matter of drafting, whereas the previous question which more closely affected his own Sub-Committee had been discussed as a question of principle.

It was decided that the questions raised in paragraphs b and c of the memorandum, including the question of the definition of "wholesale dealers" should be referred to the drafting committee.

#### Report of Sub-Committee B.

The CHAIRMAN said he understood that Sub-Committee B had presented a minority as well as a majority report.

M. CHODZKO (Poland) Chairman of Sub-Committee B. said that a minute would shortly be distributed to the members of the present



Committee announcing that Sub-Committee B had been unable to reach an agreement.

Report of Sub-Committee C.

Sir Malcolm DELEVINGNE (Great Britain) said that there was no divergence to be noted between the reports of Sub-Committee C and Sub-Committee E. The system of import and export licences was accepted by both Committees.

Report of Sub-Committee D.

M. VEVERKA (Czecho-Slovakia) Chairman of Sub-Committee D. said that there was nothing for the Co-ordination Committee to do in respect of the report of Sub-Committee D.

Report of Sub-Committee E.

Sir Malcolm DELEVINGNE (Great Britain) made a similar statement with regard to the report of Sub-Committee E.

Report of Sub-Committee F.

M. PERROT made a similar statement in regard to the report of Sub-Committee F. The American Delegation was presenting minority observations on this report.

DRAFT ARTICLE CONCERNING DISPUTES ARISING UNDER THE CONVENTION.

M. DINICHERT (Switzerland) enquired whether the Rapporteur of Sub-Committee E could give him any information in regard to the article concerning disputes arising under the Convention.

Sir Malcolm DELEVINGNE (Great Britain) said that there was no mention of this matter in the Report of the Sub-Committee. The framing of the clause was being entrusted to the Drafting Committee, which would follow the precedents already established by the Conventions on Transit and Customs Formalities.

M. BIRICHERI (Switzerland) hoped that the text would be circulated in time for careful consideration by the delegates. He noted that the matter had been entrusted to the Drafting Committee and thought this was an exceptional arrangement. It was the duty of the Drafting Committee to put into form proposals which had been already adopted in substance in the Sub-Committees.

M. ZAHLE, President of the Conference, said that the text of the articles would be circulated in time for careful consideration by all the delegates.

#### EGYPTIAN PROPOSAL

M. ZAHLE, President of the Conference, said that there had been a meeting of Sub-Committee F to discuss an Egyptian proposal which had not yet been brought before any Sub-Committee. He had on his own responsibility referred the proposal to Sub-Committee F, which had already prepared a report which would be sent directly to the Drafting Committee.

M. PERROT said that the Egyptian proposal dealt with a question which had already been settled during the discussions on Article 14. Article 14 gave entire satisfaction to the Egyptian Delegation, and it was only necessary that this fact should be recorded.

The CHAIRMAN enquired whether the Committee would appoint a Rapporteur or whether it would merely authorise him to forward to the Drafting Committee the minutes of the present meeting.

After some discussion it was agreed that the President should send the minutes to the Drafting Committee after having approved them.

POSITION OF THE RAPORTEURS OF THE SUB-COMMITTEES AT THE  
PLENARY CONFERENCE.

M. ZAHLE proposed that the Rapporteurs for the various Sub-Committees should undertake to defend the proposals of their various Sub-Committees when they came to be discussed at the Plenary Conference.

The proposal was adopted.

Mr. NEVILLE (United States) enquired when the various delegates would be expected to make such reservations as appeared to them to be necessary.

M. ZAHLE proposed that there should be a first and second reading of the reports and articles. Amendments might be submitted either at the first or the second meeting and the reservations and observations of the various Delegations might be made at the second reading.

The Committee agreed.

The Committee rose at 6 p.m.

~~Confidential.~~

Opium/C.S./9

LEAGUE OF NATIONS.

SUB-COMMITTEE OF THE COMMITTEE OF SIXTEEN.

Report by the Representative of Finland (Rapporteur)  
to the Committee of Sixteen.

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The Sub-Committee of Five held a meeting on Wednesday, February 4th, 1925, under the Chairmanship of M. Zahle.

The following Government representatives were present:

British Empire	Sir Malcolm Delevingne Lord Cecil
France	M. Deladier
Finland	M. Toivola
Japan	M. Sugimura
United States of America	The Hon. Stephen Porter.

The Sub-Committee met to consider the proposals of the United States of America concerning the gradual suppression of prepared opium in territories where its use is temporarily permitted under the terms of the Hague Convention of 1912.

In addition to the American proposals the Sub-Committee had before it a proposal in the form of two draft protocols submitted by the British Delegation, with the principles of which the French Delegation stated that it was in agreement.

It was explained that the first draft protocol was to be signed by producing countries though there was nothing to prevent other powers from signing it if they so desired; while the second draft protocol was in the nature of an addition to the draft agreement prepared by the First Conference.

The Sub-Committee proceeded to discuss the British proposals, article by article, on the understanding that the question of principle involved was in no way prejudiced by such discussion. It reached the conclusion that nothing in the draft protocols submitted by the British Delegation should be construed into diminishing the force of the provisions of the Hague Convention, but that they might be regarded as agreements for the final execution of certain of its provisions.

The question which was of chief concern to the Sub-Committee was the question of principle. The Sub-Committee found itself faced with two proposals which differed essentially. The first was to the effect that States with territories in which the use of prepared opium was temporarily permitted should undertake effectively to prohibit that use within a period of 15 years which should begin to run from a given date to be determined as the Conference thought fit. The other proposal was to the effect that that period of 15 years should begin to run only from the date on which the effective execution of the measures taken by the producing countries to limit and control the production and distribution of raw opium had reached such a stage that opium smuggling no longer constituted a serious obstacle to the carrying out in the consuming States of any measures necessary to bring about the abolition of the use of prepared opium.

In connection with this proposal there were submitted to the Sub-Committee various proposals in regard to the manner in which the date for the beginning of the period of 15 years should be fixed. It was suggested that the producing states should be allowed five years in which to control the production of opium and that the period of 15 years should begin immediately at the end of that time, if at the end of these five years an impartial committee should decide that such a control had been successfully achieved. None of the suggestions brought forward met with unanimous approval.

The Sub-Committee consequently, after considerable discussion, reluctantly decided that it was unable to find a compromise between the two opposing points of view, and accordingly it is compelled to report that on the question of principle it has been unable to arrive at a unanimous conclusion.

This negative result at which the Sub-Committee has arrived does not necessarily mean a breakdown in the efforts to carry out in a comparatively short time the total suppression of the use of prepared opium. On the contrary, the majority of the Sub-Committee is confident that the Governments concerned will not remain inactive. They could, and the Sub-Committee hopes that they will, find it possible to embody in a protocol a provision for a period of fifteen years in the course of which the obligation to abolish the use of prepared opium, assumed by the signatories of the Hague Convention, should be carried out. They will, the Sub-Committee hopes, find a satisfactory method of deciding

when this period of fifteen years will begin to run. If the duty of taking this important decision be left to the League of Nations, of which the impartiality and authority cannot be doubted by anyone, the labours of the Conferences have not been in vain. Even if members of the Conferences were to leave Geneva without knowing exactly the date on which the final struggle against prepared opium will begin, they should nevertheless know that the League of Nations is bound at some date to declare to the general satisfaction of the world "the fifteen years are to begin to run now, there must be no further delay."

SOCIÉTÉ DES NATIONS

LEAGUE OF NATIONS

Opium/ C.S./C.P.4.

SECOND OPIUM CONFERENCE

COMMITTEE OF SIXTEEN

VERBATIM REPORT

of the

FOURTH MEETING

Held on Friday - February 6th 1925. at 11 p.m.

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PRESIDENT: M. Herluf Sahle

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DISCUSSION ON VARIOUS PROPOSALS AND SUGGESTIONS CONCERNING  
CHAPTER II OF THE AMERICAN PROGRAMME.

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Report by M. Toivola (Finland) Rapporteur  
of the Sub-Committee of Five.

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The PRESIDENT (Translation): I hope that all members of the Committee have received the report of the Sub-Committee of Five, Document CS.9, and I call upon M. Toivola, the Delegate of Finland, and Rapporteur of the Sub-Committee to present the Report.

M. TOIVOLA (Finland) (Rapporteur) read the report of the Sub-Committee of Five (See Document Opium/C.S./9).

M. SUGIMURA (Japan) (Translation): I think it my duty to speak for the last time with regard to the American proposal for the abolition of the use of opium for the purposes of smoking.

For the past month and a half we have been engaged in official discussions, private exchanges of view and private conversations in the effort to adapt the imperfect reality so far as possible to the perfection of the ideal. In spite of all our efforts there are still divergences among us both as to methods and as to facts, but the fairness and sincerity which have been displayed on all hands have created a sense of mutual confidence and mutual understanding, thus creating a common bond between us all. We have avoided superficial and deceptive compromises in the hope that in the future we should attain some better agreement which should be both productive and sincere. Amidst all the difficulties of the last few weeks we have been able to note and to appreciate the lofty spirit which has animated all the delegations. Great Britain has remained, as always, faithful to her traditional policy of democracy and of liberal realism. France has shown herself the true daughter of that great Revolution which proclaimed the Charter of the rights of Man without distinction of race, religion or nationality.

The Netherlands appear to us, as they have always been, the country of Grotius and the ideal sanctuary of law. As regards the great republic of the United States of America it will always stand on ~~her own~~ record in the <sup>annals</sup> of the League of Nations that she showed herself during this humanitarian Conference the guiding star of all idealism. We admire sincerely the immense wealth of that great nation and we also appreciate fully the potency of her fervent idealism. We like to see America strong in order that the force of idealism should remain in the world

as a great force of justice, and we feel that her weakness would involve a weakening in the forces of idealism. For that reason we should never wish such a result. The American proposal has not been unanimously accepted for the time being, but we are all unanimous in recognising its high moral purpose, a purpose which no civilised nation worthy of the name will ever seek to be false to in the future. I desire to state most categorically on behalf of Japan that Japan will remain faithful to the very last to the lofty principles set forth by America, and that she will always be glad to collaborate in a confident and productive spirit of friendship in realising this common ideal, which will bring incalculable benefits to the human race.

Dr. SZE (China): It is with great regret that I hear the report made by the Rapporteur of the Committee of Five, that no agreement has been come to by that Committee in the course of the last two or three days. Although it may be a late hour, although it is nearing twelve, I am inclined to think that the clock has not yet struck twelve, and I hope that my fellow delegates will pardon me for my insistence in making another appeal as to whether something cannot be done for humanity, because it is agreed by all of us that the practice of opium smoking is deleterious to health and degrading socially and morally. If that is the fact why should we not make another effort? I have said recently what the effects will be of what we do or fail to do here upon the world and I dwelt at some length upon the effects it will have in the Far East and in particular upon my people. For this reason I hope the members of the Conference will permit me to make another appeal to those Delegations who cannot accept the American proposals, and particularly I make my appeal to the distinguished member of the British Delegation, Lord Cecil.

His Lordship has stated on a previous occasion that it is the practice of the British Government to attach very great weight to the opinions of its Colonial authorities as to the policies to be adopted in the Colonies or Possessions where such officials are stationed. He took occasion to laud not only their practical wisdom but their disinterestedness. As to this, I must qualify my assent. By this I do not mean to assert that these officials are disposed deliberately, and from selfish motives, to give advice other than that which their judgments and conscience approve; but I do say that experience has again and again shown that officials are, as a rule, disposed to oppose changes in the systems of control and in the policies to which they have been accustomed, or, what amounts to the same thing, to defend the status quo. As a single but striking evidence of this, I would call the attention of Lord Cecil and of his advisors to the fact that, at the time the abolition of human slavery in the British West Indies was being urged, it was practically the unanimous opinion of the British officials in those islands that slavery was justifiable and that it would be a mistake to attempt to do away with it. It may be of interest to the British Delegation, as well as to the other Delegations who, upon the advice of their Colonial officials, deem it impracticable to take immediate steps to suppress that form of slavery which is due to addiction to the use of prepared opium, to recall what Gladstone, upon one occasion, said in the House of Commons: "I do not think", he declared, "that in this matter we ought to be guided exclusively, perhaps even principally, by those who may consider themselves great

experts. It is a very sad thing to say, but unquestionably it happens not infrequently in human affairs, that those who ought, from their situation, to know the most and the best, yet from prejudice and prepossessions know the least and the worst. Eminently it was the case in the great question of the West Indian slavery, when this House and the country for a long time were discouraged and abashed by the assurance that those who were in favour of that great and radical change were in favour of it, only because they did not understand the negro character. I certainly, for my part, do not propose to abide finally and decisively by official opinion".

In the First Opium Conference, the Chinese Delegation made every possible effort to have the participating Powers agree to adopt measures which would, by their necessary operation, if strictly administered, bring to an early and legalized use of prepared opium within their several jurisdictions. These obligations, the Powers refused to assume. In this Second Conference, there is given to these Powers an opportunity to reconsider their refusal. That great official, Sir Robert Hart, dealing with another matter, once used words which have application to the problem with which we have to deal. As to the treatment to be accorded the Chinese, he said: "Respect and not contempt; conciliation and not dictation; appreciation and not differential treatment, - try this prescription, and you will have a healthy body politic. And until this is done, it will be the reverse".

I beg that the Powers under whose jurisdiction large numbers of Chinese dwell, will bear these words in mind. These Powers now stand at the parting of the ways. It is for them to determine whether they will show a due regard for the interest of these people, upon whose labour, as they themselves confess, their economic and commercial prosperity so largely depends, and thus gain the gratitude of the millions of Chinese living in China; or whether they will show themselves regardless of the moral and physical welfare of these, their wards, and thus render themselves liable to the charge that they have not that respect for the welfare of the Chinese which they have for their own people, - that they have one law of ethical obligation for the West and another for the East.

VISCOUNT CURIEL (Great Britain): It is quite clearly right that the British Member should be permitted to respond to any appeal made to him by any member of this Conference. We are here to consult with all the other members of the Conference to see what is the best possible solution of some very difficult problem, and we are ready to go, even at the very last moment, up to the very limit of our power in our efforts to find a satisfactory solution.

The Delegate from China has criticised some observations I made with reference to British Officials. I see nothing to modify or withdraw in what I said about those Gentlemen. I have had some experience of them and I know many of them personally, and I repeat here, and I defy anyone with any knowledge of the subject to contradict me, that there is no body of men who have more devotedly and successfully and disinterestedly discharged their duties in any part of the world, whether in China or elsewhere. I do not, of course, contend that they are infallible; no one has ever maintained that and no one but an idiot would maintain it. They are human beings and they make mistakes, and if they make mistakes they must be overruled. That, of course, has been the policy of the British Government, and the instance that Dr. Sze quoted shows that the British Government on a proper occasion is ready to <sup>overrule</sup> all its officials, or anyone else, when it is quite confident that they are wrong. In the case of slavery no doubt they did. They set an example to the world which the world subsequently followed, although in some cases not until after a considerable lapse of time. They abolished slavery and they took upon themselves what, at that time, was a very large financial burden in order to do so and I hope that the British Government will always be ready to lead the way, if it be

their duty, in any work for humanity and that they will never be deterred, as they were not on that occasion, by any economic or financial considerations. I must remind Dr. Sze, however, that in this case the course the British Government has recommended does not depend upon the advice of Officials only, even if you take merely the question of advice. I have pointed out to the Conference on two previous occasions that the greatest living authority on China, at any rate outside the Chinese nation, Sir John Jordan, has expressed his strong approval of the course that the British Empire is recommending. That is the more remarkable because he was the author, as the American Delegation have on previous occasions pointed out, of what are now called the American proposals and it was after considering them in juxtaposition with present British proposals that he stated in the clearest possible language that he was confident that the present British proposals were the best way of dealing with the subject that could be devised. That was Sir John Jordan. In my view, relying on the passage from Bishop Brent's last communication to this Conference, I think, and it has never been contradicted, that the British proposal is in accordance with the recommendation made by Bishop Brent. We have put it forward and I have myself made three speeches on the subject. I have given all the reasons why we think that that is the practical, honourable and sincere way of dealing with this question. I have given a very large number of arguments and those arguments have been greatly reinforced by the speeches of the French Delegation and the Netherlands Delegation. Not one single word of those arguments has been ever alluded to, whether by Dr. Sze or any one else. No attempt has ever been made to deal



with any one of them. That is the <sup>literal</sup> truth and it is time that that should be said in the clearest and plainest language. In those circumstances, although I respect and admire the appeal made to us, and although I am most anxious to meet it in every possible way, I do not think it is reasonable to make such an appeal without pointing out grounds or reasons why the proposal of the British Government is not the best way of dealing with it and without meeting the very serious criticisms that have been addressed to the American method of dealing with this question. I do not want to say anything that can possibly savour of heat, but I am bound to say that I think it is rather hard to suggest, even in a perorag<sup>tion</sup>, that there is any question in the British mind as to their great desire to deal with this question fully. If there is any conceivable ground for suggesting that they make in regard to this question a distinction between the races which form part of or reside in the British Empire, I am most anxious to deal with it. Their objection is solely one of practice; solely on the ground that one proposal would not succeed, whereas they believe the other would succeed. It is nothing whatever to do with any desire to <sup>extirpate</sup> opium smoking. We are bound to do so by international obligations. We have repeatedly here and elsewhere asserted that we are bound by that obligation and we are doing our very utmost to carry that international obligation into effect. We believe that if the Conference here assembled adopt our proposals a very large and important step will have been taken towards extirpating opium smoking and in particular if we are so fortunate to obtain from the producing countries their assent to the second and shorter protocol. I should like to ask Dr. Sze plainly whether he is, on behalf of the Chinese Government, prepared to assent to that second protocol. He makes an appeal to me!

may I not make an appeal to him? Here is a proposal which has the authority of the French and British Delegations who, after all, know something about the situation. They appeal to the Chinese Delegation and the Delegations of the other producing countries to give an undertaking that they really will try and stop the over production of opium. I do not for a moment question the absolute sincerity of Dr. Sze; I am sure he is most anxious that his fellow-countrymen who reside outside China should be protected.; I recognise that he is fully entitled to plead their cause, but may I remind him that there are, shall I be wrong in saying, some five million Chinese who live outside China.

There are something like four hundred millions who live inside China who are all devastated. I will not say all, but they are all exposed at this moment to the ravages of this vice of opium smoking. For one opium smoker outside China, I do not think it would be an exaggeration to say that there are one hundred inside China. By all means let us deal with those outside, but do not let us forget the others. I say this to Mr. Sze very earnestly - accepting most fully the very wise dicta which he read from Sir Robert Hart, most fully -- that there is no desire to dictate to the Chinese Government or the Chinese people. We have no desire to lecture them. We have no desire to hold ourselves up as superior to them in any way. But we make this appeal to them: Here is an opportunity by which you can, before the face of the world, adopt a definite attitude towards the overproduction of the poppy and advance, if you can carry out that policy, to certain success within a comparatively brief period, to the complete extirpation of opium smoking. That is a great appeal to address to a great people and I hope it will not be made in vain.

I can only say that Mr Sze must wholly misjudge the spirit, the desire, the policy of my fellow-countrymen and, most of all, of my Government if he thinks it is at all possible under British rule that there should ever be a distinction in justice between one race and another living under that rule.

M. DALADIER (France) (Translation): I desire in my turn to make a short declaration on behalf of the French Delegation. I should like, in the first place, to express my deep gratitude for what was said by the Delegate for Japan

in regard to my own country in words which touched me very deeply. I shall be glad if all the representatives of all the countries here will recognise that France still remains faithfully to the lofty traditions and ideals to which the Japanese Delegate referred. In returning to this Conference my will is as strong as ever it was to do my utmost to see that the Conference shall attain results which shall be most effective, constructive and worthy of the high moral ideals which inspired the calling of this Conference. I trust I shall not incur the risk of being suspected of undue national amour propre, but I would ask the indulgence of the Conference while I recall that it was here in the city of Geneva that France was the first to sign the Geneva Protocol, a signature which she will not withdraw.

I must also express my painful surprise at finding in regard<sup>to</sup> the appeal for union and conciliation which I addressed to the representatives of all countries, and again renew, that it is impossible to address that appeal once more to the Delegation of the United States of America, the country of which the Delegate for Japan rightly spoke in terms of high eulogy. It is because I so cordially agree with all that he said in regard to that country that I regret I cannot address to them once more a supreme appeal to combine with us in this great effort of international co-operation which, I am convinced, is the only method by which the terrible scourge of opium can be effectively combated.

I must also express my deep disappointment that all the arguments of fact and all references to Documents which we have advanced have not met with any reply and have

not been encountered by any reasoned argument or any reference to facts which might tell on the other side. But I do not wish anyone to draw the conclusion that we should feel discouraged. On the contrary we ought to redouble our sincere and earnest efforts to secure some formula of conciliation which will reconcile our ideals with positive realities. It is in that spirit that the French Delegation desires to continue its co-operation with all the other States represented here.

I must not omit to reply to certain words which fell from the Delegate for China. I wish to say to begin with that I do not reply with any desire to engage in a polemic or in any kind of controversy with the Great Nation which he represents and which occupies so important and dignified a place among the concert of nations. I feel, however, that I must reply to the reproaches which he addressed - I admit in the most courteous and conciliatory spirit - to the Colonial Powers and which I think are undeserved. If the Colonial policy of France were in any way less liberal or less equitable than her general policy, would it be possible for the world to witness the spectacle of a country containing some 50 millions of inhabitants having order maintained within it by an army of less than 40,000 men? One might say that there was one French soldier to every thousand of the population. Those facts show, I think, that the people of that country recognise that the French policy has maintained order and progress; that France has sought to win the hearts of the people, ~~and~~ to use her experience and civilisation for their benefit, and to put the welfare of those populations before every other consideration.

Lord Cecil based an argument on the five million Chinese who reside outside China and he compared them with the 400 millions who reside in China. With regard to that I should like to be allowed to quote a few facts, to which I trust my honorable colleague the Chinese delegate will reply at a future meeting of the Conference.

I see from reference to documents that the Chinese Customs official in the Island of Hainan has pointed out that the local authorities there are encouraging the cultivation of the poppy. From another source I learn that the authorities at Foutchéou are encouraging the cultivation of the poppy and are even fixing a minimum area which must be placed under cultivation. In Kouang Si there is considerable cultivation, and there are consignments of drugs being exported every week to the ports of Tonkin and Kouï Tchou. We have other documents, one in particular dated October 1924 and marked with the official seal of the Prefecture ordering the cultivation of the poppy when the potato crop and the rice crop has been dealt with, and even imposing penalties for any failure to undertake this cultivation. I have other official documents which I will not quote at the present moment, but they all serve to show the same thing, namely, that there is a considerable difference between the ideal and the reality, and that it is far easier to aspire to high ideals than to transform those aspirations into hard facts.

I trust that the same silence will not be maintained with regard to this argument as has been maintained in the past to the other facts and arguments which we have advanced.

In conclusion I desire to say that to-day as formerly we are prepared to continue our efforts, and I shall have the honour of submitting further proposals which will concern both the producing and the consuming countries with regard to the use of prepared opium and of drugs of all kinds. I express~~d~~ my gratitude to the previous speakers for the points which they have brought up in the course of this discussion. I recognise that we must combine all our efforts in order to ensure that the prestige and the moral authority of the League of Nations shall not issue from these discussions diminished or abated in any degree.

Prince ARFA - ED-DOWLEH (Persia) (Translation): For the past six weeks we have been cooperating with the Delegation of the United States in connection with the reduction of the cultivation of the poppy and the efforts to prevent its illicit use. The Delegation of the United States were beyond all dispute inspired by no other purpose than the general welfare of mankind.

In saying that I do not by any means fail to recognise the goodwill which has inspired all the other Delegations. I feel sure that they have all been inspired by the same purpose of ridding humanity of this terrible scourge. While expressing my highest admiration for the manner in which our President has directed the arduous labours of this Conference, and while appreciating the efforts which have been made by the Members of all the

Delegations, I feel bound to express by profound regret at the absence of the United States Delegation. I feel that it is in every way deplorable and a matter for the keenest regret. I

hope, however, that in spite of the absence of the United States Delegation we shall continue our efforts to reach some formula by which we can find a compromise between the points of view of the United States Delegation and those of Great Britain and France.

M. LOUDON (Netherlands) (Translation): I in my turn desire to express my thanks to the Hon. delegate of Japan for the appreciative terms in which he spoke of my own country. He recognised that we are still the land of Grotius, the land in which the principles of law and justice <sup>are</sup> particularly enshrined. That is certainly the case in regard to our policy. It is the principle of justice and law which guides our policy, particularly in colonial questions. I would like in that connection to say a few words in reply to M. Sze, the first delegate of China, who addressed his remarks most particularly to Lord Cecil but who, I think, included all of us in his remarks with reference to colonial policy. I am sure that M. Sze, if he considers all the facts, will recognise that in our policy in the Netherlands Indies the principles of law and of justice are applied generally and equally, and that our ideal in all matters of law is perhaps not to obtain perfect assimilation but still to assimilate the representatives of the East and West and to attain the equality of all races before the law.

This point has been brought out on many occasions by our delegate, M. Van Wettum. He has explained the principles of our policy and he has proved, I hope to the satisfaction of the Conference, that the system which we pursue is an excellent and a satisfactory one. I think that the Hon. delegate for China will recognise that if we are unable to improve that policy at the present moment it is because of the over production which exists in other countries outside our frontiers, and most particularly in China itself.



M. Deladier and Lord Cecil have produced abundant evidence to show why we are unable to act otherwise than we do. I would like in that connection to support what has been said by those who have spoken before me in regard to the proposals which have been made, particularly the proposals submitted in the British Protocol and the variant of that submitted by the French Delegation. I regard these as excellent proposals, and as has been pointed out they have been discussed, and as M. Deladier has told us, we have not yet heard any valid arguments raised against them.

I desire to say that we are still ready to participate cordially in any further efforts which may be made in the direction of a compromise. We still entertain the hope that in spite of all that has passed this Conference will be able to attain results which will be useful and constructive in regard to this great question of alkaloïds and the subjects which are submitted most particularly to the Second Conference.

In conclusion I desire to say that it is essential that the world should recognise that we are sincerely desirous of reaching an agreement and of seeing that agreement put in force.

I will not say more at the present moment because I trust that ~~time~~ there will be further opportunities for an exchange of views at subsequent meetings.

The PRESIDENT (Translation) No more names of speakers have been put down. Does any other Member wish to speak? If not, I must ask the Committee of Sixteen whether they wish finally to close the discussion, or whether, as appears to be indicated by some reference to further meetings which have been made in the course of to-day's debate, they merely desire a temporary adjournment of this meeting. I should like to hear the opinions of the Delegations on that point.

M. AGUERO Y BETHANCOURT (Cuba) (Translation)

I think we must be guided by the terms of the ~~xxxi~~ resolution of the 24th January by which the Committee of Sixteen was appointed. The terms of that Resolution were as follows: (O.D.C.96(1))

"The Second Opium Conference decides to name eight Delegates representative of Governments who have not participated in the First Conference, to form a Committee with eight members designated by the latter.

That Committee shall be entrusted with examining the proposals of the delegation of the United States of America, together with the various suggestions and declarations presented during the recent discussions of the Second Conference. The Committee shall present a report to the two Conferences on the result of its work with the least possible delay."

A few days ago I had the honour to propose the formation of a sub-committee of five in order to try and find some formula of compromise between the opposing views, but we are now informed by the honourable Delegate for Finland in his report that that sub-committee did not succeed in reaching an agreement. I think, therefore, that the task of the Committee of Sixteen, as defined by the resolution which constituted it, is now terminated and it only remains for us to appoint two rapporteurs, or one rapporteur possibly. If there are two there will be one for the First Conference and one for the Second Conference, and then it will be for the Conference to decide what is to be done next.

I cannot conclude these remarks without joining in the tribute which has been paid to the very conciliatory speech made by the honourable Delegate for Japan. The words which he used in reference to the United States are heartily endorsed by the Cuban Delegation. It is not only because the United States of America is a great and strong nation, but because the Cuban Delegation supports the ideals for which the United States has stood and because we regard it as a power which, above all, has always stood in defence of the ideals and welfare of humanity. To us in Cuba it has given most tangible proofs of its disinterestedness and I would take this opportunity of joining in the homage paid to the United States and I regret that they are no longer

participating in our labours. Whenever the co-operation of the United States has been asked for and whenever any country has knocked at its door seeking assistance it has always found the United States ready with its resources, co-operation and genius to go to its assistance.

I think we should continue our efforts in spite of all our disappointments and that we should go forward, and if no agreement is possible with regard to this question of opium, we should, at any rate, seek to reach an agreement in regard to Part 2 of our programme, that is to say, the limitation of the traffic in drugs and alkaloids. If we can reach a successful conclusion as to that matter, we can limit the use of drugs to medical and scientific purposes and we should then have obtained a substantial result and possibly later on it may be possible to obtain a solution of this difficult question.

I know that one of my colleagues has a proposal which he wishes to bring forward, but for the moment I think our task is limited to appointing two rapporteurs.

THE PRESIDENT (Translation): Does anyone else wish to speak?

I must not be understood as opposing M. Aguero's suggestion, which is undoubtedly correct according to the terms of the resolution, but I would point out that it is a very easy matter to appoint two rapporteurs and it is a very much

more difficult thing to frame a report, because there might be considerable difference of opinion as to what should go into that report and, when the report is made, it will be necessary to again submit it to the Committee of Sixteen and this Committee may then find itself engaged in a discussion of it. If, on the other hand, the Committee thinks it is useless to have a discussion on the report, the Conference would like to deal with it as soon as possible and I would like to suggest, though not disagreeing with M. Agueró's proposals, that the minutes of the two meetings of this Committee should simply be sent straight forward to the Conference with the report of L. Toivola attached as an annex and that that should be taken as the basis of the discussion in the First and Second Conferences. I am perfectly well aware that that is not in strict conformity with the resolution of the Assembly and therefore I do not make it as a positive proposal but I simply make the suggestion as a possible way of avoiding the drafting of a report and a subsequent discussion of that report in this meeting. I think that a plenary Conference may be able to deal with the question at a meeting tomorrow morning and perhaps the First Conference may also be able to hold a meeting. That is a matter which may be arranged between the two Conferences. If however, the proposal does not find favour with this committee then there is nothing for it but to proceed in the manner M. Agueró has suggested; that is to say, to appoint two rapporteurs.

DR. AGUERÓ y BETHANCOURT (CUBA) (Translation): With all the respect which I owe to the opinion of our distinguished President, I am unable to agree with him. As the President has

just pointed out, the last words of the Resolution state that "the Committee shall present a Report to the two Conferences", we cannot modify the terms of that resolution and we must, therefore remain on legal ground and not establish<sup>a</sup> dangerous precedent

. It is quite true that the report maybe difficult to draft; that is an unfertunate fact, but I think we have enough intelligence and genius in this Conference to produce a report and as regards the possibility that there may be a discussion on that report, I do not agree. There has been no discussion on the report of the Committee of Five and the report prepared in this case will be of the same nature as that of ~~the~~ M. Toivola.

It will merely record the fact that it was not possible to reach an agreement, and this Committee will, no doubt, simply transmit that conclusion to the Conference.

The PRESIDENT (Translation): I am entirely in agreement with M. Aguero y Bethancourt's remarks as regards the legal aspects of the question. The suggestion I made was simply with the object of economising time.

Dr. Mohamed A.S. EL GUINDY (Egypt) (Translation): The Delegates came here in the hope of finding that an agreement had been reached. They find instead nothing but sadness and depression. They find <sup>also</sup> that the United States Delegation is not in its place and they hear remarks which indicate that it is not participating in the debates. I should like to know what are the reasons for that belief and whether the United States Delegation has withdrawn from the Committee of Sixteen only or from the Conference altogether.

The PRESIDENT (Translation): I have a communication to make on that subject but I am waiting until the discussion has been closed.

Dr. Mohamed A.S. EL GUINDY (Egypt) (Translation): Cannot the President make his communication at once? Some of the Delegates might wish to discuss it.

The PRESIDENT (Translation): I consider it better to terminate this debate <sup>first</sup> because the communication I have to make is simply by way of information. The letter I have to read is a very important one but it is not a <sup>matter</sup> for the Committee of Sixteen to discuss.

Viscount CECIL (Great Britain): I feel always that any appeal made by M. Agüero y Bethancourt is worthy of the utmost consideration, particularly when he asks us to be careful to proceed on legal grounds. That, naturally, strikes a ~~xxx~~ chord in my heart. I think it would be right to have a report; but I will make a suggestion to him which, I think, is of a strictly legal character. Why should we not do as we constantly do in the League of Nations -- simply forward to the Conference ~~xx~~ the report of our Sub-Committee which we appointed really to deal with the matter with which we were appointed to deal. I suggest that all we need do is to have a report in these terms: "The Committee of Sixteen held two meetings. At the first meeting they appointed a Sub-Committee of Five, which made the following report, to which the Committee of Sixteen have nothing to add." Then we could send the two reports together.

I may remind M. Agüero y Bethancourt that this report of Mr Toivola has had the assent not only of M. Deladier and myself but of M. Sugimura, the distinguished Delegate of Japan, whose admirable spirit of conciliation we all recognise, and for which I desire to thank him as others have done. (Applause)

M. AGÜERO Y BETHANCOURT (Cuba) (Translation): I entirely accept Lord Cecil's amendment or suggestion. It is in conformity with the terms of the Resolution, because under the Resolution it is a matter of indifference whether one or two Rapporteurs are appointed, or whether the Rapporteur is the same as that appointed by the Sub-Committee of Five.

The PRESIDENT (Translation): There is a slight difference between Lord Cecil's proposal and that made by M. Agüero y Bethancourt

Lord Cecil does not propose to appoint a Rapporteur and there is some difficulty about appointing M. Toivola because he is not a member of the First Conference.

Viscount CECIL (Great Britain): That does not matter.

M. AGUERO Y BETHANCOURT (Cuba) (Translation): If we agree that the report of the Sub-Committee of Five, which has been accepted, should be used as our Report to the Second Conference, I think it is not necessary for M. Toivola to go in person to the First Conference. The report can simply be transmitted to the First Conference.

The PRESIDENT (Translation): There is only one proposal before the Conference and that is the joint proposition of Lord Cecil and M. Agüero y Bethancourt to the effect that the report of M. Toivola should be transmitted to the President of each of the Conferences with a preamble in the words of the text which was read out by Lord Cecil. Is the proposal of M. Agüero y Bethancourt and Lord Cecil to be regarded as accepted? (Agreed.) It is therefore accepted and I will ~~xxx~~ take the necessary steps to carry out the wishes of the Committee. The work  
of the Committee of Sixteen is, accordingly, concluded.

LETTER FROM THE CHAIRMAN OF THE DELEGATION OF THE UNITED STATES OF AMERICA

The PRESIDENT (Translation): Before declaring the meeting closed I desire to make a communication to the Committee. I will also make that communication to the Members of the Plenary Conference at the first opportunity. I have received the following letter from the Delegation of the United States of America:-

"GENEVA. February 6th 1925

My dear Mr. President,

I have the honour to inform you that, in pursuance of



authorisation of the President of the United States, this Delegation, to its deep regret, finds itself unable longer to participate in the deliberations of the Opium Conference. The reasons for this action are more fully set forth in the enclosed memorandum.

In taking leave, permit me, on behalf of the Delegation, to say that we are deeply sensible of the consideration and kindness of our colleagues in the Conference, and to express to you and to the officers and Secretariat our appreciation of the uniform courtesy and the cheerful, untiring and efficient service which have been shown to the Delegation.

I am, my dear Mr. President,

Very sincerely yours,

(sgd) Stephen G. Porter

Chairman!

The members of the Committee of Sixteen will certainly take note of the contents of that letter with very deep regret. I may say that I am also prepared to read the memorandum which accompanies the letter and which sets forth at considerable length the various points of fact and of law in connection with this matter. It has, however, been copied and translated and will be ready for distribution, it is hoped, this afternoon. I will, of course, acknowledge receipt of the letter and I require no authorisation to do that. It will be necessary to have a plenary meeting of the Second Conference to discuss the report

of the Committee of Sixteen. I propose that meeting should be held at 10.30 tomorrow, Saturday, morning unless there is a meeting of the First Conference which, I understand, is not the case. The agenda will be the discussion of the report of the Committee of Sixteen and the report of Sub-Committee B.

I will reserve my decision in regard to the point raised by the First Delegate for Great Britain., It does not matter for present purposes. It will be dealt with on the agenda.

The meetings of the Committee of Sixteen are terminated.

The Committee rose at 1.20 p.m.

LEAGUE OF NATIONS.

COMMITTEE OF SIXTEEN.

Draft Protocol to be signed, simultaneously with the Second Convention, by the representatives of the opium-producing countries, and to form part of the proceedings of the Second Opium Conference.

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The Undersigned representatives of certain States signatory to the Convention relating to dangerous drugs signed this day, duly authorized to that effect;

Taking note of the Protocol signed this day by the representatives of the States signatories of the Convention relating to the use of prepared opium;

Hereby agree as follows:-

I.

The States signatories of the present Protocol recognise that Chapter I of the Hague Convention of 1912 involves an obligation so to limit and control within their territories the production and distribution of raw opium as to prevent opium smuggling constituting a serious obstacle to the effective prohibition of the use of prepared opium in those territories where such use is temporarily authorised,

II.

Each of the signatory States agrees to take the necessary measures, so far as this has not already been done, to ensure the complete execution of its obligation under Article I of the present Protocol within five years from the present date.

III.

The question whether the obligation referred to in Article I has been completely executed shall be decided, at the end of the said period of five years, by a Commission to be appointed by the League of Nations, whose decision shall be final.

IV.

The present Protocol shall come into force for each of the signatory States at the same time as the Convention relating to dangerous drugs signed this day.

Note du Secrétariat.

Le document ci-joint et le Document "Opium/C.S./6"  
sont présentés par la Délégation britannique et doivent être  
étudiés ensemble.

SOCIÉTÉ DES NATIONS.

Opium/C.S./7 (I).

DELEGATION DES SEIZE.

PROJET DE PROTOCOLE,

A SIGNER EN MEME TEMPS QUE LA PREMIERE CONVENTION ET DESTINE A  
FAIRE PARTIE DES ACTES DE LA PREMIERE CONFERENCE DE L'OPIMUM.

( Texte révisé )

Les soussignés représentant les Etats signataires de la Convention relative à l'usage de l'opium préparé, signée aujourd'hui, et dûment autorisée à cet effet,

Reconnaissant que la signature de cette Convention ne diminue en aucune façon l'obligation déjà contractée par eux aux termes de l'article 6 de la Convention de La Haye de 1912, relative à la suppression graduelle et effective de la fabrication, du trafic intérieur et de l'usage de l'opium préparé,

Soucieux de prendre toutes les mesures pratiquement réalisables en vue d'assurer l'exécution complète et définitive de cette obligation,

Reconnaissant que la prohibition effective dans leurs territoires d'Extrême-Orient, de l'usage de l'opium préparé dépend des mesures effectives qui seront prises par les pays producteurs pour restreindre la production de l'opium et empêcher son exportation illicite,

Prenant acte du Protocole signé ce même jour par les représentants de certains Etats signataires de la Convention sur les drogues nuisibles,

Convienent par les présentes des dispositions suivantes:

I.

Les Etats signataires du présent Protocole reconnaissant que les dispositions de la Convention signée aujourd'hui complètent

l'obligation contractée par les Etats signataires, aux termes de l'article 6 de la Convention de La Haye de 1912, et sont destinées à faciliter l'exécution de cette obligation qui continue à garder toute sa force et son plein effet.

## II.

Les Etats signataires du présent Protocole s'engagent à interdire effectivement l'usage de l'opium préparé dans leurs territoires d'Extrême-Orient, où cet usage est temporairement autorisé, au cours d'une période ne dépassant pas quinze ans à dater du moment où l'exécution effective des mesures prises par les pays producteurs pour limiter et contrôler la production et la distribution de l'opium brut, aura donné des résultats tels que la contrebande de l'opium introduit dans ces territoires ne constituera plus un obstacle sérieux à l'exécution des mesures nécessaires pour l'interdiction effective de la consommation de l'opium préparé.

## III.

La question de savoir à quel moment l'exécution effective des mesures envisagées à l'article II ci-dessus aura donné les résultats mentionnés audit article, sera décidé par une Commission qui sera nommée par le Conseil de la Société des Nations, et dont la décision sera sans appel.

## IV.

Au cours de la période précédant la décision de cette Commission sur le point de savoir si les résultats effectifs, envisagés à l'art. II ont été atteints, les Etats signataires du Présent Protocole, grâce à l'application des mesures mentionnées dans la Convention signée à la date d'aujourd'hui ainsi que de

toutes autres mesures pratiquement réalisables, feront tous leurs efforts pour réduire la consommation de l'opium préparé, pour encourager l'abandon de l'usage de l'opium par les fumeurs actuels et pour combattre le trafic illicite.

#### V.

Dès que la Commission prévue à l'article III aura décidé que les résultats, envisagés à l'article II, ont été atteints, chacun des Etats signataires commencera à prendre les mesures nécessaires pour assurer la suppression effective dans ses Territoires, de l'usage de l'opium préparé, à l'expiration d'une période qui ne dépassera pas quinze ans. Les dispositions à prendre immédiatement comprendront, pour autant que ces mesures n'aient pas déjà été prises à cette date, les mesures nécessaires afin d'empêcher que les individus qui ne sont pas déjà des fumeurs invétérés adoptent l'usage de l'opium préparé, et afin d'empêcher également que l'opium puisse être fourni à de nouveaux immigrants.

Les Etats signataires se concerteront au sujet de toutes mesures qui pourront être utilement prises à cet effet sous la forme d'un accord réciproque.

#### VI.

Il est entendu que la prohibition effective de l'usage de l'opium préparé n'empêchera pas qu'il soit pris des mesures spéciales et temporaires dans le cas des individus pour lesquels les autorités médicales de l'Etat intéressé auront certifié qu'ils ne peuvent être complètement privés de la drogue sans un grave danger pour leur vie ou pour leur santé. Les Etats signataires



se concerteront de façon à assurer, autant que possible, le caractère uniforme des mesures prises à cet égard.

Nouvel article VII.

Si, à un moment quelconque, après la décision de la Commission mentionnée à l'Article V, l'un quelconque des Etats signataires, constatait une grave recrudescence de la contrebande de l'opium, introduit dans ses territoires, ledit Etat aura le droit de demander au Conseil de la Société de nommer une commission d'enquête. Si la Commission conclut dans son rapport, qu'en raison de l'effet insuffisant des mesures prises par l'un quelconque des pays producteurs pour restreindre la production de l'opium et en prévenir l'exportation illicite, les dispositions adoptées en vue d'interdire l'usage de l'opium préparé sont rendues inefficaces, l'un quelconque des Etats signataires aura le droit de dénoncer le présent Protocole. En ce cas, une Conférence des Etats intéressés se réunira immédiatement, afin d'examiner les mesures à prendre.

VIII.

Le présent Protocole entrera en vigueur, pour chacun des Etats signataires, en même temps que la Convention relative à l'usage de l'opium préparé, signée à la date d'aujourd'hui.

Note du Secrétariat.

Le document ci-joint et le Document "Opium/C.S./6" sont présentés par la Délégation britannique et doivent être étudiés ensemble.

SOCIÉTÉ DES NATIONS.

Opium/C.S./7 (I)

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l'obligation contractée par les Etats signataires, aux termes de l'article 6 de la Convention de La Haye de 1912, et sont destinées à faciliter l'exécution de cette obligation qui continue à garder toute sa force et son plein effet.

## II.

Les Etats signataires du présent Protocole s'engagent à interdire effectivement l'usage de l'opium préparé dans leurs territoires d'Extrême-Orient, où cet usage est temporairement autorisé, au cours d'une période ne dépassant pas quinze ans à dater du moment où l'exécution effective des mesures prises par les pays producteurs pour limiter et contrôler la production et la distribution de l'opium brut, aura donné des résultats tels que la contrebande de l'opium introduit dans ces territoires ne constituera plus un obstacle sérieux à l'exécution des mesures nécessaires pour l'interdiction effective de la consommation de l'opium préparé.

## III.

La question de savoir à quel moment l'exécution effective des mesures envisagées à l'article II ci-dessus aura donné les résultats mentionnés audit article, sera décidé par une Commission qui sera nommée par le Conseil de la Société des Nations, et dont la décision sera sans appel.

## IV.

Au cours de la période précédant la décision de cette Commission sur le point de savoir si les résultats effectifs, envisagés à l'art. II ont été atteints, les Etats signataires du Présent Protocole, grâce à l'application des mesures mentionnées dans la Convention signée à la date d'aujourd'hui ainsi que de

toutes autres mesures pratiquement réalisables, feront tous leurs efforts pour réduire la consommation de l'opium préparé, pour encourager l'abandon de l'usage de l'opium par les fumeurs actuels et pour combattre le trafic illicite.

V.

Dès que la Commission prévue à l'article III aura décidé que les résultats, envisagés à l'article II, ont été atteints, chacun des Etats signataires commencera à prendre les mesures nécessaires pour assurer la suppression effective dans ses Territoires, de l'usage de l'opium préparé, à l'expiration d'une période qui ne dépassera pas quinze ans. Les dispositions à prendre immédiatement comprendront, pour autant que ces mesures n'auront pas déjà été prises à cette date, les mesures nécessaires afin d'empêcher que les individus qui ne sont pas déjà des fumeurs invétérés adoptent l'usage de l'opium préparé, et afin d'empêcher également que l'opium puisse être fourni à de nouveaux immigrants.

Les Etats signataires se concerteront au sujet de toutes mesures qui pourront être utilement prises à cet effet sous la forme d'un accord réciproque.

VI.

Il est entendu que la prohibition effective de l'usage de l'opium préparé n'empêchera pas qu'il soit pris des mesures spéciales et temporaires dans le cas des individus pour lesquels les autorités médicales de l'Etat intéressé auront certifié qu'ils ne peuvent être complètement privés de la drogue sans un grave danger pour leur vie ou pour leur santé. Les Etats signataires

se concerteront de façon à assurer, autant que possible, le caractère uniforme des mesures prises à cet égard.

Nouvel article VII.

Si, à un moment quelconque, après la décision de la Commission mentionnée à l'article V, l'un quelconque des Etats signataires, constatait une grave recrudescence de la contrebande de l'opium, introduit dans ses territoires, ledit Etat aura le droit de demander au Conseil de la Société de nommer une commission d'enquête. Si la Commission conclut dans son rapport, qu'en raison de l'effet insuffisant des mesures prises par l'un quelconque des pays producteurs pour restreindre la production de l'opium et en prévenir l'exportation illicite, les dispositions adoptées en vue d'interdire l'usage de l'opium préparé sont rendues inefficaces, l'un quelconque des Etats signataires aura le droit de dénoncer le présent Protocole. En ce cas, une Conférence des Etats intéressés se réunira immédiatement, afin d'examiner les mesures à prendre.

VIII.

Le présent Protocole entrera en vigueur, pour chacun des Etats signataires, en même temps que la Convention relative à l'usage de l'opium préparé, signée à la date d'aujourd'hui.