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LEAGUE OF NATIONS

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**RECORDS**

OF THE

**SECOND OPIUM CONFERENCE**

Geneva, November 17th, 1924 - February 19th, 1925

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**VOLUME I**

**PLENARY MEETINGS**

**TEXT OF THE DEBATES**

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OF THE  
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## DENMARK.

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## FINLAND.

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M. PERROT.  
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Doctor ANSELMINO, Senior Government Counsellor at the Health Department of the Reich.

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Professor Comm. Pietro SPICA, Director of the Institute of Pharmaceutical Chemistry at the University of Padua.

Doctor Comm. Guido FABRIS, Vice-Director of Customs and Indirect Taxation.

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Mr. W. G. van WETTUM, Chairman of the Advisory Committee of the League of Nations on the Traffic in Opium and other Dangerous Drugs.

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His Excellency Mirza EISSA KHAN, Former Finance Minister.

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His Excellency M. A. M. Bartholomeu FERREIRA, Minister in Switzerland.  
His Excellency Doctor Rodrigo RODRIGUES, Governor of Macao.

#### ROUMANIA.

His Excellency M. N. P. COMNÈNE, Envoy Extraordinary and Minister Plenipotentiary.

*Substitutes :*

M. E. TIMCIUC, Consul-General.

M. D. MORIAUD, Vice-Consul at Geneva.

#### KINDOM OF THE SERBS, CROATS AND SLOVENES.

His Excellency M. M. YOVANOVITCH, Minister Plenipotentiary.

M. Milivoyo PILYA, Inspector at the Board of Trade.

*Expert :*

M. Dragan MILITCHEVITCH, Secretary to the Confederation of Industrial Corporations of the Kingdom of the Serbs, Croats and Slovenes.

#### SIAM.

His Highness Prince CHAROON, Minister at Paris, Representative accredited to the Secretariat of the League of Nations.

His Serene Highness Prince DAMRAS, Chargé d'Affaires at the Hague.

*Secretary :*

M. HOONTRAKOOL.

#### SPAIN.

His Excellency M. Emilio de PALACIOS, Envoy Extraordinary and Minister Plenipotentiary at Berne.

Doctor Francisco BUSTAMANTE ROMERO, Head of the Pharmaceutical Service of the Ministry for the Interior.

Doctor Antonio PAGADOR y GOMEZ de LEON, Doctor of Medicine at Barcelona.

*Substitute :*

M. Juan de ARENZANA, Consul at Geneva.

#### SWEDEN.

Dr. Erik Rudolf SJÖSTRAND, Adviser for Social Questions, in residence at Geneva.

#### SWITZERLAND.

His Excellency M. DINICHERT, Minister Plenipotentiary, Head of the Foreign Affairs Division of the Federal Political Department.

Dr. CARRIÈRE, Head of the Public Health Service.

M. PÉQUIGNOT, Assistant to the Commercial Division of the Department for Public Economy.

M. HULFTEGGER, First Secretary at the Directorate of the Swiss Union of Commerce and Industry.

*Expert :*

M. Secrétan, Secretary at the Foreign Affairs Division of the Federal Political Department.

#### TURKEY.

Mehmed SUREYA Bey, Under-Secretary of State at the Ministry of Agriculture.

Professor NOURIDDIN Bey, Professor of Agricultural Chemistry at the School of Agriculture of Constantinople.

#### URUGUAY.

His Excellency M. Enrique BUERO, Envoy Extraordinary and Minister Plenipotentiary at Berne.

#### VENEZUELA.

Dr. Francisco J. DUARTE, Consul at Geneva.

# FIRST MEETING

*Held at Geneva on Monday, November 17th, 1924, at 11 a.m.*

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President : M. Herluf ZAHLE.

### I. OPENING SPEECH BY M. AVENOL, DEPUTY SECRETARY-GENERAL OF THE LEAGUE.

M. AVENOL (Deputy Secretary-General of the League of Nations) :

*Translation* : Ladies and gentlemen — I have the honour, on behalf of the Council of the League of Nations, to welcome the delegations which have met here this morning for the important Conference on Opium.

It is my hope that your work will lead to definite results, which will mark an important advance in the great work begun some years ago by the Hague Convention.

You may rely on the wholehearted co-operation of all the services of the Secretariat to aid you in your work.

As in the case of preceding international conferences convened under the auspices of the League of Nations, the Council was anxious to entrust the direction of your proceedings to a President whose competence and impartiality would be universally recognised. The Council's choice fell on His Excellency M. Herluf Zahle. I have no need to introduce M. Zahle to you. As first delegate of Denmark he has attended all the Assemblies of the League. He has been a member of the General Committee of those Assemblies, and again this year, as Chairman of the Fifth Committee, which dealt mainly with humanitarian questions, more par-

ticularly with the opium question, his ability, authority and impartiality were appreciated by all his colleagues. I feel sure, therefore, that all the delegations will warmly approve the choice made by the Council of the League.

I request His Excellency M. Zahle to take the Chair. (*Applause.*)

### 2. PRESIDENCY OF THE CONFERENCE : WELCOME TO THE PRESIDENT.

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

On behalf of the delegates of the United States of America, it gives me the greatest pleasure to express our hearty approval of the election of M. Zahle as President of this Conference.

**M. Sugimura** (Japan) :

*Translation* : The Japanese delegation greatly appreciates the choice of the distinguished Chairman of the Fifth Committee of the fifth Assembly to conduct our debates on the complex question of dangerous drugs. M. Zahle, with his abilities, his lofty aspirations, and his ideal of international solidarity, is the best possible representative of the noble Danish nation. Our proceedings will thus take place under the lofty standard of justice and humanity. We may therefore feel every gratification in the judicious choice made by the Council of the League.

**M. von Eckardt** (Germany) :

*Translation* : Three years ago, in reply to the invitation from the League of Nations, the German Government sent a representative to the Advisory Committee on the Traffic in Opium. It gladly avails itself of this further opportunity of assisting — in so far as it is able — in the solution of the problems with which this Conference is called upon to deal.

Germany's recent legislation is evidence of her desire and resolution to co-operate with all countries in the campaign against the abuse of opium and narcotics. Her legislation, which was originally based on the Hague Convention, has been substantially amended, full use having been made of the work of the Advisory Committee, of the recommendations of the League, and of the experience gained by the authorities appointed to supervise the traffic in the drugs in question.

I am happy to be able to state, without any reservation whatever, that Germany will make every endeavour to render effective any measures which this Conference may deem expedient for controlling and combating all forms of illegal trading in narcotics. This humanitarian work, which is due to the praiseworthy



initiative of the United States, will, I am sure, result in a Convention that will be approved and acclaimed by the entire world. If the text of this Convention is drawn up in clear terms, it will obviate the results due to divergent or erroneous interpretations which are liable to jeopardise the success of a task that unites all countries in a lofty and disinterested ideal.

**M. Comnene** (Roumania) :

*Translation* : Ladies and gentlemen — Many of the delegates present in this room have taken part in previous conferences and have had an opportunity of becoming acquainted with M. Zahle and of appreciating his abilities and character. I shall therefore only be voicing the unanimous opinion of all those who are acquainted with M. Zahle if I ask him to be good enough to accept the Presidency of the Conference, if I offer our thanks to the Council of the League for its admirable choice. On behalf of my own delegation, I warmly and cordially support the proposal which has been made to us.

**M. Falcioni** (Italy) :

*Translation* : I desire, on behalf of the Italian delegation, to welcome the President and members of the Conference. Italy has loyally observed the Hague Convention and has enacted a law containing severe regulations for preventing the illegitimate sale of opium. She feels greatly honoured in co-operating with the distinguished representatives of the various nations — to whom I tender cordial greetings — in the study and solution of a problem which is of the most urgent character from the material, intellectual and, more particularly, the moral point of view.

Italy's interest in this question is mainly objective and humanitarian, and she hopes and believes that the Conference will obtain concrete and useful results.

**M. de Aguero y Bethancourt** (Cuba) :

*Translation* : I have asked leave to speak on a question which is virtually a point of order. Now that some of the delegations to the Conference have expressed their warm approval of the selection of M. Zahle as President, we should, I think, afford him an opportunity of addressing the Conference himself, so that he may tell us what is in his mind and what are his desires and recommendations.

Personally, Mr. President, I shall content myself with reminding you that you and I are the veterans of the League. I need not therefore offer you my congratulations, but I may say that the Cuban delegation warmly welcomes you as President. (*Applause.*)

**M. Sze** (China) :

Mr. President, gentlemen — It is with great pleasure that we welcome M. Zahle to the Chair. I am sure that this Conference, under his wise and able guidance, will not fail to obtain the successful results for which humanity is looking.

### 3. OPENING SPEECH BY THE PRESIDENT.

**The President** :

*Translation* : Ladies and gentlemen — The Council of the League of Nations has done me a great honour in appointing me President

of this Conference which it has convened, and I wish to say here how much I appreciate the great compliment which the League has paid me by selecting me to direct the work of so important a meeting. I am also deeply touched by the kind way in which this nomination has been accepted by the members of the Conference. On this occasion I adopt as my own the words spoken by the distinguished President of the second Assembly of the League, His Excellency M. van Karnebeek: "Called upon to direct your work, I shall endeavour to be your devoted servant".

In wishing you all a hearty welcome, gentlemen, let me assure you that I will do my utmost to merit the confidence which has been shown in me.

We are met here to accomplish a task of great difficulty; but I am firmly convinced that we are all here to do our best and that we shall leave no stone unturned to bring our work to a successful conclusion. In order to show you the full importance of this task, with your permission I will briefly survey the main points of the problem of opium and dangerous drugs.

It was about the year 1906 that certain Governments resolved to come to the assistance of China and to help her in the struggle against the evil of opium smoking, which had so long been the scourge of her people. As a consequence of the movement against this evil which was thus taking shape, an International Opium Commission was constituted in 1909 at Shanghai, on the initiative of the United States Government. The President of the Shanghai Commission was an American, Bishop Brent, one of the men who has done most to combat the traffic in narcotics and who was destined later to become the President of the First International Conference at The Hague. I am particularly glad to see Bishop Brent among us to-day as a member of the United States delegation. His great experience in the question of narcotics will be of inestimable value to the Conference. I wish to lay special emphasis on the devoted work which certain American citizens have done in this connection and on the keen interest taken by the American public in the campaign against the drug evil, as, indeed, in all other humanitarian activities.

The first Conference at The Hague — which was also convened on the initiative of the United States of America, although the invitations were issued by the Netherlands Government, profiting by the experience gained by the Shanghai Commission, succeeded in drawing up an International Opium Convention which has, up to now, been the basis of all the legislative measures taken by countries wishing to combat effectively the grave danger constituted by the abuse of narcotics.

The first Opium Conference was followed by two other Conferences, also held at The Hague, in 1913 and 1914 respectively. After the third Conference, a Protocol was drawn up at The Hague with a view to the application of the 1912 Convention. This Protocol could be signed by any Power which, having signed and ratified the Agreement of 1912, declared its intention of considering this Agreement as coming into force as far as that Power was concerned.

The 1912 Convention, which is termed the International Opium Convention, contains much

more than its title would seem to imply. It deals not only with opium proper but also with its derivatives; it even also lays down provisions in regard to cocaine, which has nothing to do with opium. The Convention also gives an exact definition of the drugs which it proposes to control.

As regards the entry into force of the Convention, however, the position remained somewhat unsatisfactory during the first eight years; a change took place when the Peace Conference in 1919 decided to insert in the Treaty of Versailles a special clause regarding the ratification of the Hague Convention. This clause, which constitutes Article 295 of the Treaty of Versailles, stipulates that those of the Contracting Parties which have not yet signed, or which have signed but not yet ratified, the Hague Convention agree to bring the said Convention into force and for this purpose to enact the necessary legislation without delay, and in any case within a period of twelve months from the coming into force of the Treaty. Furthermore, the Contracting Parties agreed that ratification of the Treaty of Peace should be deemed in all respects equivalent to the ratification of that Convention and to the signature of the Special Protocol which was opened at The Hague in accordance with the resolutions adopted by the third Opium Conference in 1914 for bringing the said Convention into force.

A similar article was inserted in the Treaties of St. Germain, Neuilly and Trianon. An immense step forward was thus made; while on the outbreak of hostilities no Power had signed the Protocol for bringing the Convention into force and only five signatures were affixed between 1914 and 1918, the Protocol has now been signed by about forty countries.

In virtue of Article 23 (c) of the Covenant of the League of Nations, the League has been entrusted with the general supervision over the execution of agreements with regard to the traffic in opium and other dangerous drugs. The campaign against the abuse of these drugs thus entered a new phase.

The first Assembly of the League of Nations organised this work of supervision on a permanent basis. A permanent Advisory Committee on the Traffic in Opium and other Dangerous Drugs was constituted to assist the Council and the Assembly of the League in all questions relating to narcotics. I will mention later the activities of this Committee, but I would like to draw attention here to the remarkable work done during the various sessions of the Committee towards the great end for which we are all working.

The States particularly interested in this question were asked to nominate members on this Committee. In addition, the Committee also includes three assessors, selected for their special qualifications, their wide experience and their admirable zeal. I refer to Mrs. Hamilton Wright, Sir John Jordan and M. Henri Brenier. As its name implies, the Advisory Committee's task is to give advice to the Council and the Assembly of the League, which are the bodies competent to take any final decisions in questions of this kind.

The Committee first of all directed its efforts into the two following channels:

- (a) Steps taken to ensure the application of the provisions of the International Convention of 1912;

- (b) Steps taken with a view to supplementing these provisions;

for experience has shown that the Convention requires a number of additions.

In respect of the first part of the Committee's work, I must refer to the efforts which it has made, through the Council and the Assemblies, to persuade all States to ratify the Convention of 1912. These efforts have been crowned with success. A large number of States have adhered to the Convention, and many of them have already taken the necessary steps to bring their internal legislation into line with the provisions of the Convention.

I should also make particular reference to the work accomplished by the Committee as regards import certificates; the system recommended by the Committee in 1922 has now been adopted by most of the signatory Governments.

I should also refer to the important work accomplished in the way of controlling traffic in free ports, and the transit trade.

With a view to obtaining the maximum of international co-operation in the campaign against the drug peril, it has been decided that Governments should exchange information concerning the seizures of drugs in their territory. Naturally, such an exchange is of the highest importance when it is a question of prosecuting and punishing individuals carrying on unlawful traffic.

In this connection we should also refer to the work accomplished by the Committee with a view to giving full effect to Article 21 (b) of the Hague Convention concerning the "exchange of statistical information as regards the trade in raw opium, prepared opium, morphine, cocaine, and their respective salts, as well as in the other drugs or their salts or preparations referred to in the present Convention". The Secretariat also receives information in regard to the laws, regulations and ordinances concerning narcotics which are in force in the various countries.

In order to make good the omissions in the Convention of 1912, the Advisory Committee found that it was necessary to adopt a policy of limiting the production of raw materials from which narcotic drugs are manufactured. The information in its possession shows that there is an enormous over-production of opium. It has even been calculated that present production is ninety per cent in excess of the world's medical and scientific needs.

Such a restriction of the production of raw materials will involve great sacrifice on the part of countries in which the poppy and the coca leaf are cultivated, such as China, India, Turkey, Persia and certain Balkan States, and — as regards the coca leaf — such as Java, Peru and Bolivia. Any restriction involving the sacrifice to which I have referred can naturally only prove effective if an international agreement is reached between all producing and consuming countries. In order to reach this agreement, we must all be really desirous of attaining a result. We must be resolute in overcoming the difficulties which we shall perhaps encounter, but which are not insuperable.

During its fifth session the Advisory Committee, on the proposal of the United States delegation, adopted certain resolutions for the

limitation of the quantities of narcotics which may be manufactured. These resolutions were submitted to the fourth Assembly of the League. The Assembly approved the proposals of the Advisory Committee, suggesting that the various Governments should examine the question of limiting the manufacture of drugs and the production of raw materials, with a view to concluding an agreement for this purpose.

In December 1923, the Council of the League approved the decision of the Assembly and decided that two Conferences should be convened at Geneva in November 1924. It was decided that all Governments of States Members of the League or parties to the Convention of 1912 should be invited to send delegates to the second of these Conferences. A Preparatory Committee was instructed to draw up a draft programme for this Conference and to submit the draft to all States invited to participate.

The Preparatory Committee held several meetings under the Presidency of M. van Wettum (Netherlands) and examined all the information which had been collected since it became the duty of the League of Nations to supervise any agreements concluded. These documents furnished a certain amount of information concerning both present production and the world's legitimate requirements in narcotics.

A Mixed Sub-Committee had been formed by the Advisory Committee on the Traffic in Opium and the Health Committee of the League to consider the question of the legitimate requirements of all countries in the matter of drugs. This Mixed Sub-Committee reported that it considered 600 milligrammes per inhabitant per annum might be regarded as the maximum quantity of raw opium required for medicinal and scientific needs. The Health Committee took note of this report and expressed the opinion that 450 milligrammes would be a more correct estimate for countries possessing an adequate medical system. On examining these figures, the Preparatory Committee decided to request further information on this subject, particularly as regards the methods by which the figures in question had been obtained. The Health Committee replied by a letter in which the figures were considerably reduced, but as this letter was received after the dissolution of the Preparatory Committee, the latter was not able to examine it. It has, however, been distributed to the former members of this Committee and, if you think it necessary, I will have it distributed to the present Conference.

The report of the Preparatory Committee was sent to all Governments and also to the Advisory Committee during its session held in August this year (Annex I). The Preparatory Committee was unable to submit a single draft programme for the Second Conference. The American, British, French and Dutch members had each framed a separate draft Convention. The proposals of the British and American delegates aimed at the conclusion of a formal agreement between the producing and manufacturing States, under which the latter would themselves restrict their manufacture of narcotics in accordance with an estimate, to be fixed by the Governments, of their medical requirements. The Netherlands proposals had as their object the indirect limitation of the manufacture of cocaine, to be effected by a gradual decrease

in the production of coca leaves. The French proposals provided for the application of more effective measures than those at present in force for national and international control, with a view to effecting a reduction in the output of the manufactured products.

As the Preparatory Committee had been unable to agree upon a uniform plan, the Advisory Committee, which met in August, decided to effect a compromise between the different schemes; for this purpose, it drew up a series of measures which might furnish a satisfactory basis for the work of the Conference and prepare the way for a final agreement. (Annex 2).

The measures contemplated by the Advisory Committee may be summarised as follows :

- (1) The conclusion of a number of agreements for restricting imports and exports of narcotics and raw materials to such quantities as are required for medical and scientific purposes;
- (2) The framing of a number of proposals for strengthening the provisions of the Hague Convention, more especially those relating to the control of imports and exports.

The adoption of these proposed measures does not imply that all members of the Preparatory Committee have withdrawn their original proposals. But as these measures submitted by the Advisory Committee were adopted after the Committee had taken cognisance of the schemes drawn up by several members of the Preparatory Committee, it might perhaps be possible first to examine whether the draft could be used as a basis of our preliminary discussions.

I have one more thing to say before I conclude. A proposal was made that the representatives of private associations should be admitted to the Conference and should give their opinion on the questions under discussion. This would create no precedent; by adopting this proposal we should establish no new principle. At the 1912 International Conference at The Hague, and also at other international conferences, representatives of philanthropic associations were admitted and expressed their views and their wishes on the points which concerned them. I therefore submit this matter to my colleagues in order that we may take a decision on it as soon as possible.

In commencing our work you will, I hope, remember that the aim we have in view is to provide a really effective weapon to fight a scourge which has become increasingly dangerous to mankind. The evil which we are here to combat has spread to all classes of society and to almost all countries. I need not say that we must attempt to cure those who have already contracted the pernicious habit of morphomania and cocainomania. But our main endeavour must be to prevent these vices from claiming new victims. I would beg you more especially to think of their danger for the young; if we have the desire that future generations shall be really well armed for life's struggle, we must protect them against a peril which, in these years following the world war, has become an even greater menace and is certainly not unconnected with the economic and moral disturbances resulting from the terrible disaster of 1914.

Let me remind you that our aims can only be attained if all States co-operate. National measures are insufficient to suppress the dangerous traffic in narcotics. We must endeavour to regard this international programme in its true aspect, which is humanitarian and social. We must not jeopardise the well-being of thousands of mankind for material reasons.

It is in this spirit and in the hope that our work may mark a definite step forward towards the solution of this complex problem that I declare open the Second Opium Conference convoked under the auspices of the League of Nations. (*Applause.*)

#### 4. ADOPTION OF THE AGENDA OF THE CONFERENCE.

##### The President :

*Translation* : The first subject we have to consider is the adoption of the agenda for the Conference, which is as follows :

1. Election of Vice-President ; officers of the Conference and Commissions ; adoption of Rules of Procedure.
2. Consideration of the measures which can be taken to carry out the Opium Convention of 1912 with regard to : (1) a limitation of the amounts of morphine, heroin or cocaine and their respective salts to be manufactured ; (2) a limitation of the amounts of raw opium and the coca leaf to be imported for that purpose and for other medicinal and scientific purposes ; (3) a limitation of the production of raw opium and the coca leaf for export to the amount required for such medicinal and scientific purposes.

I will ask the delegates to let me know whether I may consider the general agenda for the Conference as adopted.

As there is no objection, I take it that the agenda is adopted.

*The agenda was adopted.*

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

Mr. President, I desire to file a reservation on the agenda.

The United States delegation respectfully reserves the right to move that the agenda be amended in the event of the First Conference not providing an effective means for the suppression of the traffic in prepared opium or failing to reach an agreement.

We are confronted with an unfortunate situation which cannot be solved by an appeal to technicalities. Whether or not the findings of the First Conference were to have been reported directly to the Second Conference, the latter at least needs to know them in order to deal effectively with the subject of production. The First Conference has thus far reached no agreement, and we have nothing before us.

The dictates of commonsense demand a frank admission of the dilemma in which this failure to reach an agreement has placed the Second Conference and a consideration of the possibility and wisdom of widening the scope of our discussion to include the subject of the progressive suppression of the traffic in prepared

opium. The Hague Convention lays the responsibility for this matter upon all the contracting Powers without distinction.

It is only fair to state that the representatives of the United States, foreseeing the possibility of such a situation as has arisen, consistently contended at the meetings of the Fifth Committee of the Assembly of 1923 for one instead of two Conferences. In view of these facts, the United States delegation respectfully reserves the right to move the amendment of the agenda in the event of the First Conference not providing an effective means for the suppression of the traffic in prepared opium or failing to reach an agreement.

##### The President :

*Translation* : The members of the Conference take note of the statement made by the first delegate of the United States ; it will be inserted in the record of the present meeting.

#### 5. ELECTION OF THE VICE-PRESIDENTS OF THE CONFERENCE.

##### The President :

*Translation* : With reference to the next item on the agenda, namely, the election of a Vice-President, I would venture to suggest that we should appoint two Vice-Presidents. When I speak of two Vice-Presidents I do not mean a first and second Vice-President ; my idea is that we should have two Vice-Presidents who would be on an equal footing. Unfortunately, there is too little space on this platform to allow two Vice-Presidents to take their seats beside me. I would therefore propose that the Vice-Presidents whom we elect should sit in turn on the platform in their official capacity.

##### M. Sugimura (Japan) :

*Translation* : The Japanese delegation proposes as Vice-Presidents M. de Agüero y Bethancourt (Cuba) and M. Sze (China). The long and brilliant careers of the first delegates of Cuba and China are known to all. I need not therefore make any observation on this proposal. America and Asia will be happy to see representatives of all that is best in those two continents elected as Vice-Presidents of the Conference.

##### The President :

*Translation* : Has any delegate any other proposal to make concerning the nomination of the Vice-Presidents ?

As the matter now stands, we have before us a proposal made by the Japanese delegation, and I am in complete sympathy with M. Sugimura's intentions in proposing two representatives, one for the American continent and the other for Asia.

As no one else has any proposal to make, I may take it that you are in favour of the Japanese delegate's motion. According to the usual rules of procedure, however — though these rules have not yet been voted — motions on such questions are generally decided by ballot.

As the rule regarding voting has not yet been determined, we might, with your consent, elect by acclamation the two candidates proposed by the Japanese delegation. If anyone, however, desires a ballot, we will proceed to hold one at once. (*Applause.*)

Your applause is convincing evidence that we need not hold a ballot. I have therefore the honour to declare that His Excellency M. de Aguero y Bethancourt, delegate of Cuba, and His Excellency M. Sze, first delegate of China, are elected Vice-Presidents of the Second Opium Conference. I offer them a hearty welcome upon their appointment as Vice-Presidents and shall be happy to work in close co-operation with them.

I will request M. de Aguero y Bethancourt, who was nominated first by the Japanese delegation, to be good enough to take his seat on my right. (*Applause.*)

**M. de Aguero y Bethancourt** (Cuba) :

*Translation* : I wish to thank my colleagues very sincerely for the honour which they have done my country and for the mark of distinction which they have just conferred upon myself. (*Applause.*)

**M. Sze** (China) :

Mr. President, ladies and gentlemen — I am deeply touched by the honour you have conferred upon me by electing me as one of the Vice-Presidents of this Conference. I interpret your kind action less as a tribute to myself personally than as an honour that you wish to show to my country and to my people. In their name I express my deep appreciation, coupled with my personal thanks. (*Applause.*)

## 6. APPOINTMENT OF THE COMMITTEE ON CREDENTIALS.

**The President** :

*Translation* : The next item on the agenda is the appointment of the Committee on Credentials. You are aware that, according to the invitations sent out to the different Governments, this Conference is composed of plenipotentiary delegates, and that all delegates are provided — or shortly will be — with full powers.

By the rules of procedure, these full powers should be forwarded to the Secretary-General of the League and then transmitted by him to a Committee. At the Assembly of the League this Committee consists of eight members, but, as the present Conference is smaller, I think five members would suffice. The Committee will examine the credentials of delegates and draw up a report. It will perhaps facilitate the proceedings if I submit a list of the members whom I would propose for the Committee. (*Assent.*)

As you agree with my suggestion, I will propose the following names :

M. de AGUERO Y BETHANCOURT (Cuba), Vice-President, Prince CHAROON (Siam), M. CLINCHANT (France), M. von ECKARDT (Germany) and M. JOVANOVIČ (Kingdom of the Serbs, Croats and Slovenes).

The reason why I put M. de Aguero y Bethancourt's name first on the list is not because his name begins with "A" nor because he is Vice-President of the Conference, but because he has, unless I am mistaken, been Rapporteur at each Assembly for the Committee on Credentials. He has therefore the widest possible experience on this matter.

I would suggest to the Committee that it would be better not to draw up its report

immediately, as some delegates may not yet be in possession of the necessary papers. I leave the Committee, however, entirely free to act as it considers best.

*The Conference approved the list of members for the Committee on Credentials submitted by the President.*

## 7. CONSIDERATION OF THE DRAFT RULES OF PROCEDURE.

**The President** :

*Translation* : The next item on the agenda is the examination of the draft rules of procedure, which are contained in Document O. D. C. 9 (Annex 3).

Does any delegate desire to speak on this question ?

**M. Dendramis** (Greece) :

*Translation* : I would like to ask for one or two explanations. The rules of procedure contain no reference to the question of voting on a motion. We should, I think, lay down a rule that, when it is a question of modifying a clause in the Hague Convention, all the Members signatories of that Convention should be unanimous.

**The President** :

*Translation* : Do the members of the Conference desire that the draft rules should be examined by a Committee, which might also consider the question raised by M. Dendramis ?

**M. Dendramis** (Greece) :

*Translation* : That was my intention. I should like, if possible, to have the rules referred for examination to a Committee which could push forward its work and submit a report without delay.

**The President** :

*Translation* : We have before us a proposal by the Greek delegation that the draft rules of procedure should be referred to a Committee for examination. If no delegate desires to speak on the motion, I will request the Conference to appoint a Committee of seven members to investigate the question and report as speedily as possible.

Does any delegate desire to make a proposal regarding the membership of the Committee ? Or are you prepared again to allow me to select certain names ?

As no suggestions are forthcoming, I propose the following seven delegates as members of the Committee : Dr. F. BUSTAMANTE (Spain), Sir Malcolm DELEIVINGNE (British Empire), M. DINICHERT (Switzerland), M. PINTO-ÉSCALIER (Bolivia), Dr. E. R. SJÖSTRAND (Sweden), M. SZE (China) and M. VEVERKA (Czechoslovakia).

*The list was approved.*

**The President** :

*Translation* : I would request the Committee on the Rules of Procedure to be good enough to meet as soon as possible to examine this question and draw up a report for submission to the Conference.

The Committee will be able to meet this afternoon, as there will be no plenary meeting of the Second Conference.

## 8. QUESTION OF THE AUDITION OF THE REPRESENTATIVES OF PRIVATE ASSOCIATIONS.

**The President :**

*Translation :* In the speech with which I had the honour to open the meeting, I ventured to submit two suggestions, the first of which was that we should hear the representatives of various private associations who are present at Geneva. I should be glad to have the views of the Conference on this matter. Should these representatives be heard by the Conference at a semi-official meeting, the records of which would be annexed to the records of the Conference?

I should add that the following have asked to address you on behalf of the organisations which they represent : M. Koo, representative of the National Anti-Opium Association of China ; M. Warnshuis, representative of the International Missionary Council ; Mr. MacLennan, representative of the Conference of Missionary Societies.

The Foreign Policy Association, represented by Mrs. Helen Moorhead, and the Catholic Students' Union, represented by Mgr. Eugène Beaupin and M. Louis Vogt, have also asked that their representatives should be permitted to attend the Second Opium Conference, and, if necessary, give any relevant information on the subjects under discussion.

I should like to know whether the Conference considers that these representatives should be heard before the opening of our general discussion or in the course of that discussion. We might perhaps hear some representatives before the discussion and others later. I should like to know my colleagues' views on this point.

**M. Buero (Uruguay) :**

*Translation :* May I venture to remind you of a precedent created at last year's Conference on the Simplification of Customs Formalities? Certain representatives of the International Chamber of Commerce participated in the Conference and took their seats among the delegates in the capacity of experts. They asked to be allowed to address the Conference on the points which interested them and the Conference took their opinions into consideration. These representatives, however, were not entitled to vote. The present Conference might adopt the same procedure regarding the private organisations represented here.

**The Right Rev. Charles H. Brent (United States of America) :**

My recollection of the Hague Conference is that we admitted six representatives of private associations at an informal meeting which unfortunately was held in the middle of our deliberations and not at the beginning of the Conference.

It seems to me highly desirable that representatives of these various associations should address the Conference, but I am of the opinion that it would be very unfortunate to have them sitting with the delegations, or for them to have the right of speaking during the Conference. It would seem to be much wiser to fix a date on which they should appear, when they would all have an opportunity of putting their views before the Conference.

**M. de Aguero y Bethancourt (Cuba), Vice-President :**

*Translation :* As the delegate of Uruguay and Bishop Brent have just pointed out, there are precedents in connection with this matter. The representatives of different associations or organisations have been heard by other international conferences. At the International Conference on Transit and at the London Conference on Maritime Navigation, which I attended, we heard a number of associations which gave their views in an expert capacity and afforded us valuable assistance.

It may not, perhaps, be possible to ask the representatives of all the associations to remain here throughout the session ; some of them probably will not have time to do so. It would be both courteous to these organisations and helpful to the Conference in its work for the humanitarian object which it has in view if we were to fix two dates between which the representatives of private associations would be heard — or, alternatively, we might permit them to take their seats among us throughout the session. It is for the associations to decide whether their representatives will be able to remain here until the end of the session. If, however, their representatives attended only some of our debates and, if after their departure, discussions arose on subjects regarding which the Conference might have need of their assistance, it would be regrettable that it should be deprived of this advantage.

**Sir Malcolm Delevingne (British Empire) :**

I entirely agree with the views expressed by Bishop Brent. If the representatives of the private associations are to be permitted to address the Conference, I think it would be the right course for them to speak on a certain day. These associations are private associations ; their representatives are private individuals, and it seems to me that it would be inconsistent with the constitution of this Conference to allow them to sit among us and to give them the right to speak.

I understand that the representatives of these associations desire to be allowed formally to state their views at a meeting of the Conference. I think we shall all agree that this proposal is a desirable one and I suggest that it should be adopted and that the representatives of the associations should be heard at the beginning of our session and before the general discussion takes place.

**M. van Wettum (Netherlands) :**

I most warmly support the suggestion made by Bishop Brent and seconded by Sir Malcolm Delevingne. We are here as plenipotentiary delegates, and it does not seem to me to be possible for the representatives of private associations to take part in our discussions.

**M. Sugimura (Japan) :**

*Translation :* The Japanese delegation entirely supports the views expressed by M. Buero and M. de Aguero y Bethancourt. Their opinion is based on their personal experience and on the traditions of the League. The constitution of this Conference does not prevent us from attaching value to the opinions of the representatives of private associations. It might even be necessary for us to co-operate with them, for they represent public opinion.



In so far as it is possible, I think it desirable that they should take part in the discussions, without, of course, having the right to vote.

**Mr. Campbell (India) :**

May I say that I entirely agree with the views expressed by Bishop Brent, Sir Malcolm Delevingne and M. van Wettum? It seems to me, however, that it is perhaps undesirable to continue the discussion.

If it were continued, I should like to press a formal point as to the constitution of the Conference, but one of the representatives concerned has explained to me, on his own behalf, and he thinks he is speaking on behalf of the representatives of the other associations, that they do not desire to sit in the Conference and take part in the discussions on the same footing as the other delegates, with the only difference that they have no right to vote. This is not part of their request.

I gather that the proposal made by Bishop Brent is acceptable to the representatives and that they would actually prefer it.

**M. Ferreira (Portugal) :**

*Translation :* In view of my experience at the first Hague Conference, I desire to support Bishop Brent's proposal.

**M. Clinchant (France) :**

*Translation :* I whole-heartedly concur in the views of Bishop Brent, Sir Malcolm Delevingne, Mr. Campbell and M. Ferreira, on the grounds which they have given.

**M. El Guindy (Egypt) :**

*Translation :* The private associations were asked if they could send delegates to sit throughout the Conference. We have not yet had any definite information on the point. We might, I think, therefore postpone a decision until we know the situation.

**M. Buero (Uruguay) :**

*Translation :* I should like to point out that I have not made any definite proposal. The President asked the members of the Conference to express their views on this question. I made a reference to what was done at the Customs Conference last December and, in order to hasten the proceedings, I ventured to make a simple suggestion, but I wish to repeat that it is not a formal proposal.

**The President :**

*Translation :* I should be glad to know whether M. Sugimura's proposal should be considered as a formal motion or as an observation of a general nature.

**M. Sugimura (Japan) :**

*Translation :* Mr. Campbell, delegate of India, has informed us that the representatives of the private associations do not desire to sit in the Conference on the same footing as the representatives of the Governments. There is, therefore, no reason for further discussion and I am prepared to withdraw my motion.

**M. de Aguero y Bethancourt (Cuba) :**

*Translation :* We have two questions to settle : first, a question of courtesy towards the private associations, and, secondly, the question whether it would be helpful for the Conference to hear the views of their representatives.

I was in agreement with Bishop Brent's opinion, but I had no intention of implying that the associations should be given the same rights as the accredited delegates to the Conference.

**The President :**

*Translation :* I may conclude from the discussion that the members of the Conference desire to hear the representatives of the private associations.

We have now to decide upon the day on which they will be heard. Should we hear them before we begin the general discussion or would it be better to set aside a day after the general discussion has been concluded? I have just been informed that the representatives themselves would prefer to state their views at the end of this week.

It may perhaps be difficult to decide the question at the present moment, and I propose that we should leave it in abeyance. We might, however, begin the general discussion. This would enable delegates to get into touch with the private associations.

**M. Dendramis (Greece) :**

*Translation :* I suggest that the General Committee of the Conference should be left free to decide upon the day on which the representatives of the private associations should be heard by the Conference.

**The President :**

*Translation :* There is no General Committee in the strict sense of the term. I presume that the Greek delegate's proposal refers to the President and Vice-Presidents.

**Mr. Campbell (India) :**

I understand that the representatives of the private associations would prefer not to speak at the beginning of the Conference, and would appreciate it if a date could be fixed later on by arrangement with them. They are, of course, desirous to meet the convenience of the Conference in this matter, and possibly a date could be fixed later by direct communication with the President or with the Secretariat.

**The President :**

*Translation :* Most delegates are, I think, in favour of the proposal that the President and Vice-Presidents should get into touch with the representatives of the private associations and attempt to come to an arrangement which would suit them and the Conference.

*The above proposal was adopted.*

## 9. ADOPTION AS A BASIS FOR PRELIMINARY DISCUSSION OF THE SERIES OF MEASURES ELABORATED BY THE ADVISORY COMMITTEE ON THE TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS.

**The President :**

*Translation :* There is only one other point on which I have to consult you. In my opening speech I ventured to suggest that we should take as a basis for our preliminary discussions the series of measures adopted by the Advisory Committee on the Traffic in

Opium at its last session. You all know what these measures are. I propose that we should hold only a short discussion on this point, but it is, I think, necessary to have a base from which to start. Delegates are, of course, perfectly free to make any other proposal.

Does anyone else wish to speak on this point ?  
As no one has raised any objection to my proposal, I take it as adopted.

*The proposal was adopted.*

The Conference rose at 1.40 p.m.

## SECOND MEETING

*Held at Geneva on Tuesday, November 18th, 1924, at 3.30 p.m.*

### CONTENTS.

10. PROVISIONAL ADOPTION OF THE DRAFT RULES OF PROCEDURE OF THE CONFERENCE.
11. VICE-PRESIDENCY OF THE MEETING.
12. PRELIMINARY DISCUSSION ON THE BASIS OF THE SERIES OF MEASURES ADOPTED BY THE ADVISORY COMMITTEE ON THE TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS.

President : M. Herluf ZAHLE.

#### 10. PROVISIONAL ADOPTION OF THE DRAFT RULES OF PROCEDURE OF THE CONFERENCE.

**The President :**

*Translation :* The Committee which we appointed yesterday to examine the rules of procedure has not yet concluded its work. I hope that it will be able to do so to-day and that the Conference will be in possession of its report at our next meeting.

As I am unable to preside over a Conference without rules of procedure, I propose that, as a pure formality — I would stress this point — we should provisionally adopt the draft rules of procedure submitted to us yesterday (Annex 3).

If there is no objection, I shall consider the draft rules of procedure adopted for to-day's meeting. (*Assent.*)

#### 11. VICE-PRESIDENCY OF THE MEETING.

**The President :**

*Translation :* I will request M. Sze, first delegate of China, to take his place on my right.

**M. Sze (China) :**

May I ask permission to request my honoured colleague from Cuba to take that seat? In China we always respect age, because age means experience and experience means wisdom. I think you have in the West the expression, "Age before beauty". My honoured colleague from Cuba is a combination of both age and beauty. I am more accustomed to speak from a lower level, while aiming to keep my ideals on a high plane.

**M. de Aguero y Bethancourt (Cuba), Vice-President :**

*Translation :* I am very deeply touched by M. Sze's words, especially by his words regarding my personal appearance. The rules of procedure, however, are rules of procedure, and we must adhere to them. Although I fully appreciate M. Sze's courtesy, I must insist on his taking his place beside the President. That place belongs to him to-day, for we decided that it should be occupied by the Vice-Presidents at alternate meetings.

**The President :**

*Translation :* The point is a purely private one, and I have no desire to interfere. I should prefer, however, that the decisions which we have taken should be maintained. I will again ask the first delegate of China to take his place on the platform.

(*M. Sze, delegate of China, took his place, as Vice-President, on the platform.*)

#### 12. PRELIMINARY DISCUSSION ON THE BASIS OF THE SERIES OF MEASURES ADOPTED BY THE ADVISORY COMMITTEE ON THE TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS.

**The President :**

*Translation :* I am not able to submit a formal agenda to-day, but all delegates will, I think, agree that we should begin the general discussion on the basis of the so-called measures adopted by the Advisory Committee, but without any restriction as to the different points. The discussion will be entirely general and free.

If there is no objection, the general discussion will now be opened. (*Assent.*)

The general discussion is open. The first delegate of Persia will address the Conference.

**Prince Arfa-ed-Dowleh (Persia) :**

*Translation :* Mr. President, ladies and gentlemen — In the four years during which I have had the honour to represent my country on the League of Nations, I have on several occasions set forth my Government's opinion on the opium question before the Fifth Committee and the Assembly. I have shown the great interest taken by the Persian Government in this question and the endeavours which it has made to limit the cultivation of the poppy



and to restrict the use of its pernicious product.

Last September I told the Fifth Committee of the energetic and effective measures which our Government is taking for this humanitarian purpose. I shall not weary you by repeating them here. I shall merely give you a brief account of the introduction of opium into Persia and of the development of its use and traffic.

Opium, as is generally known, was imported into China and India by Arabs in the fifteenth century. Later, the poppy was brought from India to Persia. In recalling this fact of history, I do not intend to censure the Arabs or Indians for sending us this treacherous plant, the lovely flowers of which enchant the eye but the juice of which poisons the blood. On the other hand, their purpose was a humanitarian one. For many centuries opium was used as a perfectly legitimate remedy to assuage pain. Our climate is dry and favourable to the poppy, and Persian opium, owing to its superior quality and moderate price, has gradually conquered a high place on the world market. Buyers come from all countries to purchase opium from us for medical needs.

Farmers in our southern provinces naturally were glad to undertake the cultivation of the poppy and thousands of families lived solely by producing this plant. Unfortunately, the spirit of evil has discovered a second quality in opium over and above its beneficial one: a devilish quality which unbalanced men in the East and West alike have begun to abuse in such a manner that the Governments have taken alarm and have convened several international conferences — of which the present is the most important — to discover a remedy against this scourge of mankind.

On behalf of our Government, we strongly desire that this distinguished Conference shall succeed in its arduous, difficult and humanitarian task.

We are happy to be able to state that our Government is in agreement with the League of Nations and warmly appreciates its splendid efforts to seek a means of saving the world from the danger of intoxicating drugs.

Our Government is in agreement with the principles contained in the proposals of the United States delegates and it is ready to give its adherence to Article 3 of the Hague Convention as well as to the system of import and export certificates for opium.

But, Mr. President, ladies and gentlemen, you in your turn will agree with us that it is impossible by a single stroke of the pen to deprive thousands of farmers and other persons of their livelihood. We must think, too, of the fate of the innumerable families of producers and workmen and replace the cultivation of the poppy by something else. Serious reflection must be given as to how to effect this change. All these questions must be seriously examined.

We have detailed proposals to put before the Conference and we hope that it and the League of Nations will look favourably upon our righteous claims.

In conclusion, I venture to add a few opinions of my own, which I have had the honour to express to the Committees and to the Assembly. In addition to all administrative measures, it would be of the utmost expediency to employ an intensive and untiring propaganda through the distribution of pamphlets in all languages,

by the placarding of notices, through the Press, by illustrated lectures and by suitable cinematographic films.

Consumers of opium have yielded to this vice of their own accord. Their eyes, therefore, must be opened in order that they may also, of their own accord, renounce this mischievous habit. (*Applause.*)

#### **The President :**

*Translation :* M. Sugimura, delegate of Japan, will address the Conference.

#### **M. Sugimura (Japan) :**

*Translation :* The guiding principle of the Japanese delegation at the present Conference is as clear and unambiguous as that by which it was guided at the preceding Conference, namely, that considerations of a humanitarian nature and public health are paramount. No effort will be spared to attain our ideal. I have great pleasure in being able to tell the Conference that the illegal consumption of narcotics does not exist in Japan itself, in Formosa, in the leased territory of Kwantung, or in Korea.

Our chief interest in this matter, from the practical point of view, concerns the possibility of strictly limiting imports and manufactures of dangerous drugs to the quantities required for medical and scientific purposes. If we keep steadily before us certain lofty considerations of humanity and social hygiene, we shall find no great difficulty in reaching an agreement. The Japanese delegation will warmly welcome any proposal which the other delegations may make for attaining our ideal.

Before we begin to discuss in detail the problem before us, the first delegate of Japan, M. Kaku, former Civil Governor of Formosa, would like to make a general statement based on long personal experience. M. Kaku is indeed the highest authority in Japan on these questions. He is at the head of the administration specially appointed for this purpose. The Japanese Government and people rely upon him for an effective solution of the problem of the illegal traffic in narcotics.

M. Kaku will speak in Japanese, but he will be interpreted into English and French by the able interpreters of the Secretariat of the League who do so much to facilitate relations between delegates. (*Applause.*)

#### **M. Kaku (Japan), speaking in Japanese :**

*Translation :* The problem of narcotic drugs to-day has ceased to be a local problem of any one country, and is becoming a question of concern to the whole world. It is intimately connected with the problem of opium smoking, which was the chief concern of the First Conference.

The fundamental problem dealt with by the First and Second Conferences is in many respects the same, namely, the problem of addiction to the habitual use of opium and other narcotic drugs. It is therefore evident that it is difficult to separate these two phases of the problem entirely, and the proposal which I presented to the First Conference will naturally form part of this statement. When the problem includes the question of the legitimate use of drugs for medical and scientific needs and, at the same time, the abusive use of nar-

cotics, the question of control becomes extremely complicated.

The Japanese Government, recognising the danger of these habit-forming drugs, had promulgated laws, long before the first International Opium Conference met at The Hague in 1912, to prevent the abuse of opium and other narcotic drugs. The regulations for controlling the drugs were enforced so strictly and so effectively that to-day the Japanese are entirely free from this evil habit.

As the Japanese Government ratified the International Opium Convention, the laws and regulations were amended on January 1st, 1921, in conformity with its provisions, so that the importation of raw materials and of the substances covered by the Convention and the manufacture of the drugs were limited to the quantity required for legitimate use.

As regards the exportation of narcotic drugs, the Government has not only faithfully and energetically observed the provisions of the Opium Convention, which is considered to be based on humanitarian principles, but has also exercised a strict control over the means adopted for securing the quantities of drugs required for medical and scientific use in the country.

Fortunately, as the result of measures of strict control and of social education, the Japanese have kept themselves entirely free from the drug habit. But, unfortunately, in many parts of the world, they have found themselves in danger from these drugs.

What are the causes of the habitual use of narcotic drugs? A careful study of the causes and of the subsequent development of addiction to narcotic drugs shows that they may be roughly classed in two groups.

First, there are the causes which are found among the habitual opium smokers. These addicts sought relief in narcotics when they were forcibly deprived of opportunities of opium smoking to which they were accustomed. This fact may account for the total absence of narcotic addicts among the opium smokers in Formosa, where there exists a strict Government control under which addicts are permitted to smoke.

Secondly, there are the narcotic drug addicts who must have gradually acquired the habit largely by long-continued use of the narcotics for remedial purposes, or who, for some other incidental reasons, were led to abuse them.

If these observations are correct, we must find a solution of the problem of the abuse of narcotic drugs, not only in suppressive measures for the control of the traffic in the drugs, but also in a rational scheme for the treatment of addicts who are already victims of the drug habit.

In my personal opinion, we may effectively solve the problem of dealing with the first group, a problem intimately connected with the policy of the suppression of opium smoking, by adopting measures similar to those which have been considered at the First Conference.

In regard to the second group, the nature and extent of the social evil involved has occupied the attention of the entire world and it is clearly realised that this complicated problem must be seriously considered. In order to find a permanent solution, it would seem necessary to adopt measures varying according to different local conditions.

In a country where the narcotic drug problem is an acute and grave one, measures may be adopted, first, by means of strict control and social education, to prevent people from falling into the evil habit, and, secondly, to treat adequately those who have already become victims of the drugs.

The latter measures should have a direct bearing on the clandestine use of drugs, which are generally obtained by contraband. So long as the narcotic drug addicts are left free to indulge their propensities, the demand for narcotic drugs, whatever preventive measures we may take, will somehow be satisfied, just as water inevitably finds its own level. Unless rational measures are adopted to check the demand, sooner or later there will be an abundance of contraband supplies. Moreover, it is essential, in the name of humanity, to adopt rational measures for dealing with the victims of the drugs, who otherwise, sooner or later, will find their satisfaction in drugs illicitly obtained.

The real value of international agreement depends on good-will and on the spirit of co-operation. There must be confidence in the good faith of each of the signatory Powers assembled here at the Conference if we are to reach an effective arrangement for a solution of this grave problem of narcotic drugs.

In this spirit the Japanese delegation moved, by the same ideals which animate all delegations assembled here, declares that it will co-operate to the best of its ability towards the attainment of the object of the Conference in finding a solution for the problem of narcotic drugs.

**The President :**

*Translation* : M. Dendramis, delegate of Greece, will address the Conference.

**M. Dendramis (Greece) :**

*Translation* : Mr. President — On behalf of my Government, I have the honour to submit a memorandum on the opium traffic question. As the document will in due time be distributed, I need not read it. Vide Minutes of Sub-Committee F, Annex 2. I desire, however, to state that the Greek Government is at present considering the ways and means of accelerating the progress of Greek legislation in this matter, and it hopes that the experience obtained as a result of the present Conference and the resolutions adopted by it will furnish invaluable assistance in developing further legislative improvements.

I am confident that all countries represented here are of a like mind.

I wish to state that my Government feels great satisfaction in taking part in this Conference organised by the League, which has so consistently endeavoured to promote the interests and ideals of mankind.

The establishment of the League of Nations has resulted in an entirely new international situation, and we must all feel deeply grateful to the League for having paid special attention to this problem and for having placed its social and humanitarian work in the forefront of its policy.

The Greek delegation sincerely hopes that the endeavours of this Conference will be crowned with complete success. (*Applause.*)

**The President :**

*Translation :* Will the Greek delegate be good enough to give a copy of his memorandum to the Secretariat? It will then be roneoed, translated into English, and distributed to the delegates. It will be annexed to the record of the present meeting.

The last speaker on my list, M. Chodzko, delegate of Poland and of the Free City of Danzig, will address the Conference.

**M. Chodzko** (Poland and the Free City of Danzig) :

*Translation :* The Polish Government, with which is associated the Senate of the Free City of Danzig, is desirous of co-operating energetically in all humanitarian and social work of international scope, and has accordingly decided to take part in the discussions and assist in the decisions of the Second International Opium Conference, convened under the auspices of the League of Nations with a view to averting the ever-growing danger of moral and physical degeneration due to the poisonous effects of narcotic drugs.

Although there can be no question as regards the good intentions of those who conceived the Hague Convention of 1912, its stipulations have been found ineffective for suppressing this scourge. This, no doubt, was the consideration which led the great author of the Covenant of the League of Nations to entrust to that body the duty of undertaking this task. We may dwell with feelings of the greatest satisfaction upon the enthusiasm shown by the first Assembly of the League, which, by its resolution of December 15th, 1920, paved the way for this important work. In pursuance of that resolution, there were set up a permanent committee, namely, the Advisory Committee on the Traffic in Opium, and a special section in the Secretariat of the League. In the three years that have elapsed since its creation, the Advisory Committee has achieved a great deal of preparatory work, for which it deserves our thanks. It must, however, be frankly admitted that the progress of its work has been handicapped in many matters owing to the absence of representatives of non-producing countries and of medical experts on the Committee. The very greatest benefits have been derived from the participation of representatives of the United States of America in the Committee's proceedings and from the assistance given by the League's Health Committee, which the Advisory Committee has consulted on various medical points.

I need not say that, as the League, by virtue of Article 23 of the Covenant, has assumed the direction of and responsibility for the work, the final goal of which is the suppression of the abuse of narcotics, this difficult task can only be brought to a successful conclusion through the inspiration of the lofty humanitarian and social principles upon which the League itself is founded.

The question of narcotics is intimately connected with that of the physical and moral well-being of mankind, and cannot, therefore, be treated either as a commercial or as an administrative question, for these two aspects are merely of secondary importance. It is a purely medical and social problem. The only legitimate requirements as regards narcotics are medical and scientific requirements. All others — if such exist — constitute abuses. This is the general principle adopted by the Health Committee of the League and is the principle on which are based — among others — the Polish law of June 22nd, 1923, on narcotics, and the similar laws of the Free City of Danzig of June 20th, 1920, and October 9th, 1924. Unless this definite principle, which is the only equitable one, be adopted, the work for which the League has convened the present Conference is condemned to failure, while public opinion in all countries will be sorely disillusioned and the universal prestige enjoyed by the League will suffer serious damage.

If there are abuses which, owing to the varying conditions of life in the different countries, can only be gradually suppressed we must quite frankly admit the fact, and point out the ways and means which we think effective for rescuing as speedily as possible the unhappy people who are the victims of those abuses.

You will all agree that no State, no community, no individual is entitled to found its prosperity upon the misfortunes of any human being of whatever race, religion, or class.

The essential object, therefore, towards which this Conference should direct its work is to find a categorical definition of what we mean by legitimate requirements as regards narcotics and what we consider to be abuses.

That, in the view of my Government and of the Free City, is the main consideration. It is in the hope that this principle will be realised that the Governments of Poland and Danzig have instructed me to offer their warmest wishes for the complete success of the work of this important International Conference, wishes with which they couple the expression of their gratitude towards the League for convening the Conference. (*Applause.*)

**The President :**

*Translation :* There are no more speakers on my list. We will, therefore, not prolong the meeting to-day. The next meeting of the Conference will be held to-morrow morning, as an exception at 11 o'clock, as the Drafting Committee has to meet before the Conference. Normally, we shall meet at half-past ten.

The agenda includes the reports by the Committee on the Rules of Procedure and by the Committee on Credentials. After examining these two reports, we shall resume the general discussion, for which I have already one speaker on my list.

The Conference rose at 4.30 p.m.

## THIRD MEETING

Held at Geneva on Wednesday, November 19th, 1924, at 11 a.m.

### CONTENTS :

13. EXAMINATION OF THE REPORT OF THE COMMITTEE ON CREDENTIALS.
14. EXAMINATION OF THE REPORT OF THE COMMITTEE ON THE RULES OF PROCEDURE.

President: M. Herluf ZAHLE.

### 13. EXAMINATION OF THE REPORT OF THE COMMITTEE ON CREDENTIALS.

#### The President :

*Translation* : Ladies and gentlemen — The first item on the agenda for the present meeting is the consideration of the report of the Committee on Credentials.

I will request the Vice-President, M. de Aguero y Bethancourt, Rapporteur of the Committee on Credentials, to take his place upon the platform.

(M. de Aguero y Bethancourt, Rapporteur of the Committee on Credentials, took his place on the platform.)

M. de Aguero y Bethancourt (Cuba), Rapporteur, then read his report (Annex 4) and concluded as follows :

*Translation* : I wish to point out that I have not mentioned all the delegates by name in my report. The list would have been too long and members may refer to the full list which has already been distributed to each delegate.

The Committee on Credentials trusts that the Conference will approve the manner in which it has examined the full powers conferred by Governments on delegates and also the resolution of the Committee.

#### The President :

*Translation* : Does anyone wish to speak on the report of the Committee on Credentials ?

As no one wishes to speak, I take it that you approve the report.

*The report of the Committee on Credentials was adopted.*

### 14. EXAMINATION OF THE REPORT OF THE COMMITTEE ON THE RULES OF PROCEDURE.

#### The President :

*Translation* : We will now pass to the second item on the agenda.

I will request Sir Malcolm Delevingne, Rapporteur of the Committee on the Rules of Procedure, to read his report.

Sir Malcolm Delevingne (British Empire), Chairman and Rapporteur of the Committee on the Rules of Procedure :

As the report of the Committee on the Rules of Procedure has been distributed to the Conference both in French and in English (Annex 5), I do not propose to read it, but I wish to draw the attention of the Conference to the fact that, by an inadvertence, at the end of the fourth paragraph a blank has been left which must be filled in in order to make the report complete. It was intended to complete the sentence by an addition in the same terms as the second paragraph of Article 5. May I ask the Conference, therefore, to read the report as though, in the place where the blank appears, these words were inserted :

“To make proposals to the Conference for the arrangement of the business of the Conference, to nominate for the approval of the Conference, should occasion arise, the members of any Committee which shall be constituted by the Conference, to examine and report on communications made to the Conference by private organisations or individuals, to approve of communiqués issued to the Press, and to consider and report on any other matters which may be referred to them by the Conference.”

With that addition, the report is complete.

There are only two matters on which I need make any remarks. The first is the proposal in the new Article 5 which the Committee has suggested for the consideration of the Conference. That new article proposes the establishment of a Business Committee. Its functions are described in the words which I have just read.

The purpose of the establishment of such a Committee is twofold. In the first place, we think it will facilitate the work of the Conference, as it will avoid, or at any rate shorten, discussions which might possibly be very long in the full Conference on matters which relate only to the procedure or business of the Conference. In the second place, the President has been good enough to say that the appointment of such a Committee will greatly assist him in his heavy task of directing the work of the Conference.

This proposal is not a novel one. It has been adopted in other Conferences and has been found to work very satisfactorily. In the International Labour Conferences, which are held at Geneva under the auspices of the League of Nations, that method is always adopted, and I can speak from personal experience as to its value.

The other matter to which I think it necessary to refer arises on Article 11 of the revised draft — Article 10 in the original draft. A difficulty arose in the First Opium Conference as to the interpretation of the corresponding article in the Rules of Procedure of that Conference, and the Committee has accordingly re-drafted the original Article 10 in order to make its meaning quite clear. We have also

made an amendment in the article which will allow a motion or resolution which has not been distributed beforehand to be discussed if — but only if — the Conference agrees by a unanimous vote.

The Committee hopes that the Conference will approve its report and the revised draft rules which it submits.

**M. Clinchant (France) :**

*Translation :* I desire to propose a slight modification in Rule 5. The number of members of the Business Committee should be increased from ten to eleven. My idea is not merely to increase the number of representatives on the Committee but to avoid offending the superstitious. If the number is fixed at ten, the total number of members, including the President and two Vice-Presidents, will be thirteen. If we adopt the number eleven, we shall have fourteen members.

**The President :**

*Translation :* I will request M. Clinchant to be good enough to submit his amendment in writing in conformity with paragraph 2 of Rule II.

**M. de Palacios (Spain) :**

*Translation :* I should like to make a remark, which perhaps may not be of any great importance, regarding the first paragraph of Rule I. This reads: "delegates.....duly supplied with plenipotentiary powers". According to the decision which we have just adopted, however, delegates need only be in possession of plenipotentiary powers when they come to sign the Convention. There is here, I think, an inconsistency. It would be better to state that delegates must be furnished with adequate powers; this would conform with the opinion of the Committee on Credentials. I may add that if my proposal is not unanimously accepted, I will withdraw it.

Secondly, the second paragraph of the same rule reads: "The delegate of each Government may be accompanied by technical delegates...". These words convey the impression that each Government may send only one delegate to the Conference. The principle, however, has been admitted that Governments may send several delegates. The paragraph might be re-drafted as follows: "Each delegate may be accompanied by technical delegates..."

**M. Dinichert (Switzerland) :**

*Translation :* I wish to second the proposal which has just been made by the delegate of Spain. In the Committee appointed by the Conference to consider the Rules of Procedure I proposed the words "delegates should be furnished with the necessary powers". The other members of the Committee did not seem to attach much importance to the matter and I did not press my point. We have, however, just approved the official report of the Committee on Credentials, in which a distinction has been drawn between powers and plenipotentiary powers. It is then, I think, desirable, if not essential, that the two texts should be consistent. We should, therefore, adopt M. Palacios' proposal and alter the text to read "the delegates.....duly furnished with powers", or "with the necessary powers".

As the President has been good enough to

allow me to speak, I may perhaps venture to support also the proposal submitted just now by the first French delegate, namely, that the number of members of the Business Committee should be eleven. Even with fourteen instead of ten members, not all delegations will be represented on the Committee. There is no objection to this as a matter of principle, but it might be found inconvenient if, taking, for instance, the question of business procedure, each delegation was unable to submit all the proposals which it might think desirable for the Conference. We can give each other this assurance, namely, that all delegations represented on the Conference would, of course, retain the right to submit proposals regarding business procedure; if, therefore, proposals are not examined by the Business Committee, they may be raised at the plenary meeting.

**Sir Malcolm Delevingne (British Empire),** Chairman and Rapporteur of the Committee on the Rules of Procedure :

The first suggestion made for the modification of the revised rules was that of the delegate of France. I have no objection whatever to his desire to avoid the superstitious number of thirteen and, if the rest of the Conference shares his fears, I am quite prepared to agree to the substitution of eleven members for ten.

The second suggestion was that of the delegate of Spain. The point he raised, as M. Dinichert has said, was discussed in the Committee. It was also discussed at the First Opium Conference. The First Conference decided that the rule should stand as it appears in this draft, and yesterday the Committee of your Conference came to the same decision. The point is one of real substance. The invitation sent out by the Council of the League, on the recommendation of the Assembly, was that the Governments concerned "should send representatives with plenipotentiary powers to a conference" (I quote from the text of the Assembly resolution of September 27th, 1923).

This Conference was intended to be a Conference of delegates with plenipotentiary powers; each Government was invited to send a delegation with those powers to meet delegations from other Governments possessing similar powers. In my opinion, therefore, we have no power to draft, or at any rate it would create a precedent if we drafted, our Rules of Procedure so as to alter the constitution of the Conference.

The delegates of Spain and Switzerland referred to the fact that a number of the delegations at present are only provided with "pouvoirs" and not with "pleins pouvoirs". The admission of delegates with simple powers instead of full powers, however, was only intended, I think, to be a temporary measure pending the receipt by the delegations of the necessary full powers, and it was also understood, I think, that the full powers would be obtained before the Conference was concluded and the time arrived to sign a Convention. This seems to me to be a satisfactory solution. All delegations are admitted, as they were at the First Opium Conference, to take part in the proceedings of the Conference on the simple nomination of their Governments, but the full powers which are contemplated by the invitation to the Conference will be obtained, presumably, before

the close of the Conference and the signature of the Convention.

I therefore hope that the Conference will decide to maintain this rule in its present form, so as to permit of the compromise, which worked very well in the First Conference, and which, I imagine, will work equally well in the Second Conference — the arrangement by which all delegations which have been duly appointed by their Governments to attend the Conference will be admitted and have the right to take full part in the discussion, on the understanding that, before the close of the Conference and the signature of the Convention, the necessary full powers will be obtained.

As regards M. Dinichert's suggestion that, if the Business Committee is appointed, it should be understood that every delegation retains its full right and liberty to submit proposals in regard to the work of the Conference which it considers desirable, that, of course, is understood. The Business Committee is only designed to facilitate the work of the Conference by allowing the consideration of matters of business and procedure to take place, as much as possible, in Committee, with the full reservation to the Conference and to individual delegations to pronounce on these matters in plenary meeting.

**M. Sugimura** (Japan) :

*Translation* : The Japanese delegation accepts and warmly seconds everything which has just been said by the delegate of the British Empire.

**M. Dinichert** (Switzerland) :

*Translation* : I hardly like to press my point, but if a question of this nature appears to be worth consideration by the Conference it had better be solved in a logical manner.

It is true that the letter of invitation from the Council of the League invited our Governments to send delegates "supplied with plenipotentiary powers". So long as this qualification was considered to be rather a question of drafting, there was no need to attach great importance to it. It was for this reason that I decided yesterday in the Committee not to maintain my original proposal.

The delegate of the British Empire has just told us that the question is one of principle. If it is a question of principle, since the Committee on Credentials has drawn a distinction between "powers" and "plenipotentiary powers", we must be logical and in that case must inform delegates who only have "powers" that they are not qualified to take part in the Conference.

The Conference has just taken a contrary decision. It has said that delegates who have "powers" and those who have "plenipotentiary powers" are both admitted to the discussions, that they are on an exactly identical footing and that there is no distinction between delegates of the first and second categories. The question of principle should have been raised when the Conference took this decision. It cannot arise now since the Conference has decided, on the advice of the Committee on Credentials, that both categories should be entitled to take their seats here.

The Rules of Procedure which we are submitting to the Conference will be the rules governing our discussions, it being understood that when we come to sign a Convention we shall

examine the credentials to see which are in order and which are not. If there is any question of principle, it has been settled by your acceptance just now of the report of the Committee on Credentials. Personally, I am not raising a question of principle, but a question of order, method and logic.

**M. de Palacios** (Spain) :

*Translation* : I should be glad if I could meet the wishes of the Chairman of the Committee on the Rules of Procedure by withdrawing my proposal. Truth, however, compels me to state that I am more and more convinced that it should be adopted. The words "delegates ..... duly supplied with the necessary powers" would be read as covering both plenipotentiary powers and other powers. The words "supplied with plenipotentiary powers" cannot be retained in rules which have to be applied during the discussions, and when the majority of members have not been provided with plenipotentiary powers. Thirteen members are supplied with plenipotentiary powers and twenty-three with simple powers; the latter would, therefore, find themselves placed in a different position from that of the other members, and, in my opinion, this should be avoided.

The Chairman of the Committee on the Rules of Procedure has referred to a precedent which is perfectly legitimate and on which he based his views. He has told us that the First Opium Conference settled the question on the lines which he proposes that we should adopt. I fully realise the authoritative nature of the decision taken by the First Conference, but I must state emphatically that I do not regard myself as in any way bound by any decision of that Conference. The present Conference, which is altogether different in composition, is free to settle the question at its own discretion.

**Mr. MacWhite** (Irish Free State) :

*Translation* : From a legal point of view, we cannot, of course, make any alteration in the wording of the rule. As, however, only thirteen countries have sent delegates who are furnished with plenipotentiary powers, I would enquire what will be the position, at the end of the Conference, of those delegates who have not been furnished with plenipotentiary powers?

**M. Comnène** (Roumania) :

*Translation* : Gentlemen — I wish to dwell, though quite briefly, on one point. It would, I think, be extremely dangerous to make, as the Swiss delegate has just said, a distinction between the delegates, that is to say, to lay down which of them will and which will not be entitled to speak during the discussions in the various Committees.

There can be no doubt that only delegates who have plenipotentiary powers can sign a Convention. Consequently, when the time comes for signing the Convention, we shall have to enquire whether each delegate affixing his signature to the document is in possession of plenipotentiary powers or no.

May I remind the Chairman of the Committee — who has on several occasions been one of the most valuable members of the International Labour Conference, and who has been instrumental in getting adopted a very



large number of Conventions as well as recommendations — that the majority of the delegates taking part in that Conference were not provided with plenipotentiary powers, but merely with letters either from their respective Governments or from their accredited Legations in Switzerland.

I had the honour to be the Chairman of the Committee on Credentials at the last Assembly of the League, and I had occasion to note once again that this principle was confirmed. It would, therefore, in my opinion, be positively dangerous to call in question a matter which has been unanimously accepted by the Members of the League.

**The President :**

*Translation :* The Chairman of the Committee on Credentials, who has had great experience in this matter in the Assemblies of the League, will address the Conference.

**M. de Aguero y Bethancourt (Cuba), Vice-President :**

*Translation :* Being, as the Chairman has said, the senior member here, I may perhaps venture to draw the attention of the Conference to this question, the intricacy of which has been pointed out by M. Dinichert and M. Comnène.

It is extremely difficult to make a distinction, and even more difficult to accept one, between the delegates present at the Conference. They represent Governments which are equal in the eyes of international law. Therefore, all delegates present are equal.

As regards the distinction between plenipotentiary powers and powers, I may point out that the Committee on Credentials merely recognised a *de facto* situation. Some Governments have furnished their delegates with plenipotentiary powers, while others have merely appointed a representative. The fact is not unprecedented. I have frequently come across it, having for five years acted as Chairman of the Committee on Credentials during the Assemblies of the League.

The following procedure was adopted on those occasions. Delegates furnished with plenipotentiary powers signed the Conventions, while those who were merely appointed as representatives of their Governments applied to the latter for the necessary plenipotentiary powers. In support of what I have just said, I will refer you to the report of the Committee on Credentials, in which the following paragraph occurs :

“The Committee for the examination of credentials considers that all the delegates whose names appear above are duly authorised to represent their countries at the Conference. The Committee presumes that, prior to the signature of any convention or agreement which may be adopted by the Conference, delegates not yet in possession of their full powers will obtain the necessary authorisation to that effect from their Governments.”

Delegates present at the Conference are undoubtedly on an equal footing, they have the right to take part in the proceedings and to state their views, but, if a Convention is to be signed, those in possession of plenipotentiary powers will sign it and the others will then apply

to their Governments for such powers. It cannot be argued that delegates who are accredited by their Governments are unable to take an active part in the proceedings of the Conference or sign a Convention. It is for them to regularise their position, and the Conference has no need to deal with details of this nature.

**M. Buero (Uruguay) :**

*Translation :* Mr. President — I will not occupy the attention of the meeting for more than a few moments, but I wish to support the remarks just made by M. de Palacios, M. Dinichert, M. Comnène and also M. de Aguero, as regards the discrepancy between the decision which we have just taken on the report of the Committee of Credentials and Article I of the report on the Rules of Procedure.

At the same time, I should like to make more precise one point to which M. de Aguero referred. He told us just now that the Committee on Credentials had examined the papers forwarded by the Governments and found, for example, that one Government appointed M. X as delegate and another, M. Y, as delegate with full powers. I think there is some slight confusion here. I may observe that full powers are conferred by an instrument which may follow the appointment of the delegates. Although I do not speak with the authority of a veteran like M. de Aguero, I may say that it has frequently happened at committees or conferences in which I have taken part that a Government has appointed as its delegate a minister, an ambassador or an attaché and that only some eight to ten days later has it forwarded the document empowering its delegate to sign the Convention.

I think, therefore, Mr. President, that this consideration is in favour of the solution proposed by M. de Palacios because it is customary in the case of all Conventions to fix a certain date, even subsequent to the closing of the Conference, by which members who have sat on Committees or Conferences may receive full powers to sign the Convention.

In these circumstances, a Convention, if we are able to conclude one, may be accepted and voted by the majority of the delegates here present, whatever their powers, and may be signed by the delegates furnished with full powers and also by those who receive these powers later.

I consider that the solution proposed by M. de Palacios is fair and reconciles the various points of view by laying down that the delegate must be provided with the necessary powers, and by necessary powers we understand, in the first place, the powers necessary for discussion.

**M. Ferreira (Portugal) :**

*Translation :* I do not claim to elucidate the question entirely, but I venture to submit to you my point of view in the form of a short illustration. Suppose that three travellers take the train for Berne; each of them takes a ticket, one first class, another second class, and the third, third class. All three travellers have full powers to proceed to Berne, but in order to eat in the restaurant they require special full powers.

**The President :**

*Translation :* As there are no other speakers

on the list, I declare the discussion closed and I call upon Sir Malcolm Delevingne, Chairman of the Committee on the Rules of Procedure, to address the Conference.

**Sir Malcolm Delevingne** (British Empire), Chairman and Rapporteur of the Committee on the Rules of Procedure :

My feeling is that too much importance has been attached to this point. Whichever way the matter is decided, the work of the Conference will proceed on exactly the same lines. A similar situation arises, I believe, at almost every International Conference which, like this Conference, is assembled for the purpose of arriving at a Convention or an Agreement.

There are always some delegates who arrive without their full powers, and whose full powers do not turn up till quite late in the proceedings. No difficulty is ever raised. They have been nominated by their Governments, it is presumed that the full powers will come, and they are regarded, if not as actual plenipotentiaries, as potential plenipotentiaries.

This is surely the situation here. The Council has invited the Governments to send plenipotentiaries; the Governments represented here have accepted that invitation and have sent delegates. We presume that, if their full powers are not here yet, they will eventually be here. The delegates are plenipotentiaries potentially, if they are not actually.

I think the delegate from Spain repudiated the precedent which I quoted, namely, the decision of the First Opium Conference. Of course, I had no desire to suggest that the present Conference was bound by any precedent whatever. I merely quoted it as one of many instances. I am informed, and I believe it is the case, that the course which your Committee has ventured to recommend is supported by numerous precedents; in fact, it is, I think, the usual procedure.

Certain precedents were quoted on the other side by the delegate of Roumania and by our Vice-President. The delegate of Roumania referred to the International Labour Conference; our Vice-President referred, among other bodies, to the Assemblies of the League. It seems to me that in neither case do we get an exact parallel to our own situation.

The International Labour Conference is not a Conference of plenipotentiaries; it does not meet to sign Conventions. It meets to adopt draft Conventions under an entirely different procedure, which was especially established by the Labour Chapter of the Treaty of Peace of Versailles. There is therefore no question of sending delegates with plenipotentiary powers in the case of the International Labour Conference.

In the case of the Assembly, I think it is much the same. The delegates to the Assembly do not come with the same object as that which we have in view here. We are assembled to conclude, if possible, an Agreement, and that Agreement, if concluded, will be signed by all those who approve it. This is not what takes place — generally speaking — at an Assembly of the League.

If the suggestion of your Committee is adopted, there will be no danger — at any rate, in my view, and I thought it was the view of all the members of the Committee until M. Dinichert spoke — of there being two categories,

nor, I think, will there be any tendency to regard a delegate who has not yet received his full powers as only a third-class passenger. Everybody will be on the same footing; everybody will be regarded, as I said just now, as a potential plenipotentiary, and in practice no difficulty, no inconvenience, will, I am convinced, arise.

It was suggested, I think, by our Vice-President that we can very well wait for the full powers till the Convention is ready for signature or, at any rate, till towards the end of the Conference. I do not quite see how delegations who come from the other end of the world are to obtain their full powers if they wait till the end of the Conference. I think there is here a practical difficulty which emphasises the importance of full powers being obtained as early as possible.

I appeal to the delegate of Spain not to press his suggestion. I personally regard this matter as a real question of principle, as I explained in my previous remarks. We are summoned as a Conference of plenipotentiaries. The invitation was sent to each Government in that sense. I submit, with all respect to the Conference, that it does not rest with us to alter the constitution of the Conference. We ought to meet one another on the basis of perfect equality, and we shall, I think, meet one another on that basis if we treat the Conference as a Conference of plenipotentiaries, assuming, as we are entitled to assume, that those delegates which have not yet received their full powers will receive them before the end of the Conference.

As I said just now, we have ample precedent for adopting this course. Precedents are not always logical, but they are very convenient; and if we once get entangled in the meshes of logic I am afraid it will be a long time before we get out.

I therefore appeal to the Spanish delegate to be so good as to avoid pushing the matter to a vote, because I am sure some of us would feel obliged to maintain the point of view of your Committee. The Committee has considered the point very carefully, and I think it will be more generally satisfactory if no vote is taken but the matter is allowed to drop, on the understanding which I have mentioned.

#### **The President :**

*Translation* : I will now sum up the discussion. We have before us three different proposals :

First, the proposal of the French delegation, to raise the number of the members of the Business Committee provided for in Rule 5, from ten to eleven.

I take it that this amendment has been accepted by the Chairman of the Committee on the Rules of Procedure and by the Committee itself, and that there is therefore no necessity to vote upon it.

Secondly, there is the proposal of the Spanish delegation, to modify the second paragraph of Rule 1 as follows : "Each delegate may be accompanied by technical delegates".

This modification, too, I consider to have been adopted by the Chairman of the Committee and there is therefore no need to vote upon it.

Before I speak of the other proposal of the Spanish delegate, which has given rise to some discussion, the Chairman of the Committee



will allow me to draw the Committee's attention to the second paragraph of Rule 5. This paragraph enumerates the functions of the Business Committee and contains these words : "To report . . . . to the Conference . . . . . to approve all communiqués issued to the Press". This formula seems to me to be too wide. The meetings of the Conference are public, the Press is present, and it seems to me very difficult, if not impossible, to restrict the rights of the Press to the records of the official meetings. The Committee, in using this phrase, was thinking perhaps of the communiqués sent to the Press, which do not consist of records of the meetings. I should be glad of an explanation on this point.

**Sir Malcolm Delevingne** (British Empire), Chairman and Rapporteur of the Committee on the Rules of Procedure :

There was, of course, no intention on the part of the Committee to interfere in any way with the full liberty of the Press to send to their organs whatever accounts they chose of the proceedings at the plenary meetings of the Conference — which are, of course, open to the Press, as are the Verbatim Reports prepared by the Secretariat. What the Committee had in mind was that, if communiqués are issued to the Press by the Conference, those communiqués should be submitted to and approved by the Business Committee. I believe your Committee on the Rules of Procedure attached importance to a full and authoritative communiqué of the proceedings of the Conference being given to the Press — that is, communiqués issued to the Press for use if they so desire ; communiqués of the proceedings of the Conference which would be authoritative. This was the intention of the Committee. Its proposal was not designed in any way to interfere with the liberty of the Press. We have, of course, no power whatever to do that.

**The President :**

*Translation :* I do not yet quite understand. Does the Committee intend that this paragraph should refer to the communiqués issued by the Information Section of the Secretariat and sent to the countries or newspapers which are not represented here ?

**Sir Malcolm Delevingne** (British Empire), Chairman and Rapporteur of the Committee on the Rules of Procedure :

Yes, I think the Committee had in mind any communication issued officially by the Secretariat. We were not distinguishing between the different organs of the Secretariat, which we regarded as one indivisible whole for this purpose. We thought that any communications issued officially to the Press by the Secretariat should be examined and approved by the Business Committee.

**The President :**

*Translation :* It is not for me to express an opinion on this matter, but I am somewhat doubtful. It will involve a considerable amount of work, which will have to be performed at great speed and which may be unnecessary ninety-nine times out of a hundred. This duty will, I think, be difficult to carry out in accordance with the interpretation of the Chairman of the Committee, but I am prepared to acquiesce.

**Sir Malcolm Delevingne** (British Empire), Chairman and Rapporteur of the Committee on the Rules of Procedure :

That point was raised and discussed in the Committee, and we all agreed that in those cases where it was not convenient for the Business Committee to meet, the task of approving the communiqués to the Press should be entrusted to the President of the Conference, if he were willing to undertake it.

**M. Sugimura** (Japan) :

*Translation :* In my opinion, the Conference should not be in any way dependent upon the Business Committee. The Plenary Conference must be supreme in the matters with which it has to deal. We have full freedom of action in the important task entrusted to us.

**The President :**

*Translation :* I do not think it is necessary to open a general discussion on this point. I would draw the attention of the Japanese delegate to the fact that the intention of the Committee on the Rules of Procedure was certainly not that which he has imputed to it. The second paragraph of the new Rule 5 says : "The functions of the Committee shall be to make proposals to the Conference." It will therefore make proposals to the Conference and the latter will decide on its own authority upon any action to be taken in regard to those proposals. The function of the Business Committee is, in fact, to organise the work of the Conference.

There remains the first proposal of the Spanish delegation, which refers to the first paragraph of Rule 1. The wording proposed by the Committee on the Rules of Procedure is as follows : "delegates . . . . . supplied with plenipotentiary powers". The text proposed by the Spanish delegation runs : "delegates . . . . . supplied with the necessary powers". As this amendment has been discussed at length by the Conference, the only method of settling the question is to put it to the vote.

**M. de Palacios** (Spain) :

*Translation :* I would express to Sir Malcolm Delevingne once more my regret at being unable to withdraw my proposal. The words "the necessary powers" do not exclude full powers.

**The President :**

*Translation :* I propose to put the Spanish amendment to the vote. Shall we vote by roll-call or by members rising in their seats ?

**M. Sugimura** (Japan) :

*Translation :* I am against putting this question to the vote. We can find a suitable solution by friendly agreement. Lucidity is, undoubtedly, a special attribute of the great Spanish nation, as everybody knows. But there are times when we must acknowledge the common-sense which characterises the British.

With the help of a conciliatory spirit, we can all agree to enter upon an active campaign against this scourge of the illicit use of opium. The representatives of all civilised Governments are animated by the same desire and without voting we can arrive at an agreement if we adopt the rules as they now stand.

**M. de Palacios** (Spain) :

*Translation* : I have been very much touched by the words of the Japanese delegate. But I am disappointed. I had hoped, from the conciliatory spirit which M. Sugimura always brings to the work of the League, that he would propose to us a suitable formula which would reconcile the Committee's point of view with my own. He has perhaps forgotten to submit this formula to us. If he has found it, I shall be glad to accept it.

**M. de Aguero y Bethancourt** (Cuba), Vice-President :

*Translation* : I desire to make a direct appeal to that British common-sense to which our Japanese colleague has just referred. Does not Sir Malcolm Delevingne consider that the French wording "pouvoirs nécessaires" includes full powers and other powers? The words "necessary powers" include everything. If we simply say "supplied with plenipotentiary powers", the delegates who are only furnished with simple powers and who will be permitted to join in the discussions with us will feel themselves at a disadvantage if it has been decided that full powers are required.

The phrase "necessary powers" is general. It includes every kind of powers, whereas the phrase "full powers" is specific, since it only refers to one particular kind.

**The President** :

*Translation* : I did not wish to interrupt the Vice-President, but the discussion on the general question is closed. If anyone wishes to address an appeal to M. de Palacios or Sir Malcolm Delevingne, I will grant their request to speak, but only in this case.

**M. Veverka** (Czechoslovakia) :

*Translation* : I ask leave to speak on a point of order. I fear that this discussion is

beginning to have a dangerous and narcotic effect, and I suggest that the question be referred back to the Committee.

**M. Dendramis** (Greece) :

*Translation* : I have the honour to suggest the following motion, which will, I hope, be acceptable to both delegations. I propose that the wording shall be as follows: "delegates... supplied with powers for the work of the Conference and with full powers to sign any agreements which may be concluded as a result of the work of the Conference".

**The President** :

*Translation* : Before we continue the discussion, we must take a decision with regard to the proposal of the Czechoslovak delegate that the question be referred back to the Committee.

**Sir Malcolm Delevingne** (British Empire), Chairman and Rapporteur of the Committee on the Rules of Procedure :

I heartily support the suggestion of the delegate of Czechoslovakia. The Conference must be heartily tired of this discussion, and his suggestion appears to be the best way out of the difficulty. In the interval we shall be able to discuss the matter with the distinguished delegate of Spain and arrive at a solution which will be generally satisfactory.

**The President** :

*Translation* : If the Conference agrees, I for my part accept the referring back of this question to the Committee. Have any delegations any objections to the Czechoslovak proposal?

*The proposal to refer the question back to the Committee was unanimously adopted by the Conference.*

The Conference rose at 1.5 p.m.

## FOURTH MEETING

*Held at Geneva on Wednesday, November 19th, 1924, at 4 p.m.*

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15. EXAMINATION OF THE REPORT OF THE COMMITTEE ON THE RULES OF PROCEDURE: CONTINUATION OF THE DISCUSSION: ADOPTION OF THE RULES OF PROCEDURE.

**The President** :

*Translation* : In pursuance of the decision taken by the Conference at the end of this morning's meeting, the revised draft of the Rules of Procedure was referred back to the Committee which had prepared it. This Committee has since met and I call upon Sir Malcolm Delevingne, Chairman of the Committee, to

inform the Conference of the conclusions reached.

**Sir Malcolm Delevingne** (British Empire), Chairman and Rapporteur of the Committee on the Rules of Procedure :

Mr. President, the Committee has unanimously agreed to recommend that the Conference should settle the question by omitting paragraph 1 of Rule 1 regarding which the difficulty arose.

This solution cuts the Gordian knot, but we are all agreed that it is the best way out of the difficulty.

**The President :**

*Translation :* Does anyone wish to speak ?

If no one wishes to speak, I shall declare the debate on the draft Rules of Procedure closed and we will proceed to the vote.

The first paragraph of Rule 1 is suppressed, while the Spanish delegation's amendment, to the effect that the first sentence of paragraph 2 of Rule 1 should read : "Each delegate may be accompanied by technical delegates.....", and the French delegation's amendment, to the effect that the number of members of the Business Committee should be increased from ten to eleven (Rule 5, first paragraph), may be regarded as adopted.

It is not possible to distribute copies of the revised rules before we vote, but I think that all my colleagues know on what the vote will be taken, namely, the draft Rules of Procedure, with the amendments which I have just mentioned.

**M. Buero** (Uruguay) :

*Translation :* I should like to ask for an explanation regarding the Committee mentioned in Rule 5 of the Rules of Procedure. As the Committee on the Rules of Procedure has given no reason for the creation of this Committee and no information regarding the scope of its work, I should like to know what its exact duties will be. I ask this question because the majority of the countries will not be represented on this Committee — since the number of members has been fixed at fourteen — and they will therefore be left out of the discussions. I shall consider my apprehensions more or less justified according to the extent of this Committee's duties.

Before the draft Rules of Procedure are put to the vote, I would therefore like to ask the Rapporteur of the Committee to give us some explanation on this point. I reserve the right, after hearing his explanations, either to propose an amendment or to accept the rule as it stands.

**The President :**

*Translation :* I thought that the discussion on this point, which has already been raised by the Japanese delegate, had been concluded. When the Japanese delegate raised the question, I made a reply which he accepted ; moreover, the duties of this Committee seem to me to be sufficiently clearly explained in the text of the rule.

As the first delegate of Uruguay desires further explanations, however, I will ask Sir Malcolm Delevingne to give them after M. de Aguero y Bethancourt has spoken.

**M. de Aguero y Bethancourt** (Cuba), Vice-President :

*Translation :* I ask the President to correct me if I am wrong, but I understand that the discussion on the draft rules is not yet closed and that members are still entitled to submit observations thereon.

**The President :**

*Translation :* It is for the Conference to decide.

**M. de Aguero y Bethancourt** (Cuba), Vice-President :

*Translation :* I asked the President if he had closed the discussion, as he had said that we were going to vote on the draft Rules of Procedure, together with the amendments mentioned. All the articles, however, have not yet been discussed. We have merely discussed the amendments submitted by the French and Spanish delegations and the reply made by Sir Malcolm Delevingne.

For my part, I had an observation to put forward, which I had no time to make this morning. It concerns the Business Committee's right of approving all communiqués issued to the Press. I would like to ask Sir Malcolm Delevingne to what Press communiqués this sentence refers. Is the Business Committee going to approve the records of the meetings ? The Press, of course, attends all the meetings, since they are public. As certain journalists will be able to send reports to their papers, quite freely without having them passed by this Committee, why must journalists who are unable to attend all the meetings obtain the Committee's sanction ? If they have to wire to their papers, they are placed at a disadvantage on account of the time they will lose. All journalists ought to be placed on an equal footing, and we ought not to raise any difficulties.

At all the Conferences and Assemblies the Information Section of the Secretariat of the League has always been allowed to give information to journalists asking for it. By adopting the procedure proposed in Rule 5, we shall be delaying the communications of journalists who have been unable to attend our meetings.

Our work is of such humanitarian importance that it ought to be known throughout the world. Public opinion should be kept accurately informed of the progress of our work. Why create difficulties ?

I wish to ask the Chairman of the Committee on the Rules of Procedure to what kind of communiqué the sentence in Rule 5 refers. (*Applause.*)

**The President :**

*Translation :* Before calling upon Sir Malcolm Delevingne, I would request the members of the Conference to bring forward all the questions they wish to ask, in order that the Chairman of the Committee may answer them all together.

**M. Clinchant** (France) :

*Translation :* I entirely agree with the honourable delegate of Cuba. I ask that the procedure which has always been followed since the League of Nations came into existence should continue to be observed and that the communiqué should be drafted by the Information Section in the usual way.

**M. von Eckardt** (Germany) :

*Translation :* In view of the wishes expressed by the representatives of the German Press

attending this Conference, I wish to associate myself with the Cuban delegate's proposal. (*Applause.*)

**The President :**

*Translation :* Does any other delegate wish to speak on this question or on any other point connected with the Rules of Procedure ?

**M. Falcioni (Italy) :**

*Translation :* As the discussion is still open, I would like to draw my colleagues' attention to a question which appears to be one of form, but which may easily turn out to be a question of principle.

This morning we unanimously approved the French delegate's proposal to increase the number of members of the Business Committee to fourteen. This decision was adopted unanimously and we cannot go back on it. I would like to draw the Conference's attention, however, to the possibility of there being an equality of votes. In this eventuality, I propose that, the Chairman should have the casting vote.

**The President :**

*Translation :* Does the delegate of Italy ask for an amendment of the text on this point or does he regard the statement he has made as a kind of official interpretation ?

**M. Falcioni (Italy) :**

*Translation :* I regard it as an interpretation. There is no need to make an amendment in the text.

**Sir Malcolm Delevingne (British Empire),** Chairman and Rapporteur of the Committee on the Rules of Procedure :

I think it is rather hard on the unfortunate Chairman of your Committee on the Rules of Procedure that he should be asked to explain and re-explain the same point. In my opening remarks this morning, and in subsequent remarks which I had to make in reply to questions from the Chair and from other delegates, I dealt with all the points which have been raised this afternoon, except the last point raised by the delegate of Italy.

I attempted to explain in a few words the scope of the Committee proposed under Rule 5. I do not think I can add anything, as regards this point, to what I said this morning. It seems to me that the wording of Rule 5 is perfectly clear. There is no intention of allowing this Business Committee to usurp the functions of the Conference. It is merely an organ of the Conference. Its proposals — and they will only be proposals — in regard to the arrangement of business will be submitted to the Conference for its approval, so that every delegation will have the full right and every opportunity of expressing its views on any matter on which the Business Committee may have a suggestion to make. Surely the rights and the sovereign Powers of this Conference are thereby amply safeguarded.

As regards the point which has been raised by the delegate of Cuba, I gave an explanation this morning in reply to an enquiry from the Chair. I said that the Committee on the Rules of Procedure desired that the official communiqués of the proceedings of this Conference should be authoritative in the best sense, that is, that the world should be given

every day an official account, an official resumé, of the proceedings of the Conference which would be authoritative.

We all know that Press reports are not always as full as they might be, and they do not always give a really accurate summing up of what has taken place. Sometimes prominence is given to the picturesque incidents rather than to the real business; and the Committee thought it useful, important indeed, that an authoritative communiqué on what is done here should be issued to the world every day.

There is no question at all, as I said this morning, of our interfering with the liberties of the representatives of the Press. I see no objection to the representatives of the Press who cannot spend all the day here applying for information as to what has taken place; but the point upon which the Committee desired to insist was that the official communiqué of the proceedings of the day should be authoritative, and for that purpose should be reviewed by the Business Committee. We thought, however, that when the Business Committee was not sitting the communiqué might be reviewed by our President, if he was prepared to undertake the task. I should have thought that this explanation would meet the point raised by the delegate of Cuba and would also meet the wishes of the journalists.

As regards the point raised by the delegate of Italy, I do not think I am competent to express an opinion. I should have thought, according to the ordinary Rules of Procedure, that the President would not vote except when there was an equality of votes, and there cannot of course be an equality of votes when there are only thirteen members in addition to the President, unless somebody abstains. As I say, however, that is not a question for me to decide. It is rather, I think, a question of the usual procedure of Committees of this kind. I should have thought that it was not necessary to make any provision about it in the Rules of Procedure.

**The President :**

*Translation :* As the Chairman of the Committee on the Rules of Procedure has referred to me in connection with the official communiqué to the Press, I will venture to make a few remarks. It is very difficult for me, as President, to take an absolutely impartial view of this question, because it seems to me that, in practice, the programme outlined by the Chairman of the Committee will be very difficult to carry out.

The morning plenary meetings close at about 1.15 p.m. To make a report of the meeting, notes must be taken, dictated, and submitted to a responsible member of the Information Section. This would take half-an-hour or three-quarters of an hour. Obviously, the Business Committee cannot sit three-quarters of an hour after the end of each meeting to wait for the communiqué. It would be asking too much of the President, not only from the point of view of work but from that of responsibility. The same applies to the afternoon meetings. We shall probably rise towards 7.30 p.m. What is proposed is materially almost impossible. I ventured to draw the Chairman's attention to this point at this morning's meeting.

I am perfectly certain that the reason for which this question was raised by the Business Committee is that the communiqués issued by the Information Section have not always been found satisfactory; this may be true, but I am no judge of the matter.

If the Conference asks the Secretariat to draft its communiqués in a more satisfactory way, it seems to me that they would then meet with general approval. If a serious mistake is made, it can always be corrected by a fresh communiqué. The Conference is not now responsible for the communiqués, but it would be if we adopted the proposed text. I repeat that the work will be exceedingly difficult and, in the long run, impossible.

**M. von Eckardt** (Germany) :

*Translation* : We might very well dispense at the beginning with an official communiqué. If in practice we meet with difficulties, we can always reconsider the question.

**Sir Malcolm Delevingne** (British Empire), Chairman and Rapporteur of the Committee on the Rules of Procedure :

If the other members of the Committee on the Rules of Procedure agree, I suggest that the words relating to the communiqués in Rule 5 be omitted.

**The President** :

*Translation* : It is proposed to strike out the words "to approve all communiqués issued to the Press".

Does any member object to this proposal?

**M. de Aguero y Bethancourt** (Cuba), Vice-President :

*Translation* : This is what I myself would propose, and I am very grateful to the British delegate for this suggestion.

**The President** :

*Translation* : The debate on the Rules of Procedure is closed.

We are all acquainted with the text on which we are about to vote. I do not think we need vote by roll-call or by delegates rising in their seats.

If there is no objection, I take it that the Conference unanimously accepts the Rules of Procedure as now amended.

*The Rules of Procedure were adopted by the Conference. (Annex 5 a).*

## 16. CONSTITUTION AND APPOINTMENT OF THE BUSINESS COMMITTEE.

**The President** :

*Translation* : Rule 5 of the Rules of Procedure lays down that a Business Committee shall be appointed by the Conference, consisting of the President of the Conference, the two Vice-Presidents and eleven other members.

As this Business Committee is the most important organ of the Conference, I think we should appoint it as soon as possible. We have therefore to elect eleven persons. There should be no voting for countries.

I think the best procedure will be to vote by secret ballot. I will therefore ask the first delegate of each Government to write down the names of eleven persons on his voting paper.

**M. Chodzko** (Poland) :

*Translation* : If we are going to vote for individuals rather than for States, I would like to propose that the Conference should adjourn for five minutes in order that the delegations may be able to think over the names they wish to propose.

**M. Clinchant** (France) :

*Translation* : I would like to propose that we should not vote for persons but for countries. The delegations elected can then decide which of their members will serve on the Business Committee.

**M. de Aguero y Bethancourt** (Cuba), Vice-President :

*Translation* : I would like to point out that the method of voting for persons presents certain disadvantages. The different members of the delegations do not yet know each other very well, but everyone knows which countries are most interested in the opium problem. In my opinion, it would therefore be better to elect countries and each delegation can then choose the member it considers most competent to serve on the Committee.

**M. Cornène** (Roumania) :

*Translation* : I entirely agree with the proposal put forward by M. Clinchant and M. de Aguero for the reasons they have stated and also because in each delegation some of the members are more expert than others in this subject. Again, the question might be raised as to whether a delegation is or is not entitled to send another delegate, who was more competent to deal with any particular problem, to sit on the Business Committee.

I would therefore also like to propose that we should vote for countries, and that each delegation should then inform the President which of its members will serve on the Business Committee, while retaining the right to replace him by the member most competent to discuss any given question on the agenda.

**The President** :

*Translation* : I would like to ask for an explanation. Does the French delegate's proposal mean that the delegation elected can appoint its member on the Business Committee once and for all, or does it mean that it can appoint a different member for each question?

**M. Clinchant** (France) :

*Translation* : When the delegation has been elected, it can depute any one of its members to serve on the Committee.

**The President** :

*Translation* : I take it that the French, Cuban and Roumanian delegates are voicing the general opinion of the Conference, to which I willingly defer. The voting will therefore be for countries.

Does the Polish delegate stand by his proposal?

**M. Chodzko** (Poland) :

*Translation* : I do.

**The President** :

*Translation* : M. Chodzko's proposal is that the meeting should adjourn for five minutes. Does the Conference agree? (*Assent.*)

**Mr. Campbell (India) :**

Before we separate, there is one point I should like to have made clear. I understand that we have eleven votes, but that not more than one vote can be given to any one country. Is that correct ?

**The President :**

*Translation :* That is quite correct.

*(The Conference adjourned for five minutes).*

**The President :**

*Translation :* In conformity with the usual procedure of the Assembly of the League, I will appoint two tellers. I propose Mr. Beland, first delegate of Canada, and M. Cornène, first delegate of Roumania. I will ask these two gentlemen to be good enough to take their places near the ballot box.

Before we proceed to the vote, I will read you the Rules of Procedure regarding the secret ballot as followed by the Assembly :

“When a number of elective places of the same nature are to be filled at one time, those persons who obtain an absolute majority at the first ballot shall be elected. If the number of persons obtaining such majority is less than the number of persons to be elected, there shall be a second ballot to fill the remaining places, the voting being restricted to the unsuccessful candidates who obtained the greatest number of votes at the first ballot, not more than double in number the places remaining to be filled. Those candidates, to the number required to be elected, who receive the greatest number of votes at the second ballot, shall be declared elected.”

I take it that you are prepared to accept these rules. We will now proceed to the roll-call of the different countries.

*The roll of the delegations was called.*

**The President :**

*Translation :* The result of the voting is as follows : 39 delegations voted and the absolute majority is therefore 20. The following countries obtained an absolute majority at the first ballot and are therefore elected members of the Business Committee :

United States of America.....	35	votes
France.....	34	„
Japan.....	34	„
British Empire.....	32	„
Switzerland.....	30	„
Netherlands.....	27	„
Germany.....	25	„
Italy.....	25	„
India.....	21	„
Kingdom of the Serbs, Croats and Slovenes.....	20	„

As the Business Committee is to consist of eleven members and as only ten have been elected at the first ballot, a second ballot must be held for the election of the eleventh member. After the countries which I have just named, the following countries obtained most votes :

Spain.....	18	votes
Bolivia.....	15	„
Uruguay.....	12	„
Persia.....	10	„
Poland.....	10	„

while a number of other countries received isolated votes.

According to the Rules of Procedure which we have just adopted, a second ballot must be held.

As there remains one place to be filled, this ballot must be taken on the two candidates who obtained the greatest number of votes ; in this case, Spain and Bolivia.

We will therefore proceed to a second ballot. I will ask the Secretary to be good enough to call the roll of States.

**M. de Palacios (Spain) :**

*Translation :* I thank the delegations which voted for Spain, but I would like to ask them to vote this time for Bolivia. Bolivia is more interested in this question than Spain, and Spain will consider herself to be very well represented on the Committee by Bolivia.

**The President :**

*Translation :* In that case it is doubtful whether a ballot is necessary. The Rules of Procedure, however, leave no alternative, and we will proceed to a second ballot if no proposal is made to the contrary.

**M. de Agüero y Bethancourt (Cuba), Vice-President :**

*Translation :* As M. de Palacios has withdrawn in favour of Bolivia, and considers that she will worthily represent Spain, it seems to me that the question is settled and that a second ballot is unnecessary.

**The President :**

*Translation :* Unless M. de Palacios' proposal is unanimously accepted, I must hold a second ballot.

Have any delegates any objections to make ?

As there is no objection, I declare the ten countries mentioned above, together with Bolivia, elected members of the Business Committee.

**M. Pinto-Escalier (Bolivia) :**

I would like to thank M. de Palacios most warmly for the honour he has done my country by withdrawing in its favour. I also want to thank all the delegates who supported the Spanish delegate's proposal.

**The President :**

*Translation :* The Business Committee is thus constituted according to the procedure adopted.

I now ask each delegation elected to appoint its member on this Committee. The final constitution of the Business Committee will be settled in this room at the close of this afternoon's plenary meeting.

#### 17. PRELIMINARY DISCUSSION ON THE BASIS OF THE SERIES OF MEASURES ADOPTED BY THE ADVISORY COMMITTEE ON THE TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS : SUGGESTIONS OF THE UNITED STATES OF AMERICA.

**The President :**

*Translation :* The Rt. Rev. Charles Brent delegate of the United States of America, will address the Conference.



**The Rt. Rev. Charles Brent** (United States of America) :

On behalf of the delegation of the United States of America, I have the honour to submit to the Conference the programme embodying not only the mind of the delegation but also the mind of the nation which we represent (Annex 6). I place this in your hands now informally in order that you may have an opportunity to study, criticise and amend the proposals which it contains.

You will note that we call our programme "suggestions". It is an attempt to translate the ideals for which we stand into terms of national and international practice. It is couched, not in terms of immediacy or expediency, but of a purpose to which every signatory of the Hague Convention is pledged — the ultimate suppression of the abuse of opium, cocaine and their derivatives, and the restriction of their production and manufacture within the requirements of medicine and science. The thought that we have had in mind is not how little we may do and call it progress, but how great a stride forward we may take, not ignoring that degree of risk which is invariably a companion of forward movement.

The delegation of the United States would be acting beyond its province in presenting such a programme as is being placed in your hands were it not that we are voicing not merely an Act of Congress and the instructions of the Government, but also the popular demand. We carry with us written documents pledging the unsolicited support of societies and organisations representative of the whole country, from the American Red Cross Society, the American Chamber of Commerce, the Grotto (a Masonic organisation), the Mystic Shrine (another Masonic organisation), and fraternal orders representing five million people, from international missionary societies, 700 schools and colleges and hundreds of churches and religious organisations.

It seemed to us wise to formulate our position in terms of The Hague Convention amended and enlarged. If it be urged that we are expecting to cover too much ground at a stride, we would answer that such a course would be far less dangerous to the interests of the human race than an attempt merely to mark time or dally. The popular mind is beginning to be sufficiently informed of the peril of the situation to require some forceful action under the terms of a Convention that has now been in existence for twelve years and thus far produced relatively little fruit.

As I shall point out later, there is far more at stake than the immediate question before us. The whole principle of international action and the value of the international treaty is involved. When the time comes, in the course of the Conference, for formal and definitive action, the American delegation will put before the Conference in the shape of amendments or substitutes proposals made, or as a complete plan, as occasion may advise, the various suggestions contained in their programme.

For the present we are laying our whole case before the Conference without reserve and ulterior motive. There is nothing we do not say. There is no guile hidden beneath the surface. If we are bold in our proposals, we are frank in our presentation of them. No longer can we honestly say of the slavery of

addiction what Canning once said of chattel slavery: "I abjure the principle of perpetual slavery but I am not prepared now to state in what way I would set about its abolition". Our clear business is to prepare for action.

From the beginning it has been clear that no single nation can combat the peril and ruin with which habit-forming drugs threaten, not one nation, but all nations. I venture to repeat words advocating international action which were written in 1906 relative to the nation, both then and now, most troubled by the abuse of opium :

"The sole hope for the Chinese is in concerted action. As a side issue, but as a consideration that would in my mind enhance the value of the movement, it would tend to unify in some measure nations that are Oriental either by nature or through the possession of dependencies in the Orient. Nothing tends to promote peace more than a common aim."

At that very moment there was beginning a bold adventure in China entailing much risk, where nation stood beside nation in a common endeavour to reach a seemingly impossible goal. The goal was reached, and had it not been for the universal upheaval of the world which has turned back the clock of progress, China would probably have consolidated the victory she had won over her worst internal enemy. What was done before must be done again. China does not desire, nor will she be benefited by, the pity, the cynicism or the criticism of sister nations. She needs their encouragement and active aid.

I speak of China thus early because the Chinese, either in their own territory or in the dependencies of other nations, are the chief victims of a notorious form of narcotic abuse. The courageous treatment of this question in countries where the Chinese are resident in large numbers could not fail to have its effect on China. The representatives of China are themselves asking why the profit received from the sale of prepared opium in countries where such sale is legalised cannot be used to combat in one way or another the victims of addiction. This is a question which must be frankly answered, especially by such countries as claim that traffic in prepared opium is not practised for the purpose of making revenue. The whole world waits for the answer.

When it comes to the consideration of the restriction of production and manufacture within the limits of medical and scientific needs — let us be frank — the crux of the matter is money. Eliminate economic difficulties and the rest would be easy. When I speak in this way, I recognise and appreciate the grave difficulties which confront many countries. The reduction of production and manufacture would mean economic embarrassment. Whatever steps are taken, this should be kept in full view. We must determine on forward movement, forward movement that is steady and will not cease until the goal has been reached.

Among those who are perplexed by such practical problems as I have indicated, there is sometimes an inclination to irritation and impatience because of the unpractical side of idealists, but, let us not forget it, the hope of the world is in idealism that breaks the bonds of conventional thought and practice and challenges the impos-

sible to defend its claims. No movement for the betterment of the human race ever yet succeeded that did not lift its standard high and even have a valiant disregard for many of the maxims of commonsense.

Science is the watchword of the day. Science is head without heart. Emotion, on the other hand, is heart without head. In this business we need as much heart as head. A biologist has recently claimed that the Golden Rule without science would wreck the world that tried it. How does he know? It has never been tried. This we do know: that science without the Golden Rule has wrecked the world and we stand amidst the wreckage.

The League of Nations and the last compact signed within these walls, I mean the Protocol for the Pacific Settlement of International Disputes, are both distinguished instances of adventure in the realm of the seemingly impossible, ventures of the heart quite as much as of the head. That they are discounted and feared and criticised does not pale the real brilliance of their respective stars. It is better far to live in the freedom of bold experiment, pressing upward into the realm of the untried, than to abide in the doubtful security of the castle of self-interest and the stagnant pool of the *status quo*.

The story of the advancement of the human race is a story of adventure and of refusal to stand still because there is a lion in the way. Two things destroy the power and beauty of an ideal; the one, a refusal to make adventures; the other, admiration without imitation. Both dangers threaten this Conference.

The delegation of the United States asks of you but one thing at this time, and it asks for that thing in the spirit of brotherhood and kindness and faith in human nature. Let this Conference not adjourn without declaring in a practical way before the world that it is set on pursuing the ideal we have accepted until it has been realised.

If you will allow one, who has laboured for nearly a quarter of a century in our common cause, to lay before you the principles which have actuated him, permit him to do so by suggesting certain guides that should determine our procedure during the days of our fellowship in this Conference.

1. The ethical must determine and inspire the practical. This is not a question where there can be a great deal of difference of opinion among men of principle and honour. That which we would count an evil and a pest in our own family must be considered an evil and a pest in the family of another. What applies to families applies also to nations. In other words, we must aim at that difficult task of treating others and the interests of others on the same plane as ourselves and our own interests. Probably, we are only kept from adopting this practice by some subtle fear that we shall in the end lose thereby.

It has been truly said that "the people who do most completely what is, in effect, to their interest to do are those who, on moral grounds, do what they believe to be against their interest". Bertrand Russell gives as an illustration how among early Quakers "there were a number of shopkeepers who adopted the practice of asking no more for their goods than they were willing to accept, instead of bargaining with

each customer as everybody else did. They adopted this practice because they held it as a lie to ask more than they would take, but the convenience to customers was so great that everybody came to their shops and they grew rich."

Similarly, it has been recorded by an eminent statistician that in New England out of 100 commercial houses founded for the pursuit of gain and self-interest, which existed 100 years ago, but five have survived. On the other hand, out of 100 philanthropic organisations created for the benefit of others, in existence 100 years ago, 95 survive.

2. We must somehow find the courage and the wisdom that will enable us to speak the truth, the whole truth, and nothing but the truth. Open diplomacy is beginning to assert its reality and power in international negotiations. Open diplomacy alone, however, will not suffice. We must also have frank diplomacy. Let us not dwell on technicalities or run off on side issues in order to evade the main question. Evasion is a form of cowardice and is headed for ultimate defeat. Dialectic cleverness usually leads to a hollow triumph and is a degradation of the truth.

3. In spite of any checks that we may have had in the mutual *rapprochement* of nations, in spite of the mistakes of Governments that have unnecessarily aroused hostilities, in spite of the suspicions and fears which still mar free intercourse in the family of nations, we must recognise the essential unity of the human race. There is no white or yellow or brown or black human nature. We see the same material, the same substance, under every colour, whether in Africa, Asia, Europe or America. God never made one nation to be exploited or despised by another.

The story goes that one man of eminence met another man of eminence. They accidentally jostled one another. Both turned and each looked fiercely at his neighbour. Then one of them said: "Why do you eye me so? God made me". To which the other responded: "Then He is falling off sadly in His work". A humorous way of indicating one of the chief reasons why the world is at odds with itself — mutual disrespect and arrogance.

Mutual respect is the sole basis of fellowship, whether among individuals or among nations. There are various phases of human nature and varying degrees of capacity in human nature. But there is only one human nature. I speak as a humble follower of Jesus Christ.

I made reference earlier in my address to the fact that more was involved in this Conference than the settlement of a single question. International treaties are as yet relatively few and the particular one by which most of the nations represented here are bound is among the earliest. In international treaties we have the chief instrument by which the nations of the world are to be firmly bound together.

Individual treaties are of small account as compared with a treaty where a large number of nations are all bound by a common compact. One country may have individual treaties with fifty others, but that fact does not prevent those fifty countries being all at odds with one another. I look upon the Hague Opium Convention as a test convention. If we can prove to a world, which is apt to be cynical, that this is an effective



agent for mutual understanding and co-operative action, we shall be doing a service which is valuable beyond computation for the peace of mankind.

I would add, however, that I recognise that conferences and treaties are but agencies that must be taken out of the realm of mere mechanism into that of organic life by the spirit infused into them. We must start and we must end with kindness. Again, to quote that versatile and brilliant publicist, Bertrand Russell: "Only kindness can save the world, and even if we know how to produce kindness we should not do so unless we are already kindly."

In conclusion, I would say this. You and I are launched on an undertaking which will not brook delays, pretences, or backsliding. We are a gathering of men pledged on behalf of our respective nations to the pursuit of an ideal until it is realised. We must be true to our trust. There are those already who have finished their course without seeing the triumph of their cause and ours. They have handed on the torch for us to carry high and with blazing flame.

My friends and colleagues, Hamilton Wright, representing the West, and Tang Kwo An, representing the Orient, have finished their work and we are the richer because of the heritage that they have passed on to us. Sir John Jordan, that fine old warrior, is still with us, but he is at the eventide of his life. Of him may it be aptly said as was said of another crusader of his sort: "Singleness of purpose is the crusader's characteristic virtue and the secret of his power".

In a book that is wise beyond all books to the Christian, it is written concerning the idealists of old: "These all died in faith, not having received the promises, but having seen them and greeted them from afar". It may be our fate and, if it be so, we shall not complain. Eventually, the victory will be won by other hands if not by ours. But I cannot but feel that the moment of victory is not far distant. It is ready to arrive when the nations will it to arrive.

The record of the last moments of the life of William Wilberforce is an antidote to those who are faint-hearted and who are too eager for personal triumph in the cause which after all is not our own except so far as we serve it and make our contribution to it. In an interval of consciousness he told his son that he was in a very distressed state. "Yes", replied his son, "but you have your feet on the Rock". The dying man's last words were: "I do not venture to speak so positively, but I hope I have." It was not until a year later that 800,000 slaves became free.

We, too, believe that we have our feet upon the Rock and we earnestly hope that when the Convention, which will close this Conference, is signed it will mean a near approach to the emancipation of the countless slaves now in bondage to the ruthless master of addiction. (*Applause.*)

**The President :**

*Translation :* The memorandum submitted by the United States delegation will be distributed shortly. I intend later to make a communication in regard to it.

M. von Eckardt, delegate of Germany, will address the Conference.

**M. von Eckardt (Germany) :**

*Translation :* Mr. President, ladies and gentlemen — If I venture to speak after so eminent an authority as Bishop Brent, it is because I am strongly impressed by the depth of his sincerity. His lofty views and high aspirations set our hearts beating faster. We have had the good fortune to listen to a speech that will find an enthusiastic echo throughout the world, one that will show that our Conference is concerned, not with fine phrases, but with deeds, with efforts undertaken to save the lives of thousands of unhappy misguided human beings, to save, as our President said so well the day before yesterday, the generations which succeed us. "Where there's a will there's a way". We are all inspired with the passionate desire of fulfilling the sacred duty of doing everything possible to discover some means of combating the horrible ravages of opium and other narcotics.

I am certain, too, that we shall find the right way, that we shall agree as to the methods and measures which we ought to adopt, and that the Governments of all the nations will act energetically and drastically.

Last Monday I had the honour to state Germany's intentions. Bishop Brent's words will not only be welcomed in our country, as indeed they will throughout the world, but they will stimulate all those in whose hearts the love of one's neighbour is stronger and more potent than the low instincts of selfishness. A witty person once said to me: "We are all heroes when we are bearing the misfortunes of others". Bishop Brent tells us to be heroes in combating the misfortunes which threaten humanity.

**The President :**

*Translation :* M. Veverka, delegate of Czechoslovakia, will address the Conference.

**M. Veverka (Czechoslovakia) :**

*Translation :* I am happy to be able to speak in the name of a country which the terrible problem of opium does not directly affect. Czechoslovakia is not, and never will be, a producer State or a consumer State in the disparaging sense of the word. At the most, it might be possible some day or other, in view of Czechoslovakia's climate, to introduce poppy culture to meet the medical and scientific requirements of the country and to free Czechoslovakia from foreign imports.

This privileged position makes it possible for my country to view the situation quite calmly and impartially.

After careful consideration, the Czechoslovak Government has once more come to the conclusion that the vast problem of opium, which is of importance to the progress of civilisation and humanity, cannot be solved unless all States loyally participate in its solution.

The Czechoslovak Government indeed shares the opinion of those who believed that the first Hague Convention — provided it were applied in a spirit of absolute solidarity by all nations and races — would suffice to a very large extent, if not entirely, to remedy the havoc caused by the abuse of narcotics. Good faith is the most indispensable condition of all.

Needless to say, production must be restricted to medicinal and scientific purposes. That is the first thing. To lay down certain general

principles, my Government is of the opinion that it would be necessary to supervise rigorously, in particular the manufacture, import, export, distribution and sale of drugs; to forbid the trade in opium derivatives in any shape or form; to render the opium trade subject to the granting of individual concessions; to ensure that the holders of these concessions furnish returns which must be properly controlled; to establish special certificates for import and export; only to grant export licences with the consent of the State to which the goods are consigned and to inflict upon offenders severe penalties, for example, heavy fines, withdrawal of the concession, etc.

If every country were to apply loyally the suggestions that I have just made, the problem would soon cease to exist.

I have the honour to speak in the name of a people which, in the course of its history, has sacrificed itself for a great ideal. For the freedom of conscience which it proclaimed before the world through the mouth of John Huss, my country suffered three centuries of thralldom. She has thus the right to raise her voice when the opium problem is discussed, the more so since, stripped of all that is not essential, it has become fundamentally a humanitarian problem. It is even doubly so, for its solution will contribute to the physical and moral welfare of mankind. This solution, however, can only be reached by the firm determination of the representatives humanity as a whole. The responsibility is a collective one, from which no nation can escape.

It is with this conviction that I express the most sincere wishes of my Government for the success of the Opium Conference.

Czechoslovakia's devotion to the ideas of

solidarity and progress, upon which the whole structure of the League of Nations is based, has become, if I may say so, proverbial.

For this reason she is able to appreciate, better perhaps than most other countries, the importance of our present proceedings. She cannot forget that the prestige of the League of Nations may be affected if this Conference does not fulfil the high hopes that it has aroused.

Let us remember that more and more throughout the world public opinion is becoming the supreme judge and that it is inspired by an idealism that is invincible. It is no sterile idealism, but an idealism essentially constructive and anxious to express itself, an idealism of such dynamic force that even great material interests have to bow before it. It proved its power during the war; it exists to-day and it is eager to achieve results.

We Czechoslovaks are sometimes accused of having become too materialistic. The reproach is undeserved. Our long sufferings have taught us to seek the ideal only in order to realise it, and it is this motto, which has been so dearly won, that I would like to see exalted at this Conference.

The Hague Conference met under the banner of idealism. The task of the Geneva Conference is to achieve positive results; for the noblest of all ideals is an ideal achieved.

**The President :**

*Translation :* I propose that the general discussion be adjourned until to-morrow at 10.30 a.m. (*Assent.*)

*The Conference rose at 6.45 p.m.*

## FIFTH MEETING

*Held at Geneva on Thursday, November 20th, 1924, at 10.30 a.m.*

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18. PRELIMINARY DISCUSSION ON THE BASIS OF THE SERIES OF MEASURES ADOPTED BY THE ADVISORY COMMITTEE ON THE TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS : CONTINUATION OF THE DISCUSSION.

**The President :**

*Translation :* We will now continue the general discussion. I call upon the Hon. Henri Beland to address the Conference.

**The Hon. Henri Beland (Canada) :**

*Translation :* Mr President, ladies and gentlemen — The Canadian delegation wishes to express its deep satisfaction at the spectacle of a Conference which has brought together representatives from almost every nation of the earth with the object of discussing the important question of the control of the production and distribution of narcotic drugs. The reason for this lies in the fact that in Canada, as in other countries, the ravages caused by the abuse of narcotics are assuming alarming proportions. There, as elsewhere, the evil is spreading quietly, insidiously; it invades, with hardly an exception, all classes of the community. Although the drastic legislation adopted by the Canadian Parliament has, in a certain measure, checked its progress, yet it must be admitted that the

problem in my country, as elsewhere, has not yet been solved.

A fact, however, that strikes us is that in Europe, as well as in North America, the substances most to be dreaded are not opium in the natural form and coca leaves but their derivatives, the alkaloids. Indeed, were the illicit use confined to the raw material, it might be considered in these continents, at least, as insignificant.

Cocaine, morphine and heroine, these are the enemies we must combat. Is there an effective means of restricting their use to the sole needs of medicine and science? Let us look at these three alkaloids which I have just mentioned. Are they not the products of elaborate processes of manufacture? Is it not a fact that an industrial undertaking which has for its object the extraction, in appreciable quantities, of alkaloids from opium and coca leaves requires a large plant and involved machinery, considerations which make clandestine manufacture well nigh impossible. Moreover, have not the nations, where such industries are in operation, adhered to the Hague Convention of 1912?

These facts being well known, I ask the following question: Is it an insuperable task for each country, for each Government, to control the manufacture and distribution of these three alkaloids? Evidently not. This is the crux of the whole question.

I do not desire to enter into details which at this stage might and would rightly appear as superfluous. Suffice it to point out that the United States, whose delegate spoke so eloquently yesterday, have enacted laws the enforcement of which would be sufficient to eradicate the evil if clandestine importation or, in other words, organised contraband did not flood their land with heroin, morphine and cocaine.

On the other hand, it would appear to be as difficult to produce clandestinely these alkaloids as it is to manufacture arms or tobacco clandestinely. Therefore, in a given country, the effective control of the production is possible, if it is sincerely desired.

The remedy for this invading plague is in the hands of this Conference. The nations can join in a common movement of world-wide patriotism, of humanitarian endeavour, and free humanity from this hideous monster of narcotism.

One of our honourable colleagues expressed yesterday the idea that no individual prosperity should be achieved at the expense of the moral, intellectual and physical welfare of any human being. This beautiful thought should be the torch that should serve to light the Conference on its way towards the accomplishment of its noble task.

The Government and the people of Canada earnestly request the co-operation of other nations with a view to arriving at an international agreement. They desire, in the first place, that each country be requested to make known the quantity of narcotics required annually for its medicinal and scientific needs. They desire, further, that the Agreement, which is to be concluded, should provide for legislation stipulating the effective control of the manufacture, sale, importation and exportation of the narcotic alkaloids. This international Convention is highly desirable and it can be worked out.

In any case the Conference can be assured of

the most hearty and generous support on the part of Canada. (*Applause.*)

#### The President :

*Translation:* M. Sze, delegate of China, will address the Conference.

#### M. Sze (China), Vice-President :

I was greatly impressed yesterday as I sat next to our distinguished President and listened to the eloquent address of Bishop Brent. Since then the more I think of it, the more profoundly I am impressed. I desire to say that the Chinese Government and the Chinese people will, I know, concur in what he has said.

Yesterday, Bishop Brent, the day on which you spoke, was the first day in two weeks on which we saw bright sunshine and to-day we continue to follow the lead you have given in the general discussion. The sun continues to shine and we see bright light all around us. This is a happy augury.

Especially do I thank you, Bishop Brent, for saying: "China does not desire, nor will she be benefited by, the pity, the cynicism or the criticism of sister nations. She needs their encouragement and active aid". I also thank you for the statement that "the courageous treatment of this question (of opium), in countries where the Chinese are resident in large numbers, could not fail to have its effect on China".

I note also that, regarding the proposition that I had the honour to make in the First Conference to the effect that the Governments which derive profits from the sale of prepared opium to persons addicted to opium smoking should use these revenues in one way or another for the benefit of those unfortunates from whom the revenues are derived, you say: "This is a question which must be frankly answered, especially by such countries as claim that the traffic in prepared opium is not practised for the purpose of making revenue." I also note that you say: "The whole world waits for the answer".

China has suffered, and is now suffering, more than other nations from the misuse of opium and of narcotic drugs, but what I wish to say now relates more to the general humanitarian aspects of the question, which must appeal to all right-thinking peoples and to their Governments, than to the special sufferings of the Chinese people.

The last century saw the disappearance among all civilised people of the institution of human slavery and the outlawing of the slave trade, so as to place it in the same category as piracy upon the high seas. The world is now awakened to the debasing effects, physical and moral, of the use of opium and its derivatives and of other narcotic drugs for other than strictly medicinal and scientific uses.

Surely this Conference will not disappoint the hope of the peoples of the world that, so far as is possible by common action on the part of the Powers, steps, far in advance of those made obligatory by the Hague Convention of 1912, will be taken by this Conference towards the suppression of this scourge which now so generally and so grievously afflicts humanity.

Surely we will not allow it to be said that the nations of the world, now gathered in friendly

union in this room, will be willing for it to be said that they were not able to come to an agreement as to the action to be taken by them individually or in co-operation with one another in order that, by progressive steps, mankind may be freed from the curse which now afflicts it.

I, of course, recognise that the regulation of the consumption of opium and drugs in any form or in any way by the people of a given State is, from the standpoint of public law, a matter for itself to determine and without any responsibility towards other nations, save from the broad humanitarian point of view, which, being ethical in character, rises above legal considerations. On behalf of the Chinese Government and of the Chinese people, however, I am able to pledge their support of any action, that may be agreed to by the Powers, which will tend to secure the results which are the purpose of this Conference.

Nearly twenty years ago, the Chinese Government, supported by the efforts of the most enlightened of its subjects, determined that the production and use of opium, save for strictly medicinal and scientific purposes, should cease throughout the broad territories of China. This aim was, within a period of ten years of heroic effort, substantially achieved. Since then, most regrettably, there has been a certain recrudescence of the cultivation of the poppy, due to disturbed political conditions. The Chinese Government, however, has never departed, nor will it depart, from the policy declared in 1906.

When, happily, the Government at Peking is again able to exert full executive and administrative authority, it will, as one of its first activities, take steps to the full extent of its powers, to free the country once more from the misuse of opium, of its derivatives and of other narcotic drugs — drugs which, it may be said, are not manufactured in China and which may not be legally introduced into the country save for strictly medicinal and scientific purposes.

The Chinese Government, when it is able to act with efficiency, will certainly have the support of the best classes of its people.

There is a rapidly rising flood of public opinion, far surpassing what has ever before existed, which demands that the present production and consumption of opium within China, which is illegal under the Chinese law, shall cease. I have already had the honour to lay before the First Conference some of the evidence showing the spread of this determination among the most intelligent of the Chinese people. In this connection, I would refer also to the letter of Mr. Koo, the representative of the recently organised National Anti-Opium Association of China. Only two days ago, I received a cablegram from the Secretary of that Association informing me that there are now represented in it thirteen hundred organisations, representing two million people.

My present purpose in stating these facts regarding China is solely in order to show the approval with which the views of Bishop Brent will be received by the Chinese Government and by the Chinese people. So far as they are concerned, the Conference may count upon their full co-operation in any action that may be taken by the Powers in general to lessen and, if possible, to bring to a complete end the evils now afflicting mankind by reason of

the misuse of opium, of its derivatives, and of other narcotic drugs.

**The President :**

*Translation :* M. Comnène, delegate of Roumania will address the Conference.

**M. Comnène (Roumania) :**

*Translation :* The Roumanian delegation regards the present Conference as one of the most important ever held under the auspices of the League of Nations, not only because of the humanitarian objects which it hopes to attain but also by reason of the number of Governments represented and the qualifications of the delegates that have been selected. Some of the greatest nations and, I may say, the most powerful public opinion throughout the world, are following our proceedings with interest, and at times not without anxiety.

The success which we are all convinced must crown our work will have far-reaching effects, for it will show that the League of Nations is something more than a vague ideal or an attempt at concerted action on the part of a benevolent, but exploded, sentimentality, as its detractors are wont to urge. Failure, on the other hand — let me speak quite candidly — might have an incalculable effect upon the future of the League.

The Roumanian Government has given convincing proof of its confidence in the great part which the League is called upon to play, and it is prepared to consider favourably any draft Convention for the suppression of the abuse of narcotic drugs — a Convention, moreover, which will furnish further proof of the importance and utility of the League. (*Applause.*)

**The President :**

*Translation :* Dr. El Guindy, delegate of Egypt, will address the Conference.

**Dr. El Guindy (Egypt) :**

*Translation :* Mr. President, ladies and gentlemen — As this is the first time that Egypt has been represented by a purely Egyptian delegation at an international conference held under the auspices of the League of Nations, I take this opportunity of offering this assembly, which includes so many distinguished men, the best wishes of my Government for the success of its work.

Conscious of her duty towards the whole human race, independent Egypt will do all that lies in her power to co-operate loyally and disinterestedly in the work which is before us.

The illicit use of opium and its derivatives and of the other substances mentioned in the Advisory Committee's report is universally condemned by public opinion.

There is, however, another product which is at least as harmful as opium, if not more so, and which my Government would be glad to see included in the same category as the other narcotics already mentioned — I refer to hashish, the product of the *Cannabis indica* or *sativa*.

This substance and its derivatives work such havoc that the Egyptian Government has for a long time past prohibited their introduction into the country (except, of course, the trifling quantity required for medical purposes). I cannot sufficiently emphasise the importance

of including this product in the list of narcotics the use of which is to be regulated by this Conference.

I hope soon to be in a position to submit to this Conference a short memorandum on this question, which is of such importance to my country.

It should be an accepted principle that all narcotic substances which are already known and which, although not classed among injurious drugs, may yet be regarded as such, together with all other narcotic products which may be discovered or produced in the future, should fall *automatically* within the scope of the measures of the Convention which we hope to conclude. (*Applause.*)

**The President :**

*Translation :* M. Vermaire, delegate of Luxemburg, will address the Conference.

**M. Vermaire (Luxemburg) :**

*Translation :* On behalf of the Government of the Grand Duchy of Luxemburg, I have the honour to thank the League of Nations for organising this Conference, the paramount object of which is the conclusion, in so far as that is possible, of an international Convention for the speedy and effective suppression of the use of opium and of all other drugs which are injurious to public health.

It will, of course, seem easier for the European States to conclude a convention of this nature than for the producing countries of the East, where the poppy is grown by thousands of human beings and where, as the Persian delegate, Prince Arfa-ed-Dowleh, has shown in his admirable statement, these people earn their living by this means. Although we cannot suddenly deprive these people of their means of livelihood, the Conference must devise methods for abolishing, in one way or another, the trade in narcotics which so gravely threatens public health.

The Luxemburg delegation will wholeheartedly adhere to any measures which may be taken to suppress the traffic in and use of narcotics for other than medical or scientific purposes.

Various methods for attaining this end have been suggested by delegates — intensive and continuous propaganda by means of lecturers, the Press, books, posters, films, and so forth. The Luxemburg delegation will be prepared to undertake propaganda of this kind, but it is doubtful whether these measures will suffice.

We share the opinion of those members of the Conference who hold that the best method of effectively arresting the traffic in dangerous drugs is the adoption of an international convention which will absolutely prohibit any trade or traffic in drugs over and above the amounts required by each country for strictly medical and scientific purposes. (*Applause.*)

**The President :**

*Translation :* Mr. MacWhite, delegate of the Irish Free State, will address the Conference.

**Mr. Michael MacWhite (Irish Free State) :**

*Translation :* I have the honour to represent a country where the use of opium and other dangerous drugs is restricted to medical and scientific needs. The traffic in narcotics is

practically unknown in Ireland. The amount of raw opium imported into the Irish Free State in 1922 and 1923 did not exceed half a pound. You might, then, infer that we would not show any exceptional interest in this question. But such is not the case. It is true that we have no material interests at stake, but there are other considerations which we regard as above material interests, however important the latter may be — I mean humanitarian considerations.

The United States of America, the promoters of this Conference, who were guided by a lofty ideal, have shown that they have faith in the spirit of good-will and in concerted international action under the auspices of the League with a view to improving the condition of mankind. Let us trust that they will not be disappointed. The Government of the Irish Free State sincerely desires to cooperate in any and every endeavour for ensuring the progress and well-being of the race.

In the name of the ideal which gave birth to the League, let us bring this spirit of good-will to the task before us. Let us attempt, whilst committing no injustice, to put an end to this terrible scourge, which, if not suppressed, will decimate mankind more speedily than any war.

The facts supplied to us by experts are evidence of the ravages caused by the abuse of narcotics. Statistics show the ever-growing number of crimes committed by the victims of drugs ; but there are no exact figures, and we are not yet able to form a correct idea of the numbers who have been relegated to lunatic asylums or driven to suicide owing to this pernicious habit.

With these facts in mind, it is our plain duty to find the most effective means of putting an end to the use of dangerous drugs ; but we can only achieve this aim if we have regard to the special interests of those States which are mainly concerned in the production of raw opium and the coca leaf. In spite of the efforts we may make and the good-will we may display, we cannot, for obvious reasons, restrict this production with a stroke of the pen. The question affects too many nations and too many States ; moreover, the revenue which they derive from the industry is the most serious obstacle to the solution of the problem.

I hold that those States which exploit human weakness for pecuniary profit are guilty of immorality and crime. The consumption of opium, however, is an ingrained habit in the East, and experience has proved the danger of sudden changes. Each nation has its own customs and its own traditions. In the eyes of some nations these customs may seem abuses and these traditions may appear wrong. But we can do nothing if the knowledge of the truth is confined to a limited circle ; public opinion in all countries must be enlightened, so that it may judge and condemn with a full knowledge of the facts. Only then will it be possible to find an effective remedy for the present state of affairs.

While we await, however, the results of the propaganda that is now being carried on, we trust that the countries directly concerned in the production of narcotics will not hesitate to make the necessary sacrifices which we ask of them in the name of mankind. Personally, I have sufficient confidence in the good faith

of the countries concerned to hope that our appeal will not be in vain.

It has been suggested that the production of raw opium and of the coca leaf should be reduced gradually, so that the crops would in a few years be limited to strictly medical and scientific needs. This suggestion merits full consideration. We must first, however, come to a definite understanding as to how many years will be required and what should be the annual progressive reduction in order to effect our object. Again, if satisfactory results are to be obtained, a system of control must be established accurately defining the medical and scientific needs of the different countries. (*Applause.*)

**The President :**

*Translation :* Dr. Bretances, delegate of the Dominican Republic, will address the Conference.

**Dr. Betances (Dominican Republic) :**

*Translation :* Mr. President, ladies and gentlemen — There can, I think, be no question that all the representatives of the different countries who have come to this International Opium Conference have one and the same object, namely, the great humanitarian object of speedily and permanently abolishing this evil which has for many years made man the most unhappy and the feeblest of God's creatures.

There is no one among us, I am sure, who considers that the most effective measures for attaining this purpose should be applied only in countries where opium, morphine and cocaine have claimed a large number of victims. It is quite possible that at an early date countries where this scourge is as yet unknown may, little by little and perhaps by the contagion of fashion, contract this deadly habit and that useful members of society may be transformed into useless burdens on their fellow-men.

The humanitarian aspect of this Conference is not, if I may say so, a restricted object ; it is a universal object. Again, the measures which we shall be called upon to take must not be theoretical or partially effective measures ; they must be real measures — stringent and energetic measures. Yet when we consider that these measures must be taken, not only in countries where the evil exists but also in countries where it is unknown, and that they must be as energetic as possible, we are forced at the outset to enquire whether — if I may take a general example — in order to suppress slaughter, we must first remove the slayers or, in other terms, whether we must, in order to suppress this scourge, create an even greater evil.

The whole world is aware that, although opium and other narcotics have claimed and are still claiming many victims, and although these drugs are responsible for the misfortunes of men of weak character and feeble will, they have yet brought happiness and relieved suffering and have even preserved great numbers from death.

Further, we do not yet know what the future has in store for us in the world of science, nor what we may expect from the experiments and researches of numerous scientists who are enquiring into the utility, the advantages, and even the specific properties of these drugs when judiciously employed in definite cases, some of

which, indeed, are as yet unknown to us. Nor do we yet know how far they can help us in explaining many phenomena connected with human life.

To suppress these drugs altogether and thus prevent unhappy wretches from perishing through their abuse is a truly philanthropic task ; but it would be cruel to abandon children, mothers, entire families, to suffering and anguish by entirely suppressing these narcotics.

The Dominican Republic, which has invariably contributed, sometimes by a supreme effort of self-denial, to all humanitarian endeavours, whether local or world-wide, and which spontaneously signed the Hague Convention of 1912, will whole-heartedly co-operate in the proceedings of our Conference with a view to reaching an international agreement that will rescue the nations from the scourge of narcotics by which they are afflicted.

Nevertheless, although the representative of the Dominican Republic accepts and complies with the Convention which his country has signed, he feels it his duty to state here and now that, while his object is the same humanitarian object as that pursued by his colleagues, he can only accept proposals which will in no way hamper the free employment of opium and its derivatives for medical and scientific purposes and provided that these drugs are placed in unlimited quantities at the disposal of duly authorised professional men.

This statement will convince the President and my colleagues that, even if I do not ask to intervene frequently in the discussions, I am prepared to vote for all proposals which they may make, provided they do not conflict with the principles which I have just laid down.

**Sir Malcolm Delevingne (British Empire) :**

Mr. President — I wish to say a few words, and a few words only, about the British Government's position in regard to the question which has to be considered by this Conference. Great Britain stands by the view that, so long as the drugs are produced in quantities greatly in excess of the world's legitimate requirements, illicit traffic in and abuse of the drugs will continue.

I may interpose here that this is the view which has been held, since its first session in 1921, by the Opium Advisory Committee of the League. From the start, that Committee has worked with this conviction in its mind. At its first session it initiated an enquiry into the world's legitimate requirements, and it was as the result of the information which it accumulated on this subject that the Committee felt at its session in 1923 that it was in a position to submit to the Council of the League its proposal for the holding of this Conference.

The British Government is of the opinion that we can never expect to eliminate entirely the illicit traffic in or abuse of these drugs, any more than we can expect to eliminate crime. While, therefore, the strongest possible measures for both the national and international control of the trade are and will continue to be necessary, it is essential that measures should be taken by the producing countries in concert for the direct limitation of the production of the drugs.

It is probably known to most of the delegates that Great Britain has put forward in the Preparatory Committee a scheme for the limitation



of production. This scheme has not been withdrawn, but in view of the fact that a scheme drawn up on somewhat different and somewhat simpler lines was prepared by the Opium Advisory Committee at its recent session, and in view of the fact that that scheme received a large measure of agreement in the Committee, Great Britain is prepared to withdraw its own scheme, if the scheme of the Advisory Committee is found to be generally acceptable to this Conference.

I had hoped that we should have heard, during the general discussion which has been taking place, the views of the different delegations on the schemes that have been put forward in the reports of the Preparatory Committee and the Advisory Committee and that we should have learnt what was the attitude of their respective Governments towards them. We have had many general expressions of goodwill, but we are very much in the dark at present as to the views entertained with regard to the several schemes which have so far been worked out.

I do not, of course, wish to pretend that the British scheme is perfect or that it is not attended with serious difficulties, nor do I wish to minimise those difficulties nor to evade their discussion. But we believe that, with goodwill and a sincere effort on the part of all countries to co-operate, a scheme for the direct limitation of the production of the drugs is practicable.

The problem is partly a medical one and partly an administrative one. The Advisory Committee has suggested that any scheme which is put into force must be based on some estimate of the world's medical requirements, and that estimate itself must be based upon the estimates of the medical requirements of the countries individually. These requirements are not uniform over the whole world; they vary from country to country according to the progress made in medicine, differences in medical practice, climatic conditions and other circumstances.

Assuming, as we think this Conference may assume, the possibility that estimates of medical requirements can be framed, the problem then becomes an administrative one. It is a problem of a kind which I believe has never been attempted before, the difficulties of which are evident, but which we believe can be solved.

Before I close, I venture to deprecate any tendency to underestimate the value of the progress which has already been achieved. Remember that the Hague Convention only came into force three and a half years ago and that the task before the League has been to secure its effective application throughout the world, and not only to secure its effective application but to devise the machinery on which that application could be based. Remember, too, that the nations are faced with an illicit traffic, carried on by organisations which are possessed of huge resources and the operations of which are world-wide. There have been disappointments — I do not wish to disguise this fact — but I believe it is correct to say that the amount of progress that has been achieved under the auspices of the League and as a result of the efforts of individual nations during those three and a half years, both in the national and international spheres, can hardly be paralleled in any previous international movement. (*Applause.*)

**The President :**

*Translation :* M. Pernambuco, delegate of Brazil, will address the Conference.

**M. Pernambuco (Brazil) :**

*Translation :* Mr. President, ladies and gentlemen — Brazil was one of the signatories of the Hague Convention and in execution of the obligation which she then assumed she has promulgated special laws and regulations concerning the importation and sale of dangerous drugs. These laws and regulations, which received the assent of the President of the Republic, have been in operation since 1921, and every possible endeavour has been made since that date to ensure their rigorous observance. Extremely strict measures have been taken to control all imports of dangerous drugs with a view to ensuring that persons carrying on illicit trade shall be punished very severely by imprisonment for not less than a year, by heavy fines and even by the closing-down of their businesses.

I was glad to notice that M. Kaku, the Japanese delegate, stated in his speech that we should not merely adopt suppressive measures, but also treat, by scientific methods, persons who have contracted this pernicious habit.

In promulgating the laws to which I have referred, Brazil made the treatment of drug addicts compulsory and has established sanatoria for the purpose. The Government quickly realised that addicts were the chief propagators of the vice, more especially in countries where the supervision of drug-stores and pharmacies by Government medical officers makes it almost impossible to buy dangerous drugs without a medical prescription. In these countries addicts can only obtain the poison that is slowly killing them from persons engaging in illicit sale and, as they alone know where the drugs can be found, they are the first to pass them on to new victims. It is for this reason that our Government has made the treatment of addicts compulsory. They can obtain treatment in one of two ways : they can apply to a magistrate to be sent to a special establishment or, if they are arrested by the police or reported to the authorities by members of their families, they are compulsorily detained in sanatoria or homes under Government supervision until they are permanently cured.

Measures have been recently taken to prevent any dangerous drug entering Brazil unaccompanied by the import certificates established by the League of Nations. If a consignment of drugs is not accompanied by the proper papers, the drugs are burnt. They are never sold. You will realise, therefore, that Brazil takes a special interest in the humanitarian campaign which we are undertaking here. On behalf of my country, I express my sincerest wish that we may arrive at a tangible result which will check this social scourge and benefit mankind.

If the members of the Conference so desire, I am ready to place the laws and regulations of my country in this matter at their disposal. (*Applause.*)

**The President :**

*Translation :* Dr. Duarte, delegate of Venezuela, will address the Conference.



**Dr. Duarte (Venezuela) :**

*Translation :* Mr. President, ladies and gentlemen — The Government of Venezuela, which signed the International Opium Convention and ratified it in 1913, takes a keen interest in the humanitarian question for which this Conference has been convened. Although Venezuela neither produces nor manufactures narcotics, and although instances of the abuse of dangerous drugs are rare in our country, the Government, in pursuance of the Hague Convention, enacted in 1920 very severe regulations to prevent the illegal traffic in opium and cocaine.

I do not propose to weary you by enumerating the provisions of these regulations, as a summary will be duly distributed to the Conference. I wish merely to say that the Venezuelan Government has rigorously applied the regulations which it has enacted, as it believes that the framing of laws is not enough — these laws must be energetically enforced.

In conclusion, I desire, on behalf of my Government, to express our best wishes for the success of the Conference, which will be the crowning effort of the League of Nations in the arduous humanitarian work which it has undertaken. (*Applause.*)

**The President :**

*Translation :* Mehmed Sureya Bey, delegate of Turkey, will address the Conference.

**Mehmed Sureya Bey (Turkey) :**

*Translation :* Mr. President, ladies and gentlemen — The Government of the Turkish Republic is extremely glad to take part, for the first time, in a Conference convened for a humanitarian object under the auspices of the League of Nations. Turkey will loyally collaborate in the work of the Conference and will conform to any decisions which may be taken.

I wish, however, to point out that the country which I have the honour to represent is merely a producer of opium, and that there is no danger in Turkey of the abuse of that product, as the peasants who cultivate the poppy do not consume the drug. Consequently, I shall reserve my right to make further observations in due time as regards the cultivation of the poppy, of which Prince Arfa-ed-Dowleh, the Persian delegate, has already spoken.

There is in the case of Turkey another question, namely, that of hashish. There are special laws in Turkey to prevent the cultivation of, and trade in, hashish. In order, however, to meet the wishes of our colleague on the Egyptian delegation, I will request you, Mr. President, to be good enough to place this question on the agenda of the Conference.

**The President :**

*Translation :* I call upon Mr. Campbell, delegate of India, to speak.

**Mr. Campbell (India) :**

I did not intend to take part in the general discussion, as there will, I imagine, be many opportunities in the course of the Conference of explaining in detail the policy of the Government of India, but I should like to say at once, with reference to the remark made by Sir

Malcolm Delevingne, that the Government of India is prepared to accept the scheme drawn up by the Opium Advisory Committee.

**The President :**

*Translation :* M. Peltzer, delegate of Belgium, will address the Conference.

**M. Peltzer (Belgium) :**

*Translation :* Mr. President — I wish to state that the Belgian Government has issued detailed regulations for the execution of the provisions of the Hague Convention and of the recommendations of the League of Nations. These provisions are strictly and most successfully enforced.

I need say no more to show you that Belgium heartily sympathises in the humanitarian work for which this Conference is convened.

**The President :**

*Translation :* There are no more speakers on my list for the general discussion.

If no other delegate desires to speak, I declare the general discussion closed.

## 19. REPORT OF THE COMMITTEE ON CREDENTIALS : CREDENTIALS OF THE CHINESE DELEGATION.

**The President :**

*Translation :* I now ask the Chairman of the Committee on Credentials to speak.

**M. de Aguero y Bethancourt (Cuba), Chairman of the Committee on Credentials :**

*Translation :* The Secretary-General of the League has to-day received a telegram from H.E. Chen Ting Wang, Minister for Foreign Affairs in Peking, confirming the appointment of H.E. Sao Ke Alfred Sze, H.E. Wang Kouang Ky and H.E. Chao-Hsin Chu as delegates of China to the First and Second Opium Conferences, with full powers.

The Committee on Credentials consequently considers the members of the Chinese delegation duly authorised to take their seats in the Conference and to sign any Convention which may be prepared.

## 20. AUDITION OF THE REPRESENTATIVES OF PRIVATE ASSOCIATIONS : COMMUNICATION BY THE PRESIDENT.

**The President :**

*Translation :* You will remember that it was agreed that the private associations should be heard at the end of the general discussion. That time has now come.

I suggest that we should meet for this purpose at half-past three o'clock this afternoon. (*Assent.*)

I wish to state that this afternoon's meeting will be semi-official. The reports of the speeches made by the representatives of private associations will not be incorporated in the official records of the Conference, but annexed to them.

*The Conference rose at 12.20 p.m.*

## SIXTH MEETING

Held at Geneva, Thursday, November 20th, 1924, at 3.30 p.m.

### CONTENTS :

21. AUDITION OF THE REPRESENTATIVES OF PRIVATE ASSOCIATIONS.
22. CLASSIFICATION AND CONSIDERATION OF THE PROPOSALS AND SUGGESTIONS MADE BY THE REPRESENTATIVES OF THE PRIVATE ASSOCIATIONS : PROPOSAL BY THE SPANISH DELEGATION.

President : M. Herluf ZAHLE.

#### 21. AUDITION OF THE REPRESENTATIVES OF PRIVATE ASSOCIATIONS.

##### The President :

*Translation* : This meeting will be entirely devoted to the statements of the representatives of the various private associations whom the Conference has consented to hear. The record of the speeches will be annexed to the verbatim record of the present meeting.

Eight representatives have asked to be heard by the Conference.

I call upon the first on my list, M. Koo, representative of the National Anti-Opium Association of China, to address the Conference.

**M. Koo** (representative of the National Anti-Opium Association of China) made a statement (Annex 7).

##### The President :

*Translation* : I call upon Dr. Warnhuis, representative of the International Missionary Council, to address the Conference.

**Dr. Warnhuis** (representative of the International Missionary Council) made a statement (Annex 8).

##### The President :

*Translation* : I call upon Mr. MacLennan, representative of the Conference of Missionary Societies, to address the Conference.

**Mr. MacLennan** (representative of the Conference of Missionary Societies) made a statement (Annex 9).

##### The President :

*Translation* : I call upon Mgr. Eugène Beaupin, representative of the Catholic Students Union, to address the Conference.

**Mgr. Eugène Beaupin** (representative of the Catholic Students Union) made a statement (Annex 10).

##### The President :

*Translation* : I call upon M. Alexander, representative of the Society of Friends, to address the Conference.

**M. Alexander** (representative of the Society of Friends) made a statement (Annex 11).

##### The President :

*Translation* : I call upon the Rev. E. J. Dukes, representative of the Society for the Suppression of the Opium Trade, to address the Conference.

**The Rev. E. J. Dukes** (representative of the Society for the Suppression of the Opium Trade) made a statement (Annex 12).

##### The President :

*Translation* : I call upon Mrs. Moorhead, representative of the Foreign Policy Association, to address the Conference.

**Mrs. Moorhead** (representative of the Foreign Policy Association) made a statement (Annex 13).

##### The President :

*Translation* : I call upon Mrs. Sturges, representative of the White Cross of America, to address the Conference.

**Mrs. Sturges** (representative of the White Cross of America) made a statement (Annex 14).

##### The President :

*Translation* : Ladies and gentlemen — I think I am expressing the views of all the members of the Second Opium Conference when, in the name of that Conference, I thank all the representatives of the private associations who have addressed us to-day.

They have given us a very clear impression of the important work that is being done by the different organisations in various countries.

The lofty ideals which are the object of this international gathering can only be achieved if public opinion in all nations is adequately prepared, and if all classes among the various nations are made acquainted with the serious danger from narcotics. The voluntary organisations which are represented before us to-day are carrying out this preparatory and educational work. The Second Opium Conference extends to-day to these associations its greetings as its collaborators in the moral aspect of this work. It much appreciates the efforts which the associations have made and expresses to them its warm thanks.

#### 22. CLASSIFICATION AND CONSIDERATION OF THE PROPOSALS AND SUGGESTIONS MADE BY THE REPRESENTATIVES OF THE PRIVATE ASSOCIATIONS : PROPOSAL BY THE SPANISH DELEGATION.

##### The President :

*Translation* : I have just received a motion submitted by the Spanish delegation. Under Rule II, paragraph 2, of the rules of procedure

I may only submit this proposal to you and put it to the vote provided the Conference unanimously agrees to this procedure.

The motion is as follows :

"The Secretariat is instructed to collect and classify the proposals and suggestions made by the representatives of the private organisations and to communicate them to the Business Committee in order that the latter may submit them to the Committees to be formed during the Conference ; these proposals and suggestions will be distributed among the respective Committees which are competent to deal with them."

Does anyone wish to speak ?

**M. Sugimura (Japan) :**

*Translation :* The Japanese delegation begs to second the Spanish delegate's proposal. We should be glad if it could be discussed immediately.

**Mr. Campbell (India) :**

I have no objection to the immediate discussion of the proposal if you consider it advisable, but I am not in favour of it.

**The President :**

*Translation :* Do any other delegates desire to speak on the proposal ?

It is true that I omitted to ask the members of the Conference whether or no they would prefer to adjourn the discussion which it appears we shall be obliged to have on this subject.

I infer that all delegates are in favour of continuing the discussion on the Spanish proposal.

**M. de Palacios (Spain) :**

*Translation :* My proposal is quite simple and I did not expect that there would be any objection to it. I am prepared to give reasons in support of it, but it would perhaps be better if the delegate of India were to state the grounds on which he is unable to accept it.

**Mr. Campbell (India) :**

Mr. President, I suggest that we are rather inverting the usual order of things. I expected that the author of the proposal would first of all have given us the reasons for it. But as I do not desire to avoid discussion, I am prepared to deal with the matter at once.

My first point is a practical one. I call the attention of the Conference to the fact that there are about 40 States represented here, a number which does not render discussion very easy. We have five schemes prepared by five different experts as the result of long discussion. None of those schemes has been withdrawn, and they are all based upon very wide knowledge of the subject. I presume that sooner or later those schemes will, or may, come under discussion at this Conference.

We have another scheme, also fairly long, I am afraid, which was prepared by the Opium Advisory Committee as the result of about a fortnight's work. We have also another scheme, certainly not less long, which has been presented by the American delegation. Now all these schemes, seven in number, have to be discussed and decided on, unless we can come to an agreement regarding the acceptance

of one of them. I again submit that these schemes have been framed by experts, with a profound knowledge of the subject. I do not imply any disrespect to the ladies and gentlemen who have spoken to-day when I say that their knowledge of the subject is, I think, admittedly much less profound.

**The President :**

*Translation :* I would point out to the delegate of India that Rule 5 of the rules of procedure, which we adopted yesterday, lays down that "A Business Committee shall be appointed by the Conference, consisting of the President of the Conference..." and so on. "The functions of the Committee shall be to make proposals to the Conference for the arrangement of the business of the Conference", and, further, that this Committee is "to examine and report on communications made to the Conference by private organisations or individuals". The Business Committee is therefore called upon to deal with and make a report on these communications.

I merely wish to call Mr. Campbell's attention to this point.

**M. de Palacios (Spain) :**

*Translation :* The delegate of India is perfectly right in saying that the usual order of things has been inverted. I should first have explained the proposal which I had the honour to submit to the Conference, but I am glad I did not do so because, as things are, I am now able to reply to the objections which Mr. Campbell has just made and which he will, I hope, withdraw when he has heard the explanations which I am able to give.

The first observation which I desire to make concerns the schemes which we are required to consider. We have indeed a superabundance of schemes before us, but I wish to point out that I have made no proposal to add another one to those at present before us. The object of my motion was to avail ourselves of the benefit of the work of the private organisations and the information which they have supplied at the present meeting. We have many matters to investigate, and we shall endeavour to go into the details of the communications which have been made to us. The Secretariat, however, could, I think, be of great assistance to us if it were to present the conclusions so as to facilitate the task of the Committees which will be set up during our proceedings to report to the Conference on definite subjects.

I do not say that the conclusions to which we have listened will in any way constitute a final opinion on my part ; they will serve as arguments to assist us in forming a judgment. We have come to Geneva as delegates of our Governments, and our Conference is an official Conference. We cannot therefore permit discussion on a scheme submitted by a private association.

I trust that Mr. Campbell will be satisfied with my explanation, for I had no intention of placing the conclusions of any particular Committee on the same footing as the proposals now before us.

I have already answered Mr. Campbell's second objection that certain suggestions could not be discussed in this place. I concur in his opinion. I have no intention of proposing that the Conference should discuss the argu-

ments which have been put forward. We will each of us bear them in mind in order to help us in forming our personal opinions.

In these circumstances I hope that the delegate of India will be good enough to accept my explanations.

**Mr. Campbell (India) :**

May I say at once, with regard to the remarks which have been made by the honourable delegate for Spain, that I have no objection whatever to his proposal. I understand that he wishes the Secretariat to prepare a resumé of the various suggestions which have been made, that resumé to be for the personal information of the delegates and not to be included in our agenda, nor discussed. On that basis I have, of course, no objection whatever to his suggestion.

**The President :**

*Translation :* The Spanish delegate has himself explained the resolution which he submitted and his explanation has, moreover, been endorsed by the delegate of India. As the Spanish delegate has not asked to speak again after the explanation made by the delegate of India, I presume that he agrees with the interpretation given to his motion.

**M. de Palacios (Spain) :**

*Translation :* I am entirely in agreement with it. The delegate of India has only repeated what I myself said.

**The President :**

*Translation :* The present discussion is not governed by our rules of procedure. The proposal can be voted on by the Conference if it so desires.

Before we vote, I wish to draw the attention of the Conference to the fact that it has already been decided to annex the text of this afternoon's speeches to the verbatim record of our meeting. The rules of procedure have been adopted, and Rule 5 applies to the question raised in the Spanish delegation's proposal.

**M. de Palacios (Spain) :**

*Translation :* The observations which the President has just made are perfectly well founded, but to my mind the question is raised in a slightly different manner in my proposal from that in which it occurs in the rules of procedure. This is a special case, and it is on these grounds that I submitted it to the Conference for an opinion. We have decided to annex the speeches which we have just heard to the verbatim record of the meeting, and I accordingly proposed that the conclusions of those speeches should be summarised in order to assist us in forming an opinion on them.

**M. Campbell (India) :**

Might I suggest that the matter should be adjourned until to-morrow, when I have very little doubt that the honourable delegate for Spain and myself will probably be able to present an agreed resolution?

**The President :**

*Translation :* The proposal is now made that the Conference should adjourn taking a decision on the Spanish's delegation's proposal.

**M. de Palacios (Spain) :**

*Translation :* I accept this suggestion.

**The President :**

*Translation :* The discussion on the Spanish proposal is adjourned to the next meeting.

Before we go, I wish to draw your attention to Rule 10 of the rules of procedure concerning the translation and distribution of documents for the Conference. May I again request delegates to hand in all such documents to the official permanently on duty in the Conference Hall at the right-hand side of the exit? This is the only procedure by which errors and delays can be prevented.

The Conference rose at 7.10 p.m.

## SEVENTH MEETING

*Held at Geneva on Saturday, November 22nd, 1924, at 10.30 a.m.*

### CONTENTS.

#### 23. EXAMINATION OF THE FIRST REPORT OF THE BUSINESS COMMITTEE.

President : M. Herluf ZAHLE.

#### 23. EXAMINATION OF THE FIRST REPORT OF THE BUSINESS COMMITTEE.

**The President :**

*Translation :* In accordance with Rule 5 of the Rules of Procedure, which you have adopted the Business Committee held two meetings yesterday in order that it might be able to submit a plan of work to you this morning.

This plan, which has been distributed to you in French and in English, forms the first report of the Business Committee (Annex 15).

I call upon Sir Malcolm Delevingne, Rapporteur of the Business Committee, to address the Conference.

**Sir Malcolm Delevingne (British Empire), Rapporteur of the Business Committee :**

I must begin by apologising to the Conference for appearing before it again in the capacity of Rapporteur. The position was not coveted by me, as the Conference may imagine, but I was asked by the Business Committee to undertake it and I felt that I could not refuse any task which might help to forward the work of the Conference.

The scheme for conducting the work of the Conference, which I have the honour to submit on behalf of the Business Committee, is the result of long and careful consideration on its part. The task before the Conference is both difficult and complicated, and many questions will come up for consideration. Naturally, there have been differences of opinion as to the best methods to be adopted for carrying on our work. The scheme which we put before you is a combination of several proposals; it may seem long, but it is in reality simple.

The problem before the Conference falls into two main divisions. The first of these comprises the specific task indicated in the resolution of the Assembly in pursuance of which this Conference has been summoned; that is, the task of devising a scheme for the limitation of the amounts of morphine, heroin and cocaine to be manufactured, and the limitation of the production for export of raw materials from which those drugs are made, to the quantity required for medical and scientific purposes.

The second is the revision of the Hague Convention which must necessarily follow on the adoption of any scheme for the limitation of the manufacture of the drugs, or the production of the raw materials, or both. The necessity for such revision of the Hague Convention will be obvious. If the manufacture of the drugs is to be limited to the quantities required for medical and scientific purposes, it is necessary for measures to be taken to control the export, the import and the distribution of the manufactured drugs so as to ensure that the supplies of the drugs are used only for such purposes and are not diverted to illegitimate uses, otherwise the world's medical and scientific requirements will not be met.

The draft project put forward by the Opium Advisory Committee, which the Conference has adopted as a basis for discussion, deals with the problem in two parts corresponding to the two main divisions which I have indicated.

The Business Committee therefore proposes, in the first place, that two general Committees shall be appointed by the Conference, to deal respectively with the first and second parts of our task. Every delegation will be entitled to be represented on each of these Committees.

The Business Committee is also of the opinion that it will be necessary to appoint a number of Sub-Committees to deal with particular problems. Both the extent and the character of the work, in our opinion, require the adoption of this step. For instance, the problem of the limitation of the manufacture of the drugs, or the problem of the limitation of the production of the raw materials for export, can only be solved by securing agreement between the manufacturing countries or the producing countries, as the case may be.

Again, the first of these problems — the limitation of manufacture — is a different one from the second — the limitation of the production of raw materials — and different groups of countries are concerned in them. Again, the problems have to be considered from the point of view of the consuming countries.

The scheme of limitation put forward by the Opium Advisory Committee of the League is based on estimates of their requirements for medical and scientific purposes furnished by the consuming countries. The question will arise whether the arrangements proposed in the

scheme of the Opium Advisory Committee, or in any other scheme that may be submitted, are satisfactory so far as the consuming countries are concerned. I need not elaborate the point further.

The business of the Conference will, in our view, proceed most rapidly and effectively if these special problems, which are both important and difficult and which lie at the very centre of our task, are dealt with by special Sub-Committees. In the proposal which the Business Committee puts before the Conference, we indicate what Sub-Committees we think should be appointed and in what manner we think they should be constituted. The Sub-Committees will report to the general Committees. The general Committees will have the important task of co-ordinating the results of their work and presenting the conclusions to this Conference.

I would say one word in conclusion. Apprehensions have been expressed as to whether some subjects may be included which, in the opinion of some members, ought to be excluded, and, on the other hand, whether some subjects may be excluded which, in the opinion of some, ought to be included. The proposal of the Business Committee follows the wording of our agenda as it is contained in the resolution of the Assembly. The question whether any particular subject is included or excluded is therefore not prejudged.

In his eloquent speech the other day, Bishop Brent told us not to be frightened because we might find a lion in the way. I would add to that by saying, "Do not let us worry about the lions until they appear. Let us get on with the work which the world is expecting us to do, and deal with the difficulties as and when they arise".

**The President :**

*Translation :* As you all have the text of the proposal before you in both official languages, I do not think it is necessary to read it.

I beg to state that the project contained in the first report of the Business Committee is now open for discussion. I call upon the first speaker, M. El Guindy, to address the Conference.

**M. El Guindy (Egypt) :**

*Translation :* I think that, before beginning our work, it would be advisable to make an addition to the list of drugs. "Hashish" is not mentioned, and I think it is essential that it should be included.

**The President :**

*Translation :* I would ask the Egyptian delegate to submit his proposal in writing.

**M. El Guindy (Egypt) :**

*Translation :* I made the proposal in the course of my speech.

**The President :**

*Translation :* It is preferable that your proposal, which is a formal one, should be handed in to the Chair in writing.

In order to save the Rapporteur of the Business Committee unnecessary work, I propose that the speakers should make their remarks in turn, and that Sir Malcolm Delevingne should reply to them altogether.

Has anyone any observations to make in regard to the plan of work?

**M. Dinichert** (Switzerland) :

*Translation* : I have just one brief remark to make in connection with a passage in the statement made by the Rapporteur of the Business Committee, of which I myself was a member. I feel that attention should be drawn to this passage, more especially as I do not think that the point referred to in it was established in the course of our discussions yesterday.

Sir Malcolm Delevingne said, if I understood him aright, that the First Committee will deal, in general, with questions relating to what is called the "limitation" of products, and that the Second Committee will deal with such revision of the Hague Convention as may be necessary after the work of the First Committee has been completed. It would therefore deal with modifications shown to be necessary as a result of the work of the First Committee.

This is correct to a certain extent, but it is not absolutely correct, for, as you know, we now have before us, under the provisions of the general scheme of the Advisory Committee, an entire programme for the revision of the Hague Convention, a scheme which has been carefully prepared and which, as regards certain points, may have an important bearing upon the object which we have in view. Accordingly, this Second Committee, which has to deal more especially with the revision of the Hague Convention, has already — even though the First Committee has not yet reached any conclusions — a programme on which to work. If such were not the case, we should, logically, have had to wait before setting up our Second Committee to see what the First Committee would have for it to do.

I feel sure that Sir Malcolm Delevingne agrees with me, but I thought that the point should be raised by a member of the Business Committee in order to avoid any misunderstanding.

**M. Sugimura** (Japan) :

*Translation* : At the meeting of the Business Committee, I voted in favour of the programme submitted this morning. I quite agree with M. de Aguero y Bethancourt: the first thing to be done is to determine the procedure and constitution of the Committees, Sub-Committees and Committees of Experts to be set up.

As regards the exact competence of the Second Opium Conference, I feel that it should be interpreted with a certain breadth of view and that the various proposals which will be submitted to us should be given the fullest consideration. The Business Committee did not succeed, in the course of its discussion yesterday, in coming to any definite conclusion as regards this point. I myself formally reserved the right to raise the question at a plenary meeting of the Conference.

I have made an exhaustive examination of all the documents relating to our competence. They are not drafted in strictly legal terms; they allow of very wide latitude in interpretation. Such being the case, I wish to speak frankly and to give you my personal view, which is based not exclusively on legal, but even more, on moral and ethical considerations.

The Governments which we represent here are all animated by one desire, the desire to put an end to the scourge of dangerous drugs: as regards this point, there can be no doubt whatsoever. But if our lofty ideals of humanity and social justice are to become practical realities, we must manifest both goodwill and common sense.

(a) It is the imperative duty of our Conference to profit by the unique and decisive opportunity offered it by the present meeting of eminent representatives of all the States concerned and of the ablest experts in the various continents, and to discuss any serious suggestion designed to bring about the suppression of dangerous drugs. We are met together at the instance of the League of Nations, under whose general supervision the traffic in opium and other dangerous drugs is placed by Article 23 of the Covenant. This being so, it is our duty to deal with the Egyptian proposal — supported by the Turkish delegation — concerning hashish. Too strict a juridical interpretation of our competence might run counter to the lofty purpose which we have in view. The Conference must bring to bear, along with the cold logic of the brain, the creative generosity of the heart and must even, if need be, give the latter preference.

(b) On the other hand, we must not lose sight of the practical side of the matter. We can only do what lies within our power; if we are not in possession of the necessary instructions or if any subject has not been sufficiently prepared, it will be impossible for us to conclude an effective convention within the short period of time at our disposal. If this should prove to be the case, we should be obliged to confine ourselves to making a recommendation or expressing a desire, or even perhaps to referring to the matter in the Minutes; delegations will also be able to adhere to an agreement subject to reservations. All this, however, must not prevent us from exchanging views and discussing matters in order to decide whether or not the difficulties are insurmountable at the present time.

The Conference might take as a general basis for discussion the programme prepared by the Opium Advisory Committee. Every delegation, however, retains the right to interpret the terms of this programme in its own way and to submit such amendments or additions as it may think fit.

The proposal of the American delegation becomes, in accordance with the resolution of the fourth Assembly, *ipso facto* part of the programme of the Conference.

The question of the competence of the Conference is certainly a delicate one. If, however, we continue to hold a high ideal of humanity, justice and social charity, if we act throughout alike with good-will and common-sense, our difficulties will not be insurmountable. The letter kills, the spirit animates. Too much legal technicality or cold logic would be a sad disappointment to public opinion, which expects great things from us. The success of our work would be endangered and it would be a blow to the moral prestige of the League.

**The President** :

*Translation*: Dr. Chodzko, delegate of Poland, will address the Conference.

**Dr. Chodzko (Poland) :**

*Translation* : In the name of the Polish delegation, I congratulate the Business Committee on having submitted to us the plan now before us, a plan which makes it possible for us to discuss the question of drugs in all its bearings.

As regards this plan, we have been struck by the fact that the consuming countries, that is to say, the countries which bear the full burden of the opium traffic, are to be admitted to collaborate with the producing countries in the first three Sub-Committees which have been proposed.

I venture, however, to note one or two points. The project now submitted to us appears in the nature of a heavy and unwieldy piece of mechanism. It is proposed that we should appoint two general Committees, on which all the delegations at the Conference would be represented, and six fairly large Sub-Committees. If this is done, I am afraid that our work will not proceed very rapidly. In my opinion, the suggestion just made by the Swiss delegate in regard to the second general Committee is a wise one. The task to be entrusted to the second general Committee might be handed over to a Drafting Committee. Moreover, the appointment of a second general Committee is not necessary at present, as this Committee cannot start its work until it is in possession of the results of the first Committee's proceedings.

As regards the special Sub-Committees, six appears to me to be a somewhat excessive number, and I have a few remarks to make in regard to the composition of these Sub-Committees.

The First Sub-Committee, the duty of which will be to consider all suggestions for the limitation of the manufacture of drugs, is to consist of ten members, including six representatives of the producing countries, three representatives of the consuming countries and a representative of the United States.

The Second Sub-Committee, which is to consider suggestions for the limitation of the production of opium for export, is composed of five representatives of the producing countries and two representatives of the consuming countries.

The Third Sub-Committee, which is to consider suggestions for the limitation of the production of the coca-leaf for export, consists of three representatives of the producing countries and only one representative of the consuming countries.

On what basis has the Business Committee proceeded in fixing these figures? Why, in these first three Sub-Committees, are the producing countries more fully represented than the consuming countries? It is the consuming countries which bear all the burdens and experience all the disadvantages arising from the traffic in dangerous drugs; it would be only just, in my opinion, to give them, in each of these Sub-Committees, a number of places at least equal to that of the producing countries.

I venture, therefore, to lay the following proposal before the Conference: that each of the Sub-Committees shall include the same number of representatives of the consuming countries as of the producing countries.

If my proposal is adopted, the work of the Conference will be expedited.

Lastly, no member of this assembly could explain to me why the interests of one group of producers, for example, the coca planters, should be better protected than those of another group, such as the cultivators of the poppy, *vis-à-vis* the consumer.

I would strongly urge the adoption of my proposal, which is inspired by a desire for justice and equality.

This is all that I have to say regarding the report now before us. I have no objection to the principle underlying the project, and, in order not to delay the work of the Conference, I accept it as a whole, though I hope at the same time that my remarks will receive consideration.

I also support the proposal of the first Egyptian delegate that hashish should be included in the programme of the Conference.

**The President :**

*Translation* : I will ask the first Polish delegate to be good enough to hand in in writing his proposals for the modification of the Sub-Committees.

M. Sze, delegate of China, will address the Conference.

**M. Sze (China) :**

Mr. President, members of the Conference — I was one of the members of the Sub-Committee who voted against the proposal that has been laid before you by the delegate of the British Empire. I therefore feel it my duty to say a few words as to the reason why I did not find it possible to subscribe to the proposition which is now before you.

First of all, let me tell you that the Sub-Committee sat yesterday morning from half-past ten to one o'clock and it met again in the afternoon from half-past three till eight o'clock; in other words, the Sub-Committee sat for seven hours. This fact shows you that the Sub-Committee considered that the matter entrusted to it was one of supreme importance, so much so that it found it necessary to ask the President to adjourn the plenary meeting yesterday afternoon in order that ample time might be given to the subject of most supreme importance. A summary has been distributed to you of what happened in the morning.

**The President :**

*Translation* : I beg your pardon. That short summary was only sent to the members of the Committee.

**M. Sze (China) :**

I beg your pardon. I am wrong. A short summary has been distributed to the members of the Committee.

This is what happened. Various proposals were put forward as to the manner in which the Business Committee ought to make its report. The different views were put before the Committee in detail, but up till one o'clock there was no tangible result.

There was first the proposal submitted by the British delegation, and secondly, that submitted by my honourable friend from Switzerland; there were also other proposals, notably one by my friend the delegate of the Netherlands, supported by France and India.

At the beginning of the afternoon meeting my friend from Holland withdrew his proposal,



Has anyone any observations to make in regard to the plan of work?

**M. Dinichert** (Switzerland) :

*Translation* : I have just one brief remark to make in connection with a passage in the statement made by the Rapporteur of the Business Committee, of which I myself was a member. I feel that attention should be drawn to this passage, more especially as I do not think that the point referred to in it was established in the course of our discussions yesterday.

Sir Malcolm Delevingne said, if I understood him aright, that the First Committee will deal, in general, with questions relating to what is called the "limitation" of products, and that the Second Committee will deal with such revision of the Hague Convention as may be necessary after the work of the First Committee has been completed. It would therefore deal with modifications shown to be necessary as a result of the work of the First Committee.

This is correct to a certain extent, but it is not absolutely correct, for, as you know, we now have before us, under the provisions of the general scheme of the Advisory Committee, an entire programme for the revision of the Hague Convention, a scheme which has been carefully prepared and which, as regards certain points, may have an important bearing upon the object which we have in view. Accordingly, this Second Committee, which has to deal more especially with the revision of the Hague Convention, has already — even though the First Committee has not yet reached any conclusions — a programme on which to work. If such were not the case, we should, logically, have had to wait before setting up our Second Committee to see what the First Committee would have for it to do.

I feel sure that Sir Malcolm Delevingne agrees with me, but I thought that the point should be raised by a member of the Business Committee in order to avoid any misunderstanding.

**M. Sugimura** (Japan) :

*Translation* : At the meeting of the Business Committee, I voted in favour of the programme submitted this morning. I quite agree with M. de Aguero y Bethancourt : the first thing to be done is to determine the procedure and constitution of the Committees, Sub-Committees and Committees of Experts to be set up.

As regards the exact competence of the Second Opium Conference, I feel that it should be interpreted with a certain breadth of view and that the various proposals which will be submitted to us should be given the fullest consideration. The Business Committee did not succeed, in the course of its discussion yesterday, in coming to any definite conclusion as regards this point. I myself formally reserved the right to raise the question at a plenary meeting of the Conference.

I have made an exhaustive examination of all the documents relating to our competence. They are not drafted in strictly legal terms; they allow of very wide latitude in interpretation. Such being the case, I wish to speak frankly and to give you my personal view, which is based not exclusively on legal, but even more, on moral and ethical considerations.

The Governments which we represent here are all animated by one desire, the desire to put an end to the scourge of dangerous drugs : as regards this point, there can be no doubt whatsoever. But if our lofty ideals of humanity and social justice are to become practical realities, we must manifest both goodwill and common sense.

(a) It is the imperative duty of our Conference to profit by the unique and decisive opportunity offered it by the present meeting of eminent representatives of all the States concerned and of the ablest experts in the various continents, and to discuss any serious suggestion designed to bring about the suppression of dangerous drugs. We are met together at the instance of the League of Nations, under whose general supervision the traffic in opium and other dangerous drugs is placed by Article 23 of the Covenant. This being so, it is our duty to deal with the Egyptian proposal — supported by the Turkish delegation — concerning hashish. Too strict a juridical interpretation of our competence might run counter to the lofty purpose which we have in view. The Conference must bring to bear, along with the cold logic of the brain, the creative generosity of the heart and must even, if need be, give the latter preference.

(b) On the other hand, we must not lose sight of the practical side of the matter. We can only do what lies within our power; if we are not in possession of the necessary instructions or if any subject has not been sufficiently prepared, it will be impossible for us to conclude an effective convention within the short period of time at our disposal. If this should prove to be the case, we should be obliged to confine ourselves to making a recommendation or expressing a desire, or even perhaps to referring to the matter in the Minutes; delegations will also be able to adhere to an agreement subject to reservations. All this, however, must not prevent us from exchanging views and discussing matters in order to decide whether or not the difficulties are insurmountable at the present time.

The Conference might take as a general basis for discussion the programme prepared by the Opium Advisory Committee. Every delegation, however, retains the right to interpret the terms of this programme in its own way and to submit such amendments or additions as it may think fit.

The proposal of the American delegation becomes, in accordance with the resolution of the fourth Assembly, *ipso facto* part of the programme of the Conference.

The question of the competence of the Conference is certainly a delicate one. If, however, we continue to hold a high ideal of humanity, justice and social charity, if we act throughout alike with good-will and common-sense, our difficulties will not be insurmountable. The letter kills, the spirit animates. Too much legal technicality or cold logic would be a sad disappointment to public opinion, which expects great things from us. The success of our work would be endangered and it would be a blow to the moral prestige of the League.

**The President** :

*Translation* : Dr. Chodzko, delegate of Poland, will address the Conference.

**Dr. Chodzko (Poland):**

*Translation :* In the name of the Polish delegation, I congratulate the Business Committee on having submitted to us the plan now before us, a plan which makes it possible for us to discuss the question of drugs in all its bearings.

As regards this plan, we have been struck by the fact that the consuming countries, that is to say, the countries which bear the full burden of the opium traffic, are to be admitted to collaborate with the producing countries in the first three Sub-Committees which have been proposed.

I venture, however, to note one or two points. The project now submitted to us appears in the nature of a heavy and unwieldy piece of mechanism. It is proposed that we should appoint two general Committees, on which all the delegations at the Conference would be represented, and six fairly large Sub-Committees. If this is done, I am afraid that our work will not proceed very rapidly. In my opinion, the suggestion just made by the Swiss delegate in regard to the second general Committee is a wise one. The task to be entrusted to the second general Committee might be handed over to a Drafting Committee. Moreover, the appointment of a second general Committee is not necessary at present, as this Committee cannot start its work until it is in possession of the results of the first Committee's proceedings.

As regards the special Sub-Committees, six appears to me to be a somewhat excessive number, and I have a few remarks to make in regard to the composition of these Sub-Committees.

The First Sub-Committee, the duty of which will be to consider all suggestions for the limitation of the manufacture of drugs, is to consist of ten members, including six representatives of the producing countries, three representatives of the consuming countries and a representative of the United States.

The Second Sub-Committee, which is to consider suggestions for the limitation of the production of opium for export, is composed of five representatives of the producing countries and two representatives of the consuming countries.

The Third Sub-Committee, which is to consider suggestions for the limitation of the production of the coca-leaf for export, consists of three representatives of the producing countries and only one representative of the consuming countries.

On what basis has the Business Committee proceeded in fixing these figures? Why, in these first three Sub-Committees, are the producing countries more fully represented than the consuming countries? It is the consuming countries which bear all the burdens and experience all the disadvantages arising from the traffic in dangerous drugs; it would be only just, in my opinion, to give them, in each of these Sub-Committees, a number of places at least equal to that of the producing countries.

I venture, therefore, to lay the following proposal before the Conference: that each of the Sub-Committees shall include the same number of representatives of the consuming countries as of the producing countries.

If my proposal is adopted, the work of the Conference will be expedited.

Lastly, no member of this assembly could explain to me why the interests of one group of producers, for example, the coca planters, should be better protected than those of another group, such as the cultivators of the poppy, *vis-à-vis* the consumer.

I would strongly urge the adoption of my proposal, which is inspired by a desire for justice and equality.

This is all that I have to say regarding the report now before us. I have no objection to the principle underlying the project, and, in order not to delay the work of the Conference, I accept it as a whole, though I hope at the same time that my remarks will receive consideration.

I also support the proposal of the first Egyptian delegate that hashish should be included in the programme of the Conference.

**The President :**

*Translation :* I will ask the first Polish delegate to be good enough to hand in in writing his proposals for the modification of the Sub-Committees.

M. Sze, delegate of China, will address the Conference.

**M. Sze (China) :**

Mr. President, members of the Conference — I was one of the members of the Sub-Committee who voted against the proposal that has been laid before you by the delegate of the British Empire. I therefore feel it my duty to say a few words as to the reason why I did not find it possible to subscribe to the proposition which is now before you.

First of all, let me tell you that the Sub-Committee sat yesterday morning from half-past ten to one o'clock and it met again in the afternoon from half-past three till eight o'clock; in other words, the Sub-Committee sat for seven hours. This fact shows you that the Sub-Committee considered that the matter entrusted to it was one of supreme importance, so much so that it found it necessary to ask the President to adjourn the plenary meeting yesterday afternoon in order that ample time might be given to the subject of most supreme importance. A summary has been distributed to you of what happened in the morning.

**The President :**

*Translation :* I beg your pardon. That short summary was only sent to the members of the Committee.

**M. Sze (China) :**

I beg your pardon. I am wrong. A short summary has been distributed to the members of the Committee.

This is what happened. Various proposals were put forward as to the manner in which the Business Committee ought to make its report. The different views were put before the Committee in detail, but up till one o'clock there was no tangible result.

There was first the proposal submitted by the British delegation, and secondly, that submitted by my honourable friend from Switzerland; there were also other proposals, notably one by my friend the delegate of the Netherlands, supported by France and India.

At the beginning of the afternoon meeting my friend from Holland withdrew his proposal,

so that finally there remained only two proposals before the Committee, the Swiss and the British. It was then suggested that a small Drafting Committee should be formed in order to reduce the proposals to writing, and if possible to prepare one proposal only.

After an adjournment, the Committee met again, and there were two texts before it — one the British proposal as presented to you this morning, and another one drafted by the Swiss delegate. Later, the delegate of the United States asked a question, but he did not put his question into the form of a resolution or any definite proposal. He asked a question with reference to the scope of this Conference, whether amendments to the Hague Convention of 1912 could be presented to the Conference and discussed.

If you read carefully the proposal presented to you this morning by the delegate for the British Empire, you will see that it is to the effect that, to a limited degree, this Conference can discuss and amend the 1912 Convention; the limitation, however, is this, that the discussion must remain strictly within the limits of the agenda as distributed in the form of an invitation to the different Governments. The President of our Conference, who was also the Chairman of the Business Committee, called attention to Resolution VI, adopted by the fourth Assembly of the League of Nations, which reads as follows :

“The Assembly... requests the Council, as a means of giving effect to the principles submitted by the representatives of the United States of America, and to the policy which the League, on the recommendation of the Advisory Committee, has adopted, to invite the Governments concerned to send representatives”, etc.

Let me tell you in a few words what the difference of opinion was in the Committee. There was one trend of opinion which said that this Conference should rigidly limit itself to the terms of the invitation. The President, however, pointed out, as I have said, that this was somewhat qualified by the terms of Resolution VI, adopted by the fourth Assembly. There was another school, led by my friend Mr. Porter, which said that on humanitarian grounds there should be a certain elasticity, and that the Conference should have the right to discuss any of the articles of the Hague Convention of 1912. That is the crux of the whole question. If I am wrong, I should like my friends the delegates of the British Empire and of the United States to correct me.

I will now ask leave to read to you a written statement explaining why I voted against the proposal presented to you this morning by the delegate of the British Empire.

The Chinese delegation has this to say with regard to the scope of this Conference. My delegation understands that this Conference has been called in order that the Powers represented here may agree upon common action for the full realisation of the aims of the Hague Convention; these aims have been officially declared in the two American resolutions presented to the Opium Advisory Committee at its fifth session, and, with certain reservations as to legitimacy, under the Hague Convention, of the use of prepared opium, approved by the Assembly of the League of Nations.

These resolutions read as follows :

“1. If the purpose of the Hague Opium Convention is to be achieved according to its spirit and true intent, it must be recognised that the use of opium products for other than medicinal and scientific purposes is an abuse and not legitimate.

“2. In order to prevent the abuse of these drugs, it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for non-medicinal and non-scientific purposes.”

The determination of the League to invite all the nations of the world to assemble, through their representatives on this Conference, was predicated upon the American proposals. In its report of June 16th, 1923, to the Council of the League, the Advisory Committee says :

“These proposals were amplified by the United States representatives, who, in commenting on them, showed that they were in full accordance with both the letter and the spirit of the International Opium Convention of 1912.

“The Committee very fully examined the proposals of the United States. It would be difficult in a short space to summarise the discussions which took place, but a full report of them is included in the Minutes of the meetings and reference should be made to them.

“After a long discussion, and on the proposal of a Drafting Committee, which was appointed to prepare the final text, the Committee adopted unanimously the following resolution.”

Then follows the resolution, the fourth paragraph of which reads :

“As a means of giving effect to the principles submitted by the representatives of the United States and the policy which the League, on the recommendation of the Committee, has adopted, and having regard to the information now available, the Advisory Committee recommends to the Council the advisability of inviting the Governments..... to enter into immediate negotiations..... to consider whether, with a view to giving the fullest possible effect to the Convention of 1912, agreements could not now be reached between them.”

There then follows in the resolution of the Advisory Committee a statement of the various points upon which it is desirable that agreement should be reached. No statement or suggestion is made by the Committee, nor by the Assembly of the League which approved the resolution, that the points thus enumerated exhausted all those that might be involved in any common agreement which might be reached by the nations with a view to giving the fullest possible effect to the purposes of the Hague Convention as defined in the American resolutions.

This Conference would be controlled by an extraordinarily technical, not to say strained, interpretation of its province and powers were it to decide that it could examine, and come to agreement, only upon those points which, by way of description rather than by way of limitation, the Advisory Committee and the

Assembly deemed desirable to refer to in their resolutions. Certainly it had not occurred to the Chinese delegation that the Conference would consider itself competent to consider only measures directly relating to the points enumerated by the Advisory Committee and by the Assembly of the League.

Certainly, also, it has been the expectation of the peoples of the world that the Conference should seek in every way possible to abate, and if possible wholly to correct, the evils that now result from the abuse of opium, of cocaine, of their derivatives, and of other similar narcotic drugs.

Apart from other and more general considerations, the Chinese delegation is concerned with the matter at issue, since it desires that the Conference should give its favourable consideration to certain proposals which the delegation will make for carrying out effectively the provisions of Chapter IV of the Hague Convention. (*Applause.*)

**The President :**

*Translation :* I did not wish to interrupt the first part of M. Sze's speech, but I venture now most courteously to remind the first Chinese delegate that it is not in accordance with the procedure of the League to mention at a public meeting any names or facts connected with the proceedings of a private Committee. Although there is nothing secret about the work of the Business Committee, it seems to me to be unfortunate that its proceedings should be referred to here publicly. I would ask the Chinese delegate, with all courtesy, to avoid this in future.

**M. Sze (China) :**

If I have contravened the policy adopted by previous Conferences, I beg your pardon. I thought that if I gave my statement to the newspapers last night I should be abusing the confidence of the Business Committee, but I believed that matters would be on a different plane if I only brought the point before my colleagues. If my idea is wrong, I am ready to submit to anything you may decide.

**The President :**

*Translation :* I beg to thank the Chinese delegate for his courteous remark.

**M. Dinichert (Switzerland) :**

*Translation :* I wished a moment ago to remove a misunderstanding which I thought might possibly arise in regard to the report of our Committee. I am sorry to find from the remarks of my Polish colleague that I was not completely successful.

I repeat, therefore, that, in the opinion of all the members of the Business Committee, the Second Committee has an independent task which it can begin at any moment. If you will refer to the programme of the Advisory Committee, you will see the useful and well-considered proposals which have already been placed before us by that Committee for strengthening the Hague Convention. This is quite independent of any questions coming within the competence of the First Committee.

The question before us is not, therefore, that of a Sub-Committee or of a Drafting Committee, but rather of an important Committee, and I would remind you that from the very beginning

I have advocated the representation of all the delegations on this Committee; for I am convinced that its programme concerns all the delegations — though perhaps in varying degrees — and that this programme is of sufficient moment to every one of them for their collaboration to be most desirable.

**M. Emmanuel (Greece) :**

*Translation :* Mr. President — I wish to support the proposal of the Egyptian delegate. We hear continually of opium, morphine and heroin as drugs. Unfortunately, these are not the only ones. There are, besides, a certain number which are not mentioned (other opium alkaloids and derivatives; pantopon, hashish, ether, psycaine, etc.); it would be better therefore if the word "drug" were taken to mean any harmful drug already known or which may be discovered.

I suggest that the Sixth Sub-Committee be asked to define all these drugs.

**The President :**

*Translation :* I do not think that the Greek delegate's proposal involves any amendment of the plan of work. The First Committee would appear to be the proper body to deal with this proposal. Does the Greek delegate accept this view?

**M. Dendramis (Greece) :**

*Translation :* The Greek delegation requests that this suggestion be referred to the First Committee for examination.

**The President :**

*Translation :* This question cannot be referred to the First Committee until the latter has been appointed. The simplest procedure appears to me to be that, at the first meeting of the First Committee, the Greek delegation should submit the proposal put forward here.

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

In the opinion of the delegates of the United States, the report of the Business Committee seems to curtail the scope of the Conference. It may not do so, but, on the other hand, it may. We have no desire to delay matters, and therefore I shall put on record a statement in the nature of a reservation:

It is the opinion of the United States delegation that the report of the Business Committee may unduly curtail the scope of the Conference, and my delegation, having no desire to delay the work, will vote in favour of the adoption of the report, but on the express condition that it will be permitted to present to the Conference, or to the appropriate Committees thereof, for consideration on their merits, the suggestions of the United States, or such portions thereof as it may deem germane to the purpose of the Conference. Our instructions are such that we should find it difficult to proceed further in the Conference without this clear understanding.

**The President :**

*Translation :* I regard the statement of the United States delegate as a statement affecting his vote; it will be entered in the record of the meeting.

**Prince Arfa-ed-Dowleh (Persia) :**

*Translation :* I should like to thank the Business Committee for its favourable reception of my proposal and also to thank the President for his courteous reply.

I consider that the proposal of the Polish delegation, that the producing and consuming countries should be equally represented on the Sub-Committees, is both fair and reasonable and I heartily support it.

**Mr. MacWhite (Irish Free State) :**

*Translation :* I wish to support the proposal of Dr. Chodzko, the Polish delegate. It was my intention to submit a similar proposal. I am glad to find that there are other delegates of my opinion at this Conference. We must take advantage of the experience of the First Conference and not arrive at the same results. Non-producing countries are also interested in the matter and we should take this fact into account in order that the Conference may be able to draw up a Convention.

**Mr. Campbell (India) :**

I should like to call the attention of the Conference to the remark made by Sir Malcolm Delevingne in introducing the report of the Committee, when he pointed out that the wording adopted in the programme submitted to the Conference did not prejudge in any way the question of competence. It is for that reason that I have not intervened in the debate.

For the moment, I merely wish to make it quite clear that the Indian delegation reserves the right to discuss and speak on the question at a later stage. If the Conference wishes to raise the question of competence now, we are, of course, prepared to discuss it ; if I may say so, however, I think it would be much more convenient if that question, which has only been raised incidentally and which, as I have pointed out, is not relevant, or at any rate not strictly relevant, to the question now under discussion, were postponed.

My only object in speaking is to remind the Conference that the programme presented by Sir Malcolm Delevingne can be accepted without prejudging in any way the question of competence and to reserve to my delegation the right to discuss that question of competence at a later stage.

**The President :**

*Translation :* As no one else wishes to speak, I now declare the general discussion on the report of the Business Committee closed. I will therefore ask the Rapporteur of the Committee to reply to the various observations that have been made, and I think that any subsequent discussion should be confined to the points raised this morning by the various delegations.

**Sir Malcolm Delevingne (British Empire), Rapporteur of the Business Committee :**

Before I reply, may I ask what motions for the amendment of the proposals made by the Business Committee have been handed in ?

**The President :**

*Translation :* The only proposal submitted in writing is the Polish proposal. There is, in addition, the Egyptian delegation's proposal with regard to hashish. As this matter, how-

ever, does not come within the scope of our discussion, I have not yet had it roneoed for distribution.

**M. Sugimura (Japan) :**

*Translation :* To sum up the Japanese point of view, we want a wider interpretation of the phrase in the third paragraph of the report : "..... or which may be submitted by any delegation".

**The President :**

*Translation :* Is M. Sugimura proposing an amendment to the text ?

**M. Sugimura (Japan) :**

*Translation :* I am not proposing an amendment to the text, but I wish again to emphasise our hope that it will be interpreted more widely.

**The President :**

*Translation :* I ask Sir Malcolm Delevingne to be good enough to reply as regards the principle of the Polish proposal. The actual text will be distributed shortly.

**Sir Malcolm Delevingne (British Empire), Rapporteur of the Business Committee :**

As there is only one motion before the Conference for the amendment of the scheme submitted by the Business Committee, namely, the Polish amendment, I will deal with that first.

The Polish delegate asked the reason for the inequality in the numbers of the First, Second and Third special Sub-Committees as between the manufacturing or producing countries on the one hand and the consuming countries on the other; he complained, or alleged, that the representation of the consuming countries was inadequate. His proposal is that as many representatives of the consuming countries should be placed on these Sub-Committees as there are representatives of the manufacturing or producing countries.

The reason for the inequality (if it may be called inequality) is this. The chief difficulty in the problem of securing an agreement as to the limitation of the manufacture of the drugs, morphine, heroin and cocaine, and the chief difficulty in connection with the problem of securing a limitation of the production, for export, of raw opium or the coca-leaf, as the case may be, is the difficulty of getting the manufacturing or producing countries to come to an agreement between themselves.

The manufacturing countries, in the case of drugs, and the producing countries, in the case of the raw material, compete among themselves for the world markets, and the great difficulty with which the Preparatory Committee, in the first place, and the Advisory Committee, in the second place, have been faced throughout their consideration of the subject since the beginning of this year, has been this difficulty of securing an agreement between the nations which are competitors in the world markets for the drugs or for the raw material, as the case may be.

That is why the chief elements in these first three Sub-Committees which are suggested for dealing with this problem of limitation are the groups of competing countries in regard to these respective matters.

The consuming countries, naturally, have a very considerable interest in the matter. Their

interest is to see that neither the limitation of the manufacture of the drugs, nor the production of the raw material, nor the restrictions placed on import, export or distribution is carried to such lengths as to deprive them of the supplies which they require for medical and scientific purposes in their own countries. From the necessities of the case, they can obviously have no part in any agreement which may be reached between the manufacturing or producing countries.

The terms on which the manufacturing or producing countries may agree upon a joint scheme of limitation is not a matter on which the votes of the consuming countries would have a decisive influence. Their interest, as I have said, lies in seeing that the supplies of the drugs which are produced for the world's consumption reach them in sufficient quantities for their medical and scientific requirements.

The representatives of the consuming countries, therefore, hold what in England is called a watching brief, and I thought (and I think the Committee generally thought) that the interests of the consuming countries, which are obviously very largely the same in all cases, would be adequately represented on these Sub-Committees by the number of representatives we have suggested. Their function will be to see that the point of view of the consuming countries is not lost sight of in these negotiations.

May I point out another thing, namely, that the interests of the consuming countries are also adequately protected by the appointment of a fourth special Sub-Committee, which, as I explained in the report I submitted to the Conference this morning, will regard these problems of limitation from the point of view of the consumer. The consumers will thus have a special Sub-Committee of their own, which will examine, from the point of view of the consumer, the suggestions which have been put forward by the Opium Advisory Committee with regard to the limitation of manufacture, the restrictions on export and so forth. Surely, this is the most adequate safeguard for the interests of the consuming countries?

I need hardly add that the larger a committee, the more conversation there will be, the longer the discussions will take and, I might almost say, the less likely it is that the Committee will come to a conclusion. In view of that explanation, I would suggest to the Polish delegate that he need not press his amendment, and that the scheme of the Business Committee might be allowed to stand as it is.

Various points were raised and suggestions made by delegations which have not moved formal amendments, but courtesy demands that I should make, quite briefly, a few observations on the points raised. First let me say that I have no wish to enter and no intention of entering into the general question of competence. As the President has pointed out, it is a proposal for a programme and method of work which has been submitted by your Business Committee.

In my report to the Conference I studiously avoided any question of competence. This question is of so much importance, and will give rise to so much discussion if it is ever raised, that, surely, on every ground, as well as those of convenience and expedition, we should avoid it this morning. I do not therefore

propose to raise and discuss the general question of competence which has been referred to by some of the delegates.

A very interesting proposal has, however, been put forward by the delegate of Egypt, and supported by the delegate of Greece, in regard to the subject of hashish. This proposal raises two questions, the question of competence, into which I do not propose to enter, and the question of merit. The Conference as a whole may not know, but, certainly, many of the delegations present do know, that this matter has been under consideration by the Opium Advisory Committee of the League. The South African Government, I think, last year sent to the League a suggestion to the effect that Indian hemp, which is the plant from which hashish is obtained, should be treated as one of the habit-forming drugs and that it should be brought within the scope of the Hague Convention.

The Advisory Committee considered the matter at its session this year and passed this resolution:

“With reference to the proposal of the Government of the Union of South Africa that Indian hemp should be treated as one of the habit-forming drugs, the Advisory Committee recommends the Council that, in the first instance, the Governments should be invited to furnish to the League information as to the production and use of, and traffic in, this substance in their territories, together with their observations on the proposal of the Government of the Union of South Africa. The Committee further recommends that the question should be considered at the annual session of the Advisory Committee to be held in 1925.”

The Council sent, this month, a letter to the Governments to that effect, and the replies, of course, have not yet been received. But when the replies have come in, they will be referred to the Advisory Committee for consideration. I suggest to the delegates of Egypt and Greece that this Conference has not in its possession the materials which will enable it to deal with the subject at the present time. Therefore, any discussion which might arise in the Conference could only be very one-sided and very incomplete, and, accordingly, we should not be able to arrive at any definite conclusion.

I see no objection at all to an interchange of views on this subject; I see no reason why the delegates of Egypt and Greece should not put before the Conference, either in Committee or otherwise, all the information they have upon the subject of the use and abuse of hashish. It would be very interesting and very useful to the members of the Conference, and especially to the Advisory Committee when it meets next year, if that information is given.

Some of us know that the question of hashish is a very important one. We know that it is especially important in Egypt, and Great Britain has co-operated already with the Egyptian authorities in regard to this matter. I have in mind, in particular, one attempt to smuggle a very large amount of Indian hemp, I think amounting to ten tons, into Egyptian territories, and it is a matter which does deserve very careful consideration and action. I do



not deal at more length with it now because, as the President has suggested, and I think his suggestion has been accepted by the delegates of Greece and Egypt, the matter should be raised in Committee, if at all, and not on our present programme of business.

The delegate of Switzerland desired to remove what he thought was a misunderstanding to which my report this morning might give rise. In my report I did not use the words "such revision of the Hague Convention as may be necessitated by any scheme of limitation". I thought that the appointment of a General Committee to consider the revision of the Hague Convention was a matter which, as the subject is not specifically included in our agenda, needed some explanation. I desired therefore to point out that any scheme of limitation of manufacture or production would involve the revision of the Hague Convention, and I think the delegate of Switzerland will find that all the matters which are included in the scheme of the Opium Advisory Committee, and probably almost any matter which is within the scope of the existing Hague Convention, can be raised in that Committee.

I do not think I have anything to say in particular with regard to the general observations which were made by the delegations of Japan and China. They covered largely the same ground as we covered yesterday in the Business Committee and I do not think it would be useful for me to enter into any general discussion, since those delegations have moved no formal motion.

Finally, there is the important reservation handed in by the delegation of the United States of America, which says that it will vote "in favour of the adoption of the report of the Business Committee, on the express condition that it will be permitted to present to the Conference or appropriate Committees thereof, for consideration on their merits, the suggestions of the United States, or such portions thereof as it may deem germane to the purpose of the Conference".

I understand that the last "it" really refers to the American delegation, which makes a condition "that it will be permitted to present to the Conference or appropriate Committees thereof, for consideration on their merits, the suggestions of the United States, or such portions thereof as the delegation of the United States may deem germane to the purpose of the Conference". This reserve, of course, raises the general question of competence which we have tried to avoid — the question whether any particular subject is or is not included in our agenda. I do not therefore propose to say anything on that point at the moment. The President has pointed out that it is possible to raise all these questions in the Committees, and they will have to be decided there.

**Dr. Chodzko (Poland) :**

*Translation :* I wish to thank the Rapporteur of the Business Committee for his frankness, which was just what I desired. I understand that the object in view in appointing the Sub-Committees is to bring about an understanding between the producing countries. If this is the object in view, why should the consuming countries be represented on those Sub-Committees? It is these countries, according to Sir Malcolm Delevingne, that prevent the producing

countries from arriving at an understanding. We have already had examples of this.

The Irish delegate stated that representatives of the producing countries had been summoned by the League to Geneva four times during the course of this year. The First Conference consists only of representatives of the producing countries and no understanding has been reached.

If the producing countries predominate on the Sub-Committees, there is no guarantee that the latter will arrive at an agreement, for, as the Rapporteur most truly said, they are competitors in the world's markets and are looking for the best market for their products. What is meant by a market? It is a place where the consumption of opium and cocaine is very heavy. All the consuming countries, as you know, complain that it is very difficult to suppress smuggling. The reason is that in the producing countries the manufacture of opium and cocaine is in excess of the legitimate requirements.

We have also been told that the production of opium is nine or ten times in excess of the legitimate requirements. If, then, the over-production of opium is so enormous, smuggling will never be suppressed. This must be candidly stated. If, then, the producing countries represented on this Sub-Committee cannot arrive at any conclusion, the question we have to ask ourselves is what means we are to employ to come to an understanding in the future.

A great danger threatens the fate of our Conference. I think, therefore, that it is essential, on the contrary, that the consuming countries should be represented on this Sub-Committee. It will be easier, in my opinion, to reach an agreement. The interests of the consumers are the most important. I must maintain this view, and I think that the majority of my colleagues will be of the same opinion. Consumers must be put on the same footing as producers. I would not place them in the majority, although to do so would be quite legitimate. I make this conciliatory proposal as I wish the two groups of countries to be placed on an equal footing.

But, according to what the Rapporteur says, the consuming countries will merely be observers. I ask you, therefore, gentlemen, if three-quarters of the members of this Conference are only observers, what result shall we reach? We are here not to observe but to decide. We have definite instructions from our Governments. We do not wish our rights to be impaired and I emphatically protest against this weakening of our powers.

The Rapporteur tells us that if we wish to discuss our interests, we can do so in the Fourth Sub-Committee, which consists of representatives of the consuming countries. But I ask you what motions or proposals could ever reach this Fourth Sub-Committee if in the three other Sub-Committees the producing countries were in a majority. It would be purely ornamental and would not be a real working Sub-Committee.

If therefore I propose that these three Sub-Committees be constituted in a more equitable fashion, it is to spare our Conference the fate of the First Conference. A few days ago there appeared in one of the Geneva papers a very witty article in which it was stated that the First Conference was dying an ungraceful death.



I do not wish the Second Conference also to die an ungraceful death, nor do I wish the League — I will not say to die — but to have its vitality weakened as a result of the failure of our Conference.

Let me state, in conclusion, that I would emphatically urge my proposal, which I beg the President to put to the vote. I also wish to thank the Persian and the Irish delegates for supporting my suggestion.

**The President :**

*Translation :* Before calling upon the two remaining speakers on my list, I wish to take the opinion of the members of the Conference and to ask if it is their desire that we should continue our discussion at the present meeting or adjourn it to the next meeting, which will take place this afternoon at 3.30 p.m.

In addition to the speeches of the two delegates on my list, we have to hear the reply of the Rapporteur. We also have to continue our discussion of the Polish delegation's proposal: we may have to take a vote and we have to examine afresh the Spanish proposal.

**Mr. Campbell (India) :**

May I ask if any arrangements have been

made with regard to the First Conference meeting this afternoon?

**The President :**

*Translation :* The First Conference will not meet until Monday afternoon.

**M. de Agüero y Bethancourt (Cuba) :**

*Translation :* The remark just made by the President seems to me a very important one. We have been sitting since 10.30 and it is now 1 o'clock. The discussions have been carried on in French and English, and there are limits to our powers of attention. Moreover, I am afraid that, if we continue this discussion now, the important point raised by the Polish delegate may not receive all the attention which it deserves. I therefore think that we should adjourn the meeting now and meet again this afternoon. (*Applause.*)

**The President :**

*Translation :* The Cuban delegate has placed before you the very reasons which led me to suggest the adjournment of our meeting.

The next meeting will therefore take place at 3.30 p.m.

The Conference rose at 1. p.m.

## EIGHTH MEETING

*Held at Geneva on Saturday, November 22nd, 1924, at 3.30 p.m.*

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24. EXAMINATION OF THE FIRST REPORT OF THE BUSINESS COMMITTEE.  
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27. CLASSIFICATION AND CONSIDERATION OF THE PROPOSALS AND SUGGESTIONS MADE BY THE REPRESENTATIVES OF THE PRIVATE ASSOCIATIONS : PROPOSAL BY THE SPANISH DELEGATION.  
Continuation of the discussion.

President : M. Herluf ZAHLE.

24. EXAMINATION OF THE FIRST REPORT OF THE BUSINESS COMMITTEE : CONTINUATION OF THE DISCUSSION.

**The President :**

*Translation :* We will continue the discussion on the first report of the Business Committee. The only speaker on my list is H.E. Dr. El Guindy, Egyptian delegate.

**Dr. El Guindy (Egypt) :**

*Translation :* Mr. President, ladies and

gentlemen — I thank the honourable Rapporteur of the Business Committee for what he has said regarding my proposal to add hashish to the list of the narcotics with which we are concerned. In my opinion, we ought not to regulate the use of opium and its derivatives only, but of all noxious drugs.

The Rapporteur added that the Advisory Committee had proposed that the question of hashish should be considered; I do not know whether it will have been considered in its entirety by 1925. Am I to understand by this that, if, after reading the short statement I am preparing upon this question, the majority of the delegates of the Governments represented at this Conference were in favour of my proposal, it would nevertheless be impossible for us to take a decision in the matter at this Conference?

In the meantime, by agreement with the President, I will submit my proposal to the competent Committee, and also another proposal, which runs as follows :

“It should be henceforth understood that any narcotic substance already known and not at present classed among drugs, but which, nevertheless, may be regarded as a drug, and any other narcotic product which may in future be discovered or manufactured shall automatically (that is to say, without it being necessary to have recourse to a further Conference) be subject to the provisions of the Convention which we desire to conclude.”

**The President :**

*Translation :* I understand that the delegate of Egypt will in due time submit to the competent Committee the other proposal which he has just mentioned<sup>1</sup>.

**Mehmed Sureya Bey (Turkey) :**

*Translation :* I heartily support the suggestion of our distinguished Egyptian colleague. During the general discussion, I alluded to another scourge in addition to opium from which certain countries suffer. The proposal of the Egyptian delegate makes provision for this.

**The President :**

*Translation :* There are no further names on the list of speakers for the general discussion. Do any other members of the Conference wish to speak ?

**Dr. Chodzko (Poland) :**

*Translation :* I apologise for speaking again, but it is on a personal point.

In my speech this morning I quoted words which had appeared in a Geneva paper with reference to the First Opium Conference. I gathered that some of my colleagues who participated in the First Conference took exception to this quotation. The great respect which I have for my colleagues of the First Conference impels me to withdraw my words.

**The President :**

*Translation :* The Conference takes note of the statement of the Polish delegate and it will be recorded in the record of the meeting.

**M. Pinto-Escalier (Bolivia) :**

*Translation :* Mr. President, I wish to make a statement with regard to my vote. The delegate of Poland, in referring to the report of the Business Committee, of which I have the honour to be a member, expressed the opinion, if I understood him aright, that the Committee was not treating consuming and producing countries on terms of equality, but that the latter were represented too largely on the Sub-Committees provided for in the report. This would seem to suggest that the producing countries have taken care to safeguard their interests.

For my part, speaking as a delegate of a country which produces raw materials, I feel called upon to state that I am in agreement with my honourable Polish colleague in claiming equality of treatment for producing and consuming countries.

I claim no privilege. On the contrary, I desire that the problem confronting my country and the point of view of my Government should be made known and discussed freely and openly and with no mental reservations.

**The President :**

*Translation :* The statement of the first delegate of Bolivia is not merely a statement explaining his vote, but constitutes positive support of this amendment. This statement will be recorded in the record of the present meeting.

<sup>1</sup> The proposal was examined by Sub-Committee F. See Annex 29.

**Mr. Campbell (India) :**

I had not intended to speak, but I think, I ought to explain that, in the discussions before the Business Committee, India took the same point of view as has just been expressed by the Bolivian delegation. India would have no objection whatever to an equal number of consuming countries being on the Sub-Committees where the producing countries are represented.

**The President :**

*Translation :* Before we proceed to vote, I will ask the Rapporteur of the Business Committee whether he has anything to add.

**Sir Malcolm Delevingne (British Empire), Rapporteur of the Business Committee :**

I should like to express my satisfaction that the delegate of Poland has withdrawn his reference to the work of the First Opium Conference. I am sure his action will be appreciated by the members of the First Opium Conference.

As regards the Polish amendment, I have no wish to prolong the discussion. I should just like in passing, however, to correct two points on which, I think, the Polish delegate was a little inaccurate. The first point was the statement that the manufacturing and producing countries had already met and failed to come to an agreement. That is not correct, even as regards the manufacturing countries. There has been no meeting, up to the present, of all the manufacturing countries concerned, and there has been no meeting at all of the producing countries. I just say this in passing in order to remove any misconception as to the situation.

The second point was with regard to the position of the consuming countries on these three Sub-Committees. He seemed to think that the suggestion of the Business Committee was that they should act as observers only. That was certainly not its intention. Perhaps his misunderstanding was due to a remark I made this morning about the consuming countries holding a "watching brief". That may have misled him, but it certainly was not intended to imply that those countries occupied the position of observers only.

I think it is quite clear from the discussion which has taken place that the majority of the members of the Conference is in favour of the Polish amendment, and, in those circumstances, I am prepared, if the other members of the Business Committee concur, to accept it. In that way we might avoid taking a vote.

There is one other point which I want to mention, but I do not know if I am in order in mentioning it now. I should like to make a small amendment to the proposal of the Business Committee. Perhaps I might mention it now, and, if it were considered preferable to discuss it later, we could adjourn it.

It is proposed that the second Sub-Committee, which deals with the question of the production of raw opium, should include, as producing countries, only the Kingdom of the Serbs, Croats and Slovenes, Greece, Turkey, Persia and India. We had overlooked the fact that Egypt was a producing country — not on a large scale but still a producing country. I am informed by the Egyptian delegation that production is increasing there. I would therefore suggest

that the Egyptian delegation be represented on that Sub-Committee.

**The President :**

*Translation :* As no objection has been raised to the Polish proposal by the members of the Business Committee, and as none of them appears to oppose its acceptance by the Rapporteur, Sir Malcolm Delevingne, I may conclude that the Business Committee accepts the Polish proposal. It seems to me therefore unnecessary to take a vote on the amendment put by Sir Malcolm Delevingne. We can vote on the first report of the Business Committee in its entirety.

At the same time, I venture to mention to the Polish delegate that the draft text of his proposal does not meet the end in view. I suggest therefore that the necessary corrections should be made.

In my opinion, the Polish amendment should be repeated three times, that is to say, that after the enumeration of the members of the first, second and third Sub-Committees it would be expedient to add the following : "and an equal number of representatives of the consuming countries".

Does the Polish delegate accept this change of wording ?

**M. Chodzko** (Poland) :

*Translation :* Willingly.

**The President :**

*Translation :* The Rapporteur of the Business Committee himself proposed the addition of Egypt to the countries represented on the second Sub-Committee. As no member of the Business Committee has objected to this proposal, I conclude that all the members of the Conference are in agreement.

We will therefore vote upon the whole report of the Business Committee, and not specially upon the amendment proposed by Sir Malcolm Delevingne, it being understood that Egypt will also be represented on the second Sub-Committee.

The second paragraph of Rule 13 of the Rules of Procedure for our Conference lays down that "Voting on resolutions to be taken by the Conference shall be taken by a record vote, the delegations being called in the French alphabetical order....., unless the Conference decide otherwise."

I will ask the Secretary to take the roll-call of the countries in the French alphabetical order, and I ask the first delegate of each Government to reply in the affirmative if he accepts the report as a whole, and in the negative if he does not wish to accept it.

*(The roll was called.)*

*In favour :*

Australia, Belgium, Bolivia, Brazil, British Empire, Canada, Cuba, Czechoslovakia, Danzig, Dominican Republic, Egypt, France, Germany, Greece, India, Irish Free State, Italy, Japan, Luxemburg, Netherlands, Persia, Poland, Portugal, Roumania, Kingdom of the Serbs, Croats and Slovenes, Siam, Spain, Sweden, Switzerland, Turkey, Venezuela.

Total, 31.

*In favour, but with reservations :*

China.

Total : 1.

*Abstentions :*

United States of America, Uruguay.

Total : 2.

**M. Sze** (China) :

Mr. President — I wish to make a reservation. On the basis that I accept the British proposal, I reserve to myself the right to present, for the consideration and action of the Conference, any proposal that I make under the Hague Convention of 1912. It is in that sense that I vote "Yes".

**The President :**

*Translation :* I would point out to the Chinese delegate that the proposal does not emanate from the British Government but from the Business Committee as a whole, which is an organ of the Conference.

**M. Sze** (China) :

Then I am ready to modify to that extent what I have just said.

**The President :**

*Translation :* The report of the Business Committee is accordingly accepted in its entirety by 31 votes, with two abstentions.

*The report was adopted.*

**The President :**

*Translation :* I will call the attention of the members of the Conference to page 2 of the text of the report of the Business Committee and to the paragraph referring to the second Sub-Committee.

The wording is as follows : "La deuxième Sous-Commission comprendrait les représentants du Royaume des Serbes, Croates et Slovènes, de la Serbie, de la Grèce, etc..." I will ask the Secretariat to make the necessary correction by deleting the words "de la Serbie".

## 25. APPOINTMENT OF PRESIDENTS OF COMMITTEES.

**M. van Wettum** (Netherlands) :

As the work entrusted to both the Committees is of equally great interest and as much depends upon the ability of the Presidents of those Committees, I propose, and I think I am speaking in the name of all delegations, that our able President, if he is prepared to do so, should preside over the meetings of both Committees. *(Applause.)*

**The President :**

*Translation :* I am very grateful for the kind words of the delegate of the Netherlands, and I am extremely grateful to the members of the Conference for the way in which they have welcomed his proposal. As everyone is agreed, I consider that I have no choice but to accede and to accept the chairmanship of the two chief Committees. I would only point out to you that this double duty will prevent the Committees from meeting at the same time.

As it may happen that towards the end of our Conference we shall find it necessary to summon meetings of the two Committees for the same time, I will wait till then before proposing some other arrangement. Until that time I will fulfil the duties of President as best I can, and I will ask you to grant me your indulgence. *(Applause.)*

**26. METHOD OF WORK OF THE COMMITTEES AND SUB-COMMITTEES : COMMUNICATION BY THE PRESIDENT.**

**The President :**

*Translation :* Before proceeding to the next item on our agenda, I should like, in closing the discussion with regard to the Committees, to ask you to give consideration to the composition of these Committees. I think they should be formed as soon as possible, and, since you have done me the honour of appointing me President, I feel called upon to make a few suggestions to you.

I think that we may expect that these Committees should begin their meetings by Monday next. As the First Conference will be holding its last meeting on Monday afternoon, I will ask you to agree to a meeting of the First Committee on Monday morning, and of the Second Committee on Tuesday morning, both meetings at 10.30 a.m. At their preliminary meetings these Committees will first have to decide whether their meetings are to be public or private. The rule of the Assembly of the League is, as you know, that all meetings are held in public. In the absence of a special provision, however, the meetings of the Committees are private. At the same time, we are free as regards our Committees to make the meetings public.

I would like to draw your attention to one last point. Do you want to enter upon a general discussion regarding the various questions coming before the Committees, or do you prefer to establish as soon as possible the Sub-Committees provided for in the programme of business which you have just adopted and which are mainly to be created by the First Committee? Further, before we break up to-day, I should like to fix the date of the meetings for the two Committees.

You know that every delegation has the right to be represented on these two Committees. It is necessary, however, as far as possible, to restrict the number of delegates. Each delegation has to notify the name of its delegate, and I would ask you to comply with this formality.

Although, according to the usage at all meetings of the League of Nations, a delegate may, if necessary, be accompanied by a secretary, I venture to urge the need of restricting, as far as possible, the number of persons sitting upon these Committees.

**27. CLASSIFICATION AND CONSIDERATION OF THE PROPOSALS AND SUGGESTIONS MADE BY THE REPRESENTATIVES OF THE PRIVATE ASSOCIATIONS: PROPOSAL BY THE SPANISH DELEGATION: CONTINUATION OF THE DISCUSSION.**

**The President :**

*Translation :* The second item on our agenda concern the draft resolution submitted by the Spanish delegation.

You will remember that at the sixth meeting the Spanish delegation proposed the following :

“The Secretariat is instructed to collect and classify the proposals and suggestions made by the representatives of the private

organisations, and to communicate them to the Business Committee in order that the latter may submit them to the Committees to be formed during the Conference; these proposals and suggestions will be distributed among the respective Committees which are competent to deal with them.”

Does the Spanish delegate wish to speak further in support of this proposal?

**M. de Palacios (Spain) :**

*Translation :* Mr. President — When I had the honour to submit this proposal, several delegates were absent. I would therefore like to summarise the arguments which I put forward at the time, and I would like to add to-day the reasons why I think that my proposal should be modified.

In listening to the very interesting statements made by the representatives of the private organisations, I was much struck by the potential value of their proposals and suggestions. At the same time, I was struck by the difficulty we should have in utilising them. If every delegation were called upon to read all the documents which have been distributed to us and to deduce from them what they may consider practical conclusions, they would be faced with a heavy task.

If every delegation is to do this work it will have to be done thirty-nine times, since there are thirty-nine delegations. I consider that it would be better for the Secretariat to undertake this duty : this would have the double advantage of saving us work and co-ordinating the information received by the delegates. The suggestion having been made simply to establish limited Committees, I had drafted my proposal on the lines with which you are already familiar. This morning I asked the President to postpone the discussion, because I had taken note of the first report of the Business Committee, which proposed to us the creation of general Committees.

I consider therefore that the aspect of the question has changed and I have accordingly re-drafted my proposal as follows :

“The Secretariat is instructed to collect and classify the proposals and suggestions made by the representatives of the private organisations and to communicate them to the *members of the Conference.*”

Our documentation will thus be made more easy and more uniform.

**The President :**

*Translation :* If I consider this last text to be an amendment to the Spanish proposal, I can, in conformity with Rule II, paragraph 3, of our Rules of Procedure, authorise an immediate discussion and the putting of the amendment to the vote. If, however, we are to consider this text as a fresh proposal, it cannot be discussed, according to paragraph 2 of the same rule, until it has been communicated to the delegates in writing. In my opinion, it is more in the nature of an amendment, and if the Conference agrees, I will permit an immediate discussion and vote.

As there is no opposition to this suggestion, the discussion on this point is now open.

**M. Sze (China) :**

I just want to ask one question for information. If the amendment proposed by the Spanish delegate to his own proposal is accepted by the Conference, does Rule 5 of the Rules of Procedure still stand? Because it seems to me they are in conflict.

**M. de Palacios (Spain) :**

*Translation :* I do not see any possible conflict between our amended proposal and Rule 5 of the Rules of Procedure. The delegate of China is probably referring to the second paragraph in this rule, which begins: "The functions of the Committee shall be to make proposals to the Conference for the arrangement of the business of the Conference..." I will examine the phrases in this paragraph one after the other. As regards the first, we have not granted to the Committee any exclusive right of making proposals. The Conference has not renounced its right to make any proposals it may think fit. The next phrase runs: "To nominate for the approval of the Conference, should occasion arise, the members of any Committee which shall be constituted by the Conference; to examine and report on communications made to the Conference by private associations or individuals; and to..... report to the Conference." I have proposed that the Secretariat should prepare an analysis and not a report. I do not see how my proposal can be regarded as conflicting with the competence of the Business Committee.

**Mr. Campbell (India) :**

In the hope that it may perhaps shorten the discussion, I should like to recall to the Conference the fact that, when the proposal was presented by the delegate of Spain, the Indian delegation was, I think, the only one which objected to it. I should therefore like to say at once that I am in agreement with the proposal in its present form.

**The President :**

*Translation :* I should like to say a few words in reply to M. Sze's remarks, since his words were addressed to a certain extent to the President.

I, too, do not see any contradiction between the two texts. The Business Committee has to examine the proposals made by the private associations. This paragraph remains unaffected, but, in order to facilitate the work of the members of the Conference, the Spanish delegate proposes that the Secretariat should examine and co-ordinate all the information that

reaches it. There is, therefore, no contradiction between the Rules of Procedure and the proposal of the Spanish delegate.

As there is no other speaker on the list, the discussion is closed. We will now take the vote. If the Conference has no objection, we can vote by a show of hands. (*Agreed.*)

*The Spanish proposal as amended was unanimously adopted by the Conference.<sup>1</sup>*

**The Hon. Henri S. Beland (Canada) :**

*Translation :* I should like to know whether it is possible for a delegation to appoint one of its members for one Committee and another member for another Committee?

**The President.**

*Translation :* In my opinion, such a procedure would be in order.

**M. de Aguero y Bethancourt (Cuba) :**

*Translation :* According to a precedent furnished by the Assembly of the League, each delegation appoints the delegate it desires to represent it on the Committees. This precedent might be observed in our case.

**The President :**

*Translation :* With regard to this matter, I may add that, if the member appointed by a delegation is prevented from being present at a meeting and has to be replaced by another member, it would be convenient to inform the President.

**M. Bourgois (France) :**

*Translation :* I only wish to say one word which may serve to conclude this first, short, but important part of our work. Last year, when the United States Government drew the attention of the Advisory Committee to the growing danger of narcotics, the French Government concurred in recognising the necessity of completing the Hague Convention by new international engagements.

After an agreement had been reached as regards the ends in view, there arose differences as regards the means. There were then signs of anxiety, but yesterday, when the remarkable draft of the United States delegation was read to us, I became not merely hopeful, but certain, that an agreement will be comparatively easy and that the work of the Conference will be crowned with success.

*The Conference rose at 4.50 p.m.*

<sup>1</sup> Vide "Proposals and suggestions of Private organizations", Annex 16.

## NINTH MEETING

*Held at Geneva, Thursday, November 27th, 1924, at 11 a.m.*

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28. EXAMINATION OF THE SECOND REPORT OF THE BUSINESS COMMITTEE.
  9. PRELIMINARY DISCUSSION ON THE BASIS OF THE SERIES OF MEASURES ADOPTED BY THE ADVISORY COMMITTEE ON THE TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS.
- Continuation of the Discussion.

President : M. Herluf ZAHLE.

28. EXAMINATION OF THE SECOND REPORT OF THE BUSINESS COMMITTEE.

**The President :**

*Translation :* The first item on our agenda is the discussion of the second report of the Business Committee. In accordance with my suggestion, to which you agreed, the Business

Committee met yesterday, and in the course of its two meetings drew up a plan for the division of the work between the two general Committees. M. Dinichert, Swiss delegate, is Rapporteur. I call upon him to address the meeting and to give us certain explanations in regard to this plan. After the report has been adopted by the Conference there will be a short discussion on certain other points. I think that a plenary meeting of the First Conference can still be held this morning.

I call upon M. Dinichert, Rapporteur of the Business Committee, to address the Conference.

**M. Dinichert** (Switzerland), Rapporteur of the Business Committee:

*Translation:* You have before you, though perhaps you have not yet had time to consider it, the second report submitted by the Business Committee (Annex 17). If you have found time to glance through it, you will have seen that it is, perhaps, of a somewhat tedious nature. I beg to apologise, but would ask you to consider that the matter under consideration did not lend itself to attractive treatment.

I even thought it my duty in this report to stress the fact that the Business Committee met yesterday morning and again in the afternoon, for I thought that one would hardly gather this from reading the report. This is the explanation:

You know that our President, with his usual forethought, invited the Chairmen of the Sub-Committees to be present at our discussion yesterday. Our Committee was, therefore, larger than usual and our President, who, fortunately for us, possesses the virtue of patience among his other qualities, gave us an opportunity for full discussion. He, no doubt, thought that, out of the clash of ideas — a perfectly amicable and courteous clash of ideas, needless to say — light would come.

Yesterday, towards dusk light did come — but in the form of a torch which had already been lighted for several days. We remembered that in our first report we had submitted to you a suggestion that all questions contained in Part I of the Advisory Committee's programme should be referred to a First Committee and all those grouped together in Part II to a Second Committee. We thought that, as these two Committees had been set up for this purpose, we would refer the first group of questions to the First Committee and the second group to the Second Committee. You will realise that I am summarising somewhat what happened in the Committee.

There are also, in the proposals submitted to the Conference, certain questions which are not explicitly included in the resolution of the Assembly of the League of Nations of September 1923, nor in the Advisory Committee's programme which was accepted by the Governments. The Business Committee, therefore, had to consider how these remaining questions could be properly distributed between the two Committees.

After a long discussion, we arrived at this conclusion, which is a not unimportant one. We decided that it was neither expedient nor necessary at present to come to any final decision as to the exact Committee to which these questions should be referred: both Committees already have before them a programme sufficiently heavy to keep them busy for some

time. They will not in any sense be idle, because certain questions are not at present referred to them.

You will realise, moreover, that any questions pending would gain by being discussed later on when our work will be further advanced. We shall be in possession of fuller information and better able to judge of their importance, and perhaps to foresee the consequences which they involve. This, in short, is the reason why these questions have been held over and have not been definitely included in the plan for the division of work now before you. I have already informed you that Part I of the Advisory Committee's programme will be referred to the First Committee and Part II to the Second Committee.

Having decided this point, the Business Committee proceeded to consider the draft submitted by the United States delegation. I think that many of us felt some regret at being obliged — if I might so express it — to dissect such an admirably constructed plan.

As it had been decided that questions coming under Part I of the Advisory Committee's programme should be referred to the First Committee and those under Part II to the Second Committee, it naturally followed that the American draft should be distributed in the same way. After discussion, we decided upon the proposal which there is no need for me to repeat, as it is included in the second report of the Business Committee which is already before you.

The Business Committee decided to leave on one side for the time being the Preamble of the American draft, interesting though it was, for it felt that any Preamble was simply a summary of the contents of an agreement, and it thought it better, before dealing with the Preamble, to see what there was in the agreement to which it was an introduction.

If you read through Article 1, you will note that the subject with which it deals belongs to the group of questions which we propose to hold over. The same applies to Part II, which corresponds to Chapter II of the Hague Convention. As regards the provisions which follow, I think that our proposals explain themselves. If this is not the case, I am of course ready to give members of the Conference any information which they may require.

In addition to the United States draft, a number of proposals have been submitted to us by other Governments. They are enumerated in the report, and there is no need for me to repeat them<sup>1</sup>.

These proposals have also been allocated between the two Committees. The same applies to the proposal submitted by the Chinese delegation, with the proviso that, should difficulties arise as to the admissibility of discussing it, it should be referred to the Plenary Conference.

The substance of my last remark is also briefly referred to in the report of the Business Committee. It applies to all questions in connection with which difficulties may arise regarding their admissibility for discussion. Such questions may always be referred to the Plenary Conference.

If my colleagues on the Business Committee

<sup>1</sup> Vide Annex 18 (with Appendix) and Annexes 18 a, 18 b, 18 c.

will allow me, I should like to suggest one or two alterations in the allocation of the work between the different Committees. My first proposal is in connection with Article XIII of Part II of the Advisory Committee's programme, which reads as follows :

"In the case of a country which is not a party to this Agreement, the Governments undertake not to allow the export to such a country of any of the substances covered by the Convention as amended by this Agreement except such amounts as may be fixed by the Central Board as being reasonably required for the medical and scientific needs of the country."

I think that Article XIII should form part of Part I and be referred, in consequence, to the First Committee.

Article 20 — L, of the draft submitted by the United States delegation, reads as follows :

"In the case of a geographical area the Government of which is not a party to this Convention, the Contracting Parties undertake to allow the export to such geographical area of any of the substances covered by this Convention only in such amounts as may be fixed by the Central Board as being reasonably required for the medical and scientific needs of such an area. The Central Board shall communicate periodically to all the Parties to this Convention the amount fixed in respect of each geographical area and the situation as regards the exports and re-exports thereto."

I think that this article comes within the competence of the First Committee and not of the Second Committee as suggested in our report.

I have one last remark to make. The Austrian Government's proposals, which were referred as a whole and somewhat hastily to the First Committee, deal with export licences on the one hand and questions of transit on the other. Both these questions should properly be referred to the Second rather than to the First Committee.

These are the three slight modifications which I wished to suggest to you, subject to the approval of my colleagues on the Business Committee, and which I should like to see included in your plan for the allocation of the work.

I would point out, in conclusion, that the Business Committee invites your approval of the plan which we have had the honour to submit to you. (*Applause.*)

**The President :**

*Translation* : The Rapporteur has just explained the plan submitted by the Business Committee. I would ask the members of the Conference to confine their remarks to a discussion of this plan.

**Prince Arfa-ed-Dowleh (Persia) :**

*Translation* : Mr. President. — The Persian delegation had the honour to submit a memorandum on opium which was distributed last Sunday in French and English to all the delegations. I think the delegates have had time to read it<sup>1</sup>.

<sup>1</sup> Vide Minutes of Sub-Committee B, Annex 7.

I should be grateful if the President would tell me which Committee or Sub-Committee has been instructed to deal with the proposals submitted in this memorandum by my Government with a view to its adhesion to the Hague Convention and to its acceptance of the principles put forward by the United States of America.

**The President :**

*Translation* : In reply to the Persian delegate's question, I have to inform you that the Persian memorandum, consisting as it does of 37 pages and an annex of 33 pages, has not yet been referred by the Business Committee either to the First or to the Second Committee. This document could not have received the attention it deserves if it had been read at yesterday's meeting : I therefore held it over, together with two other documents, in order that it might be dealt with at a subsequent meeting, when the necessary time could be devoted to it.

**Prince Arfa-ed-Dowleh (Persia) :**

*Translation* : I am much obliged for your explanation. I hope that the Business Committee will be able, as you have suggested, to deal with the Persian memorandum and that it will refer it to the competent Sub-Committee.

**The President :**

*Translation* : I think that the Persian memorandum will be dealt with at the next meeting of the Business Committee.

**M. Sze (China) :**

Mr. President and members of the Conference — The Business Committee was most fortunate in being able to get so distinguished and so eloquent a member as the Swiss delegate for its Rapporteur. He has explained to you in a very lucid manner the work which was done yesterday morning and yesterday afternoon in the Committee.

I wish to say just one word with reference to the report. At the bottom of page 3 there is a note with reference to the Chinese proposal which says that it was referred to the Second Committee, with the reservation that, if a question of competence should arise, the proposal would be brought before the Plenary Conference. Unless my memory has failed me badly, I beg to say that that is not quite accurate. One other delegation, in supporting my proposal, said that it should be submitted to the appropriate Committee or to the Plenary Conference if any question of competence should arise.

When the voting took place, nobody made such a reservation, with the exception of one delegate, who said that he would vote "Yes" on the understanding of the reservation made previously. So far as I understand, no vote was taken on that express reservation. Of course, when the question of competence comes up, it is to be referred either to the appropriate Committee or to the Plenary Conference. But, in view of the wording of the report, I thought there was a possibility that the delegates might receive a wrong impression, so I thought it better to give you a personal explanation.

I did not hear exactly what the honourable delegate for Switzerland said in his original speech, but as I heard the interpretation, he said



that my proposals were sent in almost at the last moment. I do not accept that statement as being very accurate.

**The President :**

*Translation :* Does the Rapporteur wish to reply to M. Sze now, or would he prefer to answer all the speakers at once ?

**M. Dinichert (Switzerland) :**

*Translation :* As the point raised by M. Sze is of a special character, we might settle it at once.

I would first of all point out that I am quite sure that I did not say in my speech that the Chinese proposal had been submitted to us at the last moment. When my speech was translated into English, I noticed a slight discrepancy. I think I said that we had before us a number of proposals from various Governments and also a proposal submitted by the Chinese delegation. I wished to direct special attention to this latter proposal on account of its intrinsic importance, and also of the remarks to which it gave rise. I trust that I shall be meeting the views of the Chinese delegate if I inform you that I had no occasion, as Rapporteur, to say that this proposal was submitted to us at the last moment ; it was dealt with in the same way as the other proposals.

A more important point seems to me to be the question of the reservation which I mentioned and to which I felt it necessary to refer in the report. M. Sze is quite correct in what he says regarding the objection to which reference has been made — in other words, the question whether our Conference was to deal with this proposal in the event of any question of competence being raised in Committee. If I remember rightly, I think that the President of our Committee stated in conclusion that this question would be referred to the Second Committee, subject to the reservation made. Personally, I am quite prepared to meet the views of the Committee in regard to this question of the reservation.

**M. Sze (China) :**

I wish to thank the honourable Rapporteur for correcting the misunderstanding which arose in my mind as a result of the interpretation of his speech. As far as I remember, however, a vote was taken by a show of hands, and one delegate hesitated and finally said that he would vote "Yes" on the understanding of the reservation made previously. The President said that, in view of the fact that the majority had voted in favour of referring it to the Second Committee, there was no object in asking those who might vote against it.

**The President :**

*Translation :* I wish to reply to the two points raised by the Chinese delegate.

As regards the Chinese memorandum, the position is perfectly clear. This document was handed in to the Secretariat to be roneoed on November 25th. It was distributed by the Secretariat that same evening, so that the different delegations were in possession of it the following morning. The Business Committee held two meetings on that day, one in the morning and one in the afternoon ; we had the document in time, but it was difficult to examine it thoroughly in so short a time.

As regards the second point, my recollection of the matter agrees with that of M. Sze. A vote was taken, but first of all, one delegation made a reservation and during the vote another delegate stated : "I agree, subject to the reservation made by....". I think, therefore, that it would be more correct to modify the paragraph referred to by M. Sze and to say "subject to the reservations made by two delegations". The phrase is somewhat vague and might be accepted by everybody. I will ask the Rapporteur to re-draft this paragraph.

Does the Rapporteur wish to give any further explanations in regard to the report ?

**M. Dinichert (Switzerland) :**

*Translation :* If no one wishes for any further explanations, it must be assumed that everybody is agreed as to the proposals submitted to the Conference.

**The President :**

*Translation :* It only remains for me, then, to propose the adoption of the second report of the Business Committee. If you have no objection, we will vote by a show of hands rather than by a roll-call.

**M. van Wettum (Netherlands) :**

Before we vote, may we know the exact wording of the paragraph which has been referred to by M. Sze ?

**The President :**

*Translation :* Will the Rapporteur be good enough to draft this paragraph ?

**M. Dinichert (Switzerland) :**

*Translation :* If I have understood you correctly, Mr. President, this paragraph should read as follows : "The Chinese proposal is referred to the Second Committee, with a reservation, formulated by two delegations, as regards the competence of the Conference in the matter."

**The President :**

*Translation :* I think this wording meets the case.

Does anyone wish to speak on this text ?

**Mr. Neville (United States of America) :**

May I ask the Rapporteur if we are still discussing the point raised by the delegate for the Netherlands ? If that matter has been satisfactorily cleared up, I have another question which I should like to ask.

**The President :**

*Translation :* The question raised by the Chinese delegate has been settled. Does the Netherlands delegate approve the drafting proposed by the Rapporteur ?

**M. van Wettum (Netherlands) :**

Yes, certainly.

**The President :**

*Translation :* The question raised by the Netherlands delegate is also settled.

**Mr. Neville (United States of America) :**

I only want to ask one question. Am I right in thinking that the Rapporteur has suggested that paragraph XIII, which is in Part II

of the Advisory Committee's scheme and which carries with it the corresponding Article 20-L of the American proposals, should be transferred from the Second Committee to the First?

**M. Dinichert** (Switzerland), Rapporteur :

*Translation* : Yes; that was what I proposed.

**The President** :

*Translation* : The heads of the delegations in favour of the adoption of the plan recommended by the Business Committee are asked to hold up their hands.

*The second report of the Business Committee and the plan contained therein for the division of the work of the Conference were unanimously adopted.*

**29. PRELIMINARY DISCUSSION ON THE BASIS OF THE SERIES OF MEASURES ADOPTED BY THE ADVISORY COMMITTEE ON THE TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS : CONTINUATION OF THE DISCUSSION.**

**The President** :

*Translation* : The second item on our agenda is the continuation of the general discussion. I call upon the first delegate of Bolivia to address the Conference.

**M. Pinto-Escalier** (Bolivia) :

*Translation* : Mr. President, ladies and gentlemen — I do not propose to give a detailed statement of my Government's attitude in regard to the problem of narcotics as a whole or to the programme submitted by the Advisory Committee on the Traffic in Opium. I will confine myself to stating certain facts which corroborate my Government's point of view in regard to this programme and which may be summarised as follows :

1. Bolivia is not a centre for the consumption of or traffic in narcotics and it is hardly necessary to say that my country does not produce or manufacture opium or its derivatives.

2. Bolivia produces coca leaf, the moderate use of which by natives cannot be considered as harmful; but she does not manufacture or consume cocaine.

3. Almost her entire exports of coca leaf are sent to countries which do not manufacture cocaine and which do not re-export the coca leaf.

These are the three principal points with which I propose to deal as briefly as possible.

Perhaps, owing to circumstances which I can hardly describe as fortunate, since they are due, above all, to the fact that my country is entirely cut off from the sea — Bolivia has hitherto been among the rare countries totally free from the drug habit. It is possible also that the same circumstances, which from other points of view are so regrettable, have rendered Bolivia an unfavourable market for the illicit trade in narcotics. The consumption of cocaine salts and of opium derivatives is extremely small and is exclusively confined to medical uses. During the year 1922 the importation of cocaine totalled 260 grammes, a figure which will certainly not alarm the Conference.

This has not prevented Bolivia, as a signatory of the Hague Convention, from taking an interest in the grave problems of all kinds which are being considered by the Second Opium Conference — for the success of which I beg to tender my Government's best wishes.

As Bolivia, however, is one of the countries which produce the raw material required for the manufacture of one of the narcotics with which our Conference is dealing, and as, moreover, my Government has stated its point of view in the memorandum<sup>1</sup>, which I had the honour to lay before the Advisory Committee at its last session, I wish to-day to summarise once more this point of view, which is in no respect incompatible with the statements I have just made.

Confining my attention to documents which my honourable colleagues can easily consult, I will refer to the communications my Government has sent to the Secretariat of the League of Nations.

One of these documents (O. C. 158) states that Bolivia has confined herself from time immemorial to producing coca leaf and has never employed any process to obtain alkaloids from these leaves.

The total production of coca leaf in Bolivia may be estimated at 5,000 tons, and this quantity is almost entirely consumed by the Indians in the western part of the country. This coca leaf is consumed in the raw state, *i.e.* without having been treated in any way.

It should also be noted, as my Government had the honour to state in the above-mentioned memorandum, that the experience of several centuries has shown the mastication of coca leaf and the absorption of its juice to be perfectly innocuous.

The quantity of coca leaf chewed by an Indian of the high plateaux of the Andes during his lifetime may be estimated at hundreds of kilogrammes. Nevertheless, these Indians are hardy show extraordinary powers of endurance, and often live to a very advanced age without suffering from the premature decay which attacks organisms undermined by the drug habit.

I would also like to point out that it is only the Indians and never the whites or half-castes who are in the habit of chewing the leaves of what has been termed "the divine plant of the Incas". This fact goes to show that the habit has neither the contagiousness nor the attraction which are the characteristics of all vices and particularly that of drug-taking.

It is therefore not rash to assert that the use of the coca leaf presents no social danger, that, as I have already pointed out, it has no corrupting influence morally and that physically it does not weaken either the virility or the vitality of those who consume it.

On the contrary, its use is, perhaps, a source of energy and endurance to those whose lot has been cast by nature on the highest portions of the globe, often at an altitude almost prohibitive of human life and comparable to that of the top of Mont Blanc.

But, it will be urged, the coca leaf which Bolivia exports is used to a large extent for the

<sup>1</sup> See Minutes of the Sixth Session of the Advisory Committee on the Traffic in Opium, Annex 12, page 104.

manufacture of cocaine and this is what we wish to avoid, or at least to control.

I accept the objection. But I wish to point out, first, that we do not export the coca leaf to countries which manufacture cocaine, and secondly, as is shown by the table given below, that the figures of our exports of coca leaf have not followed the upward tendency of the consumption of and traffic in narcotics.

The following are the figures for the last ten years :

1914.....	347,679	kilogrammes
1915.....	389,310	»
1916.....	331,851	»
1917.....	362,548	»
1918.....	355,151	»
1919.....	413,050	»
1920.....	365,320	»
1921.....	373,420	»
1922.....	315,053	»
1923.....	342,606	»

In the course of the last four years, 1920-1923, which were not dealt with in my report to the Advisory Committee, Bolivia exported 1,396,399 kilos. of coca leaf to the following countries :

Argentina.....	1,181,335	kilos.	or 84.59 %
Chile.....	213,141	»	» 15.29 %
Germany.....	1,839	»	» 0.12 %
Great Britain....	84	»	» Percentage negligible.

These tables demonstrate two facts which in my opinion cannot be called in question and which support my Government's point of view.

1. The exportation of Bolivian coca leaf is not increasing, although it is encouraged by the demand of the foreign markets; this fact must not be attributed to any lack of initiative or activity on our part, but to the natural conditions of the soil which, by preventing the cultivation from being extended, have in practice limited the production.

2. More than 8/10ths of these exports go to the Argentine Republic, which, according to official information communicated to me by the Argentine authorities, does not manufacture cocaine and does not re-export coca leaf. Almost all the remainder goes to Chile, which also does not manufacture cocaine, according to information I have received from an equally authoritative source.

It is clear, therefore, that the question of the production of coca leaf in Bolivia, which, I repeat, has no influence on the cocaine market, is a mere phantom which, on closer examination, is found to have no terrors.

It also appears clear from what I have said that it would be going too far to place the cultivation of the coca leaf in the same category as that of the poppy, as proposed in the programme drawn up by the Advisory Committee, which proposes to extend to the coca leaf, without modification, the provisions of the Hague Convention regarding opium. On this point the attitude of my Government is very clear, and it wishes an essential distinction to be made, at least as far as Bolivia is concerned, between the production and consumption of opium on the one hand and of coca leaf on the other. The consumption of coca leaf in the raw state produces none of the ill effects of which opium, narcotic alkaloids and other Oriental drugs are accused.

I wish to state here my conviction that, if the use of coca leaf had been recognised as pernicious, my Government would not have hesitated to combat its use, as it combats alcoholism and as it will always combat any vice which constitutes a threat to the health and welfare of the Bolivian people.

I wish to add a point to which I would draw the special attention of my colleagues, namely, that the cocaine industry is not a source of revenue to my country. Its exportation is entirely free and its production is only subject to local taxes of negligible importance.

Such are the facts which in all sincerity I desire to put before you.

I consider that the question of the production of coca leaf in Bolivia is an exceptional one, which I do not wish to compare with that which arises in the other countries producing the same raw material. Since Bolivia is in so exceptional a position, my Government, to its great regret, would be unable to accept any measure tending to prevent the use of the coca leaf in conformity with the established custom of Bolivia, or to hamper either its production or its exportation for use in this way.

My Government is quite prepared, however, to apply to its territory in the most liberal spirit of co-operation all other measures in keeping with the aspirations of our Conference.

In view of the importance attached by my Government to the question of the production of coca leaf, I venture to ask the President to have the French text and the English translation of my statement distributed as a separate document by the Secretariat. (*Applause*).

#### The President :

*Translation* : The Bolivian delegate's statement will now be interpreted. In view of its importance, however, the official English translation will be distributed later to the members of the Conference.

I call upon M. Buero, delegate of Uruguay, to address the Conference.

#### M. Buero (Uruguay) :

*Translation* : The Uruguayan delegation avails itself of the opening of this general discussion in order to make the following statement:

The Uruguayan delegation will give its enthusiastic support to any measures which may be proposed at this Conference with a view to freeing mankind from the scourge of narcotic drugs. As regards the limitation of the production of raw materials, the supervision of the traffic in these raw materials and their derivatives, the control of importation and exportation, re-exportation, storage, transit, shipment and transshipment, supervision by means of transits, certificates, etc., it will help by every means in its power, provided, of course, that the said measures are practicable and compatible with the international responsibility of States.

The Uruguayan delegation is therefore prepared to give its careful consideration to any observations which may be made by the delegates to this Conference with regard to the whole or part of the measures proposed by the Advisory Committee, the American delegation, or any other delegation.

The Uruguayan delegation desires formally to state that it will support any measure for con-

trolling the traffic in drugs which requires serious financial guarantees from persons or firms engaged in such traffic. The Uruguayan delegation is of opinion that this is one of the most effective means of suppressing the clandestine traffic in these drugs, whether of a national or international character.

The Uruguayan delegation reserves the right to submit a proposal on this subject and, at the same time, to suggest the limitations to which the freedom of transit and the despatch of national and international consignments by post should be subjected.

Uruguay ratified the Convention of 1912 and has already issued strict regulations regarding the internal traffic in, and use of, narcotics; she now proposes to complete these regulations by instituting an official monopoly in respect of all imports, thus enabling the State to distribute the quantities of opium required by the persons and institutions entitled thereto.

As Uruguay is a small country, the communications are excellent. Moreover, it is easy to carry out frequent inspections, with the help of a large public health personnel specially entrusted with the task of supervision, etc. So far, all the restrictive measures which have been adopted have proved effective and they will be still more so in the future when the monopoly system has been established.

Uruguay does not re-export narcotics and if she were guided by selfish considerations she might refrain from taking part in this Conference. But her statesmen and administrators are influenced by a higher ideal; the fact that Uruguay has been able, by her own efforts, to prevent the development of the abuse of narcotics within the country will not prevent her from giving her help to other nations which are called upon to engage in the struggle under the handicap of less favourable circumstances, such as the density of the industrial population, proximity to centres of production, extensive frontiers difficult to guard, organised smuggling on a large scale, etc.

The Uruguayan delegation considers that lofty considerations of humanity impose upon it the duty of acting in a spirit of most sincere co-operation, and it trusts that the efforts of the forty-three delegates assembled here, representing as many nations threatened by the drug evil, will not be without avail.

It is not without the most careful consideration that I use the word "threatened", and I sincerely ask the countries represented here to consider, in their turn, what would be the results of a development of the abuse of narcotic drugs, not merely in institutions such as the army and navy, but in the industrial and university centres upon which the very life of a country is based. (*Applause.*)

**The President :**

*Translation :* The Uruguayan delegate's statement will be translated into English and distributed to the members of the Conference. It will also be included in the record of the meeting.

I call upon M. Sugimura, delegate of Japan, to address the Conference.

**M. Sugimura (Japan) :**

*Translation :* Consumption, manufacture and production constitute the three essential factors of the problem of harmful drugs. The

question of trade and distribution is doubtless very important, but it is, in our opinion, subsidiary to the three main questions. The curing of addicts and other public health problems may be dealt with under the heading of consumption. Having made this general observation, I will venture briefly to define the point of view of the Japanese delegation.

**I. Consumption.**

With a view to obtaining a definite result, we think it advisable and necessary to adopt the following measures :

1. We must first of all fix the legitimate needs of each country. This question is the keystone of the whole edifice which we are attempting to build. If the Conference does not succeed in solving this problem by one means or another, I feel that our efforts will end in failure.

2. When the legitimate needs of each country have been fixed, the contracting States must make every endeavour completely to eliminate cases of intoxication caused by the abusive use of dangerous drugs and opium. I think that we are bound to follow this course if we really desire to conclude an effective international agreement and not merely the vain semblance thereof.

3. From the point of view of the consumer — which is a question of secondary importance — the price of the drugs must be kept as low as possible, seeing that they are to be used for a legitimate purpose.

Consuming countries must be assured that they will be able to find these drugs, which are so useful for relieving human suffering and for the development of science, on the world market without undue difficulty. This is justified not only for economic reasons but also — primarily, in fact — for the sake of humanity and civilisation.

4. We should also make allowance for the possible occurrence of great epidemics or other unforeseen and serious eventualities, which would bring about a sudden increase in the medical use of narcotics.

**II. Manufacture.**

As regards general principles, it is not possible to guarantee exclusive economic privileges to the countries which at present manufacture these drugs or to set up in their favour what would be a veritable monopoly. Nor can we recognise absolutely the proportional distribution of manufacture at present existing between the various countries concerned. Such theoretical rigidity would be contrary to economic laws and the principle of that natural and inevitable evolution of peoples which is a feature of scientific progress and industrial development.

From a practical point of view, however, it is urgently necessary to take steps effectively to reduce the enormous existing world stocks.

The first step — a very energetic one — must be to reduce effectively the illicit use of narcotics. Subsequently, manufacture must be diminished and existing quantities reduced. After a few years, we should be in a position fairly to estimate the results obtained and to adopt fresh measures with all the facts before us. It is

continuity which we desire, first in the progressive elimination of illicit consumers and addicts — an indispensable reform — and, subsequently, in a corresponding reduction in the manufacture of dangerous drugs. By adopting such a procedure and advancing by natural progressive stages, we feel sure that we can finally obtain a really satisfactory and beneficial result. Our long experience in Formosa justifies our belief in the efficacy of a sure, organic evolution, inspired by ideals but based on realities.

### III. *Production.*

All that we have said concerning manufacture applies, in general, to production. We shall, however, add two observations of secondary importance :

1. From the point of view of international relations, we have only to make provision for the limitation of production for export purposes. But as opium for export can also be utilised for domestic consumption, we should not make two distinct categories. A far-reaching and thorough examination of this question is necessary in order to dispel all misunderstanding, and to guard against any weakness in the structure we are erecting, which might lead to its collapse.

2. In order to limit the production of opium, Governments must gradually but entirely suppress the pernicious habit of indulging in the illicit use of opium and other dangerous drugs, always keeping in view the final aim to be attained. But as circumstances are different in different countries and communities, we cannot fix a uniform date for all countries. We should, however, definitely proclaim that the final object which we hope to attain is absolute abolition; we should not be content merely with pointing the way to gradual suppression. We must not lose sight of our ideal.

### IV. *Trade.*

From the economic point of view, narcotics used for legitimate purposes are primarily a form of merchandise. For this reason we must, up to a certain point, recognise the normal freedom of commerce. Every purchasing country must maintain intact its right freely to select the market in which economic conditions are most advantageous. This may perhaps lead to practical difficulties. In order to overcome these difficulties, we must, in the first place, strengthen the control exercised by Customs and other authorities. Moreover, with a view to rendering the international agreement more effective and to giving it active and visible expression, it would be highly desirable

to set up an international organisation. This organisation would collect all necessary information and would, if necessary, be instructed to take effective steps to protect the general interests of humanity and combat the illicit traffic.

### V. *International Organisation.*

We are in favour of setting up an international organisation which would collect all useful information and all necessary statistics, which it would carefully examine. It would, however, exert, above all, a moral influence, for the problem of the illicit use of narcotics is primarily a question for the individual as well as the public conscience. If a country did not keep all its engagements, or did not fulfil all its various obligations arising under the international agreement, the organisation in question would merely publish the facts, together with its opinion, if it thought such a course necessary or advisable. This power of publicity would have a very considerable influence on enlightened public opinion throughout the world, and public opinion would thus bring a strong moral pressure to bear on the Governments concerned, but mutual respect for the legitimate sovereign rights of the various contracting States continues to be the solid foundation of our work.

An international organisation possessing the character of a super-State would run the risk of seriously compromising good relations between the nations concerned. We are wholeheartedly in favour of abolishing the evil of dangerous drugs, but we are also determined to uphold the fundamental principle of international law and the spirit of the League of Nations, which is a free association of free nations, pursuing in common an ideal of justice and mutual good-will. The international organisation, moreover, will consist of men distinguished not only for their knowledge and high moral standing but also for their impartiality, because they will be independent of their respective Governments. We should attempt to create an international institution, permeated with a true international spirit, a combination of lofty ideals and far-seeing realism.

#### **The President :**

*Translation :* The procedure adopted in the case of the other speeches will be followed as regards M. Sugimura's speech.

The general discussion is now closed.

The plenary meetings of the Conference will be adjourned until further notice.

*The Conference rose at 1 p.m.*

## TENTH MEETING

*Held at Geneva, Friday, November 28th, 1924, at 3.30 p.m.*

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30. REPRESENTATION OF THE POLISH DELEGATION ON SUB-COMMITTEE F : COMMUNICATION BY THE PRESIDENT.

**The President :**

*Translation :* In conformity with Rule 7 of the Rules of Procedure, I must make a communication to you before we discuss the questions on our agenda.

I have just received a letter from the first delegate for Poland, M. Chodzko, which reads as follows :

*Translation :* "I have the honour to inform you that, when necessary, I shall be replaced at the meetings of Sub-Committee F by Dr. Stade, expert on the delegation of Poland and the Free City of Danzig."

I take note of M. Chodzko's letter. His reason for making this communication is that Sub-Committee F, of which he is a member, and Sub-Committee E, of which he is the Chairman, may possibly have to meet at the same time.

31. CONSTITUTION OF SUB-COMMITTEE E : PARTICIPATION OF PORTUGAL.

**Sir Malcolm Delevingne (British Empire) :**

I desire to bring forward a proposal of which I have given no previous notice, but which I hope the Conference will agree to consider and accept this afternoon.

A desire has been expressed by one of the delegations at this Conference to be represented on Sub-Committee E, which deals with the international control of transport, exportation, importation and so on. The delegation in question is the delegation from Portugal.

Portugal is represented on the Advisory Committee of the League, and also took part in the Hague and previous Conferences. As this desire has been expressed, and as Portugal has an interest in this matter, I think it will be the wish of the Conference generally to accede to that desire. It would involve raising the number of the Committee from 15 to 16, which is not a very large matter. In the special circumstances, I hope that the Conference will agree to do this, and agree to do it now, as the Sub-Committee in question meets to-morrow morning for the first time.

**The President :**

*Translation :* I see no reason why we should not take a decision forthwith on the proposal of the first delegate for Great Britain.

In conformity with Rule 11 of our Rules of Procedure, the Conference may decide by a unanimous vote to adopt either a draft resolution or a motion proposed at the meeting.

The decision to increase the number of the members of Sub-Committee E therefore rests with our plenary Conference.

Does any member of the Conference wish to speak on this subject ?

We have, in reality, two proposals before us. The first is, no doubt, within the competence of the plenary Conference ; the other is rather a matter for the Second Committee. But, as the members of that Committee are assembled here, I think we can without any difficulty pronounce upon the two proposals together.

Do you wish to vote formally or to vote by roll-call on the proposal to offer a seat on Sub-Committee E to the Portuguese delegation ?

**M. de Aguero y Bethancourt (Cuba) :**

*Translation :* As no one has objected to Sir Malcolm Delevingne's proposal, I think that the President may assume that we are all in favour of it. Portugal's collaboration cannot but be of value to Sub-Committee E.

**The President :**

*Translation :* The silence that followed the remarks of the first delegate for Cuba leads me to suppose that the Conference is unanimous in its approval. I therefore have the honour to declare Sir Malcolm Delevingne's proposal adopted.

*The proposal was adopted.*

**M. Ferreira (Portugal) :**

*Translation :* I have the honour to thank Sir Malcolm Delevingne for his proposal and the members of the Conference for accepting it.

32. CONSUMPTION OF DANGEROUS DRUGS IN THE UNITED KINGDOM : MEMORANDUM BY THE BRITISH DELEGATION : REFERENCE TO SUB-COMMITTEE F.

**The President :**

*Translation :* I received yesterday from the first delegate of the British Empire a note accompanying a memorandum on the consumption of dangerous drugs in the United Kingdom.

I have requested the Secretariat to follow the usual procedure, that is, to translate the document into French and distribute it to the members of the Conference.

To avoid the formality of referring it to the First Committee, I propose that the Conference should herewith decide to refer this memorandum directly to Sub-Committee F.<sup>1</sup> I may add that this is also the wish of Sir Malcolm Delevingne.

As no one has any objection, I regard this proposal as adopted.

*The proposal was adopted.*

<sup>1</sup> Vide Minutes of Sub-Committee F, Annex 10.



33. ENACTMENT OF EFFECTIVE LAWS OR REGULATIONS: (a) PROHIBITING THE MANUFACTURE AND DISTRIBUTION OF HEROIN; (b) FOR THE CONTROL OF THE PRODUCTION AND DISTRIBUTION OF RAW OPIUM AND COCA LEAVES: PROPOSALS SUBMITTED BY THE DELEGATION OF THE UNITED STATES OF AMERICA: COMMUNICATION BY THE PRESIDENT.

**The President :**

*Translation :* Ladies and gentlemen — The plenary meeting of to-day was fixed by a decision of the First Committee on the suggestion of your President. The reason for the convocation is known to the various delegations, but I will remind you that we are concerned with the two proposals of the American delegation which were placed on the agenda of the First Committee yesterday.

As only forty-eight hours have elapsed since the decision was taken, the Conference will remember that it decided to leave to its Business Committee the duty of preparing a programme of work. Your Business Committee has applied itself to its task and, after a very thorough examination, has been able to submit to you a programme of work. Some of the questions which concern this Conference are distributed between the First and Second Committees, while certain parts of other questions are held back by the Business Committee.

This programme of work was submitted to the Conference by the Rapporteur of the Business Committee, the distinguished delegate for Switzerland, and you accepted the programme and the distribution of work proposed in it.

We have to deal with two proposals which have been submitted to the Conference by the United States delegation.

The first proposal is as follows :

“The Contracting Parties shall enact effective laws or regulations prohibiting the manufacture and distribution of heroin.”

I venture to draw the attention of the members of the Conference to the fact that the French translation does not absolutely correspond to the official text of the American draft, but the changes do not alter the sense of the proposal.

The second proposal of the American delegation is as follows :

“The Contracting Parties shall enact effective laws or regulations for the control of the production and distribution of raw opium and coca leaves so that there will be no surplus available for purposes not strictly medical or scientific.

“The foregoing provision shall not operate to prevent the production for exportation, or exportation, of raw opium for the purpose of making prepared opium, into those territories where the use of prepared opium is still temporarily permitted under Chapter II of this Convention, so long as such exportation is in conformity with the provisions of this Convention.”

My remarks as to the translation of the first proposal apply also to this proposal.

These two proposals will, of course, be discussed separately. We will begin with the first.

34. ENACTMENT OF EFFECTIVE LAWS OR REGULATIONS PROHIBITING THE MANUFACTURE AND DISTRIBUTION OF HEROIN: PROPOSAL SUBMITTED BY THE DELEGATION OF THE UNITED STATES OF AMERICA.

“The Contracting Parties shall enact effective laws or regulations prohibiting the manufacture and distribution of heroin”.

**The President :**

*Translation :* Does the first delegate for the United States desire to explain his delegation's point of view concerning this proposal ?

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

I have no desire to do so. Any explanation I may have to offer I should like to make when I put my motion. If I am permitted to do so now, perhaps it will meet the views of the President.

**The President :**

*Translation :* We will now discuss the first proposal concerning Article 9a in the American draft.

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

The question of competency in regard to Article 9-A was raised in the Business Committee, and, so that it may be brought before the Conference in plenary meeting, I have here a motion suggesting that the matter be referred to the First Committee for consideration.

With your permission, I will read the motion :

“On behalf of the delegation of the United States of America, I hereby present for the consideration of the Conference, Article 9-A of the suggestions of the United States of America, which reads as follows :

‘The Contracting Parties shall enact-effective laws or regulations prohibiting the manufacture and distribution of heroin,’

and move that it be referred to the First Committee for consideration.”

I take it, Mr. President, that that is the proper way to raise the question of competency, so that if anyone present desires to raise the point we are prepared to meet it. If you will note the motion closely, you will see that it does not ask the Conference to consider the matter on its merits at all. It merely asks the Conference to refer the question to the appropriate Committee.

**The President :**

*Translation :* I quite agree with the first delegate for the United States. A few days ago reservations were made concerning Article 9-A of the American draft. The United States delegation is now asking the Conference to take another resolution with regard to this article. It is desired — and it is the simplest course — to refer the examination of this article to the competent Committee, that is to say, the First Committee. The United States delegate added that he did not ask the Conference to discuss the matter on its merits; all he wished the Conference to do was to discuss the question of



referring this proposal to the competent Committee.

I hope therefore that the Conference will adopt this view.

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

Mr. President, as I have already stated, the motion is so framed that it will raise the question of competence ; that is to say, it will give any delegate here the right to raise that question. But if nobody raises it, I hardly see that there is anything more to say. I am perfectly willing to discuss the matter, but if nobody raises a point (and I trust they will not do so — at least, I am quite hopeful that they will not and I shall be very grateful if they do not), I do not see any reason for saying anything in support of the motion.

**The President :**

*Translation :* Does any delegation desire to speak on the question before us ?

**M. van Wettum** (Netherlands) :

I do not raise the question of competence ; but I cannot express any opinion on the question of prohibiting the manufacture and distribution of heroin, as my Government did not consider that this problem was within the scope of the Conference. I have therefore no instructions on this matter.

**The President :**

*Translation :* The declaration made by the Netherlands delegation will be included in the record of the present meeting.

**Sir Malcolm Delevingne** (British Empire) :

Without going at all into the question of competence, I only wish to say that I have no objection to offer to this matter being referred to the First Committee for discussion.

**The President :**

*Translation :* There are no other speakers on my list. The Conference has now to decide whether Article 9-A of the American draft should be referred to the First Committee.

As the members of the Conference offer no objection, I take it that the discussion of Article 9-A in the draft of the American delegation is referred to the First Committee of the Conference.

*The proposal was adopted.*

**The Hon. Henri S. Beland** (Canada) :

*Translation :* I desire to ask for an explanation. We are now in plenary meeting of the Conference and we have decided to refer the proposal of the delegation of the United States to the First Committee. Does this signify that the competence of the Conference in regard to this question is admitted ?

**M. de Aguero y Bethancourt** (Cuba) :

*Translation :* As the American proposal was submitted to the plenary Conference in order to determine whether the latter was or was not competent, and as the delegations here present raised no objections on the question of this competence, except for the reservations by the delegations of the Netherlands and British Empire, I think it must be understood that the Conference declares its competence with regard

to the proposal submitted by the United States. The First Committee will have to discuss the question whether the American proposal is to be accepted or not, but it has not to discuss the question of competence.

**The President :**

*Translation :* The first delegate for Canada asked me a question, and I would like to give him in reply my personal opinion.

In referring the American proposal to the First Committee, the plenary Conference has decided that the First Committee is competent to discuss this proposal. This is also the view of the first delegate for Cuba.

**35. ENACTMENT OF EFFECTIVE LAWS OR REGULATIONS FOR THE CONTROL OF THE PRODUCTION AND DISTRIBUTION OF RAW OPIUM AND COCA LEAVES : PROPOSAL SUBMITTED BY THE DELEGATION OF THE UNITED STATES OF AMERICA.**

**The President :**

*Translation :* We now proceed to the examination of the second proposal of the United States delegation :

“The Contracting Parties shall enact effective laws or regulations for the control of the production and distribution of raw opium and coca leaves so that there will be no surplus available for purposes not strictly medical or scientific.

“The foregoing provision shall not operate to prevent the production for exportation, or exportation, of raw opium for the purpose of making prepared opium, into those territories where the use of prepared opium is still temporarily permitted under Chapter II of this Convention, so long as such exportation is in conformity with the provisions of this Convention.”

I have already drawn the attention of the Conference to a slight difference in the French translation of this document. Does the delegation of the United States wish to speak on its proposal before the general discussion is opened ?

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

Mr. President— I desire to put forward a motion on this matter similar to the one with regard to heroin. The motion reads as follows :

“On behalf of the delegation of the United States of America, I hereby present for consideration by the Conference Article 1 of the suggestions of the United States of America, which reads as follows :

“The Contracting Parties shall enact effective laws or regulations for the control of the production and distribution of raw opium and coca leaves so that there will be no surplus available for purposes not strictly medical or scientific.

“The foregoing provision shall not operate to prevent the production for exportation, or exportation, of raw opium for the purpose of making prepared opium, into those territories

where the use of prepared opium is still temporarily permitted under Chapter II of this Convention, so long as such exportation is in conformity with the provisions of this Convention',

and move that it be referred to the First Committee for consideration''.

**The President :**

*Translation :* A proposal has been submitted to the Conference by the American delegation to refer Article 1 of its draft proposals to the First Committee. This point is now open for general discussion.

**Mr. Clayton (India) :**

Mr. President, ladies and gentlemen — The motion just proposed by the delegation of the United States of America asks that the Conference should consider a proposal relating to the control of the production and distribution of raw opium and coca leaves within a producing country.

According to the agenda of this Conference imposed upon it by the convening authorities and accepted by the Conference, this latter is empowered to deal with the production of raw opium and coca leaves for export. It is not entitled to deal with the control of raw opium and coca leaves produced for internal consumption.

It is my duty, therefore, to ask you, Sir, to rule the present motion out of order and *ultra vires* of this Conference. Before I do so, however, I desire, with your permission, to make a few remarks in support of my contention.

There is no delegate, I think, present at this Conference who is not aware that this is a question of great importance to the Government which I represent; moreover, the decision which is taken upon it may largely decide the part which the Indian delegation can take both in the deliberations of this Conference and in its results.

It is one of several questions which were not only not included in the agenda of this Conference, but were, after the fullest possible consideration, deliberately excluded by the convening authorities — namely, the Assembly and the Council of the League of Nations. The reason for this deliberate exclusion will be perfectly obvious to anyone who has studied the papers which describe the preliminary work undertaken in connection with the preparation of our agenda. This reason is that on these subjects there is no possibility of agreement between the nations represented here, and the inclusion of these subjects therefore would necessarily involve the Conference in failure. Such a failure would, and this I desire to state in the most emphatic manner, be regretted by no one more deeply than by the Government of India — a Government which, for generations, and long before the Hague Convention was even thought of, has stood in the forefront of the campaign against the abuse of opium, and has achieved results which challenge comparison with those obtained by any other nation.

The subject of the present motion, I repeat, vitally affects the position of India. The position of the Government of India on the opium question is as follows : — It holds that the present system of opium control in

India is legitimate, in the fullest sense of the word, under the Hague Convention of 1912. It also holds that this system is the best and most effective method of putting into force, under the conditions that prevail in India, the principles which underlie that Convention.

This position the Government of India is prepared to discuss and defend — aye, and successfully defend — in the future as in the past, whenever and wherever the correctness of that position is at issue. It is not prepared to discuss that position at a Conference where it is not at issue and from the agenda of which it has deliberately, and after the fullest consideration, been excluded by the convening authorities.

So much by way of preliminary. I now come to the technical point of order. This is a point which you, Sir, will have to decide. We hold that it is a general rule, universally applied, that a Conference summoned by the invitation of a convening authority is strictly bound by the agenda imposed by that authority. I do not propose to argue this point at length — it appears to us to be so clear as to require only to be stated for it to command universal approbation.

There is a further question also for you, Sir, as President, to decide, as a point of order. A Conference is bound by the agenda which it has itself formally accepted, and I would note that, in the case of the agenda of this present Conference, it has been so worded as definitely to exclude all possibility of argument either as to the objects or the intentions of our meeting.

This second point of order is, I think, deserving of consideration. It is not, however, in our view, of such importance as the first, and therefore we do not lay the same stress upon it; but I desire to point out that the rule upon which it is based is one which has already behind it the authority of the League in important cases. In view, therefore, of the existence of these precedents in favour of our case, I venture to think that it should not be lightly disregarded. Further, the delegation of the United States itself has, in the course of the proceedings of this very Conference, adopted, by implication at any rate, this view.

When you, Sir, put the agenda before the Conference at the first plenary meeting on November 17th, Mr. Porter made a reservation. That reservation referred to the agenda of the First Conference, which, in the event of that Conference not coming to a satisfactory agreement, he desired to see added to our own. If the Second Conference is untrammelled by its agenda and is at liberty to range over the whole question of opium, there was no need for such a reservation and, by making it, Mr. Porter himself, by implication, agreed that the agenda, once accepted, binds the Conference.

I have said that the Indian view had behind it the authority of League precedents. To me it is natural that the League should support the principles which we are urging here, for, I venture to suggest, the maintenance of those principles is vital to the continued existence of the League. The object of the League of Nations is not to magnify the points of difference between nations, but to concentrate on the points on which an agreement is in sight, or may ultimately prove possible, in the hope that

the sphere of agreement may gradually be extended to cover all international relations.

Nothing is more incompatible with these objects or more likely to breed distrust and provide opportunities for disputes between nations than uncertainty as to the agenda of League Conferences. I put it to you, Sir, and to the Conference, that the position of a nation in the League will become wholly impossible if, after accepting the invitation to a Conference to discuss a specific agenda, it is to find itself confronted at that Conference with other subjects raised without notice — subjects which, if it had had notice of them, might have caused that country to refuse to attend the Conference at all. Such action, in many cases which I leave it to the delegates to imagine, would go far to bring about the complete break-up of the League of Nations.

I now pass to the history of this agenda, and I ask the Conference to note that every stage of its development is clear, precise and definite. I must ask the Conference to go back with me to the meetings of the Advisory Committee held in May 1923. And if I am asked why so, I would quote certain words used by Mr. Porter himself in the course of the discussions.

Mr. Porter said on June 4th, 1923<sup>1</sup>: "The American delegation was trying to ascertain whether or not a workable plan could be agreed upon for combating the traffic in dangerous drugs." I lay stress on the two words "workable" and "agreed". This was exactly the business upon which the Advisory Committee was engaged. The American delegation and the Advisory Committee set out upon their work together, and I hope to show that the plan contained in our agenda is the plan upon which agreement was finally reached. It is to be remarked that the mere affirmation of principles is not a plan. Absolute agreement on all matters of principle was not necessary. What was necessary was agreement on some practical plan which would be effective in combating the traffic in dangerous drugs.

The Advisory Committee met on June 2nd, 1923<sup>2</sup>. It discussed the American principles; certain reservations were made, but the practical plan which the Committee recommended is to be found in Resolution IV, which proposed the calling of two Conferences for the consideration of certain specified and limited questions.

The resolution of the Advisory Committee was discussed with the American delegation at its eighteenth meeting on June 4th<sup>3</sup>. It was referred to a Drafting Committee, and emerged therefrom in a somewhat modified form. In essence, it remained the same. The American principles were accepted, with the same reservations as had been made in the Committee, though these were rearranged in a different order. The practical plan to be recommended to the Assembly remained exactly the same, though the wording was slightly altered. That plan, so far as this Conference is concerned, consisted in inviting the Governments of the

<sup>1</sup> See Minutes of the Fifth Session of the Advisory Committee on the Traffic in Opium and other Dangerous Drugs (page 111).

<sup>2</sup> See Minutes of the Fifth Session of the Advisory Committee on the Traffic in Opium and other Dangerous Drugs (pages 95-105).

<sup>3</sup> See Minutes of the Fifth Session of the Advisory Commission on the Traffic in Opium and other Dangerous Drugs (page 109).

States in which morphine, heroin, or cocaine and their respective salts are manufactured, and the Governments of the States in which raw opium or the coca leaf are produced for export for the purposes of such manufacture, to enter into immediate negotiation to consider whether an agreement could not be reached on certain definite points, namely, the specific points which are mentioned in our agenda.

Such was the plan that the Advisory Committee recommended to the Assembly. Such was the plan which the Fifth Committee of that Assembly approved, though it recommended the enlargement of the Conference, not for the purpose of altering the plan, but in order to secure the adhesion of all Members of the League or signatories to the Convention of 1912, to the principles that might be embodied in any agreement reached.

The plan, together with the proposal for the enlargement of the Conference, but with the same agenda, was accepted by the Assembly, and distributed to all Governments when the invitations were issued. No objections or criticisms on the part of any of the Governments have been made public and we are entitled to assume that none were in fact made. The plan is again embodied in the agenda which was placed before the Conference by the League and accepted by it.

The plan has thus been before most of the States here represented some three or four times, and on no occasion has any objection to it been raised.

If the Conference has followed me thus far, the reasons for the form of the agenda will be obvious :

(a) The agenda was, in fact, designed to take note of all the reservations made. It does so !

(b) It had to limit the field of discussion to subjects on which agreement was possible, otherwise the projected Conference would be likely to fail. It does so !

(c) It had to give the Governments of the nations, to which invitations were issued and which are represented here, a definite limited programme on which to base their instructions to their plenipotentiaries. It does so ! The plenipotentiaries are assembled here and have received their instructions. It follows, therefore, that the agenda offers a complete and satisfactory basis on which the Conference can build "an agreed and workable plan" for controlling the traffic in dangerous drugs.

The only argument against the view put forward by my delegation, that has been urged in this Conference, is based on the reference in the sixth resolution of the Assembly, dated September 27th, 1923, to the principles submitted by the representatives of the United States of America. The answer to this argument is to be found in the history of the agenda, details of which I have given, and in the series of resolutions which the Assembly adopted.

Resolution I adopted by the fourth Assembly is so precise as to allow of no possibility of doubt or dispute. It "adopts the report and resolutions of the Advisory Committee, taking note of the reservations contained therein, and asks the Council to take the necessary steps to put these resolutions into effect". In the resolution of the Advisory Committee the refe-

rence to the American principles comes at the beginning and has no relation with the definite agenda proposed.

Resolution VI, adopted by the fourth Assembly, on which stress is laid, is fully covered by Resolution I. Resolution VI is obviously a redraft (and, with all due respect to the League Secretariat, an unsatisfactory and inaccurate redraft) of Resolution IV of the Advisory Committee. It omits, for instance, the important reference to the Hague Convention of 1912 — a reference which has rightly been restored in the agenda as formally adopted by this Conference. Further, this reference to the United States principles, it should be noted, is not confined to these principles. It also places equal stress on the policy which the League, on the recommendation of the Advisory Committee, has adopted; and as to the recommendation made by the Advisory Committee there can, as I have shown, be no possible doubt whatever.

Surely this argument is altogether too weak and insubstantial for it to be possible to justify by it the course proposed — namely, the complete scrapping of all the preliminary work undertaken in 1923 and thereafter; the rejection of the agreed and workable plan accepted by the Advisory Committee, the Fifth Committee of the fourth Assembly and by the Assembly itself; and the replacing of the whole position as it was before the Advisory Committee started work in May 1923. If this was the intention of the Assembly, one is left to wonder why any preliminary work was ever undertaken at all.

The point of order which has been raised must, for the purpose of this Conference, be decided by you, Sir, our President. You derive your authority from the League of Nations, which convened our Conference, and you, therefore, alone among us, are in a position to decide the subjects which that authority desired us to discuss.

But if the case be put, Mr. President, for your decision, it must necessarily be a decision between conflicting views. India, however, would prefer another and better way of obtaining a decision, namely, that, if possible, the question should be settled by agreement, without the intervention of the President.

The proposition now moved is not the only one on which the same point of order can be raised. There are others. But as things now stand, the principal, and possibly the only, propositions before the Conference which are outside the accepted agenda are to be found in the American suggestions. I therefore now, on behalf of the Indian delegation, and the Government which it represents, make a solemn appeal to the delegation of the United States of America, in the name of the great principles which underlie the Covenant of the League of Nations — in the name of the spirit of brotherhood, friendliness and faith in human nature, to which Bishop Brent has already so eloquently appealed before this Conference — in the name of our common cause, our common desire to find an agreed and workable scheme for combating the traffic in dangerous drugs, our common hope for a successful issue to the work of this Conference — I appeal to the delegation of the United States to accept the view I have put forward, that this Conference is only competent to discuss and deal with its accepted

agenda, that is to say, the agreed and workable plan which earned its assent last year.

If that appeal is accepted — as I hope it will be — in the spirit in which it is made, our difficulties will disappear, and we can at once settle down, with every hope that a final agreement will be reached, to the discussion of the proposals of the Advisory Committee, the amendments to be suggested to them, and such other proposals as may be in order.

There may be difficulties in the way; the speech of the French delegate the other day indicated, indeed, that those difficulties may be considerable — but I share with him the view that there is no reason to suppose that a common basis of agreement cannot be found.

If, however, this appeal now made by my delegation is rejected, if it is made clear that the object in view is not to reach an agreed and workable plan, but to push the views held by a portion of the Conference to such lengths as to destroy all chance of an agreement being reached, it will be necessary — in order that India's position in the matter may be made perfectly clear, more clear than I have been able to make it in this speech — for our delegation to make a further statement.

**The President :**

*Translation :* Does anyone wish to speak ?

I call upon the Hon. Stephen G. Porter, delegate of the United States of America, to address the Conference.

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

There is nothing peculiarly sacred about an agenda. It has but one function to perform, that is, to furnish a means of giving force and effect to matters stated in the convocation. The agenda for this Conference and the convocation of this Conference are contemporaneous documents. They must be read together. It would have been quite easy for someone to have moved, on the day when we first met, the substitution of Resolution VI for the agenda as prepared by the League of Nations. I confess frankly that I did not give the matter a second thought, because I recognised the principle that the agenda is merely to give force and effect to the call. I might also say, in passing, that this is my third visit to Geneva, and my contact with the Secretariat has been such as to inspire unlimited confidence in their ability and in their accuracy. When this agenda is presented to me as the work of the Secretariat of the League of Nations, I assume that it has carried out the invitation which the League has issued.

It may not be out of place to give a short history of this matter, because, if I have not already said so, I have at least had it in my mind to say, that the delegates from the United States are firmly convinced that, if this Conference becomes involved in a maze of sharp technicalities, the result will be disappointment to all. It is only by meeting this situation upon a broad ground, by meeting it upon its merits, that we can hope to bring relief to the millions of people throughout this world that are suffering from the effects of these ghastly drugs.

The International Opium Convention concluded at The Hague on January 23rd, 1912, and which forms the basis of the present international control of the traffic in opium, coca leaves, and their narcotic derivatives, dele-

gated certain administrative functions to the Netherlands Government, and that Government in 1913 and 1914 called two International Conferences to consider problems arising out of the execution of that Convention. It is perhaps accurate to state that, prior to the establishment of the League of Nations, the Netherlands Government was generally recognised by the signatory Powers as the agent for the execution of a number of the provisions of that Convention.

Subsequently, however, certain Powers signatory to the Convention of 1912, through their acceptance of the Covenant of the League of Nations, agreed, in accordance with Article 23 of that instrument, as follows :

“Subject to, and in accordance with, the provisions of International Conventions existing or hereafter to be agreed upon, the Members of the League.....

(c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs.”

The League has since assumed, with respect to its Members, the duties entrusted to the Netherlands Government by the International Opium Convention of 1912. It is unnecessary to mention that the United States is not a Member of the League of Nations, and therefore looks to the Netherlands Government for the discharge of the administrative functions entrusted to that Government by the Convention of 1912.

In 1922, however, the League of Nations invited the Government of the United States to participate in the work of the Advisory Committee on the Traffic in Opium, which had been established by the League to carry out the obligations undertaken under Article 23 of the Covenant. The United States, being of the opinion that the world-wide traffic in habit-forming narcotic drugs could only be suppressed by international co-operation, and recognising that it was bound by the Hague Convention to work towards this end, accepted the invitation, and in May 1923 designated three representatives to appear, in a consultative capacity, before the Advisory Committee with instructions to present for consideration certain proposals which embodied the views of the United States Government with regard to the obligations undertaken under the Convention of 1912 and the means by which the purpose of the Convention might be achieved.

In accordance with the instructions received, the representatives of the United States presented for the consideration of the Advisory Committee the two following proposals :

“1. If the purpose of the Hague Opium Convention is to be achieved according to its spirit and true intent, it must be recognised that the use of opium products for other than medicinal and scientific purposes is an abuse and not legitimate.

“2. In order to prevent the abuse of these drugs, it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for non-medicinal and non-scientific purposes.”

After considerable discussion, the Opium Advisory Committee adopted a resolution accepting and recommending to the League of Nations the proposals of the representatives of the United States. It considered that the resolution embodied the general principles by which the Governments should be guided in dealing with the question of the abuse of dangerous drugs, and on which, in fact, the International Convention of 1912 is based, subject, however, to the fact that the following reservation was made by the representatives of the Governments of France, Germany, Great Britain, Japan, the Netherlands, Portugal and Siam :

“The use of prepared opium and the production, export and import of raw opium for that purpose are legitimate so long as that use is subject to and in accordance with the provisions of Chapter II of the Convention.”

The representatives of the United States Government, in September 1923, appeared before the Fifth Committee of the fourth Assembly of the League, which had been convened for the purpose of considering the recommendations of the Advisory Committee to which I have referred. On September 26th, 1923, the Fifth Committee of the Assembly adopted (among other things) the following resolutions :

“*Resolution V.* The Assembly approves the proposal of the Advisory Committee that the Governments concerned should be invited immediately to enter into negotiations with a view to the conclusion of an agreement as to the measures for giving effective application in the Far Eastern territories to Part II of the Convention and as to a reduction of the amount of raw opium to be imported for the purpose of smoking in those territories where it is temporarily continued, and as to the measures which should be taken by the Government of the Republic of China to bring about the suppression of the illegal production and use of opium in China, and requests the Council to invite those Governments to send representatives with plenipotentiary powers to a Conference for the purpose and to report to the Council at the earliest possible date.”

I take it that Resolution VI may be regarded as in effect the agenda for this Conference. It reads as follows :

“*Resolution VI.* The Assembly, having noted with satisfaction that, in accordance with the hope expressed in the fourth resolution adopted by the Assembly in 1922, the Advisory Committee has reported that the information now available makes it possible for the Governments concerned to examine, with a view to the conclusion of an agreement, the question of the limitation of the amounts of morphine, heroin or cocaine and their respective salts to be manufactured ; of the limitation of the amounts of raw opium and the coca leaf to be imported for that purpose and for other medicinal and scientific purposes ; and of the limitation of the production of raw opium and the coca leaf for export to the amount required for such medicinal and scientific purposes, requests

the Council, as a means of giving effect to the principles submitted by the representatives of the United States of America, and to the policy which the League, on the recommendation of the Advisory Committee, has adopted, to invite the Governments concerned to send representatives with plenipotentiary powers to a Conference for this purpose, to be held, if possible, immediately after the Conference mentioned in Resolution V.

"The Assembly also suggests, for the consideration of the Council, the advisability of enlarging this Conference so as to include within its scope all countries which are Members of the League, or Parties to the Convention of 1912, with a view to securing their adhesion to the principles that may be embodied in any agreement reached."

May I digress a moment and suggest here that, if the contention of the distinguished gentleman from India is correct, and we are absolutely bound by the words of this agenda, the United States, not being a Member of the League, would be in the position of working here as an uninvited guest.

The Council of the League, in accordance with the resolutions to which I have referred, invited the various Governments concerned to send representatives with full plenipotentiary powers to attend at Geneva the two International Conferences provided for by the resolutions in question. The Government of the United States did not receive an invitation to attend the Conference called in pursuance of Resolution V, and it was therefore not represented at that Conference. In accepting the invitation extended by the Council of the League to participate in the Conference called in pursuance of Resolution VI, the United States did so with the knowledge that its proposals respecting the use of opium were embodied in the two proposals brought to the attention of the Advisory Committee in May 1923 and had received the approval of the Advisory Committee, the Fifth Committee of the fourth Assembly, the Assembly itself and the Council of the League of Nations, and with the intention to present for consideration certain measures designed to give concrete expression to the proposals which the League had accepted as being in accordance with its policy.

The United States did not feel that it had completely discharged its responsibilities or fulfilled its obligations in merely presenting two proposals for adoption, but considered that the various Governments concerned had the right to ask that the United States should submit for their consideration concrete measures which would give practical effect to the general proposals previously accepted. It was only on this understanding, which is clearly warranted under the circumstances related, that the United States agreed to participate in the present Conference.

While Resolution VI specifically mentions that the Governments concerned may examine, with the view to a conclusion of an agreement :

(a) The question of the limitation of the amounts of morphine, heroin, or cocaine, and their respective salts, to be manufactured ;

(b) The limitation of the amounts of raw opium and the coca leaf to be imported for that purpose and for other medicinal and scientific purposes ;

(c) The limitation of the production of raw opium and the coca leaf for export to the amount required for such medicinal and scientific purposes,

it will be noted that these questions are to be considered as a means of giving effect to the principles submitted by the representatives of the United States and to the policy which the League, on the recommendation of the Advisory Committee, has adopted.

Is any argument necessary to establish that the questions referred to in Resolution VI are merely mentioned by way of description and not of limitation, or, as the President of the Conference pointed out in his opening address with regard to the adoption of the agenda, as merely a starting point or basis for discussion ?

The suggestion that a Conference composed of representatives with full plenipotentiary powers, called to consider measures to be adopted as a means of giving effect to the United States proposals, does not possess the power to examine any question presented germane to the general subject under discussion appears to be untenable. Every Government here represented was aware of the purpose for which the Conference was called and it is to be presumed that each representative received instructions co-extensive with the terms of the invitation received and accepted.

I may add that the United States, in the suggestions which are before you for consideration, has not endeavoured to broaden the scope of the Conference as set forth in the invitation received from the League of Nations. Every proposal or suggestion embodied in the programme which has been placed at your disposal is, in our judgment, within the competence of the Conference.

Article 1 of the suggestions of the United States, the one in question, proposes that the Contracting Parties shall enact effective laws or regulations for the control of the production and distribution of raw opium and coca leaves so that there will be no surplus available for purposes not strictly medical or scientific. This suggestion merely embodies in the Convention a principle which has already been accepted by the League. Recognising, however, the force of the reservation made by certain countries with regard to the use of prepared opium under Chapter II of the Convention, we have inserted in Article 1 that the foregoing provision shall not operate to prevent the production for exportation, or the exportation of raw opium for the purpose of making prepared opium, into those territories where the use of prepared opium is still temporarily permitted under Chapter II of the Convention, so long as such exportation is in conformity with the provisions of the Convention. Article 1, therefore, which merely gives expression to the American proposals, subject to the reservations made by certain countries, is clearly within the scope of the discussion of the present Conference.

I desire to make it perfectly clear that the Conference is not at this time deciding whether it shall adopt Article 1 of the suggestions of the United States, but merely whether, under the terms of Resolution VI of the Assembly



and the agenda of the Conference, the United States may properly present for consideration by the Conference the proposal contained in Article 1 of the suggestions of the United States, supported by such arguments and facts as the United States may consider germane to the proposal.

In case of the acceptance of the proposal, ample protection is to be found in the right which each Government has to file reservations to any measure with which it is not in accord. Should the Conference, after examination of the subject under discussion, finally decide to place within the Convention provisions on the lines of Article 1 of the suggestions of the United States, any Government represented here which cannot give its approval to proposals of the character indicated may appropriately, and without question, make such reservations thereto as may in its judgment be deemed advisable.

The distinguished gentleman from India appeals to the delegation of the United States, in the name of all that is sacred, to recede from its position, the position which my Government has maintained throughout. For my part, I would also make an appeal and ask him to recede from the position he has taken up and agree with us that these drugs, these soul-destroying drugs, shall be limited, that their production shall be limited, to the quantities needed for medicinal purposes. If we can bring that about, we shall bring sunshine and happiness into millions of homes in this world where misery and squalor exist to-day. (*Applause.*)

**Mr. Campbell (India) :**

Mr. President — I regret that I do not find in Mr. Porter's speech any reply to the closely reasoned arguments which my colleague presented. I regret also that Mr. Porter did not see fit to respond to the appeal which Mr. Clayton made.

This matter is not, for India, a question of sharp technicalities. It is a question of fundamental importance, and I think and believe that the other delegations here present, when they reflect on the principle which is at stake, will share that view.

I do not propose to reply in detail to the various points raised by Mr. Porter. I think it is perhaps unnecessary. Mr. Porter's speech appears to have been prepared before Mr. Clayton's speech was read, and for that reason, perhaps, he did not deal with the points which the Indian delegation presented.

However that may be, there is one point in Mr. Porter's remarks to which I should like to direct special attention. He mentioned the reservations made by various Governments; he did not mention the reservation made by the Government of India. In this matter, the question of Article 1, the only reservation which is relevant, is the reservation made by the Government of India. That reservation occurs in a resolution of the Opium Advisory Committee, which resolution is, according to the Assembly resolution, the basis of our agenda. The reason why the reservation was separated from the other reservations I will shortly explain to you.

There is one other point, of what I think is fundamental importance, to which I should like to allude. It has been customary here to talk

of the American principles. I should like to point out — and I wish to emphasise the point as much as possible — that these are not principles. They are an interpretation of the Hague Convention put forward by the Government of the United States. If the members of the Conference will refer to the Minutes of the Fifth Session of the Advisory Opium Committee, they will find on page 14, which contains the statement made by Mr. Porter, the following remarks :

“The United States has no wish to enter into a discussion of the powers and duties of this Committee, but feels that it is due to itself and to the Governments here assembled to state clearly what it understands the Hague Convention to mean.”

These are the words I wish to emphasise — “To state clearly what it understands the Hague Convention to mean”.

On page 15, also in Mr. Porter's speech, you will find the following statement :

“As a concrete expression of these principles so far as concerns opium and its derivatives, the following propositions are submitted to the Opium Advisory Committee” —

these are the proposals which are embodied in the preamble to the American suggestions —

“in the earnest hope that they will be agreed to and their adoption recommended to the Council and Assembly of the League of Nations” —

and again I wish to emphasise the words which follow :

“in order that the doubts, if any, which now exist as to the true intent and meaning of the Hague Opium Convention shall be permanently removed.”

Then follow the two principles in exactly the same wording as they now appear in the American scheme.

It follows that the so-called American principles are not principles. They are, as directly stated by Mr. Porter, the official interpretation by the United States Government of the meaning of an existing International Convention.

Now, in an assembly of this kind, I do not suppose it is necessary for me to state that the United States Government has clearly no right whatever to attempt to impose its interpretation of the Hague Convention upon other Governments. This is what would be done if we accept the American scheme in its present form with the preamble. If we accept that scheme, the effect would be to give to the American interpretation of the Hague Convention retrospective effect for twelve years.

The Advisory Committee has no power to interpret the Hague Convention. This Conference has no power to interpret the Hague Convention. The League of Nations has no power to interpret the Hague Convention. There are only two means by which the Hague Convention, if doubts exist on the subject, can be interpreted. One is a reference to the Permanent Court of International Justice; the other is to adopt the machinery which the Hague Convention itself sets up for that purpose. The reference will be found in Article 24 of the Convention.



I should like to inform the Conference that, when this question arose, I put both these suggestions to Mr. Porter. They will be found in the Minutes of the Advisory Committee. So far as my Government was concerned, I said that I had no specific instructions but I was willing to make a proposal. I suggested that the question should be referred to the Permanent Court of International Justice. That suggestion was not accepted.

I then suggested that the question should be dealt with under Article 24 of the Hague Convention. That suggestion was not accepted. I wish all the members of the Conference thoroughly to understand what the acceptance of the American scheme in its present form means. It means that this Conference will commit itself to accept, with retrospective effect, the interpretation which a particular Government places upon an International Convention, now signed by fifty-two countries.

There is yet another point to which I wish to refer. A special position exists in respect of this matter as between the Indian and the American delegations.

I do not desire to enter into details, but I trust that the Conference will accept my word when I say that the Indian delegation has made every effort to avoid, and has most carefully considered every possible means of avoiding, the necessity of making a statement such as that I am about to make.

If the members of the Conference will refer to page 104 of the Minutes of the Fifth Session of the Advisory Committee on the Traffic in Opium, they will find the definitive text of the resolution as unanimously adopted by that Committee. In paragraph 1 of this resolution the Committee accepted the principles stated by the American delegation, subject to the fact that certain stated reservations had been made by States represented on the Committee. All these reservations were made on exactly the same basis.

This resolution was sent to the American delegation, which replied officially, forwarding certain observations regarding it. In the note from the American delegation dealing with these reservations the following passages occur :

“In regard to Reservation 1 [which was the reservation made by India and which, as I have explained, is the only reservation relevant to the present question] it may be stated that the internal affairs of other nations are their own concern, and there is no desire to indicate what particular measures should be adopted in any country to deal with the opium traffic. It is none the less certain, however, that it would be most unwise, and would, moreover, open the door to a demand for international approval of many undesirable practices, to admit that the domestic usages of any particular States are legitimate under the Convention. It amounts to a demand for special privilege, which would not seem to be in accord with the usually accepted usages of international relations. The British, Indian and German representatives, however, appear to believe that the acceptance of the propositions without this reservation would involve the alteration of a practice which they consider legal.”

I now come to a further extract from the same document :

“It would seem quite undesirable to pass upon the legitimacy of the production of raw opium for use according to the established usages in India. The statement made in regard to Reservation 1 seems to cover this point.”

That is the statement which I have just read. The American letter went on further :

“Neither you nor we desire to dissemble in this matter. It would not mark progress to accept the proposals of the United States representatives with such reservations as would destroy their intent.”

On receipt of this letter, the question was re-discussed by the Advisory Committee, with the American delegation, and it was found impossible to arrive at an agreement. The matter was then referred to a small Drafting Committee, constituted as follows : Mr. Porter (United States), Sir Malcolm Delevingne (British Empire), M. van Wettum (Netherlands), M. Brenier (Assessor), M. Bourgois (France), Mr. Neville (United States) and myself.

The meeting of the Drafting Committee was very short ; it was not open to the public. In stating what occurred, I desire to remind the members of the Conference that I am speaking in the presence of five of the gentlemen who were present on that occasion. There are others here also who were present at the meeting, and I may add that I have also referred to a formal report written by me to my Government very soon after the meeting was held.

Mr. Porter was informed by me that no agreement could be reached and that India absolutely refused to enter into any negotiations whatsoever except upon two conditions — first, that his official letter containing the passages which I have read above, challenging India's position, must be unreservedly withdrawn ; the second condition was that the reservation made by India must not be challenged or adversely commented on in any way. Mr. Porter refused to accept these conditions, and the meeting broke up at approximately 1.30 p.m.

After lunch — at about 3 o'clock — I was informed that the Committee had reassembled and that my presence was desired. On my arrival in the Committee-room the American delegation agreed to withdraw its official letter challenging India's position and agreed also that the reservation by the Government of India should pass without comment or challenge. The official letter of the American delegation challenging the Government of India's position was, in fact, withdrawn at once ; and the resolution unanimously adopted by the Advisory Committee (which members will find on page 118 of the Minutes of the fifth session of the Committee to which I have already referred) contains no comment or challenge of the Indian reservation. On the contrary, on page 119 will be found a statement by Bishop Brent where he stated that : “Another step forward had been taken, and he thought that the degree of unanimity which had been attained in the Committee marked perhaps the greatest progress which had been made since the question had first

become an international responsibility." Both India's conditions were accepted and both were complied with there and then.

That resolution — established in the way I have described — forms, under paragraph 1 of the Assembly resolution of September 27th, 1923, the basis of this Conference. The Assembly, as you will observe, adopted the report and resolutions of the Advisory Committee, took note of the reservations contained therein and asked the Council to take the necessary steps to put these resolutions into effect.

There is still a further point to which I must refer before the story is complete: the American delegation appeared before the Fifth Committee of the Assembly of 1923. When the resolution to which I have just referred was adopted, Mr. Porter approached Lord Hardinge (the chief delegate for India) with a typewritten document. This document, which was only in Lord Hardinge's hands and mine for a matter of a few minutes — and of which we did not at any time receive a copy — contained a statement, or a resolution, or a motion, which Mr. Porter proposed to make in the Fifth Committee. He asked Lord Hardinge if he had any objection. Lord Hardinge decided that, if Mr. Porter took the action which he said he intended to take, it would again raise the question which had been decided before the Advisory Committee in May 1923; it would again challenge India's position in that matter; and it would be contrary to the understanding reached between the American and Indian delegations at the session of the Advisory Committee. Lord Hardinge informed Mr. Porter verbally to this effect.

Mr. Porter took no action in the direction he had at first indicated, but he explained the position of his Government with reference to the reservation made by the Government of India. That, I would again remind you, is the reservation now directly and immediately in question. Mr. Porter's words were: "He did not desire to discuss questions of purely domestic legislation in connection with the use of opium." He went on to state that his Government did not regard as legitimate, and now I quote his exact words again, "any international traffic in opium for other than medical and scientific purposes, except under the conditions explicitly laid down in the Hague Convention".

This statement, as you will observe, in no way challenges the attitude which India has consistently assumed in respect of this matter. It in no way challenges the reservation which the Government of India made; it is, in fact, entirely in conformity with the position which the Government of India has always adopted and, as such, no reply was made by Lord Hardinge.

You have now before you the facts regarding this matter. To my mind, the position is perfectly clear. Mr. Porter withdrew at once the official letter challenging the Government of India's position, in circumstances which I have already explained. Mr. Porter allowed the Government of India's reservation to pass without challenge or comment. When an attempt was made to reopen the question again at the fifth Assembly, that attempt was abandoned on India pointing out that such action was opposed to the agreement already reached. As a consequence, the reservation of the Government of India was noted by the

Assembly, and, in accordance with the recommendation of the Advisory Committee, the agenda of this Conference was so worded as definitely to prevent the established usage in India being discussed in the course of its deliberations.

To my mind, the reservation made by the Government of India cannot now, in view of these circumstances, be challenged by the American delegation. The question cannot again be reopened before this Conference and we cannot be thrown back to the position in which we stood at the beginning of May 1923, before the American delegation did in fact accept and comply with India's conditions. That, however, is the effect of the preamble of the American proposals, read with Article 1 of the draft.

India entered this Conference on the basis of the agreement reached by the Advisory Committee and re-affirmed at the Fifth Committee of the Assembly of 1923. In his speech at the Assembly relative to this question, His Highness the Maharajah Jam Saheb of Nawaragar again made the position clear beyond all doubt. He said — and this, I may remind you, was at the Assembly, when the resolutions to which reference has so often been made were adopted: "India cannot regard as illegitimate the use of opium as a home-made medicine which is general throughout India. India will not allow the deleterious use of opium within its territory, so far as stringent laws and efficient administration can prevent it."

Mr. Hasan Imam (one of the Indian delegates to the Assembly) also made it clear that this reservation was a vital matter for India's honour. He pointed out that:

"Neither in the spirit nor in the letter of our obligations can we be accused of having departed, even by a hair's breadth, from our international engagements..... We have more than fulfilled our international obligations..... The high dictates of a principle, the commands of morals, and, above all, our religious belief in doing good to all, prevailed with us against our interests; and, without any dictation from anyone, we complied with the Convention; fulfilled the obligations in their entirety, and with integrity we carried out the promise that we made to the world."

There is a further point of importance. I desire to state that the Indian delegates have no instructions on any subject outside the programme of the Conference as accepted formally by the Conference itself, as stated in the resolution of the Advisory Committee and as accepted by the Council and the Assembly. They will not discuss any proposals which are outside that programme. They will sign no Convention containing provisions which do not fall within that programme, and, should it be decided that the Conference is not limited by its imposed and accepted agenda, the Indian delegation considers that it will be extremely difficult, and may be impossible, for it to continue to attend the Conference.

**The President :**

*Translation :* I call upon the Right Rev. C. H. Brent, delegate of the United States of America, to address the Conference.

**The Right Rev. C. H. Brent** (United States of America) :

The question of honour, national and personal, has been raised. The distinguished delegate of India has recounted certain events and put his own construction upon them, a construction which the American delegation can in no wise accept. He has appealed to documents; to documents he shall go. We take our stand on the records of the League of Nations, which are available to all.

I regret extremely that it seemed necessary to Mr. Campbell to raise the question of honour. We attribute no evil motives or conscious unfairness to him. It is a matter of interpretation. We consider he is honest in the meaning he has attached to our conversations, just as we, on the other hand, are honest in our interpretation, which is radically different.

Until a few nights ago, I did not understand his contention, nor am I sure that I clearly understand it now. This may be due to congenital stupidity, or it may be because of a lack of legal subtlety, but it is not due to a lack of honesty, straightforwardness or truthfulness.

My understanding of a reservation is that it is an expedient by means of which one who cannot accept an entire document can associate himself with the terms of the document in every respect except those covered by the reservation. It is a concession to the dissident by those who accept the document in its entirety.

The distinguished delegate for India agrees thus far, but, as I understand him, he says he made the reservation on the basis of a compact. That there are no written documents giving any agreement officially does not concern me. I believe in a gentleman's agreement. My word is as good as my bond, so is that of my country, so that the fact that no written compact exists is not one that I would press. Had a document bearing the clear, unequivocal proposal of the distinguished delegate for India been presented to me for my signature, I would immediately have refused to sign it. Had our delegation signed such a proposal and reported to our Government, it would have been immediately repudiated by the Government. Had we considered that we had made any such compact, either verbally or in writing, we should have so reported formally to our Government.

As I say, I do not yet quite understand the proposal of the distinguished delegate for India. He says we may not challenge his position. If his contention is that we may not officially attack the domestic habits of India (however much we may condemn them privately, or on scientific grounds), I agree. If his contention is that we may not single out India for an attack because of its domestic use of opium, I agree. If his contention is that, in dealing with general questions, I may not proceed, because there is a danger or a necessity of involving India, I do not hesitate to say that his position is unreasonable, unfair and untenable.

I have no desire to interfere with India's purely internal opium practice, even if I had the right or the ability. I possess neither of these. Science can and will effectively deal with it. I would go out of my way to take a course that would exclude India's domestic business from my purview, but if, in carrying out, or in the honest attempt to carry out, the provisions of the Hague Convention, which lay responsi-

bilities on all signatories alike, except when otherwise specified, I have indirectly to touch India, either as a producing country or as one of the group, I shall not hesitate.

India's exception is not sacrosanct and to be considered separately from all reservations. It is a reservation, and must be treated on the plane of reservations. The claim that it is so exceptional that it stands by itself, or in a class by itself, will not hold water. Unless the exception were to overflow its banks and directly threaten other nations, I would keep silent. I would keep silence now if the distinguished delegate for India had not forced me to speak. His exception may or may not get in the way of general discussion as part of a general question affecting other countries. But if, in such a discussion on a general question, India happens to be in the way, that is her concern and not mine. She can at once retreat behind her reservation.

At this Conference we have an opportunity, under the decision of the Assembly, as we view it, of considering on its merits everything that is within the scope of the American principles and the Hague Convention, and it is our duty, as I view it, to encourage, not to impede, open and frank discussion. The privilege of reservation is inherent in the rights of a nation when conclusions are reached.

The delegation of the United States has in good faith offered a complete document in such terms as may present an advanced effort to be true to our purpose and agreement. We admit that it is an advanced effort; we intended it to be so. I am happy to think that many of its provisions will meet with unanimous approval, but it is such an agreement as eventually must be accepted *in toto* by the nations of the world if our work is to bear full fruit.

We do not wish to impose our will on others in the matters which are challenged. If they have something equally good or better, we will welcome it. But we desire that the worth of our proposals be discussed and acted upon on their intrinsic merits. All of us here are armed with instructions, and, in taking the course we are pursuing, we are simply doing what we are bidden to do by our Government. We cannot take any back track, because an Act of our Federal Legislature requires us to proceed on definite lines.

To us, at any rate, it appears that the Conference is competent to deal with the proposal under Article I of our suggestions and that the moment has come when we should be bold. The League of Nations has brought us to this stage by its steady and effective efforts. It is our hope and purpose to collaborate closely with the League in this matter, in the future as in the past. It is our contention that Article I is carrying out the express purpose of the Assembly as stated in the resolution which it adopted.

To us it seems as though we are at the parting of the ways. The question is: Shall we try to make a compact with an evil, or shall we declare a war of extermination upon it in terms that admit of no compromise?

There is increasing caution among physicians in their use of habit-forming drugs. The menace of their abuse is admitted and recognised by all the delegations present. An alliance with the enemy would be as an alliance between a lamb and a tiger or a cobra and its victim. Were

our gallery in this room composed of addicts of every country forcibly separated from their drug, I do not hesitate to say that the character of the document we would sign would be far more drastic than anything contained in the American suggestions. I repeat, we cannot compromise with a curse. The timid voice of bureaucracy and the plans to protect business interests must be dismissed as false guides.

Some of our colleagues may think that I cannot see the trees for the wood, a charge frequently brought against idealists. My reply is — changing my simile from there being a lion in the way — that there are others who cannot see the wood for the trees or even for one tree. My delegation asks that there may be honest and square treatment of an honest and square document, that the controverted sections may be treated on their merits; if, here and there, advanced proposals are made, for which practical measures cannot be devised immediately, it will be easy enough to make a reservation in regard to such a proposal and then proceed to work out, as soon as possible, means by which to make it practicable.

I trust, as I said in my speech at the beginning of the Conference, that free discussion will not be impeded nor honest proposals sidetracked by legalism and technicalities. Should this happen, it would be a misfortune for this Conference, for the countries represented, and for the League of Nations.

I speak with equanimity, for the cause we espouse cannot be defeated. Postponement of effective action will react on the highest interests of those who advocate it, store up new sorrows and troubles for all of us, and leave a new trail of misery behind its lagging steps. But victory is sure to come in the end. After all, the jury in this case is the world of thinking men and women, whose interests we are serving. Those of us whose purpose is set and who believe that we are in the right will not be daunted by obstructions. With William Lloyd Garrison, we say, in the words of his great liberation challenge to the bureaucrats and vested interests of his day: "I will not retreat. I will not retreat an inch. I will not equivocate. I will not compromise. I will not be silent. And I will be heard". (*Applause.*)

**The President :**

*Translation :* I call upon Mr. Campbell, delegate of India, to address the Conference.

**Mr. Campbell (India) :**

Mr. President — In the speech which I have just made, I stated the facts, and, of set purpose, I stated the facts in as cold and frigid a manner as possible. I did not state the facts until, in the considered opinion of our delegation, it was necessary to do so in order that India's position in this matter should be made perfectly clear.

As I have already told the Conference, and as I desire to repeat now, the Indian delegation considered every possible means of avoiding the necessity for making this declaration. I ask the Conference to believe me when I say this. As I have said, I have stated the facts. Are those facts challenged? If not, they are there for the members of this Conference and for the world at large to form their own opinion regarding them. In drawing my conclusions, I again limited myself of set purpose to the conclusions which it was essential to draw in order to make

the attitude of the Indian delegation perfectly clear.

There is one other point to which I wish to refer. Bishop Brent, in the course of his speech, made, on at least two occasions, a somewhat pointed reference to business and vested interests. I think, if I may say so, that that was somewhat ungenerous on Bishop Brent's part. Bishop Brent is, I believe, fully aware of the position of the Government of India in respect of this matter. The Government of India has formally declared that its opium policy is not actuated by financial or economic motives. That declaration I have repeated here upon several occasions, speaking as the delegate of the Government of India. To anyone who knows the facts and who studies the facts, the truth of that declaration is proved beyond all possibility of doubt. I do not think therefore that it should be lightly challenged.

**The President :**

*Translation :* I call upon M. de Agüero y Bethancourt, delegate of Cuba, to address the Conference.

**M. de Agüero y Bethancourt (Cuba) :**

*Translation :* I have asked to speak in order to raise a point of order. I request the President and all my colleagues at this Conference to adjourn the meeting. The reasons which lead me to make this request are very weighty ones. We have to decide here whether the Conference is competent to accept or reject the proposals of the American delegation.

We have just listened to the eloquent words of the two delegates of India and the two delegates of the United States. The four speeches which we have heard are filled with references, dates, quotations, etc. We cannot, in a few moments, analyse, examine and assimilate all the arguments which have been put before us and then record a conscientious vote.

We must have time for reflection, before we can gain a clear and fair appreciation of the problem before us, a problem which is a grave one, since it involves the prestige of the League of Nations as well as the prestige and success of this Conference.

If the resolution that we take here is influenced by our personal sympathies, or if we have not sufficiently studied the arguments submitted by the two parties, we run the risk of being universally condemned. Let us not forget that the question with which we have to deal affects the happiness of mankind and that public opinion is closely following our work.

I will not venture at this moment to give a definitive opinion upon the statements made by the delegations of India and the United States of America. Indeed, I could not do so with any clearness, and I think that my honourable colleagues are in the same position.

If we adjourn the meeting until to-morrow, we shall have time to reflect, to study the matter and also to consider it dispassionately.

I would request the President and my honourable colleagues to adjourn the discussion.

**The President :**

*Translation :* The Cuban delegate has moved that the Conference adjourn the discussion. I do not think that this motion must necessarily be submitted to the meeting; as President, I can take the decision myself. I would prefer,

however, to act with the approval of the members of the Conference. I think that the majority is in favour of adjourning the discussion until to-morrow.

**M. de Aguero y Bethancourt (Cuba) :**

*Translation :* When I asked for the adjournment of the discussion, I forgot two things: (1) to explain to Mr. Campbell that I had asked to speak in order to suggest the adjournment of the discussion; and (2) to indicate an approximate date for the continuation of this meeting.

In my opinion, it would be too soon to resume the discussion to-morrow. We must wait until our minds are somewhat calmer, and until we have had time to reflect. There is no doubt that the thirty-nine delegations here present are animated by the best intentions, and we shall certainly find among our number experts who will succeed in drafting a formula which will bring this debate to an end, a formula of agreement which will lead to the withdrawal of the reservations made by India and the United States. A resolution containing such important reservations would be harmful to our work.

It would be well, Mr. President, to allow more time and not to meet until Monday next.

**The President :**

*Translation :* Two proposals are before the Conference, one to adjourn the discussion, and the other to continue it next Monday. I imagine that the first proposal has already been accepted.

**M. de Palacios (Spain) :**

*Translation :* I understood that the adjournment was approved by the Conference. I think it would be wiser not to meet until Monday next. It is for the President to decide.

**M. Buero (Uruguay) :**

*Translation :* I agree with M. de Palacios. Before taking any decision on the second proposal of M. de Aguero y Bethancourt, I would suggest that the Conference appoint a small Committee to examine the question of the competence of the Conference. This Committee might report to the Conference at the beginning of the next meeting, the day and hour of which would be fixed by the President.

My second proposal supplements that of M. de Aguero, and M. de Palacios will doubtless be willing to accept it.

**The President :**

*Translation :* M. Buero's proposal is a separate one. We have two proposals to consider: that of M. de Palacios suggests an adjournment *sine die*, that is to say, till the President decides.

As this plenary meeting was summoned on the initiative of a delegation here present, I think I have the right to ask the opinion of that delegation as to the question which is now put to us.

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

I have no desire to hurry the Conference. This is, however, a very important matter; it is, in fact, the vital part of the proposals of the United States. It seems to me that we ought to decide it as promptly as possible, so that the

Sub-Committees can bear it in mind during their deliberations.

I am inclined to agree to the proposal to adjourn till Monday. If I consulted my personal wishes, I believe I would. It is a matter which rests entirely with the persons who want to adjourn until to-morrow. It suits us either to adjourn till to-morrow or until Monday, but I would not like to see the next meeting postponed later than Monday. I feel that this is a matter which is really part of the foundation of the Conference, and has got to be determined promptly so that the Sub-Committees will have ample opportunity to take it into consideration during their deliberations.

**The President :**

*Translation :* We have now to discuss M. Buero's proposal. It is hardly a point of order, since we have only to pronounce as to the formation of a special Committee to deal with this very definite question. In my opinion, it would be better not to consider this proposal for the moment, although it is a very interesting one.

I therefore propose to adjourn the plenary Conference until Monday next at 10.30 a.m. If you accept my view and do not feel called upon to discuss M. Buero's proposal, I can adjourn the meeting.

I call upon M. Sze, the last speaker on my list, to address the Conference.

**M. Sze (China) :**

Mr. President — I shall not address the Conference in view of the explanation you have just given. You have anticipated what I was going to say.

**M. Buero (Uruguay) :**

*Translation :* I apologise for causing this discussion, but I feel bound to observe that the question is one of vital importance. We have appointed Sub-Committees for less important problems, and I think the creation of a special Sub-Committee is essential to deal with so serious a question.

If the Conference does not consider a special Sub-Committee necessary, I propose that the matter be submitted to the Business Committee, which would then give us its impartial opinion. It would also be well to hear the two parties concerned — the United States and India.

**The President :**

*Translation :* I submit M. Buero's amended proposal to the members of the Conference. I would remind the delegate for Uruguay that the question he proposes to submit to the Business Committee is not quite new to it. The Committee has devoted much time to it at several meetings. You will find evidence of this in the programme drawn up by that Committee, since it referred this very question to a Sub-Committee.

**M. Buero (Uruguay) :**

*Translation :* I was quite unaware of this fact, and I accordingly withdraw my proposal.

**The President :**

*Translation :* The proposal to adjourn the Conference is accepted. I therefore have the honour to convene the plenary Conference for Monday next at 10.30 a.m.

*The Conference rose at 7.50 p.m.*

## ELEVENTH MEETING

Held at Geneva on Monday, December 1st, 1924, at 10.30 a.m.

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President : M. Herluf ZAHLE.

#### 36. COMPOSITION OF THE FRENCH DELEGATION AND ITS REPRESENTATION ON SUB-COMMITTEE F.

##### The President :

*Translation* : Before beginning our agenda, which contains only one item, I will call upon M. van Wettum, the Netherlands delegate, to speak.

##### \* M. van Wettum (Netherlands) :

The French delegation has been enlarged by a new member, M. Perrot, Inspector of Pharmacies, Vice-Dean of the Paris Faculty and Director of "l'Office national des Matières premières végétales pour la Droguerie et la Pharmacie" (Ministry of Commerce). I have the honour to propose that the membership of Sub-Committee F, consisting of medical and pharmaceutical experts, be increased from fifteen to sixteen to afford M. Perrot the opportunity of taking part in the work of that Sub-Committee.

##### The President :

*Translation* : The proposal submitted to the Conference by the Netherlands delegate is similar to one submitted at a previous meeting by the head of another delegation and adopted by the Conference. It consists of two parts : (1) that the membership of Sub-Committee F be increased; and (2) that M. Perrot be elected member of that Sub-Committee.

##### M. de Aguero y Bethancourt (Cuba) :

*Translation* : I beg to support M. van Wettum's proposal.

##### M. Chodzko (Poland) :

*Translation* : I beg to second the proposal.

##### The President :

*Translation* : As no one has any objection, both parts of the above proposal are adopted. The Chairman of Sub-Committee F will be informed in due course. (*Agreed*).

#### 37. ENACTMENT OF EFFECTIVE LAWS OR REGULATIONS FOR THE CONTROL OF THE PRODUCTION AND DISTRIBUTION OF RAW OPIUM AND COCA LEAVES : PROPOSAL SUBMITTED BY THE DELEGATION OF THE UNITED STATES OF AMERICA : CONTINUATION OF THE DISCUSSION.

##### The President :

*Translation* : We now have to discuss the only item on our agenda, the American proposal concerning Article 1 of the American draft.

I call upon Mr. Clayton, delegate of India, to address the Conference.

##### Mr. Clayton (India) :

Mr. President — I wish to thank you for the speedy response which you have given to my request for an opportunity to withdraw a misstatement in my speech last Friday. In that speech I attributed to the League Secretariat the responsibility for the drafting of a certain Assembly resolution. I have since discovered that the Secretariat does not draft Assembly resolutions. I desire, therefore, to withdraw unreservedly the imputation which I made and to express my regret that, in my inexperience of League procedure, this being my first visit to Geneva, I should have erroneously assumed that the resolution in question was drafted by the League Secretariat.

##### The President :

*Translation* : The Secretary-General of the League has requested me to thank the delegate of India for the prompt withdrawal of his remark. His statement will be mentioned in the record of this meeting.

Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

##### Sir Malcolm Delevingne (British Empire) :

Mr. President — The question before us is the proposal of the United States delegation that the suggestion in Article 1 of the United States draft be referred to the First Committee for consideration. In regard to this matter, the question of the competence of the Conference to deal with it has been raised and argued at some length. The question of competence is one of considerable importance, because other proposals have been laid, and are intended to be laid before the Conference, on which the same question may be raised, and the course which the Conference decides to take in regard to the particular matter now before us will have an important bearing upon the proceedings of the Conference, the results of the Conference, and, I may add, its length.

I think I am right in saying that two different lines have been taken in regard to this question of competence. On the one hand, the contention has been put forward that the Con-



ference has power to settle its own agenda and, if it desires, to enlarge the agenda contained in the Assembly resolution of 1923. I do not think that that line was taken in Friday's debate, but it has been taken on other occasions. On the other hand, it has been contended that the particular question now before us is within the scope of the agenda as contained in the Assembly resolution.

As regards the first contention, I should have thought the point was clear. When a Conference of plenipotentiaries has been convoked to consider a particular question or group of questions with a view to arriving at an international agreement, and the Governments interested have sent their plenipotentiaries with powers to deal with that question or group of questions only, the scope of the Conference can only be enlarged by mutual consent, that is to say, with the consent of the Governments represented, who would have to give their delegates the additional powers necessary, and, I imagine, also with the consent of the convoking authority, in this instance the Council of the League.

The second contention is a different one. It has been argued at length, and different delegations take different views. I do not propose to go over the ground again. I desire to take a different ground in what I have to say to the Conference this morning; but I think it is worth while to lay stress on the point upon which the issue arises so that it may be clearly before the minds of the Conference.

The Assembly resolution recommends that a Conference of plenipotentiaries should be called to consider, among other things, the possibility of limiting the production of raw opium and the coca leaf for export to the amount required for medicinal and scientific purposes. The suggestion of the United States delegation is not limited to the production for export, but it covers alike production for export and production for domestic use in the producing country, and it suggests that both kinds of production should be so limited that there would be no surplus available for purposes not strictly medical or scientific.

If that suggestion is interpreted literally and strictly, it seems to mean that the use of opium in India, in Persia, and possibly in other countries, for what are called semi-medicinal purposes would have to be prohibited, and it would mean that the similar use of the coca leaf in Bolivia and, I believe, Peru and possibly other South American countries, would also have to be prohibited. There is no doubt in my own mind that this would be outside the scope of our agenda. But a doubt has occurred to me whether that is really the intention of the suggestion of the United States delegation.

We know that the United States of America has a great domestic problem in regard to this matter, that large quantities of the drugs are smuggled into its territories, which greatly hamper it in dealing with this problem, that the over-production of the raw material and the drugs, which enables large quantities of the drugs to be diverted into the illicit international trade, is a matter of great and legitimate concern to the United States Government, and it is of the first importance to it that over-production shall be reduced so that there shall be no surplus available for the illicit international traffic.

If the purpose of the United States proposal is that the production of the raw material shall be so limited that there shall be no surplus available which can be sent out of the producing country beyond the quantities required for medicinal and scientific purposes, then, so far as I can see, there is really no difference of opinion in the Conference as to the desirability of such limitation, whether it is actually practicable to secure such limitation or not — the practicability is one of the questions which the Conference has been convoked to consider. The question which has arisen would, in that case, be settled at once. I should be very glad, and I believe the Conference would be very glad if, later on in the debate, the United States delegation would make its intention on this point quite clear to us.

I said just now that I did not propose, in what I had to say to the Conference, to go over the ground again in regard to the question of competence, but that I wished to take different ground.

Assuming (as I must for the moment) that the United States of America's suggestion is intended to bear the strict literal interpretation I have mentioned above, I wish to ask whether, quite apart from the question of competence, it is desirable, whether it is in the best interests of the Conference, of the work we are assembled here to do and the great step forward that we are hoping to make, that the question of the use of opium or the coca leaf for domestic consumption in the producing countries should be raised now. The stand I wish to take is that, undeniably, it has been understood by a number of the Governments represented here that this question would not be raised at the Conference.

Now, I am not going into any controversial matters, but, in order to make my point clear, I must touch briefly on the history of the question. I have taken part from the start in the investigations and discussions which have led up to this Conference. In particular, I was present at the session of the Opium Advisory Committee in 1923, at the meeting of the Assembly in 1923, at all the sessions of the Preparatory Committee, which was entrusted by the Council with the task of preparing a programme for this Conference, and at the session of the Opium Advisory Committee last August.

As everybody knows, the matter first took shape at the session of the Opium Advisory Committee held in 1923, as the result both of the work which the Opium Advisory Committee had been doing during the two preceding years and of the proposals of the United States. There were long discussions — the particular question before us was much debated — and a resolution was finally adopted by general consent.

I have no right, of course, to speak of the impression left on the minds of the United States representatives. We all know how easy it is for different impressions to be left on different minds. I can only speak of the impression that was left on my mind and, I believe, on the minds of others in the Opium Advisory Committee. That impression certainly was that this question of the use of opium and the coca leaf for domestic purposes in the producing countries was not going to be raised at this Conference.

I should like to quote a few extracts from the Minutes of the proceedings of the Opium Advisory Committee to satisfy the Conference that



there was a really honest and not unjustifiable impression to that effect. In a somewhat lengthy speech which I ventured to make to the Committee during its fifth session, after the United States representatives had temporarily left the meeting, I said this<sup>1</sup> :

“I think there has been especially a great deal of misunderstanding in the United States on the subject ; but in the conversations which I have had with Mr. Porter, and to which I think I may fairly refer, he has made it quite clear to me that it is not the intention of the American delegation or of the American Government to dictate or interfere in any way with what the Indian Government or any other Government similarly situated may regard as a proper semi-medicinal use of the drugs in countries where conditions such as that exist.”

I quote this only in order to show the impression which was left upon my mind. At a later meeting of the Committee, Sir John Jordan, whose name is well known to every member of the Conference, said much the same thing<sup>2</sup>. He said : “He had been led to believe, in conversations with Mr. Porter, that the American delegation had no intention of interfering with the internal practice in India or any other Oriental country. It was indeed unfortunate that the Committee did not possess full explanations on this subject by Mr. Porter, but all the impressions which he had gathered pointed to the fact that the American delegation did not intend to interfere with the well-established use of raw opium in India.”

I need not quote further extracts. I think those two extracts alone will convince this Conference that there was what I have called a real, an honest and a not unjustifiable impression that this matter was not going to be raised. It seems to me also that the resolution which was finally adopted by the Advisory Committee, and which limits the subject to be discussed to the production for export, confirms the impression I have mentioned.

Later on, the resolution of the Advisory Committee was considered by the Assembly in September 1923. I took part in those proceedings, and I am quite sure that there was no intention then to make any alteration in the scope of the Conference as suggested by the Advisory Committee. The resolutions of the Advisory Committee and the recommendations of the Advisory Committee were approved *en bloc*. The wording of the sixth resolution of the Assembly somewhat altered the arrangement of the words, but I am quite sure that there was no intention of changing the sense. Had there been such an intention, it would have been clearly set out. A change was suggested by the Assembly in the composition of the Conference and that change is expressly mentioned, as you know, in the Assembly resolution.

There then followed the proceedings in the Preparatory Committee and the Advisory Committee this year. I think the members of these

<sup>1</sup> Minutes of the Fifth Session of the Advisory Committee on the Traffic in Opium and other Dangerous Drugs (page 84).

<sup>2</sup> Minutes of the Fifth Session of the Advisory Committee on the Traffic in Opium and other Dangerous Drugs (page 96).

Committees will agree with me that the whole of their work was concentrated on producing a scheme for limiting the manufacture of the drugs and the production of the raw material for export. I need only refer to the British scheme, which is appended to the report of the Preparatory Committee, to show what, in the mind of the British Government at any rate, was understood to be the scope of the Conference.

I have said all this in order to make it clear to the Conference that there has been a definite impression or understanding on the part of certain Governments represented here — and some of the Governments most interested in the matter — in regard to this question. In particular, my own Government believed that this matter was outside the scope of the Conference. It has had no notice that the question was going to be raised ; it has accordingly had no opportunity of considering the question or of giving me any instructions in regard to it.

We all know that the question is one about which there has been much controversy and on which very different opinions are entertained, both by medical men and others. If it had been understood that it was going to be discussed, my Government would certainly have had to consider its position very carefully and to consult with the Government of India on the subject. Neither Great Britain nor any of its Dominions, apart from the Dominion of India, are, as you know, countries which produce either raw opium or the coca leaf, but such a proposal as has been put forward now does, of course, interest the British Government very closely, and as I say, it would have had to consider the matter very carefully. It has not been able to do so, and I am here without any authority to negotiate in regard to the matter. I imagine that there must be other delegations here who are in the same position.

In these circumstances, my position and the position of other delegations being what they are, I wish to ask the Conference whether it is really quite reasonable to ask us to deal with this matter at this Conference. I have heard it asked, “Why not discuss the question ? This is a world-Conference. The experts of the different countries are here. Why not hear what they have to say ?”

I am not quite sure what is meant by “discussion”. Is it merely that the delegations should state their views and experiences ? Personally, I should be very much interested to hear the grounds on which the United States delegation bases its proposal as regards domestic consumption in India, Persia, Bolivia and elsewhere, and the manner in which it would propose that the habits of centuries should be stamped out. I imagine also, though I have no authority to speak for it, that the delegation from India would be quite ready to give any information the Conference may desire with regard to the position in India. But is it going to be worth while ?

We are not an academic debating society but a Conference assembled to conclude an international Convention. Will such a discussion really get us any further ? May it not in fact do positive harm by shortening the time at our disposal, which is none too long for reaching a settlement on the big questions included in the agenda, and possibly, by producing a controversial atmosphere, render the conclusion of

agreements, already difficult enough, much more difficult ?

If, on the other hand, by "discussion" is meant negotiation, what can the Conference, I ask, usefully do ? This is a matter which primarily concerns the producing countries. The solution rests with them. Unless they can agree we can get no result. We know that India cannot here and now change her policy. We have had before us the Persian memorandum, which is not very much more hopeful. We have heard from the Bolivian delegate that he cannot agree to the prohibition of the domestic use of the coca leaf in Bolivia. Peru is nos here. Is it too much to say that an agreement on this matter is not within sight ?

It has been said that individual Government-may attach reservations, but on this point reservations mean failure. As I have said more than once, unless an agreement can be reached between all the manufacturing countries with regard to the limitation of the manufacture, or between all the producing countries with regard to the limitation of the production of the raw material, we have in effect failed.

Bishop Brent referred the other day to vested interests and bureaucrats. I personally do not represent any vested interest, and, though I am an official, I do not think I am a bureaucrat. Those who have worked with me on the Opium Advisory Committee and the Preparatory Committee will not, I venture to say, accuse me of any want of interest or sympathy in regard to this question of suppressing the abuse of opium and drugs. I am afraid, however, that, if this matter is raised, we run the risk of losing the results of all the work that we here in Europe and the United States Government have been doing on this question of the limitation of manufacture for the last two or three years.

I believe there is so large a measure of agreement in this Conference on the limitation, at any rate, of the manufacture of the drugs, that it is possible to get an agreement which will mark a most important advance. But I fear that, if this other subject is raised, which is a controversial subject, on which some of the Governments most interested are not prepared at the moment to come to any decision, we run the risk of losing everything.

We all know the old fable of Æsop about the dog which had a leg of mutton in his mouth and which saw in a reflection in the water another dog with another leg of mutton in his mouth, and thereupon dropped his leg of mutton in order to secure that of the other dog. Shall we not be in much the same position if, having got something within our grasp, we let it go in order to reach out for something which, I am afraid, we cannot possibly attain at this Conference ? (*Applause.*)

**The President :**

*Translation :* I call upon M. van Wettum, delegate of the Netherlands, to address the Conference.

**M. van Wettum (Netherlands) :**

As regards the proposal of the delegation of the United States to limit the production of raw opium and coca leaves, so that there will be no surplus available for purposes not strictly medical or scientific, I have to point out that the invitation of the Council of the League is

far more limited, as it concerns only a limitation of production for export. These words "for export" have been omitted in the United States proposal, by which fact the Conference, in considering this proposal, would enlarge its originally intended scope to such an extent as to make it impossible for me to express an opinion on the matter.

As a member of the Advisory Committee, I have myself proposed to extend the Hague Convention so as to cover the control of the export of coca leaves and the Governments represented here may rest assured that no Java leaf will be exported into their territories unless an import certificate has been previously issued by them.

We cannot, however, limit in Java the growing of coca-shrubs, which are used by the natives as hedges and the leaves of which are never used or exported. My Government was not and could not be aware that the question of the limitation of production of coca leaves would come up at this Conference in this form.

As regards the question of the limitation of raw opium, there is a similar difference between the invitation of the Council of the League and the American proposal, as the latter disregards the words "for export", which figure in the said invitation. I entirely support Sir Malcolm Delevingne's statement that the understanding on the part of a number of members of the Advisory Committee, amongst whom I may mention myself, was that this question would not be raised at this Conference.

As regards what passed during the fifth session of the Advisory Committee, as regards the express reservation of India made and accepted on that occasion, and also as regards the wording of the invitation of the Council, my Government has not, in preparing for this Conference, considered the possibility of the question of raw opium coming up in this form. I have therefore no instructions on this point and am not able to express an opinion on the matter.

As to the second part of the American proposal, in which an exception is made for prepared opium, I want to ask for an explanation from the delegation of the United States whether the words "Chapter II of this Convention" refer to the Convention of 1912.

In conclusion, I desire to express the hope that the interpretation given by Sir Malcolm Delevingne to the proposal of the United States may prove to be the right one, as in that case the Conference, in my opinion, will have found the solution of the controversy which has arisen and which threatens the success of our work.

**The President :**

*Translation :* I call upon M. Sugimura, delegate of Japan, to address the Conference.

**M. Sugimura (Japan) :**

*Translation :* Mr. President, ladies and gentlemen.— The Conference decided last Friday that it was competent to deal with Article 9-A of the American scheme, so that I cannot see why there should be such a heated discussion on Article 1. It is quite true that the prohibition of the manufacture and distribution of heroin is not expressly mentioned in the American suggestions, but the Conference decided that it could discuss it, as heroin occupied an important place among dangerous drugs and was therefore deserving of our attention. The

question of competence is fundamental and the Japanese delegation desires again to make its point of view on this matter perfectly clear.

It was perhaps a mistake to embark on long discussions regarding the strictly legal competence of the Conference, for our duty is rather to carry out the task imposed upon us by considerations of a humanitarian order. It is in pursuit of a regular crusade against dangerous drugs that all these eminent delegates are met here under the auspices of the League. Enlightened public opinion throughout the world expects something more from us than long discussions on legal points. It expects of us a work of humanity, justice and philanthropy.

This obviously does not prevent us from dealing with the legal side of the question. That aspect of the matter is also included in the invitation addressed by the Secretary-General of the League to the various Governments. The purpose of the Second Conference is stated in Resolution VI adopted by the fourth Assembly regarding the traffic in opium and other dangerous drugs. For all the delegates assembled here, this resolution is the only document defining the limits of our work.

The preparatory documents and private conversations have perhaps a certain historical value. But the majority of the Governments, which did not take part in these conversations and did not collaborate in the preparation of these documents, cannot regard themselves as absolutely bound by them.

According to the Sixth Resolution, to which I have just referred, the Conference has a dual purpose :

1. To give effect to the principles submitted by the representatives of the United States of America ;
2. To give effect to the policy adopted by the League of Nations on the recommendation of the Advisory Committee.

As regards the first point, the American principles set forth on page 202 of the Minutes of the Fifth Session of the Advisory Committee are as follows :

(a) "It must be recognised that the use of opium products for other than medicinal and scientific purposes is an abuse and not legitimate."

(b) "In order to prevent the abuse of these drugs, it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for non-medicinal and non-scientific purposes."

I need not enumerate the Advisory Committee's recommendations, as you have them before you.

I propose now to enter into an exhaustive explanation of my point of view as regards the competence of the Conference and Article 1 of the American suggestions.

1. Article 1 says expressly "the control of the *production* of raw opium". This question is therefore quite within our competence, and there can be no doubt on the point.

2. As regards the *distribution* of raw opium, there is no express mention in the American suggestions. But when measures are taken, from an

international point of view, to limit production, this necessarily involves the question of the control of production for export, which leads on to the problem of distribution. If there is any doubt, it is only necessary to refer to paragraphs 1 and 2 of Part I of the Advisory Committee's project, which deal with this matter.

3. Coca leaves are referred to indirectly and by implication in the Preamble to the American suggestions, and Part I, paragraphs 1 and 2, of the Advisory Committee's project deal expressly with this question. Such being the case, there is no reason for not discussing it.

Throughout our discussions, we must constantly bear in mind the fact that the question of drugs forms one indivisible whole. If we prevent victims of opium from obtaining this drug, but do not protect them against others, they will simply turn to some different narcotic. Instead of opium they will take morphine, and instead of morphine, heroin, etc.

If our Conference is to arrive at really satisfactory results, we must try to provide against every possible means by which this evil could re-invade the moral system. We must ensure that, after having dealt with one danger, another one, equally serious, shall not confront us. This does not mean, however, that all our discussions are to result in an international Convention between the Powers concerned. I should consider it a happy omen for the future if we could now lay the foundations of an agreement and thus proceed one step along the road towards our ultimate aim — the liberation of humanity, for all time, from the scourge of dangerous drugs.

In days gone by, when science was in its infancy and the human race was uncorrupted, religion, morality and law were one, working for the betterment of humanity. But now, unhappily, they are divided and law appears to shun religion and to be indifferent to morality. If the dignity of human life is to be protected, if justice is to be maintained in international relations, these three great forces must unite — the need is greater than ever. A law not based on religion, an international agreement not founded on a moral principle, is a mere soul-less creation. We are all met here, engaged in a holy war, but we can never hope for victory unless we rely on the great moral and religious forces which alone make conquest just and permanent. (*Applause.*)

**The President :**

*Translation :* I call upon Dr. Chodzko, delegate of Poland, to address the Conference.

**Dr. Chodzko (Poland) :**

*Translation :* Mr. President, ladies and gentlemen — At our last meeting we were witnesses, silent, but not unmoved, of a contest in which one side revealed to us the great purpose of our Conference, calling for liberty of discussion and a clear statement of views, while the other endeavoured to seek refuge in purely formal arguments, without succeeding, however, in proving the soundness of its standpoint, and contended that we had no right to discuss the question of the abuse of drugs in all its bearings.

I propose, without going into the reasons which prompted this determined opposition to

the freedom of our debates, to deal with the main arguments upon which it is based.

The chief point brought forward by the two delegates of India was that this Conference had to discuss a certain programme of work and that it might not exceed the narrow limits laid down in that programme. I do not think that they have read the documents submitted to us with sufficient care.

Our Conference, which is called the Second Opium Conference ( I do not think the word "Second" is appropriate, since the present Conference is the only one which has brought together all the nations concerned, and the only one that can be called international in the widest sense), was convened in virtue of an official document of the League entitled "Invitation to the Second Opium Conference". This document, then, to use the apt expression employed by the Czechoslovak delegate, M. Veverka, is the Charter of our Conference.

It states that the essential object of the present Conference is set forth in the sixth resolution of the fourth Assembly of the League, a copy of which was addressed to you for purposes of reference. It was on the basis of this resolution, therefore, that the programme of the Conference had to be drawn up. This task was entrusted by the Council of the League to the Preparatory Committee appointed by the Opium Advisory Committee.

What happened, as we read in the official League document A. 32. 1924. XI, page 2, was that, "in view of the fact that the Preparatory Committee had not been able to present one general plan for the consideration of the Second Conference, it was decided, on the proposal of Mrs. Hamilton Wright (*i.e.* of a United States representative), that a Sub-Committee..... should try once more to prepare a draft programme for that Conference". It may readily be imagined that Mrs. Hamilton Wright's task on the Advisory Committee was not an easy one.

A special Sub-Committee then made a fresh effort to draw up a programme, but the conclusions of this Sub-Committee doubtless appeared unsatisfactory to the Advisory Committee, as the latter felt unable to describe them as the "programme" of the Second Conference.

Instead, it adopted, with comprehensible modesty, the following resolution :

"The Advisory Committee decides to transmit to the Council and to the Governments summoned to the Second International Conference, as a supplement to the report of the Preparatory Committee, the series of measures attached hereto (Annexes 1 and 2), which, in the opinion of the Advisory Committee, furnish a satisfactory basis for the work of the Conference and may prepare the way for a final agreement."

You see the immense distance which separates this modest "series of measures" which, in the opinion of the Advisory Committee, "furnish a satisfactory basis for the work of the Conference" from what the delegates for India describe with exaggerated emphasis as the only authorised programme of an International Conference of the scope of the present one.

It is in virtue of this unfortunate "series of measures", the very wording of which gives rise to objections on the part of those members of the Advisory Committee who assisted in

drawing them up, that we are asked to keep silent. Even Mrs. Hamilton Wright, whose intervention saved the work of the Preparatory Committee from certain and lamentable failure, is not to be allowed to speak. Can we regard ourselves as bound by a document which even its authors dare not call a definite programme ?

But there is another aspect of the question — a consideration which will prove beyond doubt that the document submitted to our Conference by the Preparatory Committee does not possess the authority of a programme — especially when we come to consider how far the Preparatory Committee has accomplished the task entrusted to it at the request of the Council of the League.

As I have already pointed out, the special purpose of our Conference is set forth, in the opinion of the Council itself, in the sixth resolution of the fourth Assembly, which is annexed to the official invitation addressed to the Governments.

Let us read carefully this document, which is of such importance from our point of view. If you look at Assembly Resolution VI, you will see that it is composed of two parts.

In the first part, the fourth Assembly notes that the Advisory Committee has reported that the information available makes it possible for the Governments concerned to examine, with a view to the conclusion of an agreement, the following questions :

1. The limitation of the amounts of certain drugs to be manufactured ;
2. The limitation of the amounts of raw opium and the coca leaf to be imported ;
3. The limitation of the production of raw opium and the coca leaf for export to the amount required for medicinal and scientific purposes.

If we come to analyse the text of the first part of the sixth resolution, we find simply that the Advisory Committee thinks that it is in possession of information, which might be of use to our Conference, with regard to the questions enumerated. It is a mere statement ; it does not exclude anything or prevent delegations in possession of information concerning other questions in this domain from laying such information before the Conference. I think that this was the view held by our President when he drew our attention, at one of our first meetings, to the suggestions of the United States and other delegations.

After this statement of fact, the Assembly resolution, in the second part, gives us clear directions as to the line we should follow when examining the questions enumerated in the first part. It is expressly stated in the text of the resolution that these questions shall be examined "as a means of giving effect to the principles submitted by the representatives of the United States of America". This passage means that the principles by which we are to be guided in our work are those formulated by the United States delegation.

But how is it possible for us to respond to the Assembly's appeal if those very principles, which have been recommended to use as a guide, cannot be discussed by this Conference ?

If, according to Mr. Campbell's interpretation, the latter part of the resolution, which speaks of giving effect to "the policy which the

League, on the recommendation of the Advisory Committee, has adopted", means that the principles submitted by the United States cannot be discussed, then one must suppose that it was the deliberate intention of the Assembly to nullify the part of the sixth resolution relating to the position of the United States representative at our Conference — a state of affairs which is impossible and inadmissible as regards both the Council and the Assembly of the League, since the only policy which can be followed by the League in matters relating to opium is the one adopted by the United States delegation, the only just one and the one which is in keeping with the spirit of the Covenant. According to the sixth resolution, therefore, we must be guided in our work by the principles submitted by the United States delegation.

The delegate for India might object that this is my own personal interpretation of the Council document. I think, however, that, as a plenipotentiary, I am fully entitled to my own interpretation of the document upon which my work is to be based and that our Conference is free to interpret that document as it thinks fit. I declare that there is no authority in the world that can deprive of this right an international Assembly of plenipotentiaries.

I think that the misunderstanding in which we are still involved is due to the indisputable fact that the Preparatory Committee did not deal sufficiently fully with all the aspects of the sixth resolution of the Assembly, and did not adequately carry out its duties towards the Council and the Assembly.

To take just one example, I would ask you to refer to Document A. 32, and to read through Parts I, II and III of Annex I (pp. 5, 6 and 7), comparing the text with that of Assembly Resolution VI.

You will see that Part I relates to manufactured drugs and part II, mainly, to the system of import and export licences. These two parts might be regarded as corresponding roughly to the first and second points in the first part of the Assembly Resolution VI, but I would ask what mention there is by the Preparatory Committee of the limitation of the production of raw opium and coca leaves — an important question involving the control of production and one which was referred to by the Assembly? What measures has the Preparatory Committee proposed in this connection? It would be an idle task to look for a reply in the conclusions submitted by that Committee. We are entitled to ask the reason for this omission, to ask by what right it has left undone a task expressly entrusted to it under the terms of the sixth resolution of the Assembly.

Moreover, even if we admit the view of the delegates of India, if we agree to take the Preparatory Committee's conclusions as the sole basis for the work of our Conference, we must none the less record the fact that this "programme" is incomplete through the fault of the Preparatory Committee. It is our duty to supplement it as we think fit.

I must apologise for having taken up so much of your time, but would ask you, in conclusion, to allow me to comment on some of the other arguments submitted by the delegates of India. Mr. Campbell appears to attach great importance to what he calls facts, namely, the conversations held and the letters exchanged between members of the Advisory Committee in the

course of its fifth session. I think that I shall be expressing the views of the majority of my colleagues here when I declare that these letters and these interviews — whether they took place before or after lunch — do not affect us as members of an International Conference.

Even if we examine in detail the document referred to by Mr. Campbell, the Minutes of the Fifth Session of the Opium Advisory Committee (pages 118 and 119), we have the definite impression that the American representatives present at that session made every effort to arrive at an agreement — and that Mr. Campbell associated himself with the resolution passed. It is obvious that if a unanimous agreement has been reached in any Assembly (as Mr. Campbell himself emphasised), it is inadmissible that one of the parties to the agreement should still make reservations. If we consult the document referred to, we find, on page 119, after the resolutions unanimously adopted (page 118), the words :

"Reservation by the representative of the Government of India :

"The use of raw opium, according to the established practice in India, and its production for such use are not illegitimate under the Convention."

Can this be called a unanimous agreement when the very principle underlying the agreement is nullified by a reservation?

Again, among the minor arguments submitted by the delegates for India, there is one which strikes me particularly and about which I feel bound to speak.

Mr. Campbell, when recommending the unrestricted use of opium by the people of India, quoted the opinion of His Highness the Maharajah of Nawanagar, according to whom opium is regarded in India as a housewife's remedy, a domestic remedy, which has no ill effects on the health or well-being of the native population. I think that, if Mr. Campbell wanted to start a medical discussion on the effects of opium, he should quote medical experts — among whom His Highness the Maharajah could not, I imagine, be included. In any case, I reserve the right to take part in such a discussion, which would, no doubt, be most interesting.

I also wish to make a few remarks regarding the speech of the British delegate, who advocates the semi-medical use of drugs in India. This question is also open to discussion, and ought I think, to be left to medical experts, the only persons who are competent to deal with it. In any case, independent medical opinion is unanimous in the matter.

I might mention a further fact which appears to me to be of some importance. India, as you know, is not the only centre for the production of raw opium. Large quantities are produced in Persia, Turkey, China, Indo-China, etc. None of the delegates of these countries have asked us to refrain from discussing the opium question in all its aspects — quite the contrary, as may be seen from the excellent report on Persian opium submitted by the Persian delegation, in which the present position is described with the utmost frankness and sincerity and in which the firm intention is manifested to put a stop to the abuse of opium in Persia. It is clear that justice and equity alike preclude any country represented at this Conference from laying claim to a privilege

which other countries in the same position have abandoned.

The arguments brought forward by the Indian delegation have not caused me to change my opinion, and I have the honour, therefore, in the name of the Polish Government, to give my full support to the proposal of the United States delegation that Article 1 of the American suggestions be referred to the First Committee of the Conference.

It goes without saying that the Polish delegation would welcome any agreement that could be reached between the United States delegation and the delegation for India.

I am authorised to state that the Senate of the Free City of Danzig is in entire agreement with the views of the Polish Government.

#### **The President :**

*Translation :* There are still three speakers on my list and there will probably be others. I myself propose, at the close of the discussion, to summarise the statements of the different speakers, so that we shall have to devote some considerable time to the discussion of the question now before the plenary meeting. I propose, therefore, that we adjourn at 1 o'clock and meet again at 3.30 p.m.

The Bolivian and Chinese delegates are down to speak. The Bolivian delegate should speak first, but I suggest, if he will allow me, that, in order to give the interpreter a rest, I should call first upon M. Sze.

#### **M. Sze (China) :**

Mr. President, members of the Conference — I want first of all to thank the delegate of Bolivia for his courtesy in allowing me to speak before him.

The paper that I am about to read to you was prepared yesterday before I had had the advantage of listening to the speeches made this morning; therefore, I do not propose to touch upon these recent speeches except to say one or two words of appreciation in respect of one or two of the speakers.

I want to tell you all that I have always believed in the sincerity of the distinguished delegate of the British Empire. I have been associated with him in the First Conference. I need only remind you that he was the author of the programme for that Conference. I have followed him most closely and have seen how he tried to put through the programme which he proposed. For that very reason I asked him, begged him, implored him again and again, in the First Conference to get his programme through and, if possible, to get through more than he had proposed to the Advisory Committee.

As to the remarks made by the delegate for the Netherlands, I noticed that he emphasised his point regarding opium for export. In discussing the question of opium for export, it will be difficult not to touch upon one or two aspects of opium declared and even certified for domestic use only. We all know that some of the opium imported into the Far Eastern territories and possessions of the European Powers for local consumption has found channels by which to leave such territories and possessions and go to other countries. The memorandum of the Persian delegation also throws considerable interesting light on opium exported from a

neighbouring country which should never have left the borders of that producing country.

I fully subscribe to the principle that nations assembled in a Conference should not attempt to dictate to one of their members the domestic policies it should pursue. Especially in the case of India, as we were told by its distinguished delegate in the First Opium Conference, the Government operates under the peculiar disadvantage that such efforts as it might be disposed to make to educate its subjects regarding the evils of the misuse of opium would be worse than futile. He quoted as an instance — an instance which was within his personal and official knowledge — the experience of his Government at a time when plague was raging. The people were exhorted by the Government to take preventive measures and they refused to do so. When, however, the Government ceased its efforts, the people themselves, feeling that they were acting without governmental compulsion, at once took action to free themselves from the scourge from which they were suffering.

While thus agreeing with the distinguished delegate of India that a country must determine for itself what is feasible and desirable for it to do in regard to the production and use of opium, I am not able to agree with him, but, rather, must agree with the views of the delegation of the United States of America, that, when an International Conference is considering a matter of world-wide importance, it is proper that it should examine that matter in all its aspects, even though, incidentally, it becomes necessary to consider conditions in a particular country, provided, of course, that that consideration is controlled by a spirit of friendliness and fairness.

In the First Conference the distinguished delegate of the Government of India did not hesitate — indeed, he seemed to show at times even an eagerness — to animadvert upon conditions in my own country. To this I raised no objection, save when I thought that he had been misled, by a too credulous mind, to accept as true statements for which, in fact, there was no adequate supporting evidence.

It seems to me that, as was said by the distinguished first delegate of the United States of America, the Indian Government should not be too apprehensive of what may be the outcome of a discussion regarding the possibility of so limiting the production of the world's opium as to leave no surplus for other than strictly medicinal and scientific uses. Should the Conference, as a result of that discussion, embody in the Convention which it drafts proposals which are not acceptable to the Indian Government, that Government can, by express reservations, relieve itself from obligation to enforce them within its own jurisdiction.

It is a strange proposition that a single participating Government may demand that an International Conference shall exclude from its consideration a subject of general and great importance, simply because that Government fears that, incidentally, references may be made to conditions of fact existing within its territories and because it is apprehensive that agreements may be reached by the other Powers to which it may have to make reservations.

As regards technical questions regarding the competence of this Conference, I have no desire



to speak at length. The issue has been somewhat confused by the allegation upon the part of the distinguished first delegate of the Government of India of an understanding, based, in part at least, upon unrecorded events and upon his personal interpretation of them, that the proposition contained in Article 1 of the American scheme would not be presented to this Conference by that delegation.

It seems, however, from the statement made by the American delegation that there was no such understanding. At any rate, this side issue is of no importance to the Conference, for, even had such an understanding existed between the representatives of the American and Indian Governments, it would still be within the right of any other Government represented at this Conference to make the same proposal as that which the American delegation has made in Article 1 of its programme.

This, then, brings us back to the real question of what may be termed the constitutional competence of this Conference, and this question is a very simple one. The Conference, as is admitted by all, derives its competence from the invitation that called it into being. That invitation was issued by the League of Nations in pursuance of a resolution adopted on September 27th, 1923, which stated that the Conference should be called to devise measures to be taken "as a means of giving effect to the principles submitted by the representatives of the United States of America and to the policy which the League, on the recommendation of the Advisory Committee, has adopted". These American proposals, which the Assembly of the League itself denominates as "principles", although the first delegate of the Government of India objects to the term, state, in so many words, that, if the purpose of the Hague Convention is to be achieved according to its spirit and true intent, the use of opium products for other than medicinal and scientific purposes is an abuse and is not legitimate, and that, if this abuse and illegitimate use is to be prevented, the production of raw opium must be so controlled that there will be no surplus available for non-medicinal and non-scientific purposes.

It has been said that it was not within the jurisdiction of the Advisory Committee, not even of the League itself, to construe the meaning of the Hague Convention. This is true in the sense that neither the Advisory Committee nor the League can give to the Hague Convention a construction that will legally determine the obligations under it of the Powers signatory to it. But it was fully within the competence of the Advisory Committee of the League and of the League itself to announce to the world what was its own construction of the purpose of the Hague Convention, and, in the light of that construction, to invite the nations of the world to meet again in order to agree, by common action, upon means, further than those already in operation, for realising the aims thus declared.

The nature of this Conference or of its competence would not have been changed if the League had simply affirmed, without reference to the Hague Convention, that the use of opium products for other than medicinal and

scientific purposes is an abuse and that, for the correction of that abuse, it seemed to the League that the production of opium should be so controlled that there would be no surplus available for non-medicinal and non-scientific purposes, and that, based upon that proposal, the Powers should assemble in order to determine concerted means for giving effect to it.

The honourable delegate of the Government of India has called attention to the fact that, in the Advisory Committee, at the time when the American proposals were accepted, he made the reservation that the use of raw opium according to established practice in India, and its production for such use, were not to be deemed illegitimate under the Hague Convention.

No reference is made in the resolutions adopted by the Assembly of the League to this reservation, but, whatever significance, little or great, may be attached to this omission, it is to be observed that the reservation in question has, by its very terms, no further force than to assert that the established use of opium in India, and its production for that use, do not come under the ban of the Hague Convention. The reservation does not assert that the established use of opium in India is legitimate in the broader and intrinsic sense of being physically and morally harmless. Despite the world's medical and scientific opinion, the Indian Government may maintain that, as used in India, opium is harmless, but this proposal is not contained in the reservation made by the Indian representative in the Advisory Committee.

In June 1921, upon the motion of the representative of the Republic of China, Dr. Wellington Koo, the Council of the League of Nations resolved :

"That, in view of the world-wide interest in the attitude of the League toward the opium question, and of the general desire to reduce and restrict the cultivation and production of opium to strictly medicinal and scientific purposes, the Advisory Committee on Traffic in Opium be requested to consider and report, at its next session, on the possibility of instituting an enquiry to determine approximately the average requirements of raw and prepared opium specified in Chapters I and II of the [Hague] Convention for medical and scientific purposes in different countries."

In view, then, of this resolution, proposed by the representative of China more than three years ago and adopted by the Council, and in view of what I have just now had occasion to say, the Chinese delegation to this Conference declares that it supports the proposition that this Conference is competent to discuss and act upon the proposal contained in Article 1 of the American programme, and is, therefore, prepared to support the motion made by Mr. Porter that this proposal be referred to the First Committee .

**The President :**

*Translation :* The meeting is now adjourned. The next meeting will be held at 3.30 p.m.

*The Conference rose at 1.15 p.m.*



## TWELFTH MEETING

Held at Geneva on Monday, December 1st, 1924, at 3.30 p.m.

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38. ENACTMENT OF EFFECTIVE LAWS OR REGULATIONS FOR THE CONTROL OF THE PRODUCTION AND DISTRIBUTION OF RAW OPIUM AND COCA LEAVES : PROPOSAL SUBMITTED BY THE DELEGATION OF THE UNITED STATES OF AMERICA.  
Continuation of the discussion.
39. WELCOME TO THE CHILIAN DELEGATE :  
COMMUNICATION BY THE PRESIDENT.

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38. ENACTMENT OF EFFECTIVE LAWS OR REGULATIONS FOR THE CONTROL OF THE PRODUCTION AND DISTRIBUTION OF RAW OPIUM AND COCA LEAVES : PROPOSAL SUBMITTED BY THE DELEGATION OF THE UNITED STATES OF AMERICA : CONTINUATION OF THE DISCUSSION.

#### The President :

*Translation* : We will now continue the discussion which we began this morning on the question of referring the proposal submitted by the United States delegation to the First Committee.

The Bolivian delegate will address the Conference.

#### M. Pinto-Escalier (Bolivia) :

*Translation* : Mr. President, ladies and gentlemen — The proposal of the honourable American delegate raises a question which, from my Government's point of view, cannot be allowed to pass without comment, notwithstanding the respect due to the ideal which inspires the proposal — an ideal to which I wish to pay a sincere tribute.

Article 1 of the American delegation's suggestions appears, both as regards raw opium and coca leaves, to take account only of medical and scientific uses.

I think that I dwelt sufficiently in my first statement to the Conference on the use to which coca leaves are put by a large number of Bolivian natives without their acquiring a "pernicious habit" which, if I rightly understand the spirit of Article 14 of the American suggestions, is taken to be one of the characteristics of addiction to drugs. I think therefore that, so far as coca leaves are concerned, experience should be taken as a guide.

I may add that, judging by enquiries which have been addressed to me by some of my honourable colleagues, the question of the mastication of coca leaf does not yet appear to be sufficiently understood.

I do not want a problem to which my country attaches such great importance to be settled until all possible steps have been taken to

investigate it and to arrive at an equitable solution.

For this reason, without raising the question of the Conference's competence, I wish to make the most express reservations, and I maintain my Government's point of view as set forth in my previous statement.

#### The President :

*Translation* : I call upon the Hon. Stephen G. Porter, delegate of the United States of America, to address the Conference.

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

Mr. President, ladies and gentlemen — I shall detain you but a moment because it seems to us that we have gone far afield in this debate. The question before the Conference is not that of the merits of Article 1 nor is it a question of amending the article. It is a very simple question : Will the Conference consider the article ?

In this connection, I do not think it would be out of place to read the motion which is now pending :

"On behalf of the delegation of the United States of America, I hereby present for consideration by the Conference Article 1 of the suggestions of the United States of America, which reads as follows :

"The Contracting Parties shall enact effective laws or regulations for the control of the production and distribution of raw opium and coca leaves so that there will be no surplus available for purposes not strictly medical or scientific."

Then follows a limitation in regard to prepared opium and we move that it be referred to the First Committee for consideration. The only question therefore before the Conference is the question whether or not the Conference desires to consider that phase of the matter. It may not be out of place — perhaps it will aid us in reaching a sound conclusion — to recite a few of the facts leading up to this situation.

Under the Covenant of the League of Nations certain powers are delegated to the League in reference to the traffic in opium and other dangerous drugs, and the League is given power in connection with the execution of the Hague Opium Convention. In the discharge of that duty, the League organised the Opium Advisory Committee and many Sub-Committees. I am only too happy to state that all of those organisations connected with the League have earnestly and sincerely attempted to find a solution for this most perplexing problem. Many meetings were held and many resolutions were passed. On June 5th, 1923, the Opium Advisory Committee, after protracted meetings, adopted a resolution which accepted the interpretation of the Hague Opium Convention which was urged by the United States of America.

The action of the Advisory Committee was ratified by the Fifth Committee of the fourth

Assembly on September 23rd, 1923. It was verified by the Assembly in October 1923, and, the Assembly being in a sense the Court of last resort, its action is really the only one before us.

Then what followed? There follows the invitation to the Conference by the Council, which says:

"The Council notes the adoption by the Assembly of the report and resolutions of the Advisory Committee on Traffic in Opium and the resolutions of the fourth Assembly. It instructs the Secretary-General to take all the action required by these resolutions and decides that the First Conference, consisting of countries having possessions where the smoking of opium is continued, should be convened at Geneva on the first Monday in November 1924 and the Second Conference in Geneva on the third Monday in November 1924."

What further does it say? The special purpose of the Second Conference is set forth in Assembly Resolution VI. That Assembly Resolution VI represents the final action of the League of Nations upon this question, and the Conference is called for the purpose of considering — well, many, perhaps, know it by heart, but it would do no harm to read it now. It says:

"The Assembly — having noted with satisfaction that, in accordance with the hope expressed in the fourth resolution adopted by the Assembly in 1922, the Advisory Committee has reported that the information now available makes it possible for the Governments concerned to examine, with a view to the conclusion of an agreement, the question of the limitation of the amounts of morphine, heroin or cocaine and their respective salts to be manufactured; of the limitation of the amounts of raw opium and the coca leaf to be imported for that purpose and for other medical and scientific purposes; and of the limitation of the production of raw opium and the coca leaf for export to the amount required for such medicinal and scientific purposes requests the Council [and note this language], as a means of giving effect to the principles submitted by the representatives of the United States of America, and to the policy which the League, on the recommendation of the Advisory Committee, has adopted, to invite the Governments concerned to send their representatives with plenipotentiary powers to a Conference for this purpose, to be held, if possible, immediately after the Conference mentioned in Resolution V."

There is the call, and the basis of it is this Assembly Resolution VI. It seems too plain for argument that Resolution VI is the very foundation of our work.

The distinguished delegate of the British Empire referred to the fable of the dog and the leg of mutton. In my humble judgment, the leg of mutton in this Conference is this Resolution VI of the Assembly of the League of Nations, and if we drop it there will be nothing left to work with but the shadow.

It has been contended that, because the word "export" appears in that resolution, our work is

therefore limited. At the first glance, it might be subject to that construction, but after a careful examination of the resolution it will be found that the words "for export" do not constitute a limitation; they are merely descriptive.

I might repeat what I said on Friday on that question. Resolution VI specifically mentions that the Governments concerned may examine, with a view to the conclusion of an agreement: (a) the question of the limitation of the amount of morphine, heroin, or cocaine, and their respective salts, to be manufactured; (b) the limitation of the amounts of raw opium and the coca leaf to be imported for that purpose and for other medicinal and scientific purposes; (c) the limitation of the production of raw opium and the coca leaf for export to the amount required for such medicinal and scientific purposes. It will be noted, however, that these questions are to be considered as a means of giving effect to the principles submitted by the representatives of the United States and to the policy which the League, on the recommendation of the Advisory Committee, has adopted.

Is any argument necessary in order to establish the fact that the questions referred to in Resolution VI are merely mentioned by way of description and not of limitation, or, as the President of the Conference pointed out in his opening address with regard to the adoption of the agenda, as merely a starting point or basis for discussion? The proposal that a Conference composed of representatives with full plenipotentiary powers, called to consider measures to be adopted as a means of giving effect to the United States proposals, does not possess the power to examine any question presented which is germane to the general subject under discussion appears to be untenable.

Every Government here represented was aware of the purpose for which the Conference was called, and it is to be presumed that each delegate received instructions co-extensive with the terms of the invitation received and accepted.

In other words; the League of Nations, after four or five years of patient study and industrious work, called this Conference and asked us to consider Assembly Resolution VI. There are some things which are too plain for argument, but I might reply with a question: If we are not here to consider this resolution, for what purpose are we here? It is the vital part of the whole matter. So much for that. I consider, Mr. President, that the matter has already been decided by the Conference.

I desire to make it clear that the Government of the United States is not the only one which interpreted the invitation received from the League to mean that proposals for the limitation of the world production of opium and narcotics to the medicinal and scientific needs of the world might properly be considered by the present Conference.

I refer you to the following proposal presented by the Cuban Government:

"Make following proposal regarding practical measures for limiting use narcotics and preventing abuse: World production of opium and narcotics should be exactly proportionate to requirements of each country for medical and scientific purposes estimated on a *bona-fide* basis."

Turning to the second report of the Business Committee (Annex 17), we find that the Business Committee also took cognisance of a number of other proposals. The Cuban proposal was referred to the First Committee. This proposal, providing that the world production of opium and narcotics should be exactly proportionate to the requirements of each country for medical and scientific purposes estimated on a *bona-fide* basis, does not differ, in principle, from the proposal which the delegation of the United States has presented.

The Indian delegation did not see fit to object on the grounds of competence to the consideration of the proposal presented by Cuba, which was referred by the First Committee to Sub-Committee B for discussion. The delegation of the United States is therefore at a loss to understand why the Indian delegation is using every means at its disposal to prevent the consideration of our proposal, when, as a matter of fact, a proposal of a similar nature has properly been referred to Sub-Committee B, where it will be considered upon its merits.

As I say, there has been a great deal of debate that is not germane to the matter before the Conference. The distinguished delegate of the British Empire presented a very interesting argument, but if you will reflect on it you will find that it refers to the merits of the case; we are not considering its merits at the present time. He asked me what should be done in the case of India. Well, I was over here last May for a month and I was back again last October for two or three weeks, and I know that on every possible occasion, both publicly and privately, I stated that the United States had no desire whatever to interfere with the internal affairs of India or any other country. We have nothing to suggest to India. It is India's problem; it is not ours. I do hope that that man-of-straw will be finished with to-day, because if I had the power I would like to take it and bury it in the deepest hole in Lake Geneva.

We have not the least intention — and I desire to impress this upon all the delegates — of interfering in any manner, shape or form with the internal affairs of any country. We are merely here with a proposal that seems to meet with the approval of the majority of the delegates, a proposal that we hope will solve this great problem.

I might go further and refer to Persia. I am quite sympathetic with Persia as regards her present position. She is producing enormous quantities of opium; her revenues are low, partly as a result of the restrictions which have been placed upon her sovereignty. There is no reason why this Conference cannot reach an agreement and allow these three or four or five nations that do not feel now that they can agree with the principle laid down by the League of Nations to make reservations. We can then all be good and neighbourly and try and help them solve their problems.

I do not know that I have anything further to say on the matter except to repeat that the problem before us is this: Are we going to consider the resolution of the League of Nations, which represents the earnest and sincere work of, I might say, hundreds of men and women during the last three or four years, or are we going to discard it and say that it is unworkable or useless?

I believe this debate is drawing to a close, and I desire at the end of the debate to have a roll-call. I make this request for two reasons. I want to put the Government of the United States on record as being in favour of this resolution. Moreover, I do not feel that it would be quite right to discard it in the manner which is now being attempted.

Let me conclude. Much has been said about the internal affairs of India, the internal affairs of Peru, and Bolivia, and other countries. We have no desire to interfere with them at all. The only ambition we have, or rather the hope we have, and it is a sincere and earnest hope, is that we will be in some way helpful to those people in solving their great problems. (*Applause.*)

**The President :**

*Translation :* I call upon Prince Arfa-ed-Dowleh, delegate of Persia, to address the Conference.

**Prince Arfa-ed-Dowleh (Persia) :**

*Translation :* Mr. President, I desire to thank the United States delegate most warmly for his cordial remarks in regard to Persia. In my speeches, in my letters and in my statements to the Sub-Committees I have already explained several times my Government's view on the question with which we are dealing. In fact, we declared in our memorandum that Persia was absolutely in agreement with the proposal of the United States.

But we think that the discussion which has now lasted for a fortnight ought to come to an end, for it is being asked what we have done during that time. I think my colleagues will agree that the time has come to take a decision and to continue the discussion on the United States proposal in order that the producing countries may know where they stand.

**M. de Agüero y Bethancourt (Cuba) :**

*Translation :* I must apologise for occupying your attention for a few minutes, but I feel compelled to say a few words in reply to Mr. Porter.

I think that the question of competence is clearly before this plenary Conference; we are not concerned with anything else. I will not go back and examine the history of the events which led up to the sixth resolution of the 1923 Assembly, nor will I revert to the invitation addressed to the States Members of the League or signatories of the Hague Convention of 1912. These events are known to all of us. You have had time to form your own opinion and, if the reading of the documents is not enough, you have had the brilliant speeches of this Conference to help you.

Allow me to say that the question appears to me to present two aspects: (1) constitutional; (2) moral.

From the constitutional point of view, I do not think there can be any doubt, if we consider the question calmly. The States represented at the Conference were invited by the Council of the League of Nations. Why did the Council invite them? In virtue of the sixth resolution of the Assembly of 1923, which contains the following words: "Requests the Council, as a means of giving effect to the principles submitted by the representatives of the United States of America and to the policy which the League, on the recommendation of the Advisory

Committee, has adopted, to invite the Governments concerned to send representatives with plenipotentiary powers to a Conference to be held for this purpose," etc.

Accordingly, the invitation was sent in conformity with the principles established by the Assembly of the League of Nations. The proposals of the United States have long been known to us, and are therefore in no sense a revelation to us. In adopting the above-mentioned resolution, the Assembly acted with a full knowledge of the facts. The Assembly is the supreme authority. There is, however, one other authority in the League of Nations which might modify a resolution taken by the Assembly: that authority is the Council. This latter authority, however, would not do so, since it is an established rule that a question which has been dealt with by the Assembly shall not be examined by the Council and *vice versa*. We have therefore to refer to the sixth resolution of the Assembly.

We were told that the Preparatory Committee had drawn up a programme for the Conference. This is not so, gentlemen. It only provided us with a basis for our discussions.

I can give you a number of facts which will certainly be corroborated by several members here present and by the Secretary-General himself. An agenda is drawn up for the Assembly; it is transmitted to the Governments of the Members of the League, but the drafting of this agenda does not fix its limits. Every country concerned has the right to submit a proposal bearing upon the subjects included in this agenda. Such proposal is simply referred to the Agenda Committee, which submits it to the Assembly; the latter then transmits it to the Committee entrusted with the examination of such questions. That is the procedure at the Assemblies of the League.

As regards our own Conference, I can give you a similar precedent. On Friday we referred Article 9-A of the American proposals to the First Committee of our Conference. Now, the proposal contained in Article 9-A was not included in the agenda submitted to you, nor in the sixth resolution of the Assembly, for the reason that this article dealt with the question of the manufacture of heroin, whereas Resolution VI only mentions limiting the production of morphine, cocaine, heroin, etc.

Once we have admitted that a delegation may make proposals regarding the suppression of the manufacture of heroin, and once we have adopted them, as we do by allowing them to be referred to the First Committee, how can we object to a question which has been included in a resolution adopted by the Assembly, and how can we even discuss the competence of the Assembly?

I cannot admit such a thing.

After deep reflection, after examining all that has been said at the present Conference and after analysing Resolution VI of the Assembly, I am of opinion that we are competent to examine the proposals of the United States.

I will put yet another point to you. I do not think that all the Governments have understood the invitation which was sent to them. It is not a fixed programme that we have to discuss. As I said just now, the Preparatory Committee has only furnished us with a basis for subsequent discussion. Accordingly, we have the right to discuss and the right to speak and

it is our duty from the constitutional point of view to recognise the competence of the Assembly.

I will now turn to the moral aspect of the problem. Is this Conference bound by inflexible rules? Are we enclosed in such a tight casing of steel-plate armour that we cannot escape from it?

I cannot accept the idea of a plenary Conference, consisting of plenipotentiaries from all countries in the world interested in the campaign against the drug habit, the members of which are not at liberty to express their opinions.

What is the League of Nations? It is a collection of States which, by close international co-operation, are seeking to promote the moral and material welfare of humanity.

Granted, then, that the Members present at this Conference are here to further the well-being of humanity, can they be denied the liberty to express their opinions? I should understand it if they were making proposals which were not in accordance with the object of this Conference, for example, a proposal relating to river transit.

But this is not the case. We are here in the position of a man who desires to arrive at an agreement with another and who is prevented from speaking. I have the greatest respect for the observations made by the honourable delegates for India and the Netherlands; but between material and moral considerations, I can have no hesitation and I strongly support those arguments which are based on the moral welfare of humanity.

I would also like to say that we cannot remain within the narrow limits of the powers conferred upon us by our Governments. There are occasions when it is necessary to expand these limits. I will give you an example. At one of the Assemblies of the League of Nations I had received exceedingly strict instructions from my Government in regard to the questions of interest to my country which were to be discussed. During the deliberations, however, I found that the instructions which I had received, and to which, in the normal course of events, I had to conform, might, when it came to the vote, lead to a negative result, the future consequences of which would have been very serious. I telegraphed to my Government, fully explaining the situation. When it understood the gravity of the case, my Government immediately sent me the necessary full powers.

I will leave it to the delegations from India and the Netherlands to estimate the value of this example, but I do not propose to make any suggestion. I will venture, however, to observe that, if we do not achieve the results expected of us, profound moral disillusionment will be spread among all the States Members of the League of Nations.

I will conclude by quoting to you the case of Themistocles, the Greek general. Once, when he was arguing with the commander-in-chief of the Athenian forces, the Spartan Eurybiades, at a council of war, he stopped the latter with the famous words, "Strike me, but listen to me." Reversing this phrase, I will say, "Listen and then strike." (*Prolonged applause.*)

**The President :**

*Translation :* I call upon Mr. Campbell, delegate of India, to address the Conference.

**Mr. Campbell (India) :**

I do not propose to occupy the time of the Conference for long. As the delegate of the United States and the delegate of Cuba have said, the only question before the Conference at the present time is that of competence. On that question the Indian delegation has already stated its position very fully, and the whole ground has been very faithfully covered in the course of the debate. There are only a few points which have arisen in that connection regarding which I desire to make some remarks.

The first is the statement made by Mr. Porter, that the American interpretation of the meaning of the Hague Convention has been accepted by the Advisory Committee, by the Fifth Committee of the Assembly, and by the Assembly itself. Not in any controversial spirit, but simply in order to prevent any possibility of a misunderstanding on this subject, I desire to say that I cannot admit that statement. At the Advisory Committee, the American interpretation of the Hague Convention was accepted by no nation except China. The reservations made by all the Governments appear in the resolution of the Advisory Committee, and were duly noted by the Assembly.

The second point refers to the argument that, in not taking exception when the proposal of the Government of Cuba was referred to a Committee, we were, if I may use a legal term, estopped from further argument — that we were prevented, in fact, from raising our point.

I think it is within the recollection of everyone here that India's position was fully covered by formal reserves made not only in the plenary Conference but also before the Business Committee. Indeed, I made the reserves on so many occasions that I think quite possibly some of my colleagues began to regard me as a nuisance.

Another argument of a similar kind has been put forward by the delegate of the United States of America and by the delegate of Japan. It was suggested that the discussion on the heroin proposal (Article 9-A of the American draft) raised the question of competence, and that India should have spoken on the question at that time.

I hope all the delegates will appreciate the great sense of restraint shown by the delegation of the Government of India in not speaking on the subject at that time. Our point of view was that the question of competence was not directly and immediately at issue at that moment. As the members of the Conference know, the agenda of the Conference has, as one of its items, a discussion of the proposal to limit the use of heroin, and it seemed to us that limitation might go as far as prohibition. The point is, I think, a perfectly valid one, and was present not only in our mind but in the minds of other delegations also.

There is one further point which I desire to make clear. The Indian delegation has, of course, no objection to a vote by roll-call being taken, if the object of that roll-call is to ascertain the opinions of the delegates here present on the question now before the Conference. If there is some other object, however — if the suggestion is that the result of that roll-call should be taken as deciding the question of competence — then you, Mr. President, will recollect that such was not the position taken up by the Indian delegation. We consider that,

for the purpose of this Conference, that question can be decided by you, Sir, and by you alone.

There is also another point I should like to make clear. The delegate of Cuba suggested that it would be quite possible for the Indian delegation to obtain quickly the views of its Government regarding this proposal — Article 1. The political position in India is rather complicated; in some respects it approaches fairly closely to the federal position in America. We have, I should think, at least ten Governments which now have power to deal with the question of the domestic use of opium. The Secretary of State does not deal with it; the Government of India does not deal with it. It is dealt with by the local Governments, and there is only one local Government in India where the domestic consumption of opium remains under the direct control of the Central Government.

I should like the Conference to appreciate the point that, before instructions on this subject could reach me, it would be necessary for the Secretary of State to communicate with the Government of India, and it would be necessary for the Government of India to communicate with ten (I am not quite certain of the figure, but I think it is ten) local Governments scattered over a country as large, I think, as Europe.

One last point. I have already stated that the question under discussion is the question of competence, and that question only; but, as I think the Hon. Mr. Porter said, the discussion has in fact ranged over a very wide field.

Some of the remarks made regarding India were remarks to which I should very much like to reply, but, again acting under that same sense of restraint, I do not propose to do so.

There is only one point I should like to make clear. It was suggested, in the course of the discussions, that the Government of India had some desire to avoid and to stifle discussion on this question. It was even suggested by one delegate that it feared discussion. I want to state, in the most emphatic manner possible, that that is not so.

Those delegates who have been present at the various Assemblies of the League will, I think, bear me out when I say that India has never shown the least inclination to avoid the discussion of this subject; she most certainly has never feared the discussion of it. Lord Chelmsford has spoken on it at length, both in Committee and in the full Assembly. Lord Hardinge has spoken on the subject twice. His Highness the Jam Saheb of Nawanagar has spoken on it. Mr. Hasan Imam has spoken on it. Other Indian delegates have also spoken on it, and, lest any doubt should remain, I would like to call the attention of the Conference to the fact that they have before them the Minutes of the Fifth Session of the Advisory Committee, which consist of 214 printed foolscap pages, most of which relate to the position in India.

**The President :**

*Translation :* There are no more speakers on my list. Does anyone else wish to speak?

I call upon M. Ferreira, delegate of Portugal, to speak.

**M. Ferreira (Portugal) :**

*Translation :* The Portuguese delegation feels bound to endorse the declarations made by

Sir Malcolm Delevingne at the fifth session of the Advisory Committee and repeated by the British delegate this morning. These declarations will be found in the Minutes of the Fifth Session of the Advisory Committee (Document C. 418. M. 184. 1923. XI, page 84) :

“There was one other difficulty which at first also seemed to be serious. There was some discussion, on one of the early days of the present session of the Committee, on the use of opium in India and other Oriental countries, not for smoking, but for what has been described here and at meetings of the Assembly as semi-medicinal purposes. There has been a great deal of misunderstanding about the attitude of the League on the subject. I think there has been especially a great deal of misunderstanding in the United States on the subject ; but in the conversations which I have had with Mr. Porter, and to which I think I may fairly refer, he has made it quite clear to me that it is not the intention of the American delegation or of the American Government to dictate or interfere in any way with what the Indian Government or any other Government similarly-situated may regard as a proper semi-medicinal use of the drugs in countries where conditions such as that exist. The American problem, as we all know, is a problem in the main — almost entirely, one might say — of the production of opium and the coca leaf for the manufacture of the drugs to which Part III of the Convention applies.”

The prevention of the abuse of narcotics must, in our opinion, be the great purpose of our Conference. If we are animated by this ideal, we will succeed in finding effective means of action. Otherwise we run a serious danger ; we might come to an agreement which would be signed by the majority of the countries represented, but which would only be signed subject to reservations by the countries directly interested, and the whole Convention would thus be rendered useless.

**The President :**

*Translation :* There are no more speakers on the list. If no one else wishes to address the Conference, I will endeavour to summarise the various points of the discussion.

The United States delegation has submitted to this Conference a series of proposals concerning the subject with which we are dealing. These proposals were referred by the Conference to the Business Committee ; the latter reserved its decision in regard to certain proposals but submitted to you a plan for the allocation of the work — a plan which you adopted. Subsequently, the United States delegation submitted two of the proposals in regard to which the decision had been reserved, asking that they should be sent to the First Committee. The first proposal has been referred to the First Committee without opposition ; it concerns Article 9-A of the series of American suggestions.

It is the second of these proposals, that which refers to Article 1 of the series, which is now before the Conference, and the request has been made that it should be sent for discussion to the First Committee.

This request is based on the fact that, in the

opinion of the United States delegation, there cannot be the slightest doubt that discussion of a Conventional clause, such as Article 1 of the American proposal, is within the competence of the Second International Conference on Opium.

The Indian delegation has opposed the American delegation's point of view. It bases its opposition to referring this concrete proposal to one of the Committees on the fact that at least part of the provisions contained in the above-mentioned article are not within the competence of this Conference as defined in its agenda. With a view to settling this point, which it considers to be doubtful, the Indian delegation has appealed, in the last instance, to the President of the Conference as being alone empowered to decide the question of competence.

I will not go in detail into the question of the Conference's procedure of simply adopting the agenda without discussion, for reasons which I shall state presently.

Other delegations have to-day expressed their views on this subject. I will summarise them as briefly as possible.

Sir Malcolm Delevingne, first British delegate, has given us a very clear statement. He first of all considered the principle of widening the range of subjects which this Conference may have to consider. He was rather inclined to think that the scope of the Conference could not thus be enlarged without the permission of the Council, and possibly that of the various Governments which have accepted the Council's invitation to this Conference.

Sir Malcolm Delevingne then proceeded to consider whether the discussion of the proposal before us would, in his opinion, constitute such an extension. He preferred not to enter into details regarding the principle of the Conference's competence. He said that, if we wished strictly to follow the lines laid down in the American proposal, we should run the risk of interfering in matters which were exclusively within the domestic competence of the various sovereign States.

That would be the case, for instance, if we decided to discuss here the semi-medicinal use of opium and coca leaves in India, Bolivia and Peru. He asked whether the United States delegation understood these to be questions which the Conference could discuss.

If, on the contrary, the American delegation only took into consideration the surplus production used for purposes which were not strictly medical or scientific, he stated that certain delegations would have to make reservations and reservations were always a source of weakness. He added that we should run the risk of becoming involved in a discussion which might compromise the results of our work. In this connection he quoted the fable of the dog with the leg of mutton in its mouth and which, seeing its reflection in the water and thinking that the piece of meat in the reflection was bigger, dropped its own piece. I shall come back to Sir Malcolm Delevingne's dog later.

M. van Wettum, first delegate of the Netherlands, supported Sir Malcolm Delevingne's view and said that his Government had not understood the invitation to the Conference in the same light as the Government of the United States of America, and that, consequently, he had no instructions which would enable him to deal with this category of questions.



M. Sugimura, first Japanese delegate, laid special emphasis on the necessity of treating the question as a whole and on the danger of leaving gaps. He was inclined to think that it would be better to leave a certain elasticity, which would allow of the discussion of the article of the American draft which we have before us.

M. Chodzko, the first delegate of Poland, saw in the official title of this Conference, "The International Opium Conference", an argument against the Indian delegation's point of view and in favour of enlarging the sphere of our activities. Moreover, recapitulating the preparatory work of this Conference, he pointed out that the various Committees which had been endeavouring to draw up a plan of work had not succeeded in their task. The competence of the Conference was therefore unlimited. He also found arguments in support of his opinion in an interpretation of Resolution VI of the fourth Assembly, and particularly in the fact that this resolution mentions the principles laid down by the delegates of the United States of America. He drew the same conclusion from Document A. 32, which contains all the measures drawn up by the Advisory Committee.

The first delegate of China, M. Sze, agreed with the point of view of the United States delegation regarding the question of competence.

The Polish delegate, the Chinese delegate, and, I think, the Japanese delegate also, were in favour of the plenary Conference deciding to refer the United States proposal concerning Article 1 of the American scheme to the First Committee.

This afternoon we have also heard several speakers. The first delegate of Bolivia made a reservation concerning coca leaves based on the same considerations as the reservation made by the Netherlands delegation. We then heard Mr. Porter, delegate of the United States of America, the first delegate of Persia, the first delegate of Cuba and of Portugal, and Mr. Campbell. Their arguments are so fresh in our memory that I need not recapitulate them.

Further, in order to explain its point of view regarding the question of competence, the Indian delegation submitted to the Conference at Friday's meeting a detailed account of the various phases of the work preparatory to the Convention and the opening of this Conference. Most of the delegates here present will, I think, find the arguments brought forward in this connection too difficult to follow and to estimate, since they have not had cognisance of the facts adduced.

In view of what has occurred subsequently, I am also inclined to think that the value of the arguments — as regards the question of principle — is of secondary importance at the present juncture.

You are here, gentlemen, as official representatives of your Governments. They sent you to Geneva in compliance with an invitation from the League of Nations. As far as the aims of this Conference are concerned, your Governments based their acceptance on the text of the letter of invitation and its annexes. On the basis of this text they sent you to this Conference, gave you instructions, and, in some cases, entrusted you with definite proposals.

These instructions and proposals are the result of the conception which your Governments have formed of the scope of the various problems t

be dealt with and, if possible, solved by us here. Accordingly I think it is quite clear that the question of competence involved in the simple request that the proposal before us should be referred to a Committee can only be properly decided by the representatives of these Governments, that is to say, by a majority vote of this Conference.

If it is of any interest to you to hear my opinion on this one question of competence which we have before us to-day, I will tell you what it is.

I think that the discussion of Article 1 of the American scheme is within the competence of this Conference as defined in the agenda. I will, if you desire, state my reasons for this point of view. I am not sure, however, whether, in giving these reasons, I am not exceeding my presidential powers. Consequently I will wait until the Conference definitely asks me to state my reasons.

As you will perhaps have observed, I have particularly emphasised the words "the discussion of Article 1". I have done so because each of the delegations, acting in conformity with the instructions given by its Government, is, of course, entirely and beyond all doubt, free to refrain from participating in any particular discussion, and to state or refrain from stating its reasons for so doing, to reserve its Government's point of view regarding the trend or conclusions of such a discussion, or even to state in advance that its Government can never accept or even consider any proposals which may be made as a result of such discussion. In so doing, it will not in any way lay itself open to criticism on the part of the other delegations.

If, in these circumstances, the Conference or one of the Committees considers it advisable to open or continue a discussion on a proposal of this kind, the point will have to be decided by the Conference or the Committee in question. Cases might also arise in which a discussion, even if it were entirely one-sided, might throw light on certain problems. In other cases, discussion without the participation of the other party would doubtless be a waste of time. No member of any delegation here present has the intention of interfering in questions which are matters of purely domestic jurisdiction.

I now come back to the "dog" of the fable quoted by Sir Malcolm Delevingne, but I propose to give the story another moral: I think we can rely on the wisdom and experience of the delegates to choose the best and most equitable line of conduct.

Before concluding, I will venture, with all due deference, to make a respectful but earnest appeal to the Conference.

You are here in order to further the solution of a question which is of vital importance to mankind. You are aware that no result can be obtained without international collaboration. We all know, however, that international collaboration invariably entails sacrifices. Let us make these sacrifices, which are bound in any case to be insignificant in comparison with the noble object which I know you are all, without exception, seeking to attain. (*Prolonged applause.*)

We will now proceed to the vote on the reference of the American proposal to the First Committee.

I would like to make it quite clear that this vote is being taken solely on the question whether the proposal in Secretariat Document No. 47 should be referred to the Committee.

*The vote was taken by roll-call.*

In favour: Belgium, Brazil, Canada, Chile, China, Cuba, Danzig, Denmark, Dominican Republic, Egypt, Finland, Germany, Hungary, Irish Free State, Italy, Japan, Luxemburg, Persia, Poland, Siam, Spain, Sweden, Switzerland, United States of America, Uruguay, Venezuela.

Total : 26.

Against : India.

Total : 1.

Abstentions : Australia, Bolivia, British Empire, France, Greece, Netherlands, Portugal, Serb-Croat-Slovene Kingdom, Turkey.

Total : 9.

**M. von Eckardt (Germany) :**

*Translation :* We decide to vote in favour of referring the American proposal to the proper Committee in view of our distinguished President's appeal.

**M. de Palacios (Spain) :**

*Translation :* We are voting in favour for the same reasons as the delegate of Germany.

**The President :**

*Translation :* The statements of the German and Spanish delegates will be entered in the record of the present meeting.

*The reference of the American proposal to the First Committee was therefore carried. (Applause.)*

**The President :**

*Translation :* Mr. Campbell has a formal declaration to make on behalf of his Government.

**Mr. Campbell (India) :**

I have received formal instructions from my Government regarding a certain reserve which it wishes to make. I wish to make that reserve now.

There is also a request which I wish to make regarding the postponement of the discussion of this question until we can receive instructions from our Government.

**The President :**

*Translation :* You can communicate your Government's reserve now.

**Mr. Campbell (India) :**

I have received formal instructions to reserve the right of the Government of India to raise

this question — the question which has just been decided — before the Assembly of the League of Nations. I request that that formal reserve may be taken note of and entered in the proceedings of the Conference.

The second point regarding which I desire to speak is to make the request that, if possible, the discussion of Article I of the American proposals may be postponed, as far as that is consistent with the work of the Conference, to as late a date as possible. I have explained the difficulties which will arise in obtaining instructions from India on this subject. I have also explained that I have at present no instructions on the subject. In these circumstances, if the Conference desires that the question should be fully discussed, I think everyone will agree that it would be desirable to postpone the discussion to as late a date as possible in order to enable the Indian delegation to receive instructions from its Government.

**The President :**

*Translation :* As regards the first part of the statement of the honourable delegate for India, we will accede to his request, and his reserve shall be noted in the record of the present meeting.

As regards the second request which he has made, I venture to point out that there would seem to be some difficulty in discussing the question here. As the reference of the American proposal has been adopted, the proposal itself will naturally be discussed in the First Committee, and, consequently, the request of the honourable delegate for India will be examined in this Committee, which I think — although I do not wish to prophesy — will see the force of the considerations on which Mr. Campbell's request is based.

### 39. WELCOME TO THE CHILIAN DELEGATE : COMMUNICATION BY THE PRESIDENT.

**The President :**

*Translation :* I have the honour to welcome, on behalf of the whole Conference, Dr. Eugène Suarez Herreros, delegate of Chile, who has taken his place among us to-day. (Applause.)

I may add that the credentials of the Chilian delegate have been sent to the competent Committee.

*The Conference rose at 5.50 p.m.*

## THIRTEENTH MEETING

*Held at Geneva on Monday, December 8th, 1924, at 10.30 a.m.*

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President : H. E. M. Herluf ZAHLE.

40. **WELCOME TO THE CHILIAN DELEGATE : LETTER OF THANKS TO THE PRESIDENT.**

**The President :**

*Translation :* Before beginning the discussion of our agenda, I have the honour to inform the members of the Conference, in accordance with our Rules of Procedure, that I have just received the following letter from the Chilean delegate, in which he expresses his regret at not being able before to thank the Conference for the welcome extended to him:

[*Translation*] :

"I was prevented by my recent illness from thanking the President and the Conference at the last meeting for their cordial welcome. I wish to thank you all now.

"The same reason prevented me from taking part earlier in the work of the Conference. I should not, however, have been satisfied if I had failed to contribute what help I could; nor could I have allowed my country to be behindhand in lending its aid to further the efforts now being made for the suppression of the evils caused by dangerous drugs.

"The humanitarian principles inspiring the delegates to this Conference are a guarantee of its success. There can be no doubt as to the outcome of the Conference, which has met after many difficulties and at which there are delegates of 39 countries, who have travelled far and made great sacrifices in order to be present.

"The question of the competence of the

Conference has been discussed. The countries represented here knew beforehand that the Conference had been convened to give practical effect to the humanitarian ideals of the League of Nations, ideals to which the League in reality owes its existence. The delegates have made great sacrifices in order to come to Geneva, and I think that we have come with full powers to discuss all questions relating to the restriction, or rather the suppression, of the evils caused by the abuse of dangerous drugs, evils which are at the same time a peril and a disgrace to civilisation.

"I have used mild words to brand, in a century which will go down to history as the century of the League of Nations rather than the century of the Great War, the traffic in dangerous drugs, which is at present destroying a large section of humanity, and this simply because there are men who desire to make great profits from the trade. There could be no more shameful form of selfishness.

"It is obvious that if this illicit traffic is suppressed, many material interests must suffer. I do not call them respectable interests, great though they are, for interests by which such havoc is wrought and which lead to physical and racial degeneration, madness and crime have no claim to be so called.

"We must bear in mind, as the President has so happily phrased it, that it is impossible to do good without making sacrifices; but we must submit to these sacrifices, which will ennoble us and mankind alike."

41. **THE QUESTION OF THE COMPETENCE OF THE CONFERENCE : RESERVATION MADE BY THE INDIAN DELEGATION.**

**The President :**

*Translation :* A few days ago I received the following letter from the Indian delegation :

"With a view to facilitate the work of the Conference, while guarding at the same time the position of the Indian delegation, we desire, if you see no objection, that a protest be recorded in the proceedings of the Conference, on the part of the Indian delegation, against the Conference discussing any question not specifically covered by the terms of the Conference's accepted agenda.

"We exclude from this general protest Article I of the scheme presented by the American delegation, as our attitude on that point has already been fully explained to the Conference. A decision has been taken on that subject, and the Government of India has formally reserved its right to raise the question in the Assembly. It is, of course, understood that the Indian delegation reserves the right to speak on the question of competence in any particular case when the circumstances appear to it to render this desirable, and that the right of the Government of India to raise the whole question in the Assembly is reserved.

(Signed) J. CAMPBELL.  
H. CLAYTON."

**The President :**

*Translation :* This letter will be inserted in the record of the meeting. I consider it as a general reservation.

As regards the question of competence, I think there need be no discussion, as everyone knows the interpretation to be placed upon this letter from that point of view. We must take care, whenever a question of this sort arises, that it is not followed by a long discussion which may waste the time of the Conference. If any delegation, however, wishes to speak, it is, of course, at liberty to do so.

If no one wishes to speak, we will pass to our agenda.

**42. MODIFICATION OF THE FIRST REPORT OF THE BUSINESS COMMITTEE.**

**The President :**

*Translation :* You have before you the following amendment to the first report of the Business Committee which I wish to propose :

“The Sub-Committees will report direct to the Full Conference”.

Before inviting a discussion on this proposal, I should like to make a few remarks. When adopting the first report of the Business Committee, you decided to set up two main Committees. The latter in their turn have set up Sub-Committees. The First Committee has appointed five Sub-Committees and the Second Committee only one up to the present.

According to the Rules of Procedure which you have adopted, the Sub-Committees' reports should be submitted and their proceedings communicated to the principal Committee. The principal Committee then reports to the full Conference. You have decided that representatives of all the various delegations should sit on the Committees. It may be taken, therefore, that the latter practically amount to plenary meetings of the Conference. In order to do away with the formality of discussions on questions of principle, I have ventured to submit the above proposal.

If, in future, the Sub-Committees report directly to the full Conference, we may regard the two Committees as no longer in existence. This would enable us to expedite our work.

This system would in reality be more practical and would admit of the discussion at plenary meetings of questions hitherto kept in the hands of the Second Committee. You will see on the agenda that I have submitted three questions which were to have been discussed in the First and Second Committees. I have marked these questions (1) and (2) to show which Committee would have had to deal with them. If you agree to my proposal, I shall continue to adopt this system.

My proposal has already been accepted by the Business Committee. If you adopt it, there will be no further meetings of the Committees but only plenary meetings of the Conference, and the Sub-Committees' reports, which I hope to receive in the course of this week, can be discussed directly by the full Conference.

Does anyone wish to speak on this point ?

**M. Dinichert (Switzerland) :**

*Translation :* I agree in principle with your proposal, as I did when it came before the Business Committee, that the Sub-Committees should in future report direct to the plenary Conference.

I should like, however, to make one remark. You will remember that, of the questions referred by the plenary Conference to the Second Committee — which is now to disappear — some have not yet been referred by the latter to any Sub-Committee, and among these there is in particular the question relating to Item 4 on our agenda (proposals of the United States delegation : Articles 10, 11, 20 and 20-F.) When these subjects come up for consideration, the point may arise as to whether it is desirable that they should be examined and discussed direct by the plenary Conference. If the latter decided not to discuss them but to wait for a proposal or a report to be submitted to it, I think it should be understood that the plenary Conference would be competent — as the Committees previously were — to refer the report or proposal to the existing Sub-Committees, or even to set up new Sub-Committees for the purpose.

My observation is therefore merely intended to make it possible for questions which are now before the two principal Committees to come, under the new system, before the plenary Conference.

**The President :**

*Translation :* I quite agree with the first Swiss delegate's interpretation of my proposal. I wished to make it as short and concise as possible, for I took it for granted that the Conference would retain full liberty, under Rule 4 of our Rules of Procedure, to discuss any questions at plenary meetings or to appoint special Sub-Committees.

If no one wishes to speak on my proposal, I shall regard it as adopted.

*Adopted.*

**43. CO-ORDINATION OF THE WORK OF SUB-COMMITTEES A, B, C, AND D AND APPOINTMENT OF A DRAFTING COMMITTEE : PROPOSALS OF THE BRITISH DELEGATION : APPOINTMENT OF A SUB-COMMITTEE.**

**Sir Malcolm Delevingne (British Empire) :**

Mr. President, perhaps it would be convenient if the Conference would agree to deal now with the motion which I have proposed and which has been distributed to the delegates this morning. This motion refers to the arrangements to be made with regard to the work of the Conference, and reads as follows :

“In order that the Conference may terminate not later than the afternoon of Saturday, December 20th, it is decided :

“1. That all Sub-Committees be asked to finish their work and have their reports ready at latest by the afternoon of Friday, December 12th.

“2. That a joint meeting of representatives of Sub-Committees A, B, C and D

be held on Saturday, December 13th, for the purpose of co-ordinating the conclusions of these Sub-Committees and presenting a joint report to the Plenary Conference on Monday, December 15th.

"Sub-Committees A, B, and D shall each nominate two members in addition to the Chairman, and Sub-Committee C one member in addition to the Chairman, to represent them at the meeting.

"3. That a Drafting Committee (*Comité de rédaction*) be appointed forthwith, consisting of the President of the Conference and five persons to be nominated by the President, and that this Committee commence its work as soon as the report of any of the Sub-Committees has been approved by the Conference."

**The President :**

*Translation* : I think that the proposal can be submitted to the Conference now. It has been distributed to the members in accordance with the Rules of Procedure, and there is no reason why it should not be dealt with at once.

I call upon Sir Malcolm Delevingne to submit his proposal.

**Sir Malcolm Delevingne (British Empire) :**

Mr. President, I have brought forward this motion as a matter of urgency, entirely on my own responsibility, but I should not have ventured to do so unless I had first consulted you and ascertained that you saw no objection to its being brought forward and considered at this meeting.

I have brought the proposal forward for two reasons. In the first place, it has seemed to me that it would be a great convenience to all the delegations to know when the work of the Conference is likely to be finished and on what day they will be able to leave Geneva.

The second reason, however, is a much more important one. I take it that most of the delegations desire to return to their homes before Christmas, and if that happy result is to be secured, the latest date to which we can prolong our work will, I suggest, be Saturday, December 20th. We have therefore exactly a fortnight in which to conclude our work.

It goes without saying, I think, that, when once we separate, it will not be possible, or at any rate it will be extremely difficult, to re-assemble this Conference, and we should therefore conclude our work before we leave. The position in regard to our work seems to be rather serious. We are starting on our fourth week and we have not yet received any of the reports of the Sub-Committees. There are five stages of work still to be covered. The Sub-Committees have to conclude their work. The results of their work, or at any rate that of the first four Sub-Committees, have to be co-ordinated in some way before they can be presented to the Conference. The reports on the work of the Sub-Committees have to be considered in plenary meeting. When that has been done and the decisions of the Conference have been taken on those reports, the Drafting Committee will have to draw up the draft Convention; lastly, the draft Convention will have to be considered in plenary meeting.

I think the Conference will agree that a fortnight is not too long a time for the com-

pletion of our work, and that we can only complete it in that time if we keep to some sort of time-table.

My motion consists of two parts : first, that we should adopt a time-table, and, secondly, that we should make arrangements this morning for the co-ordination of the results of the work of the different Sub-Committees and for the drafting, or preparing the draft of, the Convention.

As regards the time-table of our work, my suggestion would be that all the Sub-Committees should be asked to finish their work and have their reports ready at the latest by the afternoon of Friday of this week, December 12th, and that there should be a joint meeting of the representatives of the first four Sub-Committees A, B, C and D on Saturday, December 13th, for the purpose of co-ordinating the conclusions of those Sub-Committees, and, if possible, of presenting a joint report to the plenary Conference on Monday, December 15th.

If the plenary Conference meets on Monday and possibly Tuesday of next week and finishes the task of considering the reports of those Sub-Committees, the Drafting Committee would then have Wednesday and Thursday of next week for completing the drafting of the Convention. That would leave Friday and Saturday of next week for the final consideration of the draft Convention and its signature.

It has seemed to me that, as regards the co-ordination of the results of the work of the Sub-Committees, the method which I have suggested in my motion would be the best : namely, that each of the four Sub-Committees should appoint two representatives, in addition to their Chairman, to meet together for the purpose of considering and co-ordinating the results of their work and, if possible, presenting a joint report.

I have not suggested the inclusion of Sub-Committees E and F, because their work stands rather apart and can be considered separately. I hope that Sub-Committee E will be in a position to present its report about the middle of this week and that the Conference will be able to consider it at once. In order to save time, I would suggest, though I have not inserted the suggestion in my motion, that this joint meeting of representatives of Sub-Committees A, B, C and D to be held next Saturday should be presided over by the Chairman of Sub-Committee A, the first delegate of Canada. I think that I need say no more about the work of co-ordination.

There remains the work of drafting, or the preparation, of the draft Convention. This is a matter which requires the services of persons experienced in that kind of work. I have not ventured therefore to make any suggestion myself. It seemed to me that the best course would be to ask the President to consider the matter and nominate the members of the Drafting Committee himself. I think this motion, if adopted, ought to bring about the result, which, I am sure, we all desire, of seeing the end of our work and bringing it to a successful conclusion. It is an expedient which has been adopted in previous International Conferences when the work has been getting into arrears and it has been desired to finish by a definite date. I hope the members of the

Conference will excuse my having brought forward the motion at such short notice, and I hope that they will adopt it.

**The President :**

*Translation :* Before inviting a discussion on Sir Malcolm Delevingne's proposals, I should like to say that I myself am in favour of the first two.

The first proposal calls upon the Sub-Committees to accelerate their work with a view to concluding it on Friday, December 12th.

The second proposal deals with the appointment of a Committee of Co-ordination, consisting of eleven members under the chairmanship of the Chairman of Sub-Committee A.

For my own part, I recommend the adoption of both these proposals.

I shall not express any opinion on the third proposal, the purpose of which is to give me certain powers, which I shall be quite ready to accept if that is the wish of the Conference.

Sir Malcolm Delevingne's proposals are open for discussion.

M. Sze, delegate of China, will address the Conference.

**M. Sze (China) :**

Mr. President and members of the Conference, I have, in the time at my disposal, carefully examined the proposals submitted by the British delegation to the Conference this morning. I am quite in agreement with Sir Malcolm Delevingne that we should proceed with the work as speedily as possible, and also that the Conference should conclude its work with fruitful results.

The President has pointed out that the first of the British proposals is only an invitation to the Sub-Committees to finish their work. While I am as anxious as the British delegation and other members of this Conference that our work shall finish as speedily as possible, I should also like to say, as I have said in another place, that we should never sacrifice efficiency for speed.

As I read the first proposal, it is something more than an invitation to the Sub-Committees ; it contains more or less a mandate, because it reads that they should "have their reports ready at latest by the afternoon of Friday, December 12th". The words "at latest" seem to me to constitute a mandate. I propose, therefore, with your permission, Mr. President and gentlemen, to move a slight amendment. I propose to add in the first proposal, after the words "to finish their work", the following words : "as quickly as possible", and substitute "if possible" for "at latest". While keeping in view the wish of the British delegation, which I think is excellent, we shall not, if my amendments are adopted, be giving a mandate to the Sub-Committees.

I am only attending one Sub-Committee and have a half-membership in another, and I do not exactly know what progress the Sub-Committees have made. In Sub-Committee B, the meetings of which I have been attending every day, we have been avoiding touching at any time on questions which are liable to lead to long discussions. When I say "long discussions", do not get alarmed, because sometimes long discussions are necessary in order to know exactly what are our views on the different points.

On the other Sub-Committee, I consider that

I have only a half-membership, because we had one meeting and then a Sub-Sub-Committee of five was appointed and that Sub-Sub-Committee assured us that it would report to the Sub-Committee section by section ; that is to say, every time a certain section of the work was done it would call the Sub-Committee together to consider the results. May I be permitted to point out that that Sub-Sub-Committee has not, up to the present, finished even one section of its work, or at least so I suppose, as it has not yet invited the full Sub-Committee to meet.

I think, therefore, that it is unnecessary to give any mandate to the Sub-Committees to the effect that their work must finish by a certain date, but that we should tell them that they must work as quickly as possible, and, I may add, that they must, if necessary, hold longer meetings, sitting earlier and breaking up later, and, if necessary, hold meetings at night. We should not, however, tell them that they must finish by a certain date, because by doing so our action may lead to unsatisfactory results, by putting an end to necessary discussion and by preventing certain delegations from giving their points of view, a procedure which is not only necessary but beneficial to those who want to follow the work and to see some good results come out of this Conference.

Sir Malcolm Delevingne has said that in his experience International Conferences have always a fixed programme laid out.

**Sir Malcolm Delevingne (British Empire) :**

No, I did not say so. I said there are precedents for it.

**M. Sze (China) :**

Sir Malcolm Delevingne said there were precedents for a full programme being prepared. We had a programme for another Conference which preceded this, which was supposed to finish in two weeks, and the programme of which has not been carried through. Of course, it is a good thing to have a programme so as to have something to work on, but we should not make our programmes too rigid, because if we do we shall sacrifice efficiency for speed.

Sir Malcolm Delevingne has given us as one of his reasons for the necessity for an early conclusion that honourable members want to go back home for Christmas. I know that Christmas is a very important festival among Christians, but I myself, in order to see the work speedily done by this Conference and in order not to delay its work, have not asked even once that a holiday be given to me when there was a great Confucian festival. I think, therefore, it is only right that we should continue our work and not let any holidays interfere with it. First, let us have efficiency and not sacrifice it for speed, and, secondly, let us put duty above pleasure.

**The President :**

*Translation :* I call upon the Hon. Stephen G. Porter, delegate of the United States of America, to address the Conference.

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

Mr. President, I am sorry that I cannot share the optimism of the distinguished delegate of the British Empire as to the ability



of this Conference to complete its work in the time fixed in the proposed resolution.

It is true that we are all anxious to spend the Christmas holidays with our families. In fact, this will be the first time in my life when I shall be denied that most heartening of all pleasures. But we are here engaged in a work of world-wide importance, a work that means much for millions of human beings who, by reason of their helplessness, are really charges upon world society. It will be sad indeed if this Conference, in its desire to adjourn, should neglect to perform this duty in the highest possible way.

I realise the necessity for a programme : I have no objection to one ; but I hope that this Conference will not tie its hands by passing this resolution so that we must adjourn at a fixed date. I therefore propose an amendment. I suggest that, after the words "December" in line 2, the resolution should be amended by inserting the words "provided it has completed its work". It seems to us that that is a reasonable proposition.

None of the Sub-Committees has reported to the Conference. I know that you will all agree with me that this is a most complicated subject with endless ramifications which can be ironed out in the Sub-Committees if we but have the time to do so. But I think that it would be a very serious mistake for this Conference, which, I may say, has the eyes of the world upon it, to fix a time for adjournment which would, in all probability, put us in the position of doing ineffective work.

I also agree with the distinguished delegate of China regarding his construction of paragraph 1, which is to the effect that it is mandatory upon the Sub-Committees. I do not think that we should adopt this proposal, because it will hurry them and may result in reports that would not be as satisfactory as if we gave the Sub-Committees the amount of time necessary properly to decide upon them.

May I repeat that we are here from all over the world and that we are all earnestly trying to solve this grave international problem. I know your anxiety to return for Christmas. I have no objection whatever to that. In fact, I am inclined to suggest that we adjourn for a week or ten days during the Christmas holidays if that meets with the approval of the delegates. I am agreeable to anything as far as the holidays are concerned ; but I do hope that this Conference will not tie its hands so that it must complete its work by a fixed time, whether it is able to do so properly or not.

**The President :**

*Translation* : I call upon Dr. Chodzko, delegate of Poland, to address the Conference.

**Dr. Chodzko (Poland) :**

*Translation* : We have hitherto followed the advice given us by Sir Malcolm Delevingne as Rapporteur of the Business Committee. In my first speech, however, I pointed out that the method of work proposed by Sir Malcolm Delevingne necessarily involved delay. The responsibility for this does not, I think, rest entirely with the Business Committee, as the Conference agreed to the method suggested.

It is quite true that the Sub-Committees

have not yet submitted any reports, but I would remind the Conference that three out of the four weeks during which it has been sitting have been devoted to preparatory work, and that the Sub-Committees only began their work a week ago. It is unthinkable that an international conference so important as ours should devote three weeks to questions of detail and only one week to the real matter in hand.

I beg to inform you, as Chairman of Sub-Committee B, that it appears to us to be impossible to finish our work by the date proposed by Sir Malcolm Delevingne.

I quite agree with the remarks of the Chinese and United States delegates, and I suggest that a vote be taken on Sir Malcolm Delevingne's proposal. I repeat that, so far as Sub-Committee B is concerned, it will be impossible to conclude the work by the date suggested.

The Sub-Committees of the Conference are not ordinary Sub-Committees. Speakers cannot be limited as to time. Such being the case, I do not think that it is possible to adopt Sir Malcolm Delevingne's proposal as it stands. It might perhaps be accepted subject to the amendments proposed by the United States and Chinese delegates.

I think that we ought not to accept any task which is beyond our powers, and I feel that if we were to approve this proposal, we should be adopting a very cumbrous machinery. A few minutes ago the Conference decided to do away with the two Committees which it had set up : it is now proposed to create two new ones : the Co-ordination Committee and the Drafting Committee. I think that we could quite well do without the first of these and simply have the Drafting Committee. The latter should, in my opinion, include all the Chairmen of the Sub-Committees and would thus serve the purpose of a Committee of Co-ordination. This would simplify the procedure. If you approve of my proposals, I hope that you will support them.

**The President :**

*Translation* : I call upon M. Sugimura, delegate of Japan, to address the Conference.

**M. Sugimura (Japan) :**

*Translation* : Mr. President, Sir Malcolm Delevingne has said that we must hasten our work. I quite agree with him. Sir Malcolm wishes to work on a time-table : that is an excellent method. As to the question of co-ordination, I think that that point is equally important. I am therefore quite in agreement with Sir Malcolm Delevingne in principle, but I have a few objections to urge as to the methods which he suggests for putting these various proposals into effect.

The lines upon which Sub-Committee A is to work are not yet fixed ; I do not know if the same applies to Sub-Committee B and the other Sub-Committees. The question before us is difficult and complex : we are engaged in drawing up an agreement which would be in force for ten years or even longer : ours is a great responsibility, and I do not see how we can say that our work will be concluded by any given date. It is impossible to judge beforehand how long it will take.

Apart from the current questions before us, we have to deal with those raised by the Chinese

delegation, and certain of the American delegation's suggestions have not yet been assigned to the Sub-Committees. Moreover, our deliberations must be such that when the time comes to sign the Protocol and the Agreement, we must not have too many reservations or declarations. I think it is most important that there should be as many signatures as possible without reservations, and there is the danger that if our discussions are hasty or incomplete, we may not achieve this result.

Precedents already exist for Conferences adjourning before Christmas and meeting again after the New Year. Why should we not do the same? It is quite easy for Sir Malcolm Delevingne to cross the Channel and return a few days later. He is not in the same position as our first delegate, who cannot get home in ten days. We must have a rest, and although I admire the courage of the Chinese delegate, I do not share it. We are all tired.

As I said before, I quite agree in principle with Sir Malcolm Delevingne, but I think that it is premature to discuss details and decide everything now.

**The President :**

*Translation :* I call upon M. Bourgois, delegate of France, to address the Conference.

**M. Bourgois (France) :**

*Translation :* I quite agree with the views expressed by the delegates of the United States, Poland and Japan.

I think that the time spent in preparation is out of all proportion to the time suggested for completing the work. We do not know, moreover, the exact extent of the work. I do not wish to bring up the question of competence again, but I should like to give just one example: namely, the very complicated question of China. Sir Malcolm Delevingne knows all about the Chinese proposals and the discussions of the Diplomatic Corps at Peking (the documents consist of more than 150 pages).

I support what M. Sugimura says about Sub-Committee A, which does not yet know upon what lines it is to work. As regards the Sub-Committee of which I have the honour to be Chairman, we have not yet touched the question of free ports, nor have the countries directly interested in this question of free ports and free zones ever been heard either in the Preparatory Committee or in the Advisory Committee.

I therefore agree with M. Sugimura that we must be very careful in making estimates and forecasts which are somewhat dangerous.

**The President :**

*Translation :* I call upon M. de Aguero y Bethancourt, delegate of Cuba, to address the Conference.

**M. de Aguero y Bethancourt (Cuba) :**

*Translation :* We have to deal with several proposals: Sir Malcolm Delevingne's proposal, M. Sze's amendment and the proposals made by Dr. Chodzko and Mr. Porter. If we go on in this way, we may wander from the point and waste time. So far as I can see, the proposals submitted by Mr. Porter, Dr. Chodzko and M. Sze and supported by M. Sugimura and M. Bourgois are practically identical, and these delegates could easily come to an

agreement. I feel sure, too, that Sir Malcolm Delevingne will make concessions. I suggest therefore that, to avoid unnecessary discussion, the meeting should adjourn for ten minutes or so and that these gentlemen should form a small Sub-Committee. A joint proposal might then be submitted, upon which we could take a decision. (*Applause.*)

**Sir Malcolm Delevingne (British Empire) :**

I have no objection to the adoption of the suggestion of our Vice-President if that is likely to produce an agreed result. I am a little doubtful whether it will, but I am quite willing to try.

**The President :**

*Translation :* I wish to thank the Cuban delegate for his proposal. He is quite right. Our discussion might wander from the point. In my opinion, however, we have to deal only with two proposals: those submitted by the Chinese and the United States delegates respectively. We can adjourn our discussion for ten minutes and a Sub-Committee can discuss the matter if you wish.

I am sure that Sir Malcolm Delevingne had no desire to propose anything impossible. It never occurred to him that the Conference should be adjourned before it had completed its work. Subject to your approval, I suggest therefore that M. de Aguero's proposal be adopted and the meeting adjourned for ten minutes. Sir Malcolm Delevingne, Mr. Porter and M. Sze might discuss the matter and submit a proposal.

We might even ask these gentlemen to meet without the meeting being adjourned. We still have to deal with the remaining items on our agenda. Item 3 concerns the United States proposals, and I should like to ask the United States delegation if it is agreeable that this proposal should be dealt with while the Sub-Committee is meeting. Another member of the delegation might take Mr. Porter's place for the time being.

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

I have no objection to the appointment of this Sub-Committee, and certainly no objection to the Conference continuing its work during my absence. May I suggest, however, that, in view of the fact that the delegates for Poland, Japan, France and Cuba have spoken on this subject, the Sub-Committee be enlarged so as to have the benefit of their judgment in its deliberations.

**M. Sugimura (Japan) :**

*Translation :* We are entirely in favour of Sir Malcolm Delevingne's proposal in principle, and would therefore accept it if he would agree to the two amendments submitted. This would satisfy everybody.

**Dr. Chodzko (Poland) :**

*Translation :* Neither the President nor Sir Malcolm Delevingne has raised any objection to the two amendments proposed, so that I think the matter might be put differently. Sir Malcolm Delevingne thought that we would finish our work before Christmas. We are agreed now that that is impossible. The Conference will therefore have to meet again after the New Year. I propose, therefore, that we say quite frankly

that, as we cannot finish our work before Christmas, we shall adjourn on December 18th, so that we can all go home and meet again about January 3rd or 4th, 1925. This would settle the point definitely.

**The President :**

*Translation :* I do not think we can decide to-day whether the Conference will be able to finish its work before Christmas.

I must also point out that no credits were voted for the Conference for 1925 under the League Budget. Credits were voted for printing and documents but not for meetings.

**M. de Palacios (Spain) :**

*Translation :* I did not propose to take part in this discussion, but I have changed my mind in view of the President's remarks. The Spanish delegation is of opinion that the Conference should conclude its work as speedily as possible and that we should therefore urge the Sub-Committees to hasten their work. In another week, we can judge how much has been done, and each delegation can express its wishes and inform the President whether or not it thinks the work of the Conference should be suspended.

My personal opinion is that we should go on sitting if necessary until the end of December, in order to finish our work this year; if the majority of the Conference, however, is in favour of adjourning, we might address a request to the Council of the League for the necessary funds to allow of our meeting again in 1925.

**The President :**

*Translation :* I cannot say at the moment if the Council is competent to settle the question, but I am prepared to accept the Spanish delegate's statement. If the Council were unable to settle the question, we could doubtless come to some agreement. The Secretariat might, if necessary, communicate with the Council.

I understand that the Spanish delegate is unable to accept Sir Malcolm Delevingne's proposal with the American and Chinese amendments.

**M. de Palacios (Spain) :**

*Translation :* Yes, that is so.

**The President :**

*Translation :* I propose therefore, that Sir Malcolm Delevingne, M. Sze, Mr. Porter, M. Sugimura, M. Bourgois, Dr. Chodzko and the First Cuban delegate should meet for a quarter of an hour in order to draft a formula to cover the first proposals submitted by the British delegation.

As the Conference has no objection, I declare the proposal to set up this small Sub-Committee adopted. It is now 12.18 p.m., and we shall hope to see them back in a quarter of an hour. In the meantime, we will resume the discussion of our agenda.

**44. ENACTMENT OF EFFECTIVE LAWS OR REGULATIONS PROHIBITING THE MANUFACTURE AND DISTRIBUTION OF HEROIN: PROPOSAL OF THE DELEGATION OF THE UNITED STATES OF AMERICA: REFERENCE OF THE PROPOSAL TO SUB-COMMITTEE F.**

**The President :**

*Translation :* The third point on our agenda is the American delegation's proposal concerning Article 9-A of its suggestions. We decided not to refer this question to a Sub-Committee before discussing it at a plenary meeting. The discussion is now open.

I call upon Surgeon-General Blue, delegate of the United States of America, to address the Conference.

**Surgeon-General Blue (United States of America) :**

Mr. President, ladies and gentlemen, some days ago the Conference, by a unanimous vote, with the exception of a reservation noted by the Netherlands' delegation, referred Article 9-A of the suggestions of the United States, providing for the suppression of the manufacture and distribution of heroin, to the First Committee for consideration, and I desire briefly to draw attention to the reasons which impelled the Government of the United States to make this suggestion.

Although for several years the importation into the United States of heroin and other narcotic drugs had been prohibited by law, it was not until last June that Congress enacted legislation providing that no crude opium might be imported into the United States for the manufacture of heroin. Since no crude opium is produced in the United States, the Act effectively prohibits, so far as the United States is concerned, the manufacture and distribution of heroin.

Referring for the moment to Article 9-A of the suggestions of the United States, you will see that there is a footnote reading "See Hearings of the Congress of the United States accompanying this document". By way of explanation, I may say that when a Bill is introduced in either branch of Congress the usual practice is to refer the Bill to the appropriate Committee for consideration. This Committee holds hearings which for the most part are open to the public and at which any persons interested may appear and present arguments either in favour of or against the proposed legislation.

The hearings to which I have referred are those before the Committee on Ways and Means of the House of Representatives to which the Bill prohibiting the manufacture of heroin had been referred. Upon conclusion of the hearings, that Committee reported unanimously in favour of the proposed legislation, and, by the Act of Congress approved June 7th, 1924, (the vote in both Houses of Congress being unanimous), the manufacture of heroin was prohibited in the United States.

Need I assure you that the Congress, in suppressing the manufacture of heroin in the United States, did not act hastily but only after mature deliberation and in response to the will of the American people? As early as 1916, the United States Public Health Service, considering that the administration of heroin was dangerous and that the need for a respiratory sedative in medicine might be met by the use of other less dangerous drugs, prohibited the use of heroin in the United States Marine Hospitals and Dispensaries under its control.

Other medical services of the Government of the United States were not long in following the example set by the Public Health Service,

so that prior to the passage of the Act of June 7th last, the Army, Navy and the Veterans' Bureau had prohibited the use of heroin on the ground that it was a dangerous drug and could be replaced by one of the other alkaloids of opium with the same therapeutic results and with less danger of creating habituation.

The medical services of the United States, however, were not alone in their condemnation of the drug. In 1920 the House of Delegates of the American Medical Association, with a membership totalling 90,000, representing 80 per cent of the medical profession in the United States, unanimously adopted the following resolution :

"That heroin be eliminated from all medicinal preparations, and that it should not be administered, prescribed, nor dispensed, and that the importation, manufacture, and sale of heroin should be prohibited in the United States".

The action of the American Medical Association was not hastily taken but was a result of calm deliberation by a body of scientific men who, in the light of their judgment and experience, condemned the use of heroin on the ground that the end did not justify the means.

It is, of course, impossible in this brief statement to dwell at length upon the medical and scientific aspects of this question, but I shall endeavour briefly to summarise the reasons impelling the medical profession of the United States to condemn the use of this pernicious drug. For many years, the medical profession had been endeavouring to find a substitute for morphia, and in 1898 a German chemist subjected morphia to the action of acetic acid and produced heroin — or, as the drug is scientifically known, diacetyl-morphine hydrochloride. It is a most significant fact that, at the time when the drug was being widely heralded as the long-sought-for substitute for morphia, German pharmacologists warned physicians, from the beginning, against the use of heroin and pronounced it to be not indispensable.

If we can accept the opinion of medical authorities of the highest character, heroin possesses the double action of cocaine and morphia; it produces the excitation of cocaine together with the sedative effects of morphia. Heroin cuts off the sense of moral responsibility much quicker than morphine does, and for that reason heroin addicts will the more quickly commit crime with no sense of regret or responsibility. While heroin obliterates responsibility as does also cocaine, the muscular reaction is quicker than in the case of the latter drug. From a physiological standpoint, the effect of the drug is to benumb the inhibitor and to make of moral cowards, brutal brainless men without fear and without conscience. As an eminent physician has stated: "It inflates the personality and exaggerates the ego".

At the hearing on the Bill to prohibit the manufacture of heroin, the chief physician of one of the largest prisons in the United States testified that 96 per cent of the men admitted to the prison who were drug addicts were heroin addicts and that the average age of the heroin addict was younger than that of other prisoners. He further stated that, in the light of years of observation and experience,

he was of the opinion that a very great percentage of men convicted of crime were drug addicts who, had they not been influenced by the drug habit, would not have become criminals. The magistrate of the largest city in the United States has gone on record as stating that 98 per cent of drug addicts are using heroin and that an addict using morphine or cocaine is so rare as to attract attention.

The small dose and bulk of heroin facilitates smuggling and secret addiction. Because of its potency and solubility, the drug may be snuffed, with the result that the habit may be readily acquired and easily concealed.

On account of its poisonous qualities, which act upon respiration, heroin has been declared to be the most toxic of all drugs of addiction. When you consider that, in the opinion of the medical profession, the use of heroin may be discontinued without interfering with the treatment of disease, since it performs no function which cannot be supplied by other alkaloids of opium, you can readily understand why, in the light of the abuses of which the drug is susceptible, the Congress of the United States has prohibited its manufacture and distribution.

The suppression, however, of the manufacture of heroin in the United States is of little value unless the other manufacturing nations are prepared to take similar action, because the heroin abusively used in the United States is for the most part manufactured abroad and enters the country through illicit channels.

While we have every desire to protect, so far as may be possible, the people of the United States from the baneful influences of heroin, it is not for this reason alone that we are appealing to the other manufacturing countries represented here to suppress the manufacture and distribution of this most pernicious of all drugs. Drug addiction knows no barrier or limitation. The problem of the United States to-day will be your problem to-morrow, and we therefore appeal to you to join us in a common cause against a common enemy.

**M. Beland (Canada) :**

*Translation :* I heartily support the proposals submitted to the Conference by the United States delegation. Heroin is not considered indispensable by the medical profession. Several well-known hospitals in Canada have given up using it entirely. Its place can be taken by codein or morphine if a sedative drug is wanted. The abuse of heroin leads to results which are far worse than those caused by other drugs.

We have several enemies with which to contend. If we can get rid of one to start with, we may hope to dispose of the others more easily.

**M. de Myttenaere (Belgium) :**

*Translation :* I think the Conference will have realised from the first Canadian delegate's remarks that the question before us is a medical one. To save time, I propose that the question of heroin be referred to Sub-Committee F.

**M. de Aguero y Bethancourt (Cuba) :**

*Translation :* I beg to support the Belgian delegate's proposal.

**M. de Palacios** (Spain) :

*Translation* : I also support the Belgian proposal.

**M. von Eckardt** (Germany) :

*Translation* : I am in entire agreement with the Belgian proposal.

**M. Falcioni** (Italy) :

*Translation* : I also support the Belgian proposal.

**The President** :

*Translation* : As there is no one else on my list to speak, I declare the discussion closed.

We have before us a proposal of the Belgian delegation, supported by M. de Agüero y Bethancourt, M. de Palacios, M. von Eckardt and M. Falcioni, that the question of heroin be referred to Sub-Committee F.

Do any members of the Conference still wish to speak on this question, or may we regard the Belgian proposal as adopted ?

**Surgeon-General Blue** (United States of America) :

On behalf of the delegation of the United States, I want to say we very gladly accept the suggestion of the honourable delegate for Belgium.

**The President** :

*Translation* : As there is no objection, the Conference accepts the proposal that this question be referred to Sub-Committee F.

*Adopted.*

**45. CONTROL OF PERSONS MANUFACTURING, IMPORTING, SELLING, DISTRIBUTING OR EXPORTING MORPHINE, COCAINE OR THEIR RESPECTIVE SALTS OR DERIVATIVES, AS WELL AS THE BUILDINGS IN WHICH THESE PERSONS CARRY ON SUCH INDUSTRY OR TRADE : PENALTIES FOR THE ILLEGAL POSSESSION OF THESE DRUGS : ARTICLES 10, 11, 20 AND 20-F OF THE SUGGESTIONS OF THE UNITED STATES OF AMERICA.**

**The President** :

*Translation* : The fourth item on our agenda concerns Articles 10, 11, 20 and 20-F of the United States' proposal.

The articles in question were referred for discussion to the Second Committee, which did not send them on to the competent Sub-Committees as the opinion had been expressed in the Business Committee that it would be advisable for a Committee to discuss them before sending them to the Sub-Committees.

I suggest, therefore, that a general discussion be opened or that a proposal be submitted that these articles be referred to one of the Sub-Committees.

**M. Dinichert** (Switzerland) :

*Translation* : I venture, as ex-Rapporteur of the Business Committee, to make a suggestion. It seems to me that we should gain time if we did not discuss these articles now in the plenary Conference but reserved that discussion until a proposal has been submitted by the Sub-Committee competent to deal with them.

If my suggestion meets with the approval of members of the Conference, our President might perhaps ask the Chairman of Sub-Committee E if that Sub-Committee could undertake to examine the articles in question or refer them to the special Drafting Committee appointed by Sub-Committee E.

**The President** :

*Translation* : The Chairman of Sub-Committee E has heard M. Dinichert's proposal and I now ask him if his Sub-Committee can deal with Articles 10, 11, 20 and 20-F, which cover the whole of the American proposal ?

**M. Bourgois** (France) :

*Translation* : Articles 10 and 11 are obviously within the competence of Sub-Committee E. We could also undertake to deal with Articles 20 and 20-F.

**The President** :

*Translation* : The first Swiss delegate's proposal to refer the discussion of the articles covered by the American proposal to Sub-Committee E is agreed to by the Chairman of that Sub-Committee.

**M. van Wettum** (Netherlands) :

*Translation* : I beg to point out that the Netherlands delegation has no instructions regarding the derivatives referred to in Articles 10 and 11.

**The President** :

*Translation* : The remark of the Netherlands delegate will be mentioned in the record of the present meeting.

**Mr. Edwin Neville** (United States of America) :

Article 10 of the American proposals is only a little widening of paragraph 6 of the second part of the Advisory Committee's draft. I suggest that Articles 10 and 11 might be sent to Sub-Committee A if the Chairman of Sub-Committee E thinks that he is not in a position to take charge of them.

**The President** :

*Translation* : Does the United States delegate wish these articles to be referred to Sub-Committee A now or after discussion by Sub-Committee E ?

**Mr. Edwin Neville** (United States of America) :

I understood the Chairman of Sub-Committee E to say that that Sub-Committee could only take charge of Articles 20 and 20-F. If I misunderstood him, of course I withdraw my proposal.

**M. Bourgois** (France) :

*Translation* : On the contrary, I said that we were entitled to discuss Articles 10 and 11, which come within the competence of Sub-Committee E.

**M. Dinichert** (Switzerland) :

*Translation* : I wish to supplement the proposal which I have just made. The Netherlands delegation has, at the right moment, directed our attention, as regards articles 10 and 11, to the fact that, apart from the new and stricter wording of the corresponding provisions of the Hague Convention, the United

States suggestions involve an extension of these two articles, in that the provisions of the Hague Convention and all subsequent provisions would apply not only to the products and salts mentioned in the Hague Convention but also to derivatives of such. The question of the stricter application of the Hague Convention involved in these articles might be referred to Sub-Committee E and the question of their extension to Sub-Committee F. I see no point, however, in referring Articles 10 and 11 to Sub-Committee A, as was suggested, I think, by the United States delegation.

**M. Perrot (France) :**

*Translation :* In Articles 10 and 11, there are two distinct points to be considered : the question of control in general and the question of definition involved by control. In the first article the word "derivatives" should be more clearly defined and emphasised. We ask that this special point should be submitted to Sub-Committee F in order that, whenever this word occurs, we may know exactly what is meant by it. I think this was what the Netherlands and Swiss delegates had in mind.

**The President :**

*Translation :* We have before us a proposal that these articles — or at least part of them — be referred to Sub-Committee E and that the definition of the word "derivatives" which occurs in certain of these articles be referred to Sub-Committee F. The Chairman of Sub-Committee F is not here to-day ; but I feel sure the Swiss delegate will be good enough to explain to him our reasons for referring these articles to the Sub-Committee in question.

**M. von Eckardt (Germany) :**

*Translation :* M. Anselmino, the Vice-Chairman of Sub-Committee F, is here. He could give an opinion.

**The President :**

*Translation :* I did not know that the Vice-Chairman was present. I call upon him now to speak.

**M. Anselmino (Germany) :**

*Translation :* As Vice-Chairman of Sub-Committee F, and as substitute for Dr. Carrière, I beg to inform you that Article 14, which is connected with Articles 9, 10, 12 and 13, was dealt with by Sub-Committee F. The latter can therefore discuss the American suggestions.

**The President :**

*Translation :* If no one has any objection, it is agreed, then, that these proposals be referred to Sub-Committees E and F.

(Agreed).

**46. PROPOSALS OF THE NORWEGIAN GOVERNMENT REGARDING : (a) THE SUBMISSION OF QUARTERLY STATISTICS ; (b) THE APPLICATION OF CHAPTER III OF THE HAGUE CONVENTION TO ECGONINE ; (c) THE PROPOSED DELETION OF THE LAST SENTENCE OF ARTICLE 10 OF THE HAGUE CONVENTION.**

**The President :**

*Translation :* The following observations have been received from the Norwegian Government regarding the measures suggested by the Advisory Committee as a basis for the discussions of the Second Conference (Document A. 32 (a)) :

*"Part I.*

"IV. The Norwegian Government cannot accede to the provision in accordance with which Governments would have to submit quarterly statistics of the amounts of the substances in question imported and exported by them instead of furnishing an annual report, as has hitherto been the practice.

"As pharmacies are specially inspected at regular intervals in Norway and as, moreover, conditions in that country render supervision of the traffic in these drugs an easy matter, the Royal Government is of opinion that the annual statistics are amply sufficient for the requirements of control. There is accordingly every reason to believe that any serious abuse would speedily be discovered. The Government therefore considers that, as regards Norway, quarterly reports — which would, moreover, entail a considerable amount of work — cannot be regarded as necessary.

*"Part II.*

"V. The Norwegian Government has no objection to the inclusion of ecgonine.

"VI (*conclusion*). The Norwegian Government cannot accede to the proposal for the deletion of the last sentence in Article 10 of the Hague Convention, if that is to be taken to mean that chemists would have to enter in their books, together with the name of the purchaser, each consignment of opium, etc., or of drugs containing the foregoing substances, and to notify the authorities of the facts. Such a provision would be too drastic and is not essential for the purposes of control. It would, moreover, appear to be impracticable.

"While dealing with this subject, we desire to state that pharmacies in Norway are regularly inspected by the authorities and that the licence system at present governing the opening of pharmacies in that country is, from the standpoint of control, equivalent to a State monopoly."

I think that Part II comes within the competence of Sub-Committee E, but as I do not feel qualified to express an opinion, I will call upon M. Bourgois, the Chairman of the Sub-Committee, to state his views.

**M. Bourgois (France) :**

*Translation :* Sub-Committee F has already taken a decision concerning ecgonine. This question is within the competence of Sub-Committee E, as also is paragraph VI.

**M. Dinichert (Switzerland) :**

*Translation :* There seems to be some mistake. I think that the Norwegian proposal before us is the one concerning the books to be kept by chemists. It seems to me that this question should be dealt with first by Sub-Committee E or its Drafting Committee. I think I heard



some mention of referring it to Sub-Committee F.

**The President :**

*Translation :* There has been some misunderstanding. The first part of the Norwegian proposal has already been referred to one of the Sub-Committees, and it is with the second part that we are dealing now.

**M. Dinichert (Switzerland) :**

*Translation :* The first part of the Norwegian proposal was referred some time ago to the First Committee, which has probably passed it on to one of its Sub-Committees. The second part, however, with which we are dealing now, and which was previously referred to the Second Committee, seems to me to come within the competence of Sub-Committee E and not of Sub-Committee F.

**The President :**

*Translation :* Part II, "the Government has no objection to the inclusion of ecgonine", has not yet been referred to any Sub-Committee. I think it should be dealt with by Sub-Committee F.

**M. Dinichert (Switzerland) :**

*Translation :* That is quite correct. We did not discuss that point, as we did not regard it as a proposal but simply as information, which there was no need to refer to any Sub-Committee. We might, however, do so now if it is considered desirable.

**The President :**

*Translation :* Are you speaking of the end of paragraph VI ?

**M. Dinichert (Switzerland) :**

*Translation :* Yes. This paragraph should be referred to Sub-Committee E. Its Chairman approves of this proposal.

**The President :**

*Translation :* What do you suggest should be done with the last part : "While dealing with this subject, we desire to state that pharmacies in Norway....." ?

**M. Dinichert (Switzerland) :**

*Translation :* That part is included in paragraph VI.

**The President :**

*Translation :* We are agreed, then, that this proposal should be referred to Sub-Committee E.

If the Conference has no objection, I declare this proposal adopted.

(Agreed).

**47. CO-ORDINATION OF THE WORK OF SUB-COMMITTEES A, B, C AND D AND APPOINTMENT OF A DRAFTING COMMITTEE : PROPOSALS OF THE BRITISH DELEGATION : REPORT OF THE SUB-COMMITTEE.**

**The President :**

*Translation :* I have just heard the result of the Sub-Committee's discussion. The suggestion is that the Conference should accept the proposals mentioned in paragraphs 2 and 3 concerning the appointment of a Committee of Co-ordination and a Drafting Committee, and that no dates should be mentioned. The first part of Sir Malcolm Delevingne's proposal is withdrawn for the time being. The discussion will be resumed later, probably on Thursday.

The Sub-Committee has also asked me to request the Chairmen of the various Sub-Committees to expedite their work as far as possible. I hereby do so.

In reply to the Polish delegate's remarks concerning the formalities of this Conference, I may say that the organisation of the work of an International Conference has never been so difficult. I do not know the reason for this, but I must defend the Chair against the Polish delegate's reproach. Moreover, the purpose of these formalities was to facilitate our work and to enable the Conference to conclude its work more speedily.

**Dr Chodzko (Poland) :**

*Translation :* I had no idea of criticising our President, who has the esteem and confidence of the whole Conference. I simply wished to emphasise the fact that, as our preparatory work had taken three weeks, we must leave plenty of time for the real work of the Conference.

**The President :**

*Translation :* Three weeks is rather an exaggeration. But I do not wish to prolong the discussion.

As no one has any objection to offer, I declare Sir Malcolm Delevingne's proposal, as amended by the Sub-Committee, adopted. The amended text read as follows :

"1. That a joint meeting of representatives of Sub-Committees A, B, C and D be held for the purpose of co-ordinating the conclusions of these Sub-Committees and presenting a joint report to the plenary Conference.

"Sub-Committees A, B and D shall each nominate two members in addition to the Chairman and Committee C one member in addition to the Chairman, to represent them at the meeting.

"2. That a Drafting Committee be appointed forthwith, consisting of the President of the Conference and five persons to be nominated by the President, and that this Committee commence its work as soon as the report of any of the Sub-Committees has been approved by the Conference."

*The proposal was adopted.*

I wish to thank the Conference for this mark of confidence. I cannot appoint the members of the Drafting Committee now, but I intend to make a statement later.

*The Conference rose at 1.15 p.m.*

## FOURTEENTH MEETING

Held at Geneva on Friday, December 12th, 1924, at 3.30 p.m.

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President : M. Herluf ZAHLE.

#### 48. PETITION FROM THE WHITE CROSS INTERNATIONAL ANTI-NARCOTIC SOCIETY.

##### The President :

*Translation* : Ladies and gentlemen, before we begin the discussion of the items on our agenda, Mrs. Hamilton Wright has asked me to allow her to read a petition signed by a large number of American citizens.

I call upon Mrs. Hamilton Wright to speak.

**Mrs. Hamilton Wright** (United States of America) :

Mr. President and honourable delegates of the Conference, I have been asked to present this petition from the White Cross of America, which Mrs. Sturges was to have presented, together with this letter which she has written. In the letter she says :

"On November 20th, when I presented to the Conference the petition from the White Cross of America, I asked permission to add the thousands of names that were on their way here. At that time I had no idea that instead of thousands of these names there would be millions. I am now prepared to inform the Conference that enough millions of Americans have signed this petition to represent over one-half of the population of the United States. As only persons over 21 years of age could sign the petition, these numbers are significant. They mean that nearly all the adult population of the United States is solidly behind Mr. Porter and the American

delegation, and these millions are following closely what is being done here at Geneva, through the Press despatches which reach our country day by day.

"Our country is united in its desire to see the production of opium and dangerous drugs reduced to the actual medical requirements of the world, with no surplus left over for abuse.

"Some idea of the kinds of people and organisations that are asking for this reduction may be gained from my mentioning just a few of the largest bodies that have signed the petition : the American Federation of Labour, representing twenty millions ; Chambers of Commerce in the various States ; the American Legion ; the Salvation Army ; the Federation of Women's Clubs (five millions) ; the Knights of Columbus, and other Catholic organisations, etc., which means that there is a vast public sentiment in America which is urging this Conference to take positive and decisive steps to put down the opium traffic."

The petition from the White Cross of America reads as follows :

"Petition from the White Cross International Anti-Narcotic Society, Seattle, Washington, U.S.A., to the International Opium Conference.

"The undersigned, viewing in the growing addiction to narcotic drugs a deadly menace to individuals and to nations, an insidious rapidly-spreading poisoning of the human race, which can be overcome only by the co-operation among all nations, respectfully petition the International Opium Conference assembling in November 1924 to adopt measures adequate for total extirpation of the plants from which they originate, except as found necessary for medicine and science in the judgment of the best medical opinion of the world,"

and then there follow the names.

##### The President :

*Translation* : This letter and petition will be included in the record of the meeting. The signatures will be deposited with the Secretariat and may be inspected by the members of the Conference.

#### 49. COMPOSITION OF THE DRAFTING COMMITTEE.

##### The President :

*Translation* : The first item on our agenda concerns the nomination of the members of the Drafting Committee. At its last meeting the Conference passed a resolution authorising me as President to appoint these members without delay.

I have to inform you that I have appointed the following :

M. Arturo PINTO-ESCALIER (Bolivia).  
Sir Malcolm DELEVINGNE (British Empire).  
M. BOURGOIS (France).  
M. SUGIMURA (Japan).  
Mr. PORTER (United States of America).

All these delegates have agreed to serve on the Committee.

**50. COMPOSITION OF THE INDIAN DELEGATION : DEPARTURE OF Mr. J. CAMPBELL AND APPOINTMENT OF Mr. J. C. WALTON.**

**The President :**

*Translation :* I have just received the following letter from the India Office :

"Your Excellency is aware that Mr. J. Campbell, C.S.I., O.B.E., who was appointed one of the delegates of India at the International Conference on Drugs, now in session, is obliged to return to Greece in connection with his duties as British member of the Greek Refugee Settlement Commission.

"I have the honour to inform you, on behalf of the Secretary of State for India, that Mr. J. C. WALTON has been appointed as a representative of the Government of India in addition to Mr. H. CLAYTON, C.I.E., for the remainder of the session of the Conference."

*The letter from the India Office was noted.*

**51. COMPOSITION OF THE TURKISH DELEGATION AND ITS REPRESENTATION ON SUB-COMMITTEE F.**

**The President :**

*Translation :* I have just received the following letter from the Turkish delegation :

*(Translation)* "I have the honour to inform you that M. Nuriddin BEY, Professor of Agricultural Chemistry at the Agricultural College, Constantinople, joined the Turkish delegation yesterday as a member and technical expert in chemistry."

"I propose that he should join Sub-Committee F."

I read the last part of this letter to your Business Committee this afternoon. That Committee decided to propose to the Conference that the new Turkish delegate be appointed to Sub-Committee F. I hope that you have no objection to this proposal.

*The proposal was adopted.*

**52. IMPOSITION OF PENALTIES FOR OFFENCES AGAINST THE PROVISIONS OF THE CONVENTION TO BE CONCLUDED BY THE CONFERENCE : PROPOSAL OF THE EGYPTIAN DELEGATION : REFERENCE TO THE CO-ORDINATION COMMITTEE.**

**The President :**

*Translation :* The Business Committee has

to-day examined the following recommendation proposed by the Egyptian delegation :

"That the Powers signatories of the Convention impose uniform penalties for offences against the provisions of the Convention to be concluded by this Conference, or at least that they should mention in the Convention that the penalty will not be less than that provided for misdemeanours."

The Business Committee proposes that this recommendation be referred to the Co-ordination Committee.

Does anyone wish to speak on this question ?

As no one desires to speak, I declare the proposal adopted.

*Adopted.*

**53. QUESTION OF THE POSSIBLE ADJOURNMENT OF THE CONFERENCE.**

**The President :**

*Translation :* The next item on the agenda refers to the possible adjournment of the Conference. I included this question on the agenda in order that you might have an opportunity of discussing the matter if you wished.

You may perhaps remember that a Sub-Committee was appointed at the last meeting to consider a proposal submitted by the first British delegate ; following the discussions of that Sub-Committee, two resolutions were submitted to the Conference concerning the Co-ordination Committee and the Drafting Committee, the members of which latter Committee I have just nominated.

The Sub-Committee did not come to any agreement as regards the adjournment of the Conference ; it simply stated that the matter would have to be discussed later. I visited the different Sub-Committees and informed them that I had no intention, at all events for the moment, of suggesting an adjournment. If the Conference wishes to discuss the question, now is the time ; otherwise we will proceed with the discussion on the other items of the agenda.

Does anyone wish to speak on this point ?

As no one wishes to speak, the discussion is closed. The question will be dealt with whenever any delegation wishes to raise it.

**54. PREPARED OPIUM : CHAPTER II OF THE SUGGESTIONS OF THE UNITED STATES OF AMERICA : MOTION SUBMITTED BY THE UNITED STATES DELEGATION.**

**The President :**

*Translation :* The following motion has been submitted by the United States delegation and is now open for discussion :

"On behalf of the delegation of the United States of America, I hereby present for the consideration of the Conference Chapter II of the Suggestions of the United States of America, and move that the proposals contained in this Chapter be referred by the Conference to an appropriate Committee for consideration."

I call upon the Hon. Stephen G. Porter to address the Conference.

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

Mr. President and members of the Conference, in submitting my motion a brief word may not be out of place, merely in order to show that we are following a precedent already established in this Conference.

On November 22nd the first report of the Business Committee was adopted. On behalf of the delegation of the United States, I made the following declaration :

"In the opinion of the delegates of the United States, the report of the Business Committee seems to curtail the scope of the Conference. It may not do so, but, on the other hand, it may. We have no desire to delay matters, and therefore I shall put on record a statement in the nature of a reservation.

"It is the opinion of the United States delegation that the report of the Business Committee may unduly curtail the scope of the Conference, and my delegation, having no desire to delay the work, will vote in favour of the adoption of the report, but on the express condition that it will be permitted to present to the Conference, or to the appropriate Committees thereof, for consideration on their merits, the suggestions of the United States, or such portions thereof as it may deem germane to the purpose of the Conference. Our instructions are such that we would find it difficult to proceed further in the Conference without this clear understanding."

At the ninth plenary meeting, held on November 27th, the Rapporteur of the Business Committee, after explaining the reference of the programme of the Advisory Committee to the various Committees of the Conference, made this statement :

"The Business Committee proceeded to consider the draft submitted by the United States delegation. I think that many of us felt some regret at being obliged — if I might so express it — to dissect such an admirably constructed plan.

"As it had been decided that questions coming under Part I of the Advisory Committee's programme should be referred to the First Committee and those under Part II to the Second Committee, it naturally followed that the American draft should be distributed in the same way. After discussion, we decided upon the proposal, which there is no need for me to repeat as it is included in the second report of the Business Committee which is already before you.

"The Business Committee decided to leave on one side for the time being the Preamble of the American draft, interesting though it was, for it felt that any preamble was simply a summary of the contents of an agreement, and it thought that it was better, before dealing with the Preamble, to see what there was in the agreement to which it was an introduction.

"If you read through Article 1, you will note that the subject with which it deals belongs to the group of questions which we propose to hold over. The same applies to Part II, which corresponds to Chapter II of the Hague Convention."

In the second report of the Business Committee (Annex 17), referring to the complete scheme submitted by the United States delegation, the following statements are made :

"The first article is reserved, that is to say, it is not for the moment referred to either of the Committees. The United States delegation, however, has reserved the right to raise the question dealt with in the first article of the draft, either in Committee or at a plenary meeting of the Conference."

"Chapter II, including the definition of prepared opium and Articles 6, 7 and 8, has been reserved under the same conditions as Article 1."

"Article 9-A, dealing with heroin, is also reserved."

At the tenth plenary meeting held on November 28th, the President said :

"The plenary meeting of to-day was fixed by a decision of the First Committee.... the Conference will remember that it decided to leave to its Business Committee the duty of preparing a programme of work. Your Business Committee has applied itself to its task, and, after a very thorough examination, has been able to submit to you a programme of work. Some of the questions which concern this Conference are distributed between the First and Second Committees, while certain parts of other questions are held back by the Business Committee.

"This programme of work was submitted to the Conference by the Rapporteur of the Business Committee, the distinguished delegate for Switzerland, and you accepted the programme and the distribution of work proposed in it.

"We have to deal with two proposals which have been submitted to the Conference by the United States delegation. The first proposal..... presents for consideration by the Conference Article 9-A of the suggestions of the United States of America. The other proposal..... presents for consideration by the Conference Article 1."

The Conference will recall that, in regard to Articles 1 and 9-A, action was taken. Following that practice, I now desire to bring up for consideration the remaining item in the American programme.

On behalf of the delegation of the United States of America, I hereby present for the consideration of the Conference Chapter II of the suggestions of the United States of America, and move that the proposals contained in this Chapter be referred by the Conference to an appropriate Committee for consideration.

If there is no objection, I shall not read the immaterial parts of Chapter II, as they relate only to minor amendments. I will only call attention to the point which, to our mind, is the vital part of the work of this Conference, namely, 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 ten per cent of its present importation each year for a period of ten years beginning with the date of ratification of this Convention by it, and further agrees not to supplement the reduction by domestically produced opium ; and further agrees that at the end of such period of ten 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 twelve months immediately preceding the date the Contracting Party ratifies this Convention."

I therefore move that the foregoing proposals be referred by the Conference to an appropriate Committee for consideration.

**The President :**

*Translation :* I call upon M. van Wettum, delegate of the Netherlands, to address the Conference.

**M. van Wettum (Netherlands) :**

Mr. Chairman and gentlemen, if the proposal of the United States delegation be taken up by the Conference, a situation will arise which, in my opinion, is without precedent in the history of international conferences. I do not desire to enter into an examination of legal or juridical points to show that this question is outside the scope of the Conference, nor do I wish to explain here the enormous difficulties which will confront the Conference if it decides to add to its task a larger and even more intricate programme, the work of the Conference already being so heavy that most of us feel tired after four weeks of strenuous effort.

Under a sense of restraint, I shall keep silent upon these points. I do, however, want the Conference to understand that it would be preposterous for it to declare null and void the results reached by another Conference and recklessly to embark on an endeavour to draft a new Convention concerning a problem of which most of the members here assembled have had no experience. Such a course would, in my opinion, not only show an insufficient sense of responsibility, but would also mean the passing of a verdict on the members of the First Conference and the Governments which they represent. Such a situation is both impossible and intolerable.

If such a regrettable precedent were once established by a Conference held under the auspices of the League, most Governments will in future have grave and well-justified misgivings regarding the desirability of being represented at such international meetings.

Gentlemen, you have been working for four weeks. You know now the difficulties that must be overcome before our goal can be reached. You also will find that the results of your work will not satisfy those who wish to reform the world in one day.

As the President of the First Conference, I can assure the present Conference that the Convention agreed upon after three weeks of strenuous work, and which will be signed tomorrow, is an important step forward. Circumstances explicitly mentioned in the Preamble of that agreement have made it impossible for us to make more progress at this time. But

we hope that those circumstances, over which we have now no control, will disappear and will give us a chance to advance another step. For that reason we have bound ourselves to re-assemble again at the latest in 1929 with the firm intention to continue the struggle with every means at our disposal.

In conclusion, I would say one word to those idealists who are throwing stones at men who are no less honest and sincere, no less desirous than they are to fight against the evil. I would ask them to continue to give us the encouragement of their lofty ideals, of their unceasing call to persevere, but I would also ask them to have some consideration for those who, plodding their way along the difficult uphill path, have to translate ideals into efficient action.

I do not want to say more at present on the subject. In my opinion, this Conference has no right or qualification to go over the ground which has been exhausted by the First Conference. If, unhappily, a decision to the contrary were taken, I should be obliged, acting under the instructions of my Government, formally to protest against such procedure and to abstain from taking part in your discussions on the subject.

**The President :**

*Translation :* I call upon Sir Malcolm Delevingne, delegate of the British Empire, to address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

Mr. President, the proposal before us suggests that seven Governments having territories in the Far East in which the use of opium for smoking is temporarily permitted in pursuance of and in accordance with Chapter II of the Hague Convention shall take certain measures for the purpose of carrying out their obligations under that Chapter. The proposal is brought forward by the delegation of a Government which is not one of those seven Governments, and it is submitted to a Conference which has been summoned for a different purpose, the Governments represented on that Conference having for the most part no connection with the matter. Moreover, the subject in question has been referred to another and a separate Conference, also summoned by the Council of the League, and composed of representatives of the interested countries. The view of the British delegation with regard to the proposal is quite clear. It is that the matter is not within the competence of this Conference and is not the concern of this Conference. The British delegation can take no part in the discussion of the question.

The consideration of competence is the dominating consideration in regard to this proposal, and, in our view, the subject could only be added to the agenda of the Conference by a unanimous decision of all the delegations assembled here.

There is another consideration which I think should carry great weight with the Conference in dealing with this proposal. The First Conference has, with considerable difficulty, arrived at an agreement. I do not wish to pretend that that agreement is all, or nearly all, that we could have desired. It is a matter for great regret to the British delegation, and I have no doubt to other delegations also, that we have been unable to go further, and, in particular, that

no proposals for direct limitation have been found to be possible, under the conditions at present existing in the Far East.

The reasons why they have not been found to be possible were explained and discussed at the First Conference, and it would be out of place for me to go into them in detail here. I cannot, however, for a moment admit that the work of the First Conference, and the agreement which it has reached, deserves the attack which I am sorry to see Bishop Brent has distributed to the members of this Conference. It would be a great mistake if (as he suggested in his appeal) that agreement were not signed or ratified.

The delegate of the United States of America in his speech has given us no reason for bringing forward the proposal at this Conference. The United States delegation, which was present at Geneva last year, intimated that it was not concerned with the subject of the First Conference, and the United States Government has not given any notice to the interested Governments that it proposed to raise this question at this Conference. I cannot understand why, in these circumstances, such a proposal (which I am afraid will have the effects that the delegate for the Netherlands has suggested) has been brought forward.

I have one thing more to say, and it is this. One of the chief difficulties with which the Governments which have to deal with this matter are confronted is the fact that the question has been surrounded by a cloud of prejudice and misrepresentation. My own Government has been made the subject of continual attacks, based on such prejudice and misrepresentation, which it deeply resents. My Government has nothing to conceal. It has laid before the First Conference the reports of the enquiries conducted in the Colonies for the purpose of the First Conference, in regard to the question of the use of opium for smoking.

My Government, moreover, has no wish to take up an obstructive attitude in this matter, and I am instructed by it to declare that the British Government is perfectly willing that a small and impartial Commission of Enquiry, on which none of the interested Powers would be represented, should be appointed by the Council of the League and should make a thorough examination of this question: such a Commission would visit, for the purpose, the Far Eastern territories in which the use of opium for smoking is still permitted; it would visit the Philippines, in which a measure of prohibition was introduced some years ago; it would visit China, where the existing conditions constitute one of the great difficulties which the Far Eastern Powers have to face in dealing with this subject; and it would make a report to the Council as to what further measures, if any, could be usefully taken in order to bring about the effective and gradual suppression of the use of opium for smoking which is provided for in Chapter II of the Hague Convention.

I make no formal proposal, of course, to this Conference. We do not regard the matter as one for this Conference. The assent of the other States interested would have to be obtained. The British Government wishes me, however, to take this opportunity of making its attitude in this matter clear to the world.

**The President :**

*Translation :* I call upon M. Buero, delegate of Uruguay, to address the Conference.

**M. Buero (Uruguay) :**

*Translation :* Mr. President, ladies and gentlemen, the Uruguayan delegation has once more great pleasure in supporting the proposal submitted by the United States delegation. We cannot be indifferent to the failure of the First Conference, as the questions with which it dealt come within the general scheme of our work.

The Hague Convention of 1912 is a complete whole, and the principles underlying it should, at all events theoretically, guide us as well as the First Conference.

It was decided to invite only the States directly concerned to discuss the measures to be taken by countries in which the use of prepared opium is authorised under Chapter II of the 1912 Convention, and there is a simple and logical explanation for this procedure. The object was to arrive more rapidly at an agreement, by avoiding a long discussion in which the delegates of those countries would take the chief part.

This, in my opinion, in no way justifies the assumption that our Conference was not to have the right to deal with the 1912 Convention as a whole, and with Chapter II in particular. It must not be forgotten that the 1912 Convention was signed by States which were not invited to be present at the First Conference, and it is natural that such States, when taking part in the Second Conference, should wish to discuss questions relating to the application or amendment of that Convention. A distinction as regards terminology was made between the First and Second Conferences, but this must not be regarded as a fundamental distinction, and none of the States represented here which signed the Hague Convention can consent to a division of its provisions.

It was agreed provisionally that the questions referred to in Chapter II of the Hague Convention should be discussed first by a group consisting only of members representing the eight countries directly concerned, but it was understood that the delegates of those countries would submit to the Second Conference an agreement for the application of the decisions or principles contained in Chapter II of the Hague Convention, and that this agreement would be examined, with a view to its adoption, by all the countries concerned — that is to say, by all the members of this Conference.

If satisfactory rules for the application of Chapter II of the Convention had been established by the First Conference, there would have been no need for us to discuss them, or the discussion would, at all events, have been very short.

This explains why it was decided to convene the two Conferences almost at the same time. Unfortunately, matters did not turn out as was hoped, and, despite the preparatory work done by the First Conference, the whole question has to be dealt with by our Conference.

There can be no technical objection to the proposal that the Second Conference should discuss all the questions relating to opium that are included in the 1912 Convention, especially as questions such as that of opium for chewing



and of coca leaves were not dealt with by the First Conference.

Our Conference was convened for two specific purposes — to give effect to the principles submitted by the United States delegation and to give effect to the policy adopted by the League on the recommendation of the Advisory Committee.

We know what these principles are. They are to be found on page 202 of Document C. 418. M. 184.

“1. If the purpose of the Hague Opium Convention is to be achieved according to its spirit and true intent, it must be recognised that the use of opium products for other than medicinal and scientific purposes is an abuse and not legitimate.

“2. In order to prevent the abuse of these drugs, it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for non-medicinal and non-scientific purposes.”

If I have alluded to these principles, it is not in order to raise the question of competence, but simply to confirm my statement that no decision of the Council or Assembly exists which sets arbitrary limits to the problem before us. Otherwise, the present Conference would have been convened in order to study this or that article of the Hague Convention, and not to study the Convention as a whole in the light of the American principles.

I repeat — it would be a different matter if the provisions of Chapter II were signed only by the eight States directly concerned. This is not the case, and the States signatories to the 1912 Convention which are represented at the Second Conference are competent to discuss matters relating to the execution, the future and the amendment of the Convention, and have a right to insist upon examining the conclusions reached by the States represented at the First Conference.

I shall quote a sentence of the United States delegate, Mr. Porter, who said: “There is nothing sacrosanct in the terms of the invitation addressed to these participating States”. I think it would be a misfortune if the efforts of our Second Conference to reach its humanitarian goal were to meet with obstacles of a purely technical character. Practical idealists have fixed their hopes on this Conference; they believe that the outcome will be for the betterment of humanity and the physical and moral well-being of suffering mankind. (*Applause.*)

**The President :**

*Translation :* I call upon the Hon. Stephen G. Porter, delegate of the United States, to address the Conference.

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

Mr. President, ladies and gentlemen, the distinguished delegate for the Netherlands referred to the fact that we were trying to reform the world in one day. I must dissent from that statement, because we are merely asking that the day be fixed when the performance of an obligation, solemnly made years ago, will begin. Idealism has helped the world a good deal. I do not know whether I am

an idealist or not; that is a matter for my associates and friends.

The Hague Opium Convention was, as a matter of fact, executed many years ago, and it has been put into effect, so far as prepared opium is concerned, by a large majority of the signatories to that Convention; we are merely asking here, not that you pass judgment upon the merits of this matter, but that you should consider whether or not the time is ripe when we have the right to demand that the nations which have not complied with Chapter II of the Convention shall fix a definite date for that compliance.

The Conference will recall that, at its first plenary meeting, I filed, immediately after the adoption of the agenda, a declaration on behalf of the delegation of the United States of America; that declaration was noted and placed on record in the proceedings of the Conference. The declaration to which I refer reads as follows :

“The United States delegation respectfully reserves the right to move that the agenda be amended in the event of the First Conference not providing an effective means for the suppression of the traffic in prepared opium or failing to reach an agreement.

“We are confronted with an unfortunate situation which cannot be solved by an appeal to technicalities. Whether or not the findings of the First Conference were to have been reported directly to the Second Conference, the latter at least needs to know them in order to deal effectively with the subject of production. The First Conference has thus far reached no agreement, and we have nothing before us.

“The dictates of common-sense demand a frank admission of the dilemma in which this failure to reach an agreement has placed the Second Conference, and a consideration of the possibility and wisdom of widening the scope of our discussion to include the subject of the progressive suppression of the traffic in prepared opium. The Hague Convention lays the responsibility for this matter upon all the contracting Powers without distinction.

“It is only fair to state that the representatives of the United States, foreseeing the possibility of such a situation as has arisen, consistently contended at the meetings of the Fifth Committee of the Assembly of 1923 for one instead of two Conferences. In view of these facts, the United States delegation respectfully reserves the right to move the amendment of the agenda in the event of the First Conference not providing an effective means for the suppression of the traffic in prepared opium or failing to reach an agreement.”

At the time when the foregoing declaration was made, a doubt existed whether the First Conference would be able to reach an agreement with regard to the means to be adopted for the effective suppression of the traffic in prepared opium. It now appears from the draft Convention that the First Conference has finally concluded an agreement to which, I understand, the signatures are to be formally affixed on December 13th, 1924.

Since, therefore, the First Conference has practically concluded its work, it becomes pertinent to enquire whether the agreement reached accomplishes the purpose for which the Conference was called.

The United States was not represented at the First Conference and the question may naturally arise why the United States is particularly concerned with what transpired there. The United States, and most of the Powers represented here, as well as the countries represented at the First Conference, are parties to the International Opium Convention of 1912, which forms the basis of the present international control of the traffic in opium, cocaine and their narcotic derivatives. Under Article 6 of that Convention, the Contracting Powers solemnly undertake to "take measures for the gradual and effective suppression of the manufacture of, internal trade in, and use of, prepared opium, with due regard to the varying circumstances of each country concerned, unless regulations on the subject are already in existence".

Prior to the conclusion of the Convention, the importation of prepared opium into the United States was prohibited by law. This law, however, did not prevent the importation of raw opium into the United States for the purpose of manufacturing prepared opium, and in many of our large cities prepared opium was so extensively used as to present a real problem. In 1914, however, the Congress, with a view to carrying out the provisions of the Hague Convention, enacted legislation which in effect prohibited the use of prepared opium in the United States, and, to-day, the prepared opium problem, so far as the United States is concerned, no longer exists.

I would not have you infer that the United States is the only nation to take effective measures to carry out the obligations undertaken under Article 6 of the Hague Convention, for it is a matter of common knowledge that a number of other nations signatory to the Convention have likewise carried out their part of the agreement. It may, perhaps, be accurate to state that the use of prepared opium has been effectively stamped out in every country except in the Far Eastern territories of the countries represented at the First Conference.

The United States, or, in fact, any nation signatory to the Hague Convention which has fulfilled in good faith the obligations under that Convention, may, without question, not only ascertain whether the other signatory Powers have fulfilled their obligations but may also insist, should occasion arise, that such Powers take the steps necessary to that end. Moreover, a Power which is signatory to the Hague Convention possesses the further right to insist that other signatory Powers do not, by means of supplementary agreements between themselves or by other means, weaken the Hague Convention in such a manner as to release themselves from the fulfilment of obligations undertaken under that Convention. The United States cannot admit that any Power signatory to the Hague Convention has the right, so long as that Convention remains in full force, to release itself by a supplementary agreement from the obligations undertaken under Article 6 of the Convention, whereby measures are to be taken for the

gradual and effective suppression of the traffic in prepared opium.

The United States, and perhaps other nations, are seriously suffering from ill-effects due to the leakage in the distribution of enormous quantities of raw and prepared opium in the Far Eastern territories, and the only remedy we have is the right to demand that the nations represented at the First Conference shall comply with their agreement, in Chapter II of the Convention, progressively to suppress this traffic. Moreover, this is an international conference through which it would be extremely unfair to throw every conceivable safeguard around our own homes and yet leave unprotected the homes of the peoples described in Article 22 of the Covenant of the League of Nations as follows :

".....peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation....."

As stated by the distinguished delegate for Poland :

"If there are abuses which can only be gradually suppressed by making due allowance for the varying conditions of life in the different countries, we must quite frankly admit the fact, and point out the ways and means which we think effective for rescuing as speedily as possible the unhappy people who are the victims of those abuses.

"You will all agree that no State, no community, no individual is entitled to found its prosperity upon the misfortunes of any human being of whatever race, religion or class."

Or, as stated at an earlier meeting of this Conference, "there must be only one standard of morality for the world and not two standards. Not one for the West and another for the East..... What is forbidden and punished with severity in Western lands must not be excused and defended and promoted in the East." Such injustice would disturb the peace of the world.

I desire at this point to invite attention to Resolution V of the fourth Assembly, which clearly defines the purposes for which the First Conference was called. That resolution reads :

"The Assembly approves the proposal of the Advisory Committee that the Governments concerned should be invited immediately to enter into negotiations with a view to the conclusion of an agreement as to the measures for giving effective application in the Far Eastern Territories to Chapter II of the Convention and as to a reduction of the amount of raw opium to be imported for the purpose of smoking in those territories where it is temporarily continued, and as to the measures which should be taken by the Government of the Republic of China to bring about the suppression of the illegal production and use of opium in China, and requests the Council to invite those Governments to send representatives with plenipotentiary powers to a Conference for the purpose and to report to the Council at the earliest possible date."

I shall not attempt a detailed analysis of the effect of the agreement reached by the First Conference.

In a general way, we have understood from incomplete reports received from time to time that the traffic in prepared opium has appeared to increase rather than decrease as the years have gone by. As an exception, we note, from the reports received by the First Conference, that in Formosa, under the regulations of the Japanese Government, the quantities of prepared opium manufactured have materially decreased. We have further noted that, in the opinion of Sir John Jordan, probably the most eminent authority on the opium traffic in the Far East, notwithstanding the Hague Convention, traffic in prepared opium has not been effectively suppressed and we expectantly turned to the agreement reached by the First Conference to ascertain the reason.

It is most significant that the parties to the agreement concluded by the First Conference note the fact that the increase of the smuggling of opium in the greater part of the territory of the Far East since the ratification of the Hague Convention is hampering greatly the accomplishment of the gradual and effective suppression of the traffic. Is it right that this should be used as an excuse by these Powers for their failure to fulfil the obligations undertaken under the Hague Convention?

As Sir John Jordan has stated :

"The argument will doubtless be urged, and urged with perfect good reason, that the widespread recrudescence of poppy cultivation in China has added immensely to the difficulties of the problem. That I freely admit, and no one has more reason to regret the Chinese relapse than I, who devoted ten years of my life to the work of opium suppression. But I would ask in all earnestness if the fact that China has fallen into a state of political disorder is sufficient reason for the other Powers to evade the obligations which they undertook under Article 6 of the Hague Convention. I do not think so."

We are in accord with the view of Sir John Jordan that the failure of China, or any other country, through internal disorder or otherwise, to prevent effectively the illicit traffic in opium does not relieve other Powers signatory to that instrument from the fulfilment of the obligations which they have solemnly undertaken.

Resolution V adopted by the fourth Assembly places squarely before the Governments represented at the First Conference the consideration of measures which should be taken by China to bring about the suppression of the illegal production and use of opium in that country. What measures were adopted with that end in view? None. If China is the cause of the failure of certain countries to suppress progressively the traffic in prepared opium, is it too much to expect that they would lend China such assistance as might be appropriate with a view to suppressing the illegal production of opium in China, particularly since that question was upon the agenda of the Conference? Yet nothing has been done.

I desire to invite your attention to another significant fact. Article 6 of the Hague Con-

vention provides that the Powers shall take measures for the gradual and effective suppression of the use of prepared opium, *with due regard to the varying circumstances of each country concerned*. The article recognises that the conditions in one country were not necessarily similar to those obtaining in other countries and were, if necessary, to be met by different means. Here, however, we have a group of the most influential nations in the world accepting an agreement professing to provide for the adoption of measures for the suppression of the traffic in prepared opium, many of which are known to be less effective than the measures now in operation in several of the countries represented at the First Conference.

May I ask what country would be proud of an educational system in which the progress of a group or class is measured by the intellectual capabilities of the more inferior individuals in the class?

Although the acceptance, by nations furthest advanced in the effort to suppress the traffic, of the standards of the nations which are less advanced in that respect is to be regretted, the agreement reached by the First Conference menaces in even a more serious way the ultimate success of the effort to suppress effectively the use of prepared opium.

As a result of the agreement, there has been created a prepared opium "bloc" or group consisting of some six or more of the most powerful nations in the world, all of which under the agreement agree to establish an almost complete Government monopoly with regard to the importation, sale and distribution of opium. I do not here intend to discuss the question of a Government monopoly as a temporary expedient for stamping out the prepared opium traffic or to suggest the internal measures which a nation should adopt to carry out Article 6 of the Hague Convention. I am, however, not altogether unfamiliar with the working of "blocs" or groups and with the results which naturally may be expected to follow their organisation, and I do not hesitate to say that, so far as I personally am concerned, I regard the conclusion of an agreement providing for the organisation of a prepared opium "bloc" or group as a decided step backward in our endeavour to suppress the traffic in prepared opium and that, by reason of this agreement, the world is no nearer today, in fact, is further from, its goal than it was on that fateful day of January 23rd, 1912, when the nations of the world, for the first time in history, collectively agreed that the use of prepared opium should be permitted only temporarily and decided to take progressive measures for its effective suppression.

I would again remind the Conference that Resolution V of the fourth Assembly directed the First Conference to give consideration to the measures to be adopted for the reduction of raw opium to be imported for smoking. Did the First Conference consider this question? Does the agreement reached offer any assurance that there will be a reduction in the importation of raw opium to be used for smoking? If no such measures have been adopted, if China has not received the assistance with regard to the prevention of the illicit production of opium to which she is justly entitled, if the agreement does not give effective application in the Far Eastern Territories to Chapter II of the Hague

Convention, are we not prepared to say that the First Conference has not satisfactorily handled the problems which were referred to it for consideration?

If the agreement reached is unsatisfactory to the world at large, is it in fact completely satisfactory to the Powers which are to sign it? Does it in their judgment mark such an advance in the matter of the suppression of the traffic in prepared opium that they are justly proud of the fruitful results which are expected to flow from their efforts? If, on the other hand, the agreement does not afford the most effective means possible of suppressing the traffic in prepared opium, if the delegates to the First Conference are not entirely satisfied with the agreement that was reached, will they not join us in the Second Conference in a reconsideration of the question of the most effective measures to be taken for the suppression of the traffic?

This brings me to the question of competence.

On every occasion when the delegation of the United States or other delegations have brought forward proposals aimed at disturbing the established order, the question of competence has been raised. The word has lost its terrors, and I have no hesitation in stating that the Second Conference, under Resolution VI of the Assembly, has the competence to consider the question of prepared opium. The Conference was called to adopt measures as a means of giving effect to the following principle:

"1. If the purpose of the Hague Opium Convention is to be achieved according to its spirit and true intent, it must be recognised that the use of opium products for other than medicinal and scientific purposes is an abuse and not legitimate.

"2. In order to prevent the abuse of these drugs, it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for non-medicinal and non-scientific purposes."

It is now no longer proper to speak of these principles as American, if indeed it was ever proper to do so. The interpretation urged by the representatives of the United States before the Advisory Committee was of course acceptable to many of the nations signatory to the Hague Convention. But if, in the beginning, the foregoing proposals were rightly termed American, they can no longer be so regarded. Accepted by the Advisory Committee, by the Assembly, by the Council, and, I am happy to say, by the greater number of the nations here represented, as the principles upon which the Hague Convention is based, they have become the principles of this Conference, and as such I shall hereafter refer to them.

Bearing in mind that we are here under an invitation extended by the League to carry these principles into practical effect, how can we hope to accomplish this result without consideration of the question of prepared opium? In the programme before us we are aiming to set up elaborate machinery for determining the medical and scientific needs of the world. But of what avail will this be unless we know definitely the amount of raw opium which is produced for the manufacture of prepared opium and the definite time when the use of

prepared opium shall come to an end? Opium produced for medicinal and scientific purposes represents but a small part of the total opium production of the world, and what success can be hoped to crown our efforts if we merely endeavour to control the production of medicinal opium and disregard prepared opium? We may assume, I believe, that we have been granted sufficient powers to handle the question confronting us; that such powers, expressed or implied, are sufficient to enable us to consider and adopt any measures which in our judgment afford a satisfactory solution of the problems confronting the Second Conference.

Apart from technical considerations, however, it must be remembered that the subject of prepared opium is covered by the Hague Convention and must be regarded as a phase of the general problem to which we are called upon to give attention, and that the delegates who attended the First Conference are also present at this Conference. It may, of course, be urged that a duplication of work would result if the Second Conference should endeavour to consider a problem that was fully discussed in the First Conference. However, I would remind you that the First Conference, at which were represented only countries in whose territories the use of prepared opium is temporarily permitted, necessarily must have considered the question of the suppression of the traffic from a different standpoint from that of this Conference, at which all nations are represented. I appeal to the delegates of the First Conference to lay aside technicalities and to join us in considering this important problem to the end that together we may reach a decision that will not only be satisfactory to ourselves but will merit the approval of the world at large.

**The President :**

*Translation :* M. Bourgois, delegate of France, will address the Conference.

**M. Bourgois (France) :**

*Translation :* The questions raised by the proposal of the United States delegation were dealt with by the First Conference. The latter arrived at an agreement, which will be open for signature to-morrow. I think that these questions could hardly be dealt with again by the Second Conference on the very day after the signature of the agreement, without giving rise to an extremely awkward situation. I agree, therefore, with my colleagues who were members of the First Conference that it will be impossible for us to take part in any fresh discussion of these matters in this present Conference.

**The President :**

*Translation :* M. Ferreira, delegate of Portugal, will address the Conference.

**M. Ferreira (Portugal) :**

*Translation :* The Portuguese delegation is of opinion that the proposal submitted by the United States delegation does not come within the scope of the programme of the Second Conference. It begs to state, therefore, that should this proposal be discussed by the Second Conference it will be unable — like the French, British and Netherlands delegations — to take part in the proceedings.

**The President :**

*Translation :* M. Sugimura, delegate of Japan, will address the Conference.

**M. Sugimura (Japan) :**

*Translation :* The Japanese delegation wishes to make its attitude, as regards this important matter, perfectly clear.

I propose to deal first with the position of the Japanese delegation and the other delegations who took part in the First Opium Conference. I shall then go on to consider the juridical position of the many delegations which are members of the Second Conference alone.

In the invitation addressed to the Japanese Government by the Secretary-General of the League, a distinction was made between the First and Second Opium Conferences. The First Conference was convened in virtue of the fourth Assembly's fifth resolution, the Second Conference in virtue of the sixth resolution. The Japanese Government, therefore, gave separate instructions as regards the two Conferences.

It is true that Japan is represented by the same delegates at both these Conferences, but juridically their mission is not the same in both cases. As members of the Second Conference, we have no power to interfere with the decisions of the First Conference. If it were decided now to make any change whatsoever in the provisions of the Agreement or Protocol drawn up by the First Conference, the Japanese delegation could take no part in such a decision. The same applies, I think, to all the delegations who were members of the First Conference.

As regards the many delegations taking part only in the work of the Second Conference, their juridical position is not quite the same. I would point out, however, that the invitation addressed by the League to their Governments referred only to the fourth Assembly's sixth resolution. States Members of the League are all acquainted with the terms of the fifth resolution, which their delegates collaborated in drafting. They are therefore implicitly bound by it.

The position is different as regards non-Members of the League. They have before them only the fourth Assembly's sixth resolution and the Hague Convention. That great charter of humanitarian effort against the scourge of opium and other drugs includes all drugs. There is no distinction between Chapter II and other chapters of the Convention. It is natural, therefore, that these delegations, whose work is based on the principles of the Hague Convention, should place a wide interpretation on the terms of the sixth resolution of the fourth Assembly.

From the point of view of humanitarian idealism, they are perhaps the more fully justified, in that the First Conference did not achieve the desired results, namely, the total suppression of the opium scourge. It did not even succeed in creating a really effective system for the progressive abolition of opium. The drafting of a second charter would constitute a further obstacle. I feel morally bound, therefore, to congratulate the supporters of this humanitarian view, though I must maintain my position as regards the legal aspect of the matter. I shall listen in silence, but with the keenest interest and sympathy, to their

opinions, which are inspired by a truly humanitarian spirit.

No delegate has the right to restrict the deliberations which are being pursued here in the interests of all mankind. Compassion and magnanimity are the supreme virtues of the great religious leaders of mankind, such as Buddha, Mahomet and, above all, Christ. They bid us show generosity in the accomplishment of the great task of justice and social welfare entrusted to us by the League. (*Applause*).

**The President :**

*Translation :* M. Pernambuco, delegate of Brazil, will address the Conference.

**M. Pernambuco (Brazil) :**

*Translation :* The Brazilian delegation supports the United States proposal. As a signatory to the Hague Convention, Brazil has taken strict measures to suppress the use of drugs and we are working side by side with those who are fighting against the abuse of these substances. We have come here determined to co-operate in arriving at a decision.

The United States delegate declared that it would be most unfair to surround homes in Europe and America with every possible safeguard while those in Asia were left unprotected. There must be only one standard for the world, and not one for the West and another for the East. He declared, too, that in spite of the Hague Convention, "the traffic in prepared opium appeared to increase rather than decrease as the years have gone by".

We must keep our humanitarian object before us and use every means in our power to save the unhappy victims of drugs. If we can do this, we shall have done our duty. (*Applause*).

**The President :**

*Translation :* I call upon M. Sze, delegate of China, to address the Conference.

**M. Sze (China) :**

Mr. President and members of the Conference, owing to the lateness of the hour I do not propose this afternoon to discuss the many points which have been raised by the different speakers to-day. I shall reserve that pleasure for a subsequent occasion.

When I received a copy of the agenda this morning, I did not expect that there would be so much of a tempest in the teacup this afternoon. I thought that questions of a similar nature had been discussed before when the American delegation submitted Article 1 and Article 9-A of their proposals to this Conference. I therefore thought it would be unnecessary for me to trespass upon your time by preparing a set speech to read to you. As I am not going to read any special paper, I just want to put on record one or two statements which I think I ought to make clear to you.

First of all, I consider that the First Conference, unhappily and unfortunately, has not come to the conclusions that we all would have liked to see. Even so distinguished and so expert an authority as my distinguished friend the chief delegate of the British Empire told you this afternoon that the work of the First Conference was not as satisfactory as he could have wished; I would like to ask any and

every member of the First Conference if they do not agree with the distinguished chief delegate of the British Empire. I certainly do. It would be unfair on my part if I did not tell you so. My distinguished friend from Great Britain, however, has preceded me, so I simply want to confirm what he has said, namely, that the work of the First Conference has, unfortunately and unhappily, been very unsatisfactory.

My second point is this. The present Conference is fully competent to take up the question of Chapter II of the Hague Convention or Chapter II of the American proposals. I need not dwell upon any of the arguments which have been brought forward. Some arguments were given the other day by some of the speakers who are more eloquent than I am, so I content myself by simply repeating in one single sentence that I consider that this Conference is fully competent to consider Chapter II of the American proposals.

While I do not propose, in view of the lateness of the hour, to discuss the various points which have been raised by the different delegations, there is one point which was raised by Mr. Porter about which I must lose no time in saying a few words, in order that there may be no misunderstanding.

Mr. Porter read to you the fifth resolution of the fourth Assembly, in which are mentioned the measures to be taken by China. If we all read carefully the wording of that resolution, we shall see that it was for China herself to take the measures. I want that fact to be clearly understood, and I beg those of you who have not yet read Resolution V carefully to do so now. The measures were measures to be taken by China herself, and that question was thoroughly discussed in the First Conference when I gave an assurance in language which was as clear and definite as possible; that assurance was accepted by the First Conference.

In order to prove to you that the assurance I gave to the First Conference has already had good results and to prove that what I say is true as regards China, I beg to read to you a telegram which has been received by the Chinese people's representative to the Opium Conference. Yesterday, he handed me a telegram which he had received from the National Anti-Opium Association of Shanghai dated December 10th, 1924. That telegram states that, according to the latest statistics, 750 cities are now participating in the anti-opium work and that in this campaign there are now three thousand organisations with a membership of three million people. May I be permitted to remind you that, within the last month, Mr. Koo, our people's representative, received another telegram giving statistics, and instead of 750 cities there were then only 300; instead of 3,000 organisations, there were only 2,000 at that time, and instead of three million people, there were then only one million people participating in anti-opium work. Is that not a miracle?

I want to ask you if there is any other country represented in this room which is taking so active and so earnest a part in endeavouring to put an end to opium, drugs and other evils? I challenge anybody to say that, in their country, so much has been done within so short a time.

Further information is given in the telegram to which I have just referred and I want to mention one more point, which is this: Since the result of the First Conference has been known in China, mass meetings have been held, and those mass meetings have expressed in clear language what they think of the results of the First Conference. You will be surprised to hear, but nevertheless it is the fact, that more space is given in the Chinese Press to-day, with the possible exception of the American Press, to the work of the Opium Conference at Geneva than is given in the Press of any other country. Is that not a remarkable fact? Although we have not so many reporters at this Conference as some of the other nations, I am proud to say that China is giving careful attention to the work of this Conference and is watching it with an attention which is perhaps only surpassed by the United States of America.

Mr. Porter has made an appeal to the Second Conference, inviting it to deal with Chapter II of the United States suggestions. Mr. Porter, I want to assure you, and I want to assure other delegations who spoke in favour of the proposal, that China is ready to second the efforts of any delegation in order that the evils from which this world has been suffering, and from which it is suffering now, may be removed. My instructions are explicit — that I am to come here and co-operate with everybody and anybody whose aim is to put an end to these drug and opium evils.

Mr. Porter mentioned the help that other Powers might give to China. China will appreciate any help which is really a help; but the only form of help which, I think, the Powers can give to China in this great campaign is by taking some measures in their own territories which will react beneficially on China. There is the line of action; that is the point. I appeal to those Powers who have participated in the First Conference that this is the road to follow.

One of the speakers to-day placed the members of the Conference more or less in two classes. One class he mentioned as idealists and another class as experts. I do not know whether he has in mind a third class, "indifferents." I would rather any day be called an idealist than be an expert who will not help the world to put an end to this opium and drug evil. I would rather any day be called an idealist than shut my eyes to the sufferings of large numbers of my countrymen who are now residing in the territories and the possessions of European Powers in the Far East and who have the opportunity of legalised opium-smoking. The number is not small. They are not counted by tens, by hundreds of thousands, or by tens of thousands; they are counted by hundreds of thousands. I am willing any day to be called an idealist rather than an expert if I can help some of my poor countrymen.

In one of the official reports presented by one of the delegations, it was stated that many of my unfortunate countrymen had acquired the opium habit abroad, and that the percentage was in some cases as high as 85.

Mr. President, ladies and gentlemen, you cannot blame me for being solicitous about my afflicted fellow-countrymen, especially when I tell you that the number is not counted by



tens or hundreds or thousands or tens of thousands, but by hundreds of thousands. Therefore, Mr. Porter, and you, gentlemen, who are supporting him, I wish to say that I am ready, with you, to urge this Conference that something should be done in regard to this matter. Do not let technicalities block our way. Let us listen to and follow the demand of humanity. Let us have a conscience and say that something shall be done.

**The President :**

*Translation:* M. Clayton, delegate of India, will address the Conference.

**Mr. Clayton (India) :**

Mr. President and gentlemen, the question which is to be discussed here is, as I see it, purely one of technicality and of procedure. I do not therefore propose to follow, in all its details, the speech of the honourable delegate of the United States, although, were it in order so to do, I might have much to say upon it.

The particular proposal before the Conference does not concern India closely; but I come from the one among the provinces of India which has been, in the American proposals, even more hardly treated or, shall we say, has been asked to reach an even higher level of idealism than the ideal which Mr. Porter has held up before other countries now temporarily consuming opium. I come from the province of Burma, which possesses a very efficient system partly of prohibition and partly of control. Under Mr. Porter's proposal, from the date on which the Convention is signed, prepared opium will be prohibited in Burma.

Now, Sir, I venture, with great diffidence, to criticise the knowledge of League procedure possessed by other delegations. The representatives of the United States hold a great position in their country. They have been frequent visitors to Geneva. They are, I may say, steeped in the League atmosphere. I am a newcomer. This is my first visit to Geneva. But I must say that, when I first came here, I thought that it would be the resolutions of the Assembly that would govern Conferences called by the Council of the League. I find that I was mistaken. I set forth in some detail, in a speech I made a week or so ago, arguments to that end. I have never heard a reply to them. They have been completely and absolutely ignored.

But while I have been at Geneva my education has been progressing and I have discovered that, if there is any doubt or uncertainty here as to the terms of a resolution, one calls in the Rapporteur. I have before me the report submitted by the Fifth Committee to the fourth Assembly. The Rapporteur was Mlle. Bonnevie, delegate of Norway. I think that if there should be, as there apparently is, some doubt in the minds of some of the members as to what the actual meaning of the resolution is, they will, when they have read the particularly clear report of Mlle. Bonnevie, understand it more clearly.

On page 355 of the *Official Journal* of the League of Nations, Special Supplement No. 13, the following paragraph occurs :

"The Fifth Committee has learned from the reports of the Advisory Committee that it has found the time ripe for taking

measures towards a more effective application of Chapter II of the Opium Convention concerning the 'gradual suppression' of the use of prepared opium in territories where such use has not yet been prohibited, as well as to a reduction of the quantity of raw opium imported into these territories for the purpose of smoking.

"Basing itself on a resolution passed by the Advisory Committee, the Fifth Committee proposes that a Conference should be called for this purpose (Resolution 5)."

Resolution 5 says :

".....representatives with plenipotentiary powers to a conference for the purpose and to report to the Council."

Mr. President, I have never yet heard that plenipotentiaries were required to report to other plenipotentiaries. It appears to be the contention of the United States delegation that the duty of the First Conference, composed of delegates armed with plenipotentiary powers, was to report to the Second Conference, composed of delegates also armed with plenipotentiary powers. The First Conference was specifically ordered to report not to the Second Conference but to the Council, and I suggest that this Conference, if it proposes itself to intervene between the First Conference and the Council, will commit what I can only describe as an impertinence.

The next paragraph (g) of Mlle. Bonnevie's report reads as follows :

"With great satisfaction, we read in the report that the Advisory Committee, in reviewing the work carried out during the past two years, has found that the information now available makes it possible to take steps towards a limitation of the production of the drugs. It has proposed that the Governments concerned in such production should enter into immediate negotiations to consider whether an agreement could be reached on this point."

The Fifth Committee recommended that a resolution should be passed to the effect that a Conference should be called and also suggested that the Council should consider "the advisability of enlarging the Conference so as to include within its scope all countries which are Members of the League or Parties to the Convention of 1912, with a view to securing their adherence to the principles that may be embodied in any agreement reached."

If it had been the intention of the Fifth Committee of the Assembly that the Second Conference should call under review the whole operation of the Hague Convention, frankly, I cannot imagine why the Rapporteur should not have said so in her report. It seems perfectly clear that Mlle. Bonnevie was under the impression that the agenda of this Conference should be entirely concerned with the limitation of the production of drugs. It seems to me that, in view of the statements of the Rapporteur, no other interpretation of the resolutions than that held by the honourable delegate of Great Britain, and by those delegates who have agreed with him, can possibly be admitted.

It is further to be noted that the United States representatives were present throughout the proceedings of the Fifth Committee, and

I cannot imagine that Mlle. Bonnevie's report can have been submitted to the Assembly without the United States delegation being perfectly well aware of what was contained in it. I suggest, in fact I feel convinced, that the extracts from the report which I have just read definitely settle the matter and show that this Second Conference has no competence whatever to deal with the subjects assigned to the First Conference.

There is only one further point to which I wish to allude. The honourable delegate for China has taken this opportunity to express the wish of his country to help her co-nationals in the territories of other Powers. At the First Conference China expressed good-will. We all recognise that, under the unfortunate circumstances prevailing in that country, it was extremely difficult for her to express anything else but good-will. She laboured under the same difficulties as ourselves. When we, in our turn, had to ask China to help us in our difficulties, I am afraid the response of China was as in-

effective as she considered our response to her.

I would remind M. Sze that he was asked by the delegation of India whether he could suggest any steps that could be taken at once to stop smuggling across her borders. M. Sze replied that his answer would be given at another time. I have not yet heard that answer. Frankly, I agree with him that, probably in the conditions that at present prevail, it would be extremely difficult to suggest any effective measures. The fact is that, in the First Conference, China and the other Powers were in the same case. We all did our best, and the Convention which will be signed to-morrow is the result of our work.

**The President :**

*Translation :* There are still four delegates who desire to speak. I think that, as it is so late, it would be best to adjourn the meeting and to meet again to-morrow at 10.30 a.m. (*Assent.*)

*The Conference rose at 7 p.m.*

## FIFTEENTH MEETING

*Held at Geneva, Saturday, December 13th, 1924, at 10.30 a.m.*

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55. PREPARED OPIUM : CHAPTER II OF THE SUGGESTIONS OF THE UNITED STATES OF AMERICA : MOTION SUBMITTED BY THE UNITED STATES DELEGATION.  
Continuation of the discussion.

President : M. Herluf ZAHLE.

55. PREPARED OPIUM : CHAPTER II OF THE SUGGESTIONS OF THE UNITED STATES OF AMERICA : MOTION SUBMITTED BY THE UNITED STATES DELEGATION : CONTINUATION OF THE DISCUSSION.

**The President :**

*Translation :* Ladies and gentlemen, the meeting is now open.

The first member on the list of speakers this morning is the Chilean delegate. As he is prevented by illness from being present, he has asked to have his statement read by the Secretary.

*(The Secretary of the Conference read the following statement from the Chilean delegate) :*

"The Chilean delegation is entirely in favour of the United States proposal, which it considers gives perfect expression to the humanitarian ideals of the Second Conference, the object of which is to suppress the illicit use of opium, cocaine and other dangerous drugs. These ideals have the support of all the American peoples.

"The Chilean delegation hereby declares, in the name of its Government, that it is

firmly resolved loyally to co-operate in the practical realisation of the humanitarian ideals expressed in the United States proposal.

"We have arrived at a stage of civilisation at which it is impossible for us to remain indifferent to the problem before the Conference, and for the sake of the welfare of mankind it is impossible for us to reject the solution proposed by the United States delegation. To do so would be fatal not only to the Conference but to the League of Nations itself." (*Applause.*)

**The President :**

*Translation :* M. Chodzko, delegate of Poland, will address the Conference.

**M. Chodzko (Poland) :**

*Translation :* Mr. President, ladies and gentlemen, our discussion yesterday dealt with the Agreement reached by the First Conference.

Nearly all the delegates have explained their point of view regarding the matter. As I have the greatest respect for the members of the First Conference, I do not propose to offer any criticism of the Agreement, especially as I share the views of the Japanese and Chinese delegates, who are among those members and have said all there is to be said. The British delegate, with the sincerity which we all appreciate, expressed his regret that the First Conference had not dealt, among other questions, with that of the limitation of production. I think that he was quite right and venture to direct your attention to this point.

In the Agreement drawn up by the First Conference there is no mention of the limitation of production, of measures to be taken in regard to opium for eating or of the limitation

of production of coca leaves, the scourge of modern times. I would ask you, then, what Conference is competent to deal with these questions? The Uruguayan delegate raised this point yesterday. It is still pending. We have not yet received any information on the matter.

If you read Article II of the Agreement, you will see that it refers to the prohibition of the sale of opium to minors. I think it should be stated whether opium for smoking or opium for eating is meant, for the question of opium for smoking does not appear to me to be so important in the case of minors.

In the same article we read that all possible measures will be taken by the Contracting Powers to prevent the spread of the habit of opium smoking among minors.

Article III provides that "No minor shall be permitted to enter any smoking divan."

We may conclude, therefore, that what is meant is opium for smoking. It is well known, however, that in India, for example, minors do not smoke opium but chew it, and even very young children take it. At Bombay there is an administrative regulation permitting the preparation of special opium pills, "bala gooli", which are sold for children with the permission of the authorities. In India children are given opium at the age of two months and continue to take it up to the age of three or four years.

Does Article II of the Agreement cover this use or not? If it does not, the question of opium for eating is still unsettled, and I should like to know what Conference is supposed to deal with it. Perhaps a third!

As you will see, there are still other questions which were not dealt with by the First Conference, but none the less are included in Chapter II of the Hague Convention and are specifically mentioned in Article 6. If these questions were not dealt with by the First Conference, they should be discussed by the Second Conference.

In the British delegate's speech, there was a passage which led me to hope that we might perhaps find a means of conciliation as regards this difficult problem, which our colleagues who are members of the First Conference refuse even to discuss with us. Their attitude places us in a difficult position, for it makes it impossible to arrive at any agreement.

The British delegation has informed us that its Government would agree to commissions of investigation being sent to the various producing countries.

**The President :**

*Translation :* I would venture to point out to the Polish delegate that Sir Malcolm Delevingne's remarks should not be taken as a formal declaration.

**M. Chodzko (Poland) :**

*Translation :* In that case, I shall take Sir Malcolm's statement as a declaration of principle.

I have no reason to depart from the attitude which I explained to you at our meeting on December 1st. Since, at the Hague Conference, the States now represented at the First Conference raised no objection to the question of prepared opium being discussed by the States not directly concerned, I do not see why this

principle should not be applied at the Second Conference, which is an International Conference just as the Hague Conference was.

I therefore support the United States proposal. (*Applause.*)

**The President :**

*Translation :* I call upon Prince Arfa-ed-Dowleh, delegate of Persia, to address the Conference.

**Prince Arfa-Ed-Dowleh (Persia) :**

*Translation :* Mr. President, ladies and gentlemen, the proposal of the United States delegation has been before us for two days. Each of the delegations has given its opinion on this important question and I hope I may also be allowed to say a few words on it.

The position of Persia towards the United States is quite clear. As I have stated on more than one occasion, my Government is in agreement with the principles submitted by the United States delegation, whose humanitarian proposals we fully support. We have no further reservations to add to those set forth in the memorandum which I submitted to the Conference about a month ago. We do not yet know, unfortunately, what will be the outcome of our request.

We would not for a moment delude the Conference by empty words or vain promises. We have come here with the firm intention of co-operating sincerely with all the members, on the basis of the principles submitted by the United States delegation. Whatever promises we make, we mean to keep. We have in no way concealed the difficulty of our position. It is useless to ask a country to perform more than is within its power. The Conference and the United States must help us to emerge victorious from the fight against opium — that universal scourge. It is no use sending soldiers against the enemy without arming them for the fray; if the Conference really wishes to get to work and destroy this enemy of mankind, it must give us the means of conducting the campaign. We have come in all sincerity to offer our services and have shown the kind of battle in which we are prepared to engage. The enemy has designs not only on Persia but also on Europe and America and on Asia, Africa and Australia. No one can remain neutral in this struggle; all must join forces against the common foe.

I hope that the Conference and the Committees and Sub-Committees will not delay discussion of our proposal and that Sub-Committee B will deal with our memorandum as soon as possible and endeavour to find a means of crushing this world enemy. (*Applause.*)

**The President :**

*Translation :* Dr. Duarte, delegate of Venezuela, will address the Conference.

**Dr. Duarte (Venezuela) :**

*Translation :* Mr. President, I wish to make the following statement :

The Venezuelan delegation supports the United States proposal without reservation, for the reasons set forth by the distinguished delegates who have already spoken. I think that there are no legal grounds for prohibiting discussion of the American proposal and I feel that, if it were removed from our agenda and not

fully discussed, it would mean the failure of the Second Conference.

**The President :**

*Translation :* Mrs. Hamilton Wright, delegate of the United States of America, will address the Conference.

**Mrs. Hamilton Wright** (United States of America) :

Many of us have often wondered why it takes so long to solve the opium problem. It has been bothering the conscience of the right-minded people of the world for a century and a-half, and during the discussions that have recently taken place at Geneva it has seemed not improbable that another century might elapse before we arrive at any definite results.

There is something wrong somewhere — either in the method or in the spirit in which the problem is being approached.

Sixty years ago we were faced in America with a problem which was just as grave as the opium problem, just as injurious to human beings, and just as deeply entrenched in the financial fabric of the nation. At the critical moment, however, there came a man named Lincoln, into whose hands the problem passed for solution — a very wise and human man — who insisted always that the slavery question could never be solved until it was rightly solved, that it was no use groping for some middle course between right and wrong.

I believe that this is the answer to the opium riddle. The reason why it has never been solved is because we have never tried to solve it rightly. Just as the Government in America could not, in Lincoln's opinion, endure half-slave and half-free man, so the opium problem will never be solved while one-half the world is in bondage and the other half free.

This opium problem has imposed definite and dual obligations upon us — one towards our own people of the West and one towards those peoples of the East, or as we have often heard quoted "those colonies and territories ..... which are inhabited by peoples not yet able to stand by themselves, whose well-being and development should form a sacred trust of civilisation". We believe that the time has come to put these principles into effect.

There can be no question that what is poison to a man in the West is also poison to a man in the East. We have the word of science that there is no difference, in the reaction to drugs, between Orientals and Occidentals. We must therefore have common regulations, mutually enforced. There can be no moral right in one man making a slave of another, and the man who is a slave to drugs is the most pitiful of all bondmen. It is an untenable theory of taxation that a people can thrive and endure on their own moral and physical degradation — a paradox that men should live on their own death.

I believe that we shall never solve this problem until we change our standards, until we are prepared to view it not in isolated fragments but as a complete whole — until we are as anxious to guard the health and well-being of the East as of the West, until we apply the same laws and safeguards to the one as to the other. The secondary and futile restrictions which are discussed day after day and year after year are the regulations to be applied

to the ordinary merchandise of everyday commerce. Always the question is dealt with in terms of dollars and cents, of weights and measures. This is why we make no progress, why the opium problem has never been solved. The methods we have chosen, the terms in which we speak, are applicable to things in bulk, to inanimate matter, not to the welfare of human beings, who in the final analysis, have become the commodity with which this problem deals.

Is it not fair to ask why we have met here at Geneva? Is it to put into effect the Hague Convention — to amend it, if necessary — to hasten in fact its execution and so rid the world of a recognised curse and evil? Or is it through one excuse or another to evade our obligations for another century and a-half?

Is the "effective suppression" of that pernicious form of opium known as smoking opium to be finally terminated, as was the intention of the Convention? Cannot we fix some approximate time-limit, or are we to take advantage of the inability of others to carry out their obligations, to continue for a further indefinite period of time the leisurely course of the "gradual suppression" of this obnoxious form of opium?

Are we to reduce the present huge over-cultivation of opium to the medical and scientific needs of the world, as the Assembly proposed, and, if so, how and when? We know that it cannot be done immediately, but, frankly, is the attempt to be made?

These are the fundamental questions with which it was understood that the present Conference was to deal, the questions which the world is insistently asking to have answered. It is because we hoped and expected to have them answered that the Government of the United States sent delegates to participate in this Conference at Geneva. (*Loud applause.*)

**The President :**

*Translation :* M. Bourgois, delegate of France, will address the Conference.

**M. Bourgois** (France) :

*Translation :* Last year the French Government, foreseeing what is actually taking place now, proposed that there should only be one Conference. It urged this view with some insistence in the Advisory Committee, before the Council and at the Fifth Committee of the fourth Assembly, and gave way only in face of the otherwise unanimous decision of the latter.

In spite of this, when the American delegation submitted its proposal yesterday, I had not the slightest hesitation in supporting my colleagues on the First Conference.

My attitude is explained by the fact that since last year the position has changed. The French Government bowed before the unanimous decision of the Assembly, sent representatives to both Conferences and even, yesterday, concluded an agreement. My duty was perfectly simple and perfectly clear. I could not allow that agreement to be broken, as it would be if all the questions submitted to the First Conference were brought up again here. An agreement is an agreement. Once our word has been given, it cannot be broken.

But is it really necessary for me to try to convince you of the justice of my views? I

give you the solemn assurance that never for one moment did it occur to me that any one of you, placed in the same position as myself and my colleagues of the First Conference, would not have acted exactly as we have done. You, too, would have said, as we have said, that an agreement is an agreement and that the pledged word cannot be broken. What we have all done, you would have done. It would be an insult to suppose otherwise.

I make no effort, therefore, to convince you ; it would be superfluous. I simply wish to ask you to bear in mind the difficulties of our position, when you come to take your decision. Your sense of statesmanship cannot fail to find a solution.

**The President :**

*Translation :* M. Pinto-Escalier, delegate of Bolivia, will address the Conference.

**M. Pinto-Escalier (Bolivia) :**

*Translation :* Mr. President, ladies and gentlemen, I shall not keep you long. The motion of the United States delegation concerning the Agreement drawn up by the First Opium Conference has raised a question which most of the speakers have considered from its dual aspect — legal and moral.

The legal aspect has been discussed at length by persons qualified to speak on the matter. I do not therefore propose to refer to it again.

The moral aspect, however, has become of such importance that it can hardly be made subordinate to purely formal or legal considerations, without jeopardising the fundamental principles which led to the convening of this Conference.

I venture to think that, in the present case, the legal factor, important though it is, must not be allowed to keep us from the real aim for which we are striving.

I think that all possible light should be thrown upon the questions submitted to us, whether explicitly or by implication. My only fear is that decisions may be taken before all means of arriving at the truth have been exhausted. If, as the outcome of our joint proceedings, we are called upon to make sacrifices, we must accept those sacrifices as a duty towards society.

The Bolivian delegation therefore supports the proposal submitted by the United States delegation. (*Applause*).

**The President :**

*Translation :* M. de Aguero y Bethancourt, delegate of Cuba, will address the Conference.

**M. de Aguero y Bethancourt (Cuba) :**

*Translation :* Mr. President, ladies and gentlemen, there are debates upon which one enters with a light heart and in an eager and alert, combative spirit. That is not the case with us at present. One enters upon this debate — at least I do — not for the pleasure of addressing you, but solely from a sense of duty. If my conscience did not urge me to take part in this discussion, I can assure you that I would have remained passive, content to listen to the eloquent speeches of those who have preceded me on this platform. But I cannot remain silent at a moment of such decisive importance for this Conference.

I feel that the time has come when each of us must examine his conscience, put in the scales the constitutional and the moral factors of the question and take a decision inspired by the highest principles of equity and justice. It is in a calm frame of mind that we ought to approach the detailed analysis of this question, for we are walking on a road bordered to the right and to the left by precipices. We have before us two conflicting principles : the American proposals, on the one hand, and the firm resistance — which I respect — of the members of the First Conference, on the other.

It would seem, ladies and gentlemen, that we are classified by this divergence. Yet it is very difficult to establish a classification of political and social organisations such as ours. Even as regards scientific principles, classifications have never attained perfection. From the old classification of matter into four elements to the periodical classification of Mendeleff, who groups the elements in series according to their atomic weight, no chemical classification has attained absolute accuracy. The same is true of natural history and other sciences.

Here we have been classified in two groups — the group of experts and the group of idealists. Other classifications might indeed be established, or different names might be given to these two groups. The importance given to the humanitarian aspect of the question by each of the two groups might again be expressed synthetically by means of two equations, namely :

$$\begin{aligned} \text{Humanitarian interest} &= \text{material interest} = x \text{ for the experts,} \\ \text{Humanitarian interest} &= x + \text{material interest for the idealists.} \end{aligned}$$

These equations, of which one is negative and the other positive, express exactly, from the mathematical point of view, the attitude of each of the two groups towards the question which we are discussing.

But I do not desire to enter into the question of classification. I accept the classification willingly and declare my readiness to belong to the idealist group. After all, this group constitutes the majority of the present meeting. Why does it constitute that majority ? Because all the countries of America, Asia and Europe, which have no material interests to defend in the matter and which, indeed, have no material interests at stake in the League of Nations, have joined the League and have taken part in this Conference solely for the good of humanity and under the inspiration of the ideals of peace and justice.

We are proud to be called idealists, for many great men have been so called before us for having had the courage of their opinions. The appellation was given to Christopher Columbus because, in spite of the warnings of the scientific authorities of his day, he was resolved to traverse the stormy sea to discover a continent, in the existence of which people refused to believe, but which has since contributed to the progress and welfare of the old continents of Europe and Asia.

The idealists, again, include Fernando Cortez, Nuñez de Balboa, Valdivia, Pizarro and the other "conquistadors" who became the masters of Mexico and of the rest of the Hispano-American continent, while pursuing their noble ideal of propagating the Christian faith and conquering

an empire of which Charles V could say: "The sun does not set upon my dominions".

Other idealists were the men of the *Mayflower*, who, abandoning their homes, separating themselves from their families and renouncing the pleasures of Old England, risked their lives and crossed the Atlantic to settle in unknown lands, where they were exposed to the rigours of the climate, the attacks of native tribes and privations consequent upon lack of resources, in order that they might realise their noble ideal and practise their religion and their faith in freedom.

Idealists, again, are all those who have sacrificed themselves for the advancement of science or its application, such as Dr. Bergonier, who has just been decorated with the Grand Cross of the Legion of Honour for having deliberately sacrificed his life by giving radium treatment to his patients. Idealists also are all innovators who have endeavoured to fight against the prejudices of their time, in order to establish new theories by which scientific phenomena might be explained or philosophical problems solved.

Among them we may mention the great Lavoisier, the author of the principle of the conservation of matter and the first to use the balance in laboratory experiments. Thanks to his work, the foundations of the science which we call Chemistry were laid. Lamarck was called an idealist when he submitted to the Academy of Science at Paris his theories concerning heredity and adaptation to environment. Darwin was another idealist when he formulated his theory concerning natural selection and the origin of species. Pasteur, again, was called an idealist by the medical leaders of his time and met with violent opposition for having put forward his theory on fermentation, which made it possible to manufacture wine and beer more rapidly and more cheaply, for having, by this theory, laid the foundations of bacteriology, whereby medical science was revolutionised and great progress was made in the diagnosis, treatment and prophylaxis of infectious diseases, and whereby it has been made possible in agriculture to subject land to the process of nitrification by the action of nitrifying bacilli.

Christ himself was called an idealist for having preached the love of one's neighbour, for having upheld the principles of justice and equality, for having overthrown paganism and for having raised the moral and social position of women. This idealism reached its culminating point when, before expiring on the cross of Golgotha, Jesus, in order to save those who had tortured him, cried out: "Father, forgive them, for they know not what they do!"

We also have been called idealists, but as we are following in the footsteps of such glorious predecessors, we may, fortified by their example, approach without hesitation the examination of the American proposal that the Second Conference be declared competent to discuss Article 8 of the suggestions of the United States. The principle involved is, as you are aware, supported by all the idealist members of this Conference.

We ought now to analyse this point of view. I do not claim to be able to lay any fresh arguments before you, for the question has already been discussed with great eloquence by preceding speakers. I must, however, express my astonishment that the competence of the Second

Conference should again be under discussion. The invitation was addressed by the League of Nations to the various Powers "as a means of giving effect to the principles submitted by the representatives of the United States of America". Article 8 forms part of these principles and therefore falls within the sphere of our competence. If the Assembly had wished to restrict our sphere of action, instead of saying in its sixth resolution, "as a means of giving effect to the principles submitted by the United States of America", it would have said "as a means of giving effect to the principles submitted by the United States of America with the exception of the articles which relate to the programme of the First Conference", i.e., the articles relating to Chapter II of the Hague Convention of 1912. There is no mention of any exception in the sixth resolution; we are therefore clearly within the limits of our competence.

If to-day we were to refuse to permit the discussion of Article 8, we should not be acting logically, because, a few days ago, we permitted the discussion of Article 1 and referred it for examination to one of our Sub-Committees. Article 1 directly relates to Chapter II of the Hague Convention of 1912. That means, therefore, that we have also permitted the discussion of questions connected with Chapter II.

There is yet a further precedent. You agreed to consider the proposal of the Cuban Government, which also relates to the same chapter, because it says that, in order to combat the scourge of toxicomania, it is essential to restrict the production of raw materials and the manufacture of narcotics to the scientific and medical requirements as declared by each State. This proposal has been referred to Sub-Committees A, B and D.

I have now finished my examination of the constitutional aspect of the problem and I shall pass to the question of formal procedure, which I consider to be quite as important.

I have listened attentively to the speeches of the members of the First Conference, and particularly to that of the Japanese delegate, M. Sugimura, whose wisdom, moderation and courtesy profoundly impressed me. The sincerity with which the members of the First Conference have expressed their feelings deserves our respect and consideration. They have urged the special position in which their countries are placed from the legal point of view. M. Sugimura went further: he declared that he understood how it was that the other delegations present, who were not members of the First Conference, believed that the programme of the Second Conference was wider in scope and enabled them to discuss in detail all the articles of the American proposals. The First Conference consisted only of eight members, while the Second consists of 40 delegations, of whom 32 did not take part in the work of the First Conference. They have, however, come from all parts of the world to co-operate in an enterprise the sole object of which is to protect mankind against the ravages caused by the use of those narcotics that bring about degeneration and depravity.

Ought the delegations which do not belong to the First Conference to remain silent regarding Article 8 of the American proposals and be unable to express their opinion, merely because this article closely affects the programme



of the First Conference? Such an idea seems to me to be inadmissible, and I am sure that the Assembly never intended to prevent the delegations from expressing their views on this point. I would refer you, in this connection, to the end of the sixth resolution of the Assembly of 1923: ".....to invite the Governments concerned to send representatives with plenipotentiary powers to a conference for this purpose, to be held, if possible, immediately after the conference mentioned in Resolution V".

In view of these words, I think I may say that the Assembly was of the opinion that the Second Conference was bound to consider the resolutions of the First in the execution of its work, and, consequently, to examine also all the points raised by the American suggestions. The words "if possible, immediately after the conference....." show clearly that the Second Conference is perfectly free to examine the agreements at which the First Conference might arrive, and, if it thought fit, to take account of them in any Convention which it might frame. This seems to me just and reasonable, for examining does not mean criticising nor passing judgment on the work of the earlier Conference, but only implies that, by taking account of the resolutions of the First Conference, we can draft the articles of the Convention in accordance with our own ideals.

Furthermore, the delimitation of the spheres of action of the two Conferences is very hard to establish with accuracy. Just as we cannot determine with mathematical precision the dividing line between light and darkness, and just as no one is capable of exactly indicating the skyline when the weather is not clear, in the same way the Hague Convention is made up of several chapters, of which the First Conference was called upon to examine the second, and the Second Conference the others. Nevertheless, these chapters make up a homogeneous whole, like the limbs of the human body, which, though only connected by joints, cannot suffer any change without affecting all the others, because they belong to the same organism. Similarly, in our present situation, it is very hard to say just how far the sphere of the Second Conference extends and where the sphere of the First begins, because the question of the production of raw opium and the question of the traffic in prepared opium are closely associated with the proposals with which we are dealing at this Conference.

There is, however, another consideration of a formal character to which I would like to draw the attention of the members of the First Conference. If I remember rightly, the delegate for India said that the agreement concluded by the First Conference could not be submitted to the Second, because a gathering of plenipotentiaries did not submit the resolutions which it had adopted to another gathering of plenipotentiaries. But we are not concerned in this case with submitting the resolutions of the First Conference to the examination and criticism of the Second. I could not criticise the work of the First Conference, nor do I think that it would occur to the American delegation to do so, for this delegation, in expressing certain opinions upon the agreements concluded at the First Conference, did so solely with the object of supporting its proposals and asking this Conference to accept Article 8 proposed by the United States delegation.

What we idealists desire is simply the examination of Article 8 of the American suggestions, in spite of the fact that it touches upon questions dealt with by the First Conference, and we wish to make this examination because, according to our interpretation of the scope of our programme, we have not only a formal legal right, but a moral right, to do so. Looking at the problem in this way, that is to say, holding the opinion that the Second Conference will not proceed to judge or criticise the agreements reached by the First, but that we shall confine ourselves exclusively to examining Article 8 of the American proposals, we feel sure that we shall be sparing the susceptibilities of the delegates of the First Conference with regard to their prestige, while satisfying their scruples from the legal point of view.

I think that we may now consider the practical aspect of the problem. I have told you already that we are following a road with an abyss on each side, into which the slightest false step will precipitate us. It seems to me very hard to find a practical solution of the problem, since, on the one hand, if we discuss the American proposals, we are threatened — not in an offensive manner, it is true — by the categorical reservation of the members of the First Conference. On the other hand, we run the risk of the possible abstention of the American delegation, if Article 8 with its purely humanitarian object is not examined; and the very enthusiasm of those of us — the idealists — who support this article, the enthusiasm which braced us to co-operate in the humanitarian task that we are seeking to accomplish here, may fail, if we find that our efforts towards a high ideal are obstructed at all points by formal or legal considerations which have nothing to do with the vital object of our Conference. Disillusioned, we should be forced to conclude "summum jus, summa injuria."

For a long time I have looked for a solution equally satisfactory to both parties. I have wondered whether it would be well to appoint a Mixed Commission to which we could entrust the examination of these questions, or whether it would be better to submit this dispute to the Council. A Mixed Commission, however, would find itself in the same difficulty as ourselves; the Council's session is already ended, and to refer these questions to it would only mean the indefinite postponement of the work of our Conference.

In view of the impossibility of reconciling the two opposing views, I think that we should decide in favour of the view which has the prior claim. The object of the Conference is to combat the drug habit by all possible means. We must therefore attack the root and not the branches. In cases of disease, a doctor does not apply external medicaments simply to destroy the symptoms of the complaint, but studies and seeks to overcome the causes, for otherwise he could not save his patient and would expose himself to severe criticism.

We are in the same position. The experience of long years, during which we have confined our efforts to combating the drug habit by half-measures, has shown us that, in this question of opium, we must act in the way in which a doctor deals with an infectious disease. We must attack the evil at the roots, that is to say, the production of the raw materials

and the traffic in prepared opium, if we wish to have done once and for all with this problem which is such a disgrace to mankind.

The honourable members of the First Conference formulated a reservation which obviously deserves all our respect and attention, but I hope that I shall have satisfied them by the reply that I have given on this subject. The interests of humanity alone should prevail, and we can, I am sure, continue upon our idealistic path, and with a clear conscience complete the task which has been entrusted to us.

One more point. Is it compatible with our dignity, with common honesty, to be seated here, beside the delegations of the Asiatic States which are honouring us with their presence, and not to give these countries the support which they need in their distress? Can we ask them to come and co-operate with us for the welfare of humanity, and then, with the sight of their sufferings before our eyes, abandon them to insufficient methods for combating the scourge which rages among them still more violently than among ourselves, at the same time declaring ourselves content with measures which ensure the welfare of the Western countries only?

Since human solidarity is the alpha and omega of the League of Nations, since the League has proclaimed equality, it is our duty to grant to the Orientals that which we claim for ourselves. Here there is neither white nor black, neither yellow nor red; there are only men. The League of Nations has proclaimed the equality not only of States but of races and religions. Let us take Nature's way as an example. Nature extends her bounties on every side and to each one of us. Every day the sun shines upon us all, and no one has the right to prevent any other from receiving the whole or part of its light. Accordingly, it is our moral duty to share with our brothers of the East the benefits that we enjoy in the West.

The strict application in certain countries of the measures that we think fit to take against the drug habit is opposed by arguments legal, formal, economic or political. I shall not enter into details with which you are familiar, but I shall say, with all that respect which I owe to the members of the First Conference, with whose work we are not concerned, that the weight of the legal arguments advanced against us is great; great is the interest of the formal principles which should regulate the diplomatic relations between the two Conferences; great, too, is the consideration which the economic or political interests of certain countries deserve; great, as we may be reminded, is the principle of sovereignty. But the conception of our moral duty is greater; still greater the sentiment of human solidarity and brotherhood, and greater and higher still the supreme ideal of the League of Nations, an ideal based upon truth, goodness, justice — the good of humanity. (*Long and sustained applause.*)

**The President :**

*Translation :* M. El Guindy, delegate of Egypt, will address the Conference.

**M. El Guindy (Egypt) :**

*Translation :* Mr. President, ladies and gentlemen, in view of this fresh proof of the humanitarian ideals which are so characteristic of

members of this Conference, and of the statements made by the United States delegation, I can only express my admiration for the purpose of those who desire to save the victims of this horrible drug in every country of the world. I most heartily support the American proposal. (*Applause.*)

**The President :**

*Translation :* Mr. J. C. Walton, delegate of India, will address the Conference.

**Mr. Walton (India) :**

I wish to intervene for a few minutes only in order to answer a question raised in the course of the discussion by the honourable delegate for Poland. He made an enquiry as to opium eating and he asked which Conference is competent to discuss that question. In the view of the Indian delegation, this question is within the competence of neither Conference. The question of opium eating in India we regard as a question of domestic jurisdiction, and, moreover (this is an important point), a question within the jurisdiction not even of the Central Government in India but within the jurisdiction of the Provincial Governments, because India, under her new constitution, is a Federal State.

Although we regard the question as one of domestic jurisdiction, the Indian delegation is willing and even anxious to give this Conference, not now, but on a proper occasion, all possible information about opium eating in India — that is to say, all the information which we ourselves possess, because, since the subject is one not even within the competence of the Government of India itself, it necessarily follows that our own information is strictly limited.

At the present moment I desire merely to refer to the statement made by the honourable and distinguished delegate for Poland to the effect, if I understood him aright, that in one of the provinces of India, namely, the Province of Bombay, there is a special institution under the control of the authorities for making opium pills for children. I desire merely to say that the honourable delegate must be under some misapprehension, because so far is such a statement removed from any of the facts within our knowledge that we cannot even conjecture the origin of the misapprehension under which he is obviously labouring.

**The President :**

*Translation :* M. Falcioni, delegate of Italy, will address the Conference.

**M. Falcioni (Italy) :**

*Translation :* I wish to make a short statement on behalf of the Italian delegation. Italy, whose interest in this grave problem is a purely moral one, supports the United States proposal. We have, however, followed with close attention the important legal discussion as to the competence of our Conference to deal with this question. Our attitude in this respect has not changed. We think that there are questions which cannot be settled in the same way as an ordinary legal dispute. They must be dealt with, as M. de Aguero has pointed out, on an idealistic basis. When a moral or humanitarian problem arises, it must be settled at all costs, for the world looks to us for help and would

never understand if purely formal difficulties were allowed to stand in our way.

I beg to state that the Italian delegation, while expressing no opinion on the attitude of the First Conference, which made every effort to achieve its object, desires to support the proposal of the United States delegation. (*Applause.*)

**The President :**

*Translation :* M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios (Spain) :**

*Translation :* Mr. President, ladies and gentlemen, my remarks will be as brief and as explicit as those of the Italian delegate. The motion submitted by the United States delegate deserves the full sympathy of the Spanish delegation. We are convinced that the opium problem will never be solved until control covers production, traffic, manufacture and consumption. This is the ideal towards which we must work. We must keep that ideal in view, but we must also take actual circumstances into account. I do not know what our President proposes ; I do not know if this question will be put to the vote to-day. If it should be so, I ask whether any vote taken by the Conference to-day can possibly settle the question. No !

We have heard the unanimous views of the majority of the members of the First Conference, who declare, for reasons which there is no need for me to analyse now, that, should the Conference deal with the United States proposal, the delegations of France, the British Empire, Japan, the Netherlands, Portugal and India would take no part in the discussion. Do you think that any agreement reached in such circumstances, without the representatives of the producing Powers, would be effective ? Such a view would truly be too optimistic.

It is clear, from the statements which we have heard hitherto, that the weight of opinion in the Conference, apart from that of the delegations which I have named, is in favour of the United States proposal. Such a situation has never arisen before ; this is an unprecedented occasion, which no one could foresee.

Should we not give the Governments time to consider the consequences of this fresh fact, and adjourn our discussion while our colleagues lay it before their Governments and ask for fresh instructions ?

I have no wish to waste time ; we can continue our work on the other questions, which have already been accepted. In this way we may perhaps arrive at the understanding which is so important for the welfare of humanity. (*Applause.*)

**The President :**

*Translation :* Am I to regard the Spanish delegate's speech and suggestion as a motion of adjournment ? If such is the case, I must ask him to hand in his motion in writing.

**M. de Palacios (Spain) :**

*Translation :* I think it would be better not to draft my proposal until the conclusion of the general discussion on the United States proposals. The delegations can consider, before the close of the discussion, whether my proposal is likely to lead to good results : that will depend upon the attitude of the other delegations.

**The President :**

*Translation :* I call upon M. Chodzko, delegate of Poland, to address the Conference.

**M. Chodzko (Poland) :**

*Translation :* I asked to be allowed to speak on a personal question. I would reply to the observation made by the delegate for India concerning the pills for children manufactured at Bombay. I obtained the following information from an official document, "The Final Report of the Royal Commission on Opium" (1895, page 144) : "In Bombay there is an extensive use of bala gooli, that is, pills made of opium mixed with other drugs and spices for the use of children. This is at present carried on under the sanction of the authorities."

I have also received information from another source to the effect that bala gooli pills are now being made in large quantities. They contain one-sixth, and sometimes even as much as one-third, of a grain of opium. This is all the information I am able to give to the delegate for India on this matter.

**The President :**

*Translation :* I will give the delegate for India an opportunity to reply to the Polish delegate. After that, I must ask delegates not to discuss this question of detail.

**Dr. Betances (Dominican Republic) :**

*Translation :* I simply wish to say a word in explanation of my vote. The delegation of the Dominican Republic supports any proposal made by any delegation, no matter when, with a view to the limitation of the use of drugs of any description to medical and scientific requirements. (*Applause.*)

**M. Bourgois (France) :**

*Translation :* I have only one thing to say. Although at the present stage no arguments will influence the voting, it is right that they should be submitted and recorded.

The Assembly charged the First Conference to consider the question of prepared opium and to arrive at an agreement on that question. How can anyone present imagine that it occurred to members of the Assembly to instruct the Second Conference to deal with the same problems a fortnight later and to draw up an agreement which might be at variance with the first ?

**The President :**

*Translation :* The delegate for India has just informed me that, in order not to prolong the discussion, he will not reply to M. Chodzko now, but will have a private conversation with him.

Does anyone else wish to take part in the general discussion ?

As no one else wishes to speak on the general question, I think that we can now deal with the point raised by the first delegate of Spain.

I call upon M. de Palacios to speak.

**M. de Palacios (Spain) :**

*Translation :* I have not heard any opinion on the proposal which I have submitted. As it was inspired simply by a spirit of conciliation and the desire to obtain the collaboration of those competent to deal with the problem before us, in order to make a success of a task which

should receive universal support, I beg to inform you that I wish my motion to stand. I have drafted it to read as follows :

“That the discussion on the motion submitted by the delegation of the United States of America on December 11th, 1924, be adjourned.”

There can naturally be no question of indefinite adjournment, but I think that it would be dangerous to fix a date now. We should leave it to the President, who might consult the delegations most directly concerned in the matter.

**The President :**

*Translation :* Discussion will therefore be confined to the motion submitted by the first delegate of Spain.

M. Sugimura, delegate of Japan, will address the Conference.

**M. Sugimura (Japan) :**

*Translation :* I do not propose to enter into a lengthy or profound discussion of the thorny problem of the competence of the Second Conference, for I am convinced that such discussions merely serve to complicate our work and make the realisation of our common ideal more difficult.

Nor do I wish at this point to criticise the results of the work of the First Conference; I wish simply to look towards the future in the hope that by successive improvements that future may tend to become ever better. It is in this spirit that I venture to suggest a few measures which may help us to solve our present dilemma and reconcile the divergent views expressed.

As regards the resolutions of the First Conference, it appears to me indisputable that, from the juridical point of view, they are of a special and regional character. The agreement concluded is binding only on the eight Contracting States, and for the other States constitutes what would be called in legal terminology “res inter alios acta”. States not parties to the agreement cannot modify the provisions of that agreement.

From the practical point of view, however, the problem of opium and other drugs forms one single whole, and is so considered in the Hague Convention.

The work was divided between the two Conferences for practical reasons. There is, however, a certain interdependence between the two Conferences, and their results, therefore, are bound to react upon one another. Such being the case, it would surely be of value to devise some means of co-ordination such as already exists between the various Committees of the present Conference.

The task of co-ordinating the results of the work of the two Conferences does not fall, strictly speaking, within the legal competence of either the First or the Second Conference. It can only be begun after this present assembly has concluded its work.

I venture to suggest the following course :

1. That we should first hear the opinions of certain delegations which took no part either in the work of the First Conference or in the drafting of the resolution of the fourth Assembly.

2. If, at the end of the present Conference, we find that it is desirable that the results of the work of the two Conferences should be co-ordinated, we can ask our President to insert a recommendation to this effect in his report to the Council of the League.

3. We might then set up a special Committee consisting of delegates of the eight States which took part in the work of the First Conference and an equal number of delegates of States which did not take part in it. After considering the results of the work of both Conferences, this Committee might submit a report to the Council on the modifications which it might appear desirable to make in the work of the First Conference.

4. The Council, after discussing the desirability of the modifications proposed, might then convene a Conference of all the States signatories to the Hague Convention or communicate with all the States concerned, in order to obtain their adhesion to these modifications.

My suggestions have only one object, and that is to meet, as far as possible, the views of the States represented at the Second Conference, to safeguard the legitimate rights of the States signatories to the Hague Convention and to arrive at an agreement such as will meet the lawful claims of the various States and satisfy enlightened public opinion throughout the world. I have only one desire — conciliation coupled with justice.

I venture therefore to submit the following motion :

“The Japanese delegation proposes that the Conference should submit to the Business Committee the American proposal, together with the Japanese suggestion and the British proposal submitted yesterday by Sir Malcolm Delevingne, and that the Business Committee should report to the full Conference.”

**The President :**

*Translation :* I venture to direct the Japanese delegate's attention to the fact that the President of the Second Conference is not called upon, under the terms of the fourth Assembly's sixth resolution, to report to the Council. I am not aware of any such duty, though it exists, I believe, in the case of the First Conference

**M. Sugimura (Japan) :**

*Translation :* You are quite right.

**The President :**

*Translation :* The Conference now has before it the two motions submitted by the Spanish and Japanese delegations.

It is very difficult to discuss the Japanese proposal, unless we have it before us in writing. We want not only the exact text of the proposal, but also the reasons set forth by M. Sugimura in his speech. It is hardly possible, therefore, to discuss it now, and I think that it would be better to have both proposals roneoed, together with the addition to the Japanese proposal which I suggested, and to discuss them this afternoon. We might discuss M. de Palacios' motion now, but not the Japanese proposal.

**M. Sugimura (Japan) :**

*Translation :* In order to simplify the discussion then, I beg to withdraw my motion for the time being and to support the Spanish delegate's proposal.

**The President :**

*Translation :* The Spanish delegation's proposal concerning the question of adjournment is the only one now before us for discussion.

**M. de Palacios (Spain) :**

*Translation :* I simply wish to emphasise some explanations which I have already given. I have been asked by certain delegates what the real purpose of my proposal was. As I drafted it hastily, I am quite prepared to have it re-drafted, but I wish to make it quite clear that its purpose is simply an adjournment and not the burial of the American proposal. I wanted to find a means of giving certain delegates time to consult their Governments. Naturally, I can only urge that those delegates who were members of the First Conference should be asked to explain to their Governments the present position of this Conference.

**The President :**

*Translation :* Do members wish to discuss this question ?

**M. van Wettum (Netherlands) :**

I wish to ask the following question : Does the Spanish delegate's proposal mean that we have to ask our Governments for fresh instructions ?

**The President :**

*Translation :* I am not quite sure of the interpretation to be placed on the Spanish proposal, but I do not think that it imposes any obligation on delegates to ask for fresh instructions ; it leaves it to their discretion.

**M. Sze (China) :**

Mr. President and members of the Conference, I greatly appreciate the suggestion which has been made by the distinguished delegate for Spain, and I want to support his motion because, as I understand it, that motion was put forward with a view to conciliation and with the idea that the points of view of the different parties might be co-ordinated. As I see the discussion to-day, we are all, I think, idealists, as the delegate for Cuba has said. The only thing that some of the delegations lack is instructions from their Governments, and the proposition put forward by the delegate for Spain will solve that difficulty. I wish therefore to put it on record that I am in favour of his motion.

On the other hand, I hope I may be permitted to ask you, Mr. President, if you will be good enough to read us the exact terms of the proposal of the Spanish delegate, because it is of some importance to some of us to know exactly the extent of that adjournment. I think that this whole question is of some importance and requires consideration, so it does not seem to me wise that we should discuss the subject immediately and take a decision. I think that some of the delegates here, like myself, while being in favour of the proposal, would like to have a little more time in which to consider the matter and to examine the terms of the resolution. Unless, therefore, you would like

to deal with the other items on the agenda, I propose that the meeting should be adjourned until the President summons it again.

**The President :**

*Translation :* I am quite prepared to meet the wishes of the Chinese delegate. This is the text of the Spanish delegate's proposal :

"That the discussion on the motion submitted by the delegation of the United States of America on December 11th, 1924, be adjourned."

I would emphasise the word "discussion", which means that the matter is not yet settled.

**M. de Palacios (Spain) :**

*Translation :* We might even say "the continuation of the discussion".

**M. Chodzko (Poland) :**

*Translation :* I would ask the first Spanish delegate to add to the proposal a few words to the effect that, as he has just said, the purpose of the adjournment is to endeavour to arrive at an agreement. This would make it quite clear to everybody.

**M. de Palacios (Spain) :**

*Translation :* The proposal might begin as follows : "That, in order that an agreement may be reached..."

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

It is needless to express our earnest desire for an amicable adjustment of this controversy. The motion of the distinguished delegate from Spain contemplates the adjournment of this discussion without date. The reason given is that the delegates of the First Conference shall have time to ask for new instructions.

I have no objection to this proposal, provided we know that those delegates intend to ask for new instructions ; if they do not intend to do so, the adjournment would be useless. I suggest therefore that we fix a time-limit for the adjournment, say, until Monday or Tuesday of next week. As the proposal now stands, the adjournment has no time-limit and the chances are that, as the Conference will be going on with its other work, there will be no time left in which to discuss this very important matter.

We have now spent one whole day discussing this question, and I personally have no desire to shorten that discussion. I would much rather see it prolonged, but I have no objection to an adjournment. I do hope, however, that the Conference will take into consideration the fact that an adjournment without time-limit is very dangerous, especially in view of the fact that we have not the slightest intimation from any of the delegates on the First Conference that they even intend to ask for new instructions.

I therefore propose an amendment, which is a very simple one, namely, that we adjourn the matter till Tuesday next.

**M. Sze (China) :**

I do not propose to take up any more of the time of the Conference. I had intended to say something more or less on the same lines as Mr. Porter, but that is no longer necessary.

**The President :**

*Translation :* We now have the proposal, with two amendments. You all know how it reads :

“That, in order that an agreement may be reached, the continuation of the discussion on the motion submitted by the delegation of the United States of America on December 11th, 1924, be adjourned till Tuesday next.”

The Spanish delegate has accepted the amendments. Shall I take a vote ?

**M. de Palacios (Spain) :**

*Translation :* I agree to a date being fixed, but I think that Tuesday is too soon.

**The President :**

*Translation :* M. de Palacios does not accept the United States amendment. We are left with two proposals : that the Conference be adjourned *sine die* and alternatively that a day be fixed.

I think that it would be advisable to confine the discussion and the vote to M. de Palacios' proposal.

**M. van Wettum (Netherlands) :**

I do not know at the moment the exact wording of the proposal which has been brought forward by the Spanish delegate, but I would like to know whether it implies that I have to ask for new instructions from my Government. I can never accept a decision from this Conference to the effect that I have to ask for new instructions. Moreover, I cannot agree to an adjournment for the purpose of coming to an agreement. Why do we not say that the meeting is adjourned until Monday or Tuesday, and not mention the purpose of the adjournment ? I should have no objection to such a procedure.

**The President :**

*Translation :* The first part of the French text has not yet been drafted. It was M. Chodzko who proposed the amendment ; I will therefore consult him. What he meant was, I think : “In order that an agreement may be reached.....” The proposal covers the question of adjournment and nothing else.

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

It seems to us that the amendment which I suggested is germane to the motion of the distinguished delegate from Spain, and, if that be the fact, the vote should be taken on that amendment. Moreover, I desire again to point out that we are adjourning in the hope that something may result from it, in the hope that some of the delegates of the First Conference will, during the interim, ask for new instructions. Those delegates are all here ; none of them has given us the slightest intimation that they intend to take any such action.

An indefinite adjournment therefore practically kills this American proposal. It can have no other effect. I think everyone will admit that. I have no desire to hurry anyone, but I think I have the right to insist that, if this discussion is postponed in the hope that something may happen in the meantime, it

should be postponed to a definite date, not later than next Tuesday.

This Conference is drawing to a close. The matters in connection with Chapter II of the American proposal are very important. Let me say again that the nations represented at the First Conference have no more rights in the matter of prepared opium than the other nations signatories to the Hague Convention. The mere fact that many of the other nations have suppressed this traffic does not relieve them of their rights in the matter. I do hope that you will not now, when we are almost at the end of the Conference, again postpone even the consideration of a vital element in the proposals of the United States in this matter.

**The President :**

*Translation :* Mr. Porter and I are not quite agreed as regards the vote on the amendment. The latter can be interpreted in various ways, according to whether it is regarded as a limitation of, or an addition to, the proposal.

If the Conference wishes a vote to be taken, I am prepared to take it, but I am not sure that we are right in doing so.

**M. van Wettum (Netherlands) :**

*Translation :* I agree to the Conference being adjourned until Monday or Tuesday, but I do not wish the reasons for that adjournment to be included in the resolution, nor that the adjournment should imply that I am obliged to ask for new instructions from my Government.

**The President :**

*Translation :* In order not to prolong this discussion, which has already been sufficiently long, I propose, as President, that the continuation of the discussion of the American proposal be adjourned until Tuesday next.

If it is the wish of the Conference, I will put the Spanish proposal to the vote. Otherwise, it is decided that the continuation of the discussion on the American proposal will be adjourned until Tuesday next.

**M. de Palacios (Spain) :**

*Translation :* It is clear that my proposal is approved, even by the Chair. It does not appear to be necessary to put it to the vote. I have to thank the Conference for adopting the course which I suggested.

**The President :**

*Translation :* Then I may assume that the Conference accepts my proposal.

*The proposal was adopted.*

**The President :**

*Translation :* M. Sugimura's motion has still to be discussed.

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

I understand that only the American proposal has been adjourned until Tuesday next. I did not want to interfere with any other matter before the Conference.

**The President :**

*Translation :* There is still one item on the agenda. I do not think that we can discuss it now, as it is so late. If the Committees and



Sub-Committees are not meeting this afternoon, I suggest that the Second Conference should do so.

**M. Sze (China) :**

While I like to do everything you desire, Mr. President, I regret to say that, so far as the Chinese delegation is concerned, it will not be possible for it to be represented at the Second Conference this afternoon, because the Secretariat has notified us that there is to be a meeting of the First Conference. It is an important meeting, at which I shall have the honour of presenting a statement. I would like to have as much time as possible before that meeting.

**M. van Wettum (Netherlands)** President of the First Conference :

The meeting of the First Conference, which was originally fixed for 3.30 p.m., has been put off till 5.30 p.m.

**The President :**

*Translation :* If the First Conference meets at 5.30 p.m., we shall have very little time. I should like to know the feeling of the Confe-

rence on this matter. I suggest that we meet this afternoon at 4 o'clock.

**M. Sze (China) :**

Mr. President, it is now twenty-two minutes before two, and I have to consult my delegation before we go to the First Conference, to which I have promised to make an important statement, and I do not want to disappoint it. In order, therefore, to meet your wishes, may I suggest that this Conference should meet at half-past four instead of at four o'clock, so that I may have another hour in which to consult my delegation and put my statement into a final form.

**M. van Wettum (Netherlands)**, President of the First Conference :

*Translation :* I propose that the First Conference should meet at 6 p.m.

**The President :**

*Translation :* The Second Conference will meet at 4.30 p.m. and the First Conference at 6 p.m.

*The Conference rose at 1.40 p.m.*

## SIXTEENTH MEETING

*Held at Geneva on Saturday, December 13th, 1924, at 4.30 p.m.*

### CONTENTS :

56. HASHISH : PROPOSAL OF THE EGYPTIAN DELEGATION THAT HASHISH SHOULD BE INCLUDED IN THE LIST OF NARCOTICS WITH WHICH THE CONFERENCE HAS TO DEAL.

President : M. Herluf ZAHLE.

56. HASHISH : PROPOSAL OF THE EGYPTIAN DELEGATION THAT HASHISH SHOULD BE INCLUDED IN THE LIST OF NARCOTICS WITH WHICH THE CONFERENCE HAS TO DEAL.

**The President :**

*Translation :* Ladies and gentlemen, the meeting is open.

The first item on the agenda is the proposal submitted by the Egyptian delegation to the effect that hashish should be included in the list of narcotics with which the Conference has to deal.

I call upon Dr. El Guindy, first delegate of Egypt, to address the Conference.

**M. El Guindy (Egypt) :**

*Translation :* As I promised in my speech, I have the honour to submit to the Conference in as concise a form as possible a memorandum on hashish. In doing so, I hope that I may be able to arouse the interest of the Conference in this important question.

I do not wish it to be thought, however, that I am only dealing with this question in so far as it concerns Egypt alone. It is true that in our country we have taken the strictest measures against the contraband traffic in this drug, but there are other peoples also which suffer from its ravages. Egypt is not the only nation concerned, and I therefore wish to ask you to examine the problem of hashish with all the attention that it deserves, since it is a problem of capital importance for a large number of Eastern peoples.

The *cannabis indica* or *sativa*, called also by the name of hashish (English — Indian hemp; German — *indianischer Hanf*; French — *chanvre indien*), was known even to antiquity.

It was originally cultivated on the plateau of Persia and Turkestan. Later, it was introduced into Asia Minor and Egypt, where it was mentioned by chroniclers of the time of the Crusades. At present, the countries which produce it are Siberia, Russia, the Caucasus, Persia, the western plateau of the Himalayas, Kashmir, India and also South-Eastern Europe.

Researches undertaken with a view to determining the active agent of this plant led to the discovery of a product called cannabine, a kind of soft and brownish resin. An aromatic oil of an amber colour, the inhalation of which causes dizziness and giddiness, is also derived from *cannabis indica* by distillation. In addition, it has been found to contain a certain quantity of nicotine<sup>1</sup>.

<sup>1</sup> See *Dictionnaire Encyclopédique des Sciences Médicales* by DECHAMBRE and LERBOULLET, Paris 1886, Volume XII, pp. 500-516.

The flowers, the tender shoots and the fruits of the cannabis are specially utilised. Only the unfertilised female flowers, however, are able to produce the resinous matter, as fertilisation destroys the active principle of the plant.

Hashish, prepared in various forms, is used principally in the following ways :

(a) In the form of a paste made from the resin obtained from the crushed leaves and flowers, which is mixed with sugar and cooked with butter and aromatic substances and is used to make sweets, confectionery, etc. ; known in Egypt by the names of *manzul*, *maagun* and *garawish*.

(b) Cut into small fragments, it is mixed with tobacco for smoking in cigarettes.

(c) The Indian hemp is simply smoked in special hookahs, called *gozah*.

We must next consider the effects which are produced by the use of hashish and distinguish between :

- (1) Acute hashishism, and
- (2) Chronic hashishism.

Acute hashishism occurs when the consumer uses hashish irregularly.

Let us study the effects of this intoxication : Taken in small doses, hashish at first produces an agreeable inebriation, a sensation of well-being and a desire to smile ; the mind is stimulated. A slightly stronger dose brings a feeling of oppression and of discomfort. There follows a kind of hilarious and noisy delirium in persons of a cheerful disposition, but the delirium takes a violent form in persons of violent character. It should be noted that behaviour under the influence of the delirium is always related to the character of the individual. This state of inebriation or delirium is followed by slumber, which is usually peaceful but sometimes broken by nightmares. The awakening is not unpleasant ; there is a slight feeling of fatigue, but it soon passes<sup>1</sup>.

Hashish absorbed in large doses produces a furious delirium and strong physical agitation ; it predisposes to acts of violence and produces a characteristic strident laugh. This condition is followed by a veritable stupor, which cannot be called sleep. Great fatigue is felt on awakening, and the feeling of depression may last for several days.

The habitual use of hashish brings on chronic hashishism, which is much more serious than acute hashishism.

The countenance of the addict becomes gloomy, his eye is wild and the expression of his face is stupid. He is silent ; has no muscular power ; suffers from physical ailments, heart troubles, digestive troubles, etc. ; his intellectual faculties gradually weaken and the whole organism decays. The addict very frequently becomes neurasthenic and, eventually, insane.

In general, the absorption of hashish produces hallucinations, illusions as to time and place, fits of trembling, and convulsions<sup>2</sup>.

A person under the influence of hashish pre-

<sup>1</sup> See BINET-SANGLÉ, "Action du hachisch sur les neurones". *Revue Scientifique* of March 2nd, 1891.

<sup>2</sup> See MOREAU de TOURS, "Du Hachisch et de l'aliénation mentale": Etudes psychologiques. Paris 1845, Volume I.

sents symptoms very similar to those of hysteria<sup>1</sup>.

From the therapeutic point of view, science has not made much use of hashish with good results. It has, however, been administered with some success in certain cases of *delirium tremens*.

Taken thus occasionally and in small doses, hashish perhaps does not offer much danger, but there is always the risk that once a person begins to take it, he will continue. He acquires the habit and becomes addicted to the drug, and, once this has happened, it is very difficult to escape. Notwithstanding the humiliations and penalties inflicted on addicts in Egypt they always return to their vice. They are known as "hashashees", which is a term of reproach in our country, and they are regarded as useless derelicts.

Chronic hashishism is extremely serious, since hashish is a toxic substance, a poison against which no effective antidote is known. It exercises a sedative and hypnotic effect, and is prescribed in the following doses :

The extract, from 0.015 gr. to 0.06 gr.  
The tincture, from 5 to 15 drops.

Generally speaking, hashish is not very much used in medical practice, and its results are a matter of controversy.

In view of the great danger involved by the consumption of hashish, special measures have been taken by the Egyptian Government.

As early as 1868, Dr. Mohammed Ali Bey made a report to the competent authorities regarding the accidents caused by the abuse of hashish. In 1884, the cultivation of this plant was forbidden. The cafés (or *mashhashas*) in which hashish was consumed by smoking in special hookahs were closed, and are still mercilessly sought out by the police.

Measures were taken to prevent the production and importation of *cannabis indica* ; the following are the chief of these measures :

All cultivation of *cannabis indica* is prohibited, and the cultivator is liable to a fine of £ E 50 (equal to about 26 gold francs) per feddau or fraction of a feddau (the feddau is equal to 4,200.83 square metres).

As regards importation, smuggled hashish used a few years ago to be confiscated and resold to agents for exportation. At present, the goods confiscated are destroyed and a fine of £ E 10 per kilogramme is imposed on the clandestine importer. However small may be the quantity imported, the fine cannot be less than £ E 2.

It is interesting to note the quantities of hashish that have been confiscated as a result of the measures taken by the Egyptian Government.

The following quantities were seized by the Customs Administration :

	<i>Kg. of Hashish</i>
In 1919.....	2,709,535
1920.....	1,869,199
1921.....	621,822
1922.....	173,468
1923.....	2,128,864
1924.....	3,262,227

<sup>1</sup> See Charles RICHER, *Dictionnaire de Physiologie*, Paris, 1909 ; Article by Raymond MEUNIER, Volume VIII, pp. 188-200

The following quantities were seized by the Coastguards Administration :

	<i>Kg. of Hashish</i>
In 1920.....	3,697,648
1921.....	1,775,235
1922.....	1,223,842
1923.....	2,708,169
1924.....	2,262,350

Unfortunately, I have no information regarding the quantities seized by the police, which must certainly be greater than the above-mentioned figures. There can be no doubt, however, that the goods confiscated represent only a small fraction of what is introduced clandestinely.

It is known, for example, that in a single year (about 1909) more than 140,000 pounds of hashish were consumed in Egypt<sup>1</sup>.

Some idea of the ravages produced by these enormous quantities of hashish clandestinely consumed may be gained from the fact that the real requirements of the country hardly ever exceed 20-30 kilogrammes annually.

For example, the requirements of hashish for medical purposes in an average year may be estimated at

11.165 kilos of extract,
1.331 „ of soft extract,
12.375 „ of tincture.

In 1919, the Egyptian Government allowed the importation of 65 kilogrammes of hashish for medical purposes and in 1920 of 23 kilogrammes.

The illicit use of hashish is the principal cause of most of the cases of insanity occurring in Egypt. In support of this contention, it may be observed that there are three times as many cases of mental alienation among men as among women, and it is an established fact that men are much more addicted to hashish than women. (In Europe, on the contrary, it is significant that a greater proportion of cases of insanity occur among women than among men.)

Generally speaking, the proportion of cases of insanity caused by the use of hashish varies from 30 to 60 per cent of the total number of cases occurring in Egypt.

My Government is giving increasing attention to finding the best method of eradicating this social evil. Other countries are also taking an interest in this question. In the British House of Commons on February 19th, 1924, for example, Mr. Gilbert asked the Government a question regarding hashish and its uses. He expressed surprise that hashish was not included in the list of dangerous drugs which were subject to import restrictions in Great Britain. He asked whether the Government had any information regarding the use of the drug in certain seaport towns, and whether it proposed to take any steps to add this drug to the list of dangerous drugs and place it under the same restrictions as applied to them.

Mr. Rhys Davies replied that indulgence in the use of hashish was rare in Great Britain, though it was possible that it was practised to a certain extent among Oriental seamen visiting her ports. Hashish was not one of

<sup>1</sup> *Dictionnaire de Physiologie*, by Ch. RICHEL, Paris, 1909, Article by Raymond MEUNIER, Vol. VIII, pp. 188-200.

the drugs to which the International Opium Convention of 1912 applied, though the Hague Conference recommended that its use should be investigated and stated that any proposal for the extension to hashish of the restrictions relating to the drugs included in the Convention would have to be considered from the international standpoint. He understood that the League of Nations, which by the Treaty of Peace was entrusted with the general supervision over the traffic in dangerous drugs, had not yet considered the question.

He added: "The question is one in which other countries are more closely concerned than this country, but the position is being watched by my department and, if it appears desirable, steps will be taken to raise the question before the Opium Advisory Committee of the League"<sup>1</sup>.

I was very glad to hear that the South African Government had made the same proposal as myself. I should also specially like to thank the honourable delegates of the United States, Turkey, Japan, Brazil, Poland, Greece and other countries, who have assured me that this subject was also included in their programmes. Further, I should like to thank all the delegates to whom I have spoken on this question and who have promised me their support.

I do not see why we should wait until 1925 to take a decision on this question, since a large number of countries have pronounced in favour of my proposal through their delegates.

The day before yesterday evening, on the advice of the President, I had an interview with the honourable delegates of France, the British Empire and India in the hope of gaining a decision in favour of my proposal without being forced to submit the point to the Conference and to raise once more the question of competence.

All these distinguished delegates were in agreement with me as regards the terrible and injurious effects of this drug, and none of them denied that it was a dangerous narcotic and a habit-forming drug. In spite of that, however, we were unfortunately unable to reach an agreement as to how the question could be settled forthwith.

I was told that a special paragraph had been inserted in the report of the Advisory Committee concerning the *cannabis indica* or *cannabis sativa*, or, to give it its more usual name, hashish. But my Government, which received this report at the same time as the invitation to take part in this Conference, did not find in it — any more than I have myself been able to find — any serious obstacle to the addition of hashish (which is the resin obtained from the flowers, the leaves, or the hairs on the extremities of the *cannabis indica* or *cannabis sativa*, to the list of narcotics and injurious drugs with which we are now dealing. That this addition may be made is the chief request which my Government makes to this Conference.

From the economic point of view, I do not think that Indian hemp is of appreciable importance to the finances of any State.

As regards the industrial point of view, I do not think this plant has any qualities which cannot be found elsewhere. Even if the contrary were the case, it would be easy to employ it if the precaution were taken of letting the female flowers be fertilised by increasing the

See *The Lancet* of March 1st, 1924, pp. 469-470.

quantity of plants producing male flowers in the fields under cultivation.

In a moment, I shall ask our friend and distinguished Vice-President, H.E. M. de Agüero y Bethancourt, to tell you how hashish also leads many of its addicts to absorb virulent poisons which they would never have dreamed of taking if they had not fallen under the influence of this pernicious drug.

Personally, even at the risk of seeming importunate, I insist, and shall continue to insist, on the importance of this question, being confident that in this respect I am voicing the views of the entire Egyptian people, from His Majesty King Fuad I, our august and well-beloved sovereign, who takes a special interest in the question, down to the humblest fellah of the Nile valley.

I earnestly beg all the delegates to give this question their best attention, for I know the mentality of Oriental peoples, and I am afraid that it will be said that the question was not dealt with because it did not affect the safety of Europeans. I am in full agreement with my eminent colleague, Dr. Chodzko, who said that considerations of religion, of race or of nationality must never be allowed to stand in the way of the humanitarian work which the League of Nations undertakes.

Moreover, I am sure that, if we take a decision regarding opium and the drugs mentioned in the schedule of the Advisory Committee, without adding hashish, the latter will soon replace the other narcotics and will then become a terrible menace to the whole world. It seems to me that it is better to prevent a disease than to cure it.

The League of Nations aims at safeguarding the liberty of man. It is an arbiter guaranteeing the rights of every nation.

The League wants all the citizens of the world to be able to live their lives in freedom and good health, and therefore I am sure that it will give its attention to the havoc wrought by hashish among our population. It will save the thousands of human beings who lose their reason every year as a consequence of the excessive use of hashish.

The League of Nations will earn the gratitude of all those it will have rescued from the hashish habit, and it will thus swell the ranks of those who wish to fight under its banner in the good cause.

I am certain that you, gentlemen, who work under the ægis of the League of Nations, will help us in the struggle we have undertaken against this scourge, which reduces man to the level of the brute and deprives him of health and reason, self-control and honour. (*Prolonged applause.*)

**The President :**

*Translation :* The discussion on the Egyptian delegation's proposal is open. Does anyone wish to speak on this subject?

M. Sze, delegate of China, will address the Conference.

**M. Sze (China) :**

Mr. President and members of the Conference, I am greatly moved by the statement made by the honourable delegate of Egypt. While I know next to nothing about the subject, I wish, in view of the statement the Egyptian delegate has made about the danger which this

drug is to humanity, to second his request that this Conference should make a study of the question and do everything possible to put an end to this dangerous form of drug named hashish. On behalf of my delegation, I wish to assure the Egyptian delegate that it can count on us to do all we can to support its efforts. (*Applause.*)

**The President :**

*Translation :* The Hon. Stephen G. Porter, delegate of the United States of America, will address the Conference.

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

Mr. President and members of the Conference, I have read with care and interest the statement of the distinguished delegate of Egypt and I have also read the statement which was made by the delegate of Turkey.

My knowledge of hashish and its use is quite limited. The very carefully prepared statement of the delegate of Egypt, together with my own knowledge on the subject, have satisfied me that we are under an obligation in this Conference to do everything we can to assist the Egyptian and Turkish people to rid themselves of this vice. We are asking them to help us to destroy the vice of opium, coca leaves and their derivatives, and I believe that this is a good time to practise a little reciprocity. They have their troubles and we have ours, and I can see no reason why this Conference, aided as it is by the distinguished men on Sub-Committee F, should not deal with this question. Happily, as I understand it, no question of revenue is involved. That fact ought to make the solution much easier, and I earnestly urge the delegates to give to the suggestion of the delegate of Egypt the same patient hearing as they would give to other matters. I shall conclude by saying that many countries of the world have their own problems; by helping each other we can make the world much happier and much better. (*Applause.*)

**The President :**

*Translation :* Mr. Clayton, delegate of India, will address the Conference.

**Mr. Clayton (India) :** Mr. President, at the beginning of the present year the Government of India commenced an enquiry on its own initiative into the possibility of bringing Indian hemp within the Hague Convention. It had, for that purpose, to consult its Provincial Governments, and I am not in a position to speak as to the actual stage which the enquiry has reached.

The Government of India was not aware that the question of hashish would be raised at this Conference, and consequently the Indian delegation is entirely without instructions.

There is no doubt, however, in view of the action which it is now taking, that the Government of India would regard the Egyptian proposal with sympathy. We are, however, preparing here a Convention as the result of which we shall enter into definite engagements. The Government of India can only enter into engagements which it knows it can effectively carry out. In the state of its present knowledge, in the present state of the enquiry in

India, it will be very difficult for my Government to enter into any precise engagement at this moment. Moreover, as I have already said, I have no instructions.

I have not the least desire to put any obstacle in the way of the delegation of the Government of Egypt in the pursuance of its desire to control this drug, but I think that the Egyptian Government should recognise that our difficulties are to some extent the result of their own inaction, if I may use the word.

The League particularly asked that any country invited to this Conference having any proposal to place before it should send that proposal to the Secretariat in time for the Preparatory Committee. I understand that this proposal with regard to hashish was not sent in in time for the Preparatory Committee to deal with it. We have none of us, therefore, had time to consider the matter, and I think it would be very difficult to give the subject that unanimous vote of admission which would be necessary for it to be included in the agenda of the Conference.

In these circumstances, I suggest that the Egyptian delegation should be ready to avail itself of the machinery now being prepared by Sub-Committee F, which will enable other noxious drugs than those specifically mentioned in the Hague Convention to be brought within its terms. It would be possible then for all Governments which sympathise with the aims of the Egyptian delegation, as the Government of India does, to work with the Egyptian Government with a view to the inclusion of hashish within the terms of the Convention, within as short a delay as possible. It seems to me that the only other way in which it could be dealt with would be to have a *vœu* in the Protocol of the Convention. In my view, the administrative obstacles in the way of including any specific article dealing with hashish, are, under the circumstances, extraordinarily great.

**The President :**

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

Mr. President, so far as I understand it, the proposal before us is that hashish should be brought within the full provisions of the Hague Convention. On previous occasions during the course of this Conference on which the matter has been discussed, I hope I have made it clear that Great Britain is not only willing but desirous that this question should be considered. The British Government has already been taking steps to investigate it; it has also been taking steps to prevent illicit traffic in this drug, and has been collaborating to some extent with the Egyptian authorities in the matter. I may again mention here a point to which I think I have already referred, namely, that this question was brought for the first time to the attention of the League by the Government of one of the British Dominions.

There are, however, difficulties in the way of dealing with the matter here and now. I think we must all agree that we cannot take the decisive step which the Egyptian delegate desires us to take without being quite clear as to the facts and quite clear as to the appli-

cability of all the provisions of the Hague Convention.

The difficulty is that the enquiries which have already been initiated at the instance of the Advisory Committee of the League are not yet complete, and the delegations of the States which have to deal with the question — I understand the States particularly interested are India and France — have not come prepared with the necessary information and instructions.

This fact brings us back again to the old question of competence. It was not intended, when this Conference was summoned, that hashish should be discussed, and I do not think that all the ingenuity which different delegations have displayed in reading certain subjects into the agenda will enable even them to find hashish there. That is the reason why the matter is still, if I may use the expression, in an unprepared state. It seems impossible in those circumstances for us to do what the Egyptian delegate wishes us to do, namely, by an agreement at this Conference to decide to bring hashish under the full provisions of the Hague Convention.

The question therefore arises — Can anything short of this be done which is useful and practicable? I think there can. Mr. Clayton has already referred to the fact that new machinery is under consideration for bringing new drugs, which are liable to produce the same ill-effects as those already under the Convention, within the Convention, without the necessity of calling a fresh Conference on each occasion. That machinery, if adopted by this Conference, will be available for bringing hashish, in due time, under the Convention.

Then, again, I think it might be possible for the interested Powers to continue the conversations which have already been begun in private, to exchange their views and information and experiences, and to arrive at an understanding so far as possible as to the measures which are desirable and the points on which it may be necessary to obtain further information. Personally, I should have no objection at all to the appointment of a small Committee for continuing that work.

It might very well happen that, if such a small Committee were appointed and the question fully discussed, so far as is possible with the limited information at our disposal, between the delegations of the countries interested, the Committee might find itself in a position to present some *vœu*, some recommendation, which could be appended to the Convention resulting from the work of this Conference, as to the measures which seem practicable and desirable. That recommendation, if adopted, would be submitted to the Governments, and I have no doubt the Governments would be prepared to act upon it to the utmost of their power.

**The President :**

*Translation :* M. Bourgois, delegate of France, will address the Conference.

**M. Bourgois (France) :**

*Translation :* I would like to associate myself with the remarks and conclusions of Sir Malcolm Delevingne.

From the medical point of view, there can be no doubt that hashish is very dangerous,

and there is also no doubt that the Governments wish to remove this danger.

In France, hashish is treated in exactly the same way as the drugs to which the Hague Convention applies. Each colony has its own regulations, based, in the first place, on local conditions and, in the second, on administrative possibilities.

I would like to draw your attention to the difficulties encountered on both these points. Without going into the subject in detail, I may quote the fact that in the Congo, for example, there are several tribes of savages and even cannibals among whom the habit is very prevalent. It would therefore be hypocritical on my part to sign a Convention laying down strict measures in this respect. I can undertake to have these measures applied in France, because this would be a practical proposition, but the same does not apply to the Congo.

In pursuance of the Advisory Committee's decision, an enquiry has been ordered by the competent ministerial departments. In consequence, I associate myself with Sir Malcolm Delevingne's proposal to appoint a Committee, which, in my opinion, will not be able to do more in practice than make recommendations.

**The President :**

*Translation :* Does anyone else wish to speak on this point ?

M. El Guindy, delegate of Egypt, will address the Conference.

**M. El Guindy (Egypt) :**

*Translation :* The delegates who have spoken on the question of hashish have all expressed more or less the same opinion.

A member of the Conference has stated that my Government did not send its report in time ; but to my knowledge no time-limit was fixed.

The same speaker said that he had received no instructions from his Government respecting the question before us. I would like to point out that, as regards several subjects which have been discussed, either at a plenary meeting or in a Committee or Sub-Committee, several delegates had not received instructions from their Governments, but this did not prevent them from taking part in the discussion and even from taking decisions.

We are told that further enquiries and investigations into the question of hashish are necessary. But surely we all agree that hashish is a very dangerous narcotic and a habit-forming drug. Consequently, I do not see what additional investigations can be made, since the fact to which I refer is recognised by all.

It may be necessary to take into account the objections which have been raised from the administrative point of view. I do not think, however, that the Conference will oblige a State to do anything which the Central Board recognises to be impossible.

When a State signs an agreement, it can always make reservations if it finds it impossible to exercise complete control over one of its possessions. It could give us the reasons for these difficulties, and I imagine that the Central Board would fully appreciate the

situation and would give a certain latitude to such a State. I therefore consider that the objections which have been put forward do not constitute a real obstacle to the addition of hashish to the list of narcotics.

It has been proposed that Sub-Committee F should extend the Hague Convention to cover all the dangerous drugs to which it did not originally apply. I really see no plausible reason why hashish should not be included here and now.

The time-limit which will be allowed to carry out the obligations we may incur by signing the Convention will perhaps be sufficient to enable the States which make these objections to study the best way of restricting the production and exportation of hashish.

**The President :**

*Translation :* It seems to me that the discussion is becoming a little confused.

One speaker said that hashish did not come within the competence of the Conference. I notice that this statement raised no protest on the part of the members present. Yet everyone seems to agree that this question should be dealt with in some way or another.

If I have rightly understood the discussion which has just taken place, we have two proposals before us, one put forward by Mr. Porter to the effect that the question should be referred to Sub-Committee F, and the other, put forward by Sir Malcolm Delevingne and seconded by M. Bourgois and Mr. Clayton, to the effect that a special Committee should be constituted to study it.

It seems that Dr. El Guindy is not satisfied with either proposal. I did not gather the exact conclusions he wished to be drawn from his speech, and I would like to know whether he accepts the British or the American suggestion.

As you know, Sub-Committee F proposes to extend the schedule of narcotics covered by the Hague Convention.

**M. El Guindy (Egypt) :**

*Translation :* That was also one of my proposals, Mr. President, but it is not the result that I really want. My main point was that hashish ought to be included in the list of narcotics, since it has been recognised as such by all the members of the Conference.

**The President :**

*Translation :* If I am not mistaken, several delegates who have just spoken are not in a position to assume international obligations to suppress the use of hashish, because the information hitherto available is not sufficiently conclusive. These Governments are doubtful of their ability to observe such obligations as they might incur in this respect.

I would like to draw the honourable Egyptian delegate's attention to the fact that he has not pronounced an opinion with regard to the proposals submitted by the American and British delegations respectively. I should be glad to know his views on these two proposals.

**M. El Guindy (Egypt) :**

*Translation :* I accept the American proposal to refer the question to Sub-Committee



F, on the understanding that I reserve the right to raise the question again before the plenary Conference.

**The President :**

*Translation :* Does anyone wish to speak on this subject ?

As no one wishes to speak, the Egyptian proposal regarding hashish may be considered as unanimously referred to Sub-Committee F.

As regards the Egyptian delegate's wish to reserve the right to raise the question again in a plenary meeting, I venture to think that his reservation is superfluous, as Sub-Committee F will have to make a report to the Conference.

**M. van Wettum (Netherlands) :**

I am sorry to say that I have no instructions to discuss the question.

**The President :**

*Translation :* I request the Chairman of Sub-Committee F to take note of this discussion. I see he is not here himself, so I shall ask the honourable delegate of Switzerland to take note of the statements that have been made here and communicate them to him.

**M. El Guindy (Egypt) :**

*Translation :* Egypt is represented on Sub-Committee F by Dr. Mahfooz. As I am not entitled to attend the meetings of this Sub-Committee, may I ask the Conference's special permission to do so, as I would like to take part in the discussion ?

**The President :**

*Translation :* As first delegate you are entitled to sit on any of the Sub-Committees.

*The Conference rose at 5.55 p.m.*

## SEVENTEENTH MEETING

*Held at Geneva, Tuesday, December 16th, 1924, at 3.30 p.m.*

### CONTENTS :

57. QUESTION OF THE ADJOURNMENT OF THE CONFERENCE : MOTION SUBMITTED BY THE PRESIDENT.

President : M. Herluf ZAHLE.

57. QUESTION OF THE ADJOURNMENT OF THE CONFERENCE : MOTION SUBMITTED BY THE PRESIDENT.

**The President :**

*Translation :* Ladies and gentlemen, the meeting is open.

You have before you a motion for the adjournment of our Conference. You know that, when this question was first raised, it seemed to me premature to fix a date for the conclusion of our work. Now, however, I think that I can submit a proposal which I hope will meet with your approval.

It has become clear, from the meetings of the Sub-Committees, especially during the past week, that it is impossible for us to complete the important work of this Conference before Christmas. If we adjourn, as I suggest, it will enable all the delegates to have a few days' holiday and to consult their Governments on the questions which will appear on the agenda when the Conference reassembles.

I do not wish to enter into the details of the work of the Conference or of the Sub-Committees. It is my personal conviction that their efforts are bringing us steadily nearer to our goal, and, although the Sub-Committees have not yet submitted reports to the plenary Conference for discussion, a number of important proposals have been drafted, which I am sure the Conference will be prepared to adopt. Sub-Committees A, B and C have not yet

concluded their work, but Sub-Committees D and F have finished their meetings for the time being, and the work of Sub-Committee E is completed, although the official text of its report has not yet been adopted by the members.

In the motion which I have submitted, it is suggested that, before the adjournment of the Sub-Committees at the end of this week, the results of their work should be summarised and distributed to all the delegates before they leave Geneva. If this is done, the Committee of Co-ordination will have full information, at all events as regards certain questions, and will be able to resume its discussions directly the Conference meets again.

My proposal, as you will see, is that we adjourn until January 12th, 1925. I know that this means a great sacrifice for several of the members, for there are representatives here who have come from distant countries and who naturally wish to return home and resume their usual occupations.

My proposal is drafted as follows :

"The Second Opium Conference consisting of States invited by the Council of the League of Nations to consider problems connected with the extension of the Hague Convention :

"Considering that the Conference has now been in session for a month ;

"Considering that certain important questions have arisen in the Conference :

"Decides :

"(1) To take advantage of the coming holiday season to adjourn all plenary meetings until January 12th, 1925, when the first order of business shall be the continuation of the discussion of the motion of the delegation of the United States of America ;

"(2) To ask its various Sub-Committees to continue during this week the discussion of the subjects now under consideration, in order that the results at which they have arrived may be distributed at the earliest possible moment and thoroughly considered during the period of adjournment, reserving, however, the right to the Chairmen of the Sub-Committees to adjourn the debates according to the wishes of the members."

This is the motion which I have the honour to submit, and which is now open for discussion. I call upon M. Sugimura to address the Conference.

**M. Sugimura (Japan) :**

*Translation :* The Japanese delegation heartily supports the motion submitted by the President. His suggestion is a wise one, and is the only means of ensuring success. (*Applause.*)

**The President :**

*Translation :* M. Buero, delegate of Uruguay, will address the Conference.

**M. Buero (Uruguay) :**

*Translation :* The Uruguayan delegation is in full agreement with the proposal submitted by the President.

I most earnestly hope that, on the resumption of our work, all the difficulties which have arisen in the Second Conference will have been overcome, so that we may have every reason to hope for a successful outcome to our work — a result which is of vital importance to the cause of humanity and to the prestige of the League. (*Applause.*)

**The President :**

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

Mr. President, I desire to support the motion for adjournment which you have presented to the Conference. We believe that an adjournment has become not only desirable but necessary, if the Conference is to reach a satisfactory conclusion of its work.

In accepting the motion as drafted, I wish, however, to make it clear that our acceptance must not be taken to imply that the British delegation has departed from the attitude which it assumed with regard to the American motion referred to in paragraph I, or that we admit that that motion is within the scope of the Conference.

We associate ourselves with the hopes which have been expressed that, as a result of the adjournment, the Conference will be enabled, on its reassembling, to obtain results which will be satisfactory to all.

**The President :**

*Translation :* Dr. Betances, delegate of the Dominican Republic, will address the Conference.

**M. Betances (Dominican Republic) :**

*Translation :* I quite understand the reasons for adjourning the Conference, but I wish to state that I am unable to accept the President's proposal. In the first place, I do not

know if I shall be able to find an aeroplane to take me to San Domingo and bring me back in January. In the second place, I do not know if my Government will be willing for me to remain idle in Geneva or Paris for a month.

I regret, therefore, that I am unable to accept the proposal. I am prepared, if necessary, to work all through the months of December and January, in order that the Conference may arrive at satisfactory results.

**The President :**

*Translation :* Mr. Clayton, delegate of India, will address the Conference.

**Mr. Clayton (India) :**

On behalf of the Indian delegation, I desire to support the motion that has been read to the Conference, but with the same reserve as regards the motion of the United States delegation as that made by the honourable delegate of Great Britain. With him, I hope that, as the result of the adjournment, this Conference will finally end successfully.

**The President :**

*Translation :* I call upon M. Bourgois, delegate of France, to address the Conference.

**M. Bourgois (France) :**

*Translation :* The French delegation is in favour of the motion of adjournment. It wishes to make it clear, however, that its support in no way affects its attitude towards the American motion. It cannot agree to the inclusion of that motion in the programme of the Conference. I share the hope expressed by my colleague, Sir Malcolm Delevingne, that the results of the Conference may prove successful.

**The President :**

*Translation :* M. de Palacios, delegate of Spain, will address the Assembly.

**M. de Palacios (Spain) :**

*Translation :* I fully understand the attitude of the Dominican delegate. About two weeks ago, when the question of adjournment was raised, I stated that I was in favour of continuing the work without interruption. The President's proposal, however, is a further proof of the spirit of conciliation which prompted the Spanish delegation to submit a motion of adjournment. I therefore support the motion, which will, I hope, be adopted by the Conference.

**The President :**

*Translation :* M. van Wettum, delegate of the Netherlands, will address the Conference.

**M. van Wettum (Netherlands) :**

I shall vote for the motion submitted by the President, on the clear understanding that, while accepting it, the Netherlands delegation fully maintains its attitude as regards the motion of the United States delegation. My delegation cannot admit that the proposal contained therein falls within the competence of the Conference.

**The President :**

*Translation :* M. Sze, delegate of China, will address the Conference.

**M. Sze (China) :**

I should like to say a few words to explain my vote on the proposal which our distinguished President has placed before us. I am going to vote in favour of it. You may perhaps want me to explain my attitude, for there may seem to be some inconsistency in my now voting in favour of the motion when I have always been against any prolonged adjournment and in favour of speedy and efficient work.

You will recall that the President said, at the beginning of this meeting, that he proposed an adjournment for two reasons : first, to enable members to have the pleasure of going home and spending some time with their families, and to rest before continuing the hard work which lies before them, and, secondly, that while they are at home they may have the advantage of discussing various questions with their Governments. It is because of this understanding and assurance, gentlemen, that I appeal to any of you who may be hesitating about voting in favour of this motion to support it and adopt the suggestion which our President has made.

Although we are to have a rather long adjournment — three weeks — those three weeks will not be wasted, because the members who are going home will be able to obtain what seems in some cases to be lacking at present, namely, further instructions, so that when the Conference meets again we shall not be delayed by such excuses as lack of instructions or lack of competence.

I personally have always been in favour of going on with our work until it is finished and against any prolonged adjournment ; in a case like this, however, when we are dealing with matters which are of such importance to the whole world and to future generations, and when an adjournment would seem to be of such importance to the whole Conference, I suppose I can be excused for subordinating my own convenience to the welfare of humanity. I am therefore willing to disregard my own convenience and to postpone the discussion of the problems before the Opium Conference for three weeks. I am sure that, when we return, we shall be able to arrive quickly and effectively at the results we all desire, and that the work we shall accomplish will be acceptable to all and be such that not only we, but future generations, may regard it with satisfaction and pride.

The President has rightly said that there are many important questions still before the Conference, one of them being, of course, Chapter II of the American suggestions. There are many others, however, which have given rise to difficulties during their discussion by this Conference, and among these I may mention the one in which I am most interested, Chapter IV of the Hague Convention.

I have had the honour of meeting a number of delegates on this Conference and discussing Chapter IV with them, and I think I have fully convinced them that I do not wish to take advantage of this Conference to raise the question of extra-territoriality, although I have always maintained, and still maintain, that it is unjust and unfair. I do not propose to raise the question, however, in this Conference.

Before I sit down, let me add one word. I do not ask those Powers which still possess extra-territorial rights in China to make any

concession whatsoever ; I simply ask them so to adjust their measures as to bring them into harmony with the Chinese laws, thus enabling China to carry out, not only in the letter but in the spirit, the Hague Convention. That result will not only benefit China herself but also the nationals of those Powers possessing extra-territorial rights in China and will maintain the good name of those Powers, besides benefiting humanity at large. For these reasons, I shall vote in favour of the proposal laid before us by our distinguished President.

**The President :**

*Translation :* M. Falcioni, delegate of Italy, will address the Conference.

**M. Falcioni (Italy) :**

*Translation :* In the name of the Italian delegation, I beg to support the President's motion.

I think that I shall be interpreting the feeling of this Conference if, before we part, I express our admiration for the manner in which he has presided over our discussions. (*Applause.*)

**The President :**

*Translation :* I call upon the Hon. Stephen G. Porter, delegate of the United States, to address the Conference.

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

The delegation of the United States desires to join with others in supporting this resolution proposed by the President. We all feel that a short adjournment will be helpful in many ways. This is the season of the year when we like to be at home, if we can, and I know a great many of you will be able to return to your homes. Our delegation will do everything we can to help you to do so. We shall vote for the resolution. (*Applause.*)

**The President :**

*Translation :* M. Peltzer, delegate of Belgium, will address the Conference.

**M. Peltzer (Belgium) :**

*Translation :* The Belgian delegation heartily supports the proposal for adjournment now before us. It has no reservation to make and hopes that the issue of the Conference may prove successful. (*Applause.*)

**The President :**

*Translation :* M. Ferreira, delegate of Portugal, will address the Conference.

**M. Ferreira (Portugal) :**

*Translation :* I also wish to support the President's proposal. This is the season for good wishes, and my wish is that the Conference may prove a complete success.

**The President :**

*Translation :* Does anyone else desire to speak on the motion of adjournment now before us ?

No one wishes to speak.

In submitting this motion, I know that I am demanding sacrifices from certain members of the Conference. I am sorry to find that in the case of the Dominican delegate they appear unduly great. It is not surprising ; I

myself should certainly not risk travelling to such distant countries by aeroplane. I hope, however, that the Dominican Government will realise the importance of his mission, and that it will be its desire, as it is that of all of his colleagues, that he shall remain with us.

Does anyone desire a vote by roll-call to be taken on my motion?

*(Several delegates replied in the negative.)*

**The President :**

*Translation :* Although the Dominican delegate does not, perhaps, desire vote by roll-call, I understand that he feels it his duty to vote against my motion?

**M. Betances (Dominican Republic) :**

*Translation :* The Dominican delegate has made sacrifices, as has the Dominican Republic. I shall be delighted if the latter is prepared to go on doing so.

**The President :**

*Translation :* I regard this reply as a reservation.

The statements and reservations of the various delegations will be noted in the record of this meeting.

I declare the motion of adjournment unanimously adopted.

*Adopted.*

**The President :**

*Translation :* Before closing this meeting, I wish to thank you for the confidence which

you have shown in me throughout our discussions. I should like especially to thank the first Italian delegate for his kind remarks, and the other members of the Conference for their approval of them.

As I have said, the work already accomplished has been and will be of the greatest help in attaining the objects of our Conference. It is clear from our discussions, and you have seen for yourselves, that, despite our good-will, we are faced with great difficulties. Notwithstanding, I am optimistic; but my optimism is of a modest character. I do not think it is possible for any one person or any one generation to succeed in the full attainment of the ideals which we have in view.

It is the duty of every responsible Government and every responsible individual to do all that is possible under present conditions to further the ideals of life. Often we shall have to be content to advance one step at a time along the road of human progress; but we shall advance along that road in a spirit of toleration, under the ægis of the League, which leads the way in the great movement of international co-operation.

The ideal is not like a rocket, which soars into the air and blazes for a second, only to be lost in darkness; it is the steady flame which burns above the altar in the temple of humanity. *(Prolonged applause.)*

I offer the members of the Conference all good wishes for Christmas and the New Year. *(Applause.)*

*The Conference rose at 4.30 p.m.*

## EICHTEENTH MEETING

*Held at Geneva on Monday, January 12th, 1925, at 3 p.m.*

### CONTENTS :

58. COMPOSITION OF THE CANADIAN DELEGATION : DEPARTURE OF M. BELAND.
59. ADJOURNMENT OF THE CONFERENCE UNTIL JANUARY 19th, 1925 : MOTION PROPOSED BY THE PRESIDENT.
60. TELEGRAM OF SYMPATHY TO THE MARQUIS OF SALISBURY : PROPOSAL BY THE JAPANESE DELEGATION.

President : M. Herluf ZAHLE.

58. COMPOSITION OF THE CANADIAN DELEGATION : DEPARTURE OF M. BELAND.

**The President :**

*Translation :* I have just received from M. Beland, first delegate of Canada, a letter in which he informs me that his Government has recalled him and that he will therefore not be able to take further part in the work of the Second Conference. He tells me at the same time that he has telegraphed to his Government asking it to appoint Mr. Riddell as his successor. The Canadian Government's

decision will be cabled to us. This cablegram has not yet arrived.

I must express, for my own part, the regret that I feel at the departure of M. Beland, who has been a distinguished member of the Conference and a most able Chairman of Sub-Committee A. I think that you will all agree with me. *(Assent.)*

59. ADJOURNMENT OF THE CONFERENCE UNTIL JANUARY 19th, 1925 : MOTION PROPOSED BY THE PRESIDENT.

**The President :**

*Translation :* At the meeting of December 16th, 1924, you decided to adjourn the Conference until to-day. In conformity with this decision I have therefore convened a meeting for to-day.

On the 8th of this month I received, through the Secretary-General of the League, a telegram from the British Government asking me to extend this adjournment until January 19th. As you all know, the British Government has appointed a member of the British Cabinet, Lord Salisbury, to take part as first British delegate in the further work of the Second Conference. Unfortunately, Lord Salisbury has

just met with a hunting accident which prevents him from being with us to-day. The British Government attaches great importance to being represented at the Second Opium Conference by a member who is so well known and bearing so illustrious a name. For this reason it has requested the adjournment of the Conference until Monday, January 19th, in order to await Lord Salisbury's recovery.

As soon as we received this telegram, we communicated with the different delegations represented at the Conference, and we have already received answers from most of them. Replies have been received from twenty-nine Governments, all of which, I think, accept the proposal made by the British Government. Ten delegations have not replied.

In view of the above circumstances, I beg to propose the adjournment of the Conference and the adoption of the following motion :

"The Second Opium Conference decides to adjourn until Monday, January 19th, at 3 p.m."

As this is a motion of order, the discussion of the question should take place forthwith. I therefore have the honour to open the discussion on this matter. First, however, I must tell you that the British Government has informed us that, even if Lord Salisbury were unable to come to Geneva on Monday next, it would delegate for that date another member of the British Cabinet. The British Government has further expressed its deep regret at the delay it is causing to the work of this Conference.

Prince Arfa-ed-Dowleh, delegate of Persia, will address the Conference.

**Prince Arfa-ed-Dowleh (Persia) :**

*Translation :* Mr. President, in summoning the Conference to discuss the British request to adjourn the Conference until January 19th, you have not only acted loyally and correctly but you have enhanced the prestige of the Conference. Accordingly, I support your proposal for adjournment, particularly as the question concerns the health of one of our colleagues, Lord Salisbury. We wish him a speedy recovery and hope to see him among us soon. (*Applause.*)

**The President :**

*Translation :* M. Sze, delegate of China, will address the Conference.

**M. Sze (China) :**

Before I speak on the motion which the President has placed before the Conference, I should like to ask for certain information in order to complete my dossier. I understand the President to say that, before he received the request for adjournment from the British Government, it was known that it was the intention of that Government to appoint a member of the Cabinet as head of its delegation to this Conference. May I ask whether the President or the Secretariat has received official information that Lord Salisbury has been so appointed, and, if so, on what date they received it ?

There is another point in regard to which I should like to ask for information in order to complete my file. The President was good enough to take the Conference into his confidence and say that the Secretariat, on his behalf, had sent telegrams to those delegations the addresses of which had been left with the

Secretariat. So far, I have received no such telegram, and I should therefore like to ask the President that it may be read to us together with the request addressed to him or to the Secretariat by the British Government.

**The President :**

*Translation :* I must to some extent correct the statement that I made just now. I was under the impression that telegrams had been sent to everyone, but I have just been told that those delegations which were in Geneva were informed either by word of mouth or by telephone.

With regard to the text of the British Government's telegram, I have here, not the text itself, but a summary comprising the most important points. It reads as follows :

"As the delegations are aware, the British Government telegraphed, on the evening of January 7th, to the Secretary-General to request that the re-opening of the Conference should be postponed until January 19th. The telegram states that the principal British delegate, Lord Salisbury, has met with an accident which would make it essential for him to take a week's rest before undertaking the journey. The British Government adds that it intends in any case to send a member of the Cabinet, even if Lord Salisbury's accident should prove more serious than was anticipated, but that this could not possibly be arranged at such short notice. Further, owing to Lord Salisbury's knowledge of the subject, it is very anxious that he should be retained as principal delegate. The British Government expresses its deep regret at the inconvenience caused to other Governments concerned, but feels that the only course open to it is to submit a request for a week's adjournment."

I think that I omitted to reply to one of the questions put to me by the Chinese delegate concerning the date of Lord Salisbury's appointment. I am sorry to have to say that I do not know this date, but the Secretariat has asked for information on the subject.

**M. El Guindy (Egypt) :**

*Translation :* Mr. President, I have no objection to offer to the motion of order which you are submitting to us at the request of the British Government. As I was unable to send a reply before this meeting, I hasten to declare that I accept the proposed adjournment.

**The President :**

*Translation :* Does anyone else wish to speak on the proposal that I have submitted to you ? M. Sze, delegate of China, will address the Conference.

**M. Sze (China) :**

Mr. President and members of the Conference, the President has just read to you a motion that the request of the British Government for an adjournment for one week should be granted, that is to say, that this Conference shall immediately adjourn and shall not meet again until Monday, January 19th.

I shall not attempt to conceal from you the mixed feelings, with which I regard your motion, Mr. President. First of all, I think

that this Conference ought to feel that the British Government has paid us a great compliment in appointing as its chief delegate so distinguished a member of the Cabinet as the Marquis of Salisbury. I am sure that I am voicing the sentiment of everybody here when I say that we all heartily welcome the news and wish Lord Salisbury a speedy recovery. I hope that he will soon be able to come among us and give us the benefit of his knowledge of the question that we now have before us.

I say that I regard the motion before us with mixed feelings, because the members of the Conference are well aware of the desire which I have expressed again and again, not only here but elsewhere, that this Conference and the First Conference should bring their work to an end as quickly as is consistent with efficiency, and shall achieve a result of which we shall be proud and which our descendants will look upon with admiration.

In spite of that desire, as I am asking for results, I am in favour of the motion for adjournment. First of all, I think it is a matter of international courtesy to grant the request, when one Government asks other Governments for an adjournment and, speaking on behalf of the Chinese delegation, I gladly agree that we should comply with the wish of the British Government. In order that we may work with success and obtain results of which we shall all be proud, we ought to welcome and await with patience the coming of the Marquis of Salisbury to this Conference.

But while favouring and endorsing your motion, Mr. President, I may say that some of my friends will tell me that I am taking a great risk in doing so. It will be remembered that, during the third meeting of the First Conference, it was proposed that the order of the agenda should be reversed. I then asked the President and members of the Conference that the work should be continued and that, in view of the suddenness of the proposal, the change of agenda should be delayed two days in order that I might communicate with my Government on certain points that had arisen since my arrival here.

The first delegate of India immediately rose and read me a lesson. He said that, if this Conference did not agree to what was asked of it, M. Sze would be held responsible for the delay, and an English newspaper agency thought that the incident was of sufficient value to send it round the world. Further, the late first delegate of the British Empire expressed his agreement with the views of the Indian delegate.

In spite of that, if people ask me why, seeing that two months ago others were not even willing to tolerate such a reasonable request on my part, I come here to-day and express myself as being in favour of your proposal, my answer would be that it is a matter of international courtesy which one Government owes to another, that when one Government makes to the other Governments such a request as that made by the British Government, those Governments should, as I am doing now, go out of their way to agree to it, even at considerable inconvenience.

**The President :**

*Translation :* I call upon M. Sugimura, delegate of Japan, to address the Conference.

**M. Sugimura (Japan) :**

*Translation :* As the Japanese delegation has not been able to reply sooner to the telegram from our distinguished President, I shall venture to explain in a few words our point of view with regard to the question at issue.

At our last meeting before Christmas, the Conference decided that the first question to be dealt with on resuming our meetings would be the American draft relating to the suppression after ten years of opium-smoking. Consequently, our discussions cannot deal with any other matter.

As divergent views arose concerning the American proposal, it was very wisely decided to adjourn our work during the Christmas and New Year holidays.

The British delegation, supported by other delegations, took part in the discussion and maintained its point of view energetically. For this reason its participation in the continuation of our discussions is necessary. No fruitful and practical work can be accomplished by the League of Nations apart from the British Empire and without its valuable assistance. This is an imperative reason for accepting the request for a temporary adjournment, which we are at present considering.

It is certainly a pity that a large number of delegations are gathered here and are unable to re-open the questions which still remain to be settled. More important, however, than the question of time is that of the success of this Conference. In order to achieve this, we must be ready to make sacrifices in that spirit of conciliation without which no big international work can be accomplished. If all delegations continue to be animated by this spirit of conciliation as far as the limits of justice allow, I am convinced that our work, once resumed, will reach a speedy conclusion. It rests with us during this week of waiting to help forward the success of the Conference by employing our leisure in carefully considering the questions at issue and in seeking the best means to be adopted in order that our work may prove a benefit to humanity and a source of moral satisfaction to ourselves, who should be humanity's champions. (*Applause.*)

**The President :**

*Translation :* M. Peltzer, delegate of Belgium, will address the Conference.

**M. Peltzer (Belgium) :**

*Translation :* Mr. President, ladies and gentlemen, instead of merely replying by telegram, I have made a point of coming to Geneva in order to acquaint the Conference with the views of the Belgian Government on the request for adjournment made by the British Government. In taking this journey, I was moved by feelings of very real sympathy with our colleagues who are already assembled at Geneva. I fully realise that it is extremely inconvenient for many of them to be here at this time of year without any definite occupation while urgent work is awaiting them elsewhere.

As soon as I received Sir Eric Drummond's first telegram, I informed our President that the Belgian Government had no objection to the postponement of our meetings for a few days. I see in the request of the British Government a happy omen for the realisation of the objects for which the Opium Conference was



convened. Accordingly, I support the proposal just submitted to us by the President.

**The President :**

*Translation :* M. Pernambuco, delegate of Brazil, will address the Conference.

**M. Pernambuco (Brazil) :**

*Translation :* The Brazilian delegation was not informed of the British delegation's request for the adjournment of the Conference. It was for this reason that it did not express an opinion. We feel, however, that out of courtesy towards our colleagues, as the Chinese delegate has just said, we should agree to the adjournment. I therefore beg to support the President's proposal.

**The President :**

*Translation :* I regret that the Brazilian delegation should not have received the telegram, which was sent to the address which you yourself had given. If you remained at that address and the telegram did not reach you, there must have been some mistake.

**Mr. Shepherd (Australia) :**

Unfortunately, the telegram did not reach me before I left for Geneva, and therefore I was unable to reply to your enquiry. I have no objection to offer to the proposed adjournment, although I very much regret the cause of and necessity for it.

**M. de Palacios (Spain) :**

*Translation :* We now know the views of the delegations from whom no answer to the telegram was received. Perhaps it would also be useful to know which delegations did send replies.

**The President :**

*Translation :* I shall be very glad to comply with the first Spanish delegate's request. The following countries have agreed to the adjournment of the Conference : Albania, Belgium, Bolivia, Bulgaria, Canada, Chile, Cuba, Czechoslovakia, Denmark, France, Germany, Greece, Hungary, India, Irish Free State, Italy, Luxembourg, Netherlands, Nicaragua, Persia, Siam, Spain, Sweden, Switzerland, Turkey, Uruguay and Venezuela.

The United States of America signified their acceptance verbally, but not formally, the delegation still being at Geneva. Portugal has also agreed to the adjournment and has made the following statement :

"Portugal agrees to an adjournment, provided that it is not extended beyond March 10th. M. Ferreira proposes that, as a certain number of the delegates are here at Geneva, part of the time between January 12th and 19th should be employed in co-ordinating the work of the different Sub-Committees and exchanging views in order to ascertain the opinions of the various delegations."

Brazil and Australia have just agreed to the adjournment, as has Egypt, which was among the countries from which no reply had been received up to to-day. Japan has just agreed to the adjournment. Finland and Poland have not yet replied. Roumania and the King-

dom of the Serbs, Croats and Slovenes are not represented here to-day. The Dominican Republic has not yet given a formal reply, nor has any reply been received from the Free City of Danzig.

**M. Sze (China) :**

I notice that China is on the list of those States which have accepted. I regret to state that in the reply which I sent to the Secretary I did not say that I accepted or that I did not accept. I simply said that the question of adjournment was decided by the Conference at the last meeting and therefore any question with reference to a further adjournment was in the hands of the Conference itself. May I make that correction ?

**The President :**

*Translation :* I mentioned that I had added to my list, in pencil, the names of the delegations which had to-day agreed to the adjournment. That is why China is included in the list.

**M. Sze (China) :**

I beg your pardon. I wish to ask one question for information. If we adjourn to-day, does it mean that at the next meeting of this Conference on January 19th the first order of business will be, as it is to-day, the discussion of Chapter II of the American proposals ?

**The President :**

*Translation :* I understand that M. Sze's question is addressed to me as President. In my view, the answer is in the affirmative. I had the text of the American motion distributed to-day, because the Conference, when it adjourned before Christmas, decided that the first item on its agenda should be the continuation of the discussion of that motion.

**M. Toivola (Finland) :**

*Translation :* In view of the President's statement, I feel that the attitude of Finland should be put on record. I beg to accept the President's proposal for adjournment.

**The President :**

*Translation :* Does anyone else wish to speak on the motion for adjournment ?

**M. Chodzko (Poland) :**

*Translation :* In the name of Poland and the Free City of Danzig, I beg to accept the President's motion.

**M. Falcioni (Italy) :**

*Translation :* As this may be regarded as a matter of international courtesy, I think the decision should be taken by a vote of the Conference. It would be an excellent opportunity of proving not only to Great Britain but also to the whole world that courtesy is the ruling factor in the Second Conference.

**M. Betances (Dominican Republic) :**

*Translation :* I beg to support the President's motion, inspired as it is by a spirit of international courtesy. I should like to give the Secretariat my addresses in Paris and Geneva in order that they may be duly noted, for I did not receive the telegram about the adjournment.

**The President :**

*Translation :* The telegram sent to the Dominican delegate was addressed to him at Geneva. The Secretariat informs me that it had no address in Paris. I am exceedingly sorry for the mistake.

**M. El Guindy (Egypt) :**

*Translation :* We left our addresses with the Secretariat in order that we might be informed of any urgent matters, but when I returned to Geneva I found a letter from the Secretary-General, not a telegram.

**The President :**

*Translation :* The mistake was probably owing to the fact that when you left Geneva you were asked to give your address, and you no doubt gave the address to which you wished documents to be sent.

**M. El Guindy (Egypt) :**

*Translation :* The letter to which I refer was sent to an address which I had not given and at which I had never been.

**The President :**

*Translation :* I hope that the Egyptian delegate will accept my apologies.

Does anyone else wish to speak on my motion ?

Since no one else wishes to speak, the discussion on this motion is closed.

In reply to M. Sze's question as to the date of Lord Salisbury's appointment as first British delegate to the Second Conference, I shall now read an official letter, dated January 7th, from His Britannic Majesty's Vice-Consul at Geneva.

"I have the honour to inform you, in accordance with telegraphic instructions received from His Majesty's Principal Secretary of State for Foreign Affairs, that the Most Honourable the Marquis of Salisbury, G.C.V.O., has been appointed first British delegate for the remaining sessions of the International Conference on Opium."

I cannot tell M. Sze the date upon which the British Cabinet took this decision.

**M. Sze (China) :**

Will you permit me to say a word with reference to the additional information that you have been good enough to give us? What I really wanted to know, Mr. President, was whether you had received a note from the British Government and, if so, when, because you said that the whole Conference knew that the British Government had the intention of appointing a Cabinet Minister.

That fact was not known to me and that was why I asked you whether a note had been received and, if so, on what date. The additional information you have just given us, unless my lack of knowledge of the French language gives me a wrong impression, is liable to convey something which I had not in my mind. My reason for asking the question was that Sir Malcolm Delevingne was not only chief of the British delegation to this Conference but he was also head of the British delegation to the First

Conference, and it is a matter of interest to me, in view of the fact that the First Conference has not yet terminated its work.

I would therefore like to know whether it is stated in the note from the British Government that the appointment of the noble Marquis is to be for this Conference only, or also for the First Conference. I did not ask you nor did I intimate a desire to know when that appointment was decided upon by the British Cabinet. I am sure you will permit me to make this explanation in order that there may not be ascribed to me a motive which was not in my mind.

**The President :**

*Translation :* I did not think that there was an unexpressed motive behind the Chinese delegate's question; I realised that he simply wished for information.

As regards the second question, which I now understand, I have the honour to inform him that the only communication brought to my notice was the letter signed by the British Vice-Consul, in which the following English phrase occurs: "for the remaining sessions of the International Conference on Opium". This presumably refers to the Second Conference. I do not think that it refers to the British delegation or to representatives of the British delegation to the First Conference.

Before taking a vote on the motion for adjournment, I wish to direct your attention to a suggestion made by the Polish delegate, who is Chairman of Sub-Committee B. He wondered if it would not be possible for the latter to go on with its work this week, if a sufficient number of its members could meet together.

Should you agree to his suggestion, my motion for adjournment should be amended so as to read: "The Second Opium Conference decides to postpone its plenary meetings until Monday, January 19th", for, if you adopted my motion as it stands at present, it would be impossible for Sub-Committee B to meet this week.

**M. El Guindy (Egypt) :**

*Translation :* Mr. President, Sub-Committee B includes representatives of all the producing countries. Neither the Turkish nor Greek delegates are present, nor is the Kingdom of the Serbs, Croats and Slovenes represented, so that I think that, setting aside the question of courtesy, there is no object in Sub-Committee B starting work, as it would have to begin over again when those delegates, who are now absent, return.

**The President :**

*Translation :* No formal proposal was submitted either by me or by the Polish delegate; it was simply a suggestion. I think that what the Egyptian delegate says is very true. We could hardly arrange for a meeting of Sub-Committee B when some of the members are not present, as they were counting on an adjournment until next week. This question will therefore be dropped.

We shall now vote on the motion for adjournment. Do you wish for a vote by roll-call ?

**M. Falcioni (Italy) :**

*Translation :* I propose that we vote by a show of hands, if that is possible.

**The President :**

*Translation :* Personally, I am not in favour of that method.

As no objection has been raised to my motion for adjournment, I beg to announce that the Conference will resume its work at 3 p.m. on January 19th. (*Applause.*)

**60. TELEGRAM OF SYMPATHY TO THE MARQUIS OF SALISBURY : PROPOSAL BY THE JAPANESE DELEGATION.**

**The President :**

*Translation :* I have much pleasure in read-

ing the following proposal, which has been submitted by the Japanese delegation :

"The Japanese delegation proposes that the Conference should request the President to send to the Marquis of Salisbury a telegram conveying its sympathy and expressing its best wishes for his speedy recovery."

I have not had the text of this proposal distributed, as I did not think there would be any discussion on the matter. May I take it as agreed to by all my colleagues? (*Assent.*)

I shall communicate this resolution to the British Government as soon as possible.

*The Conference rose at 4.25 p.m.*

## NINETEENTH MEETING

*Held at Geneva on Monday, January 19th, 1925, at 3 p.m.*

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Continuation of the Discussion.

President : M. Herluf ZAHLE.

**61. REPLY FROM THE MARQUIS OF SALISBURY TO THE TELEGRAM OF SYMPATHY SENT BY THE CONFERENCE.**

**The President :**

*Translation :* I declare the meeting open.

At our last meeting, on January 12th, the Conference, on the proposal of the Japanese delegation, instructed me to send a telegram of sympathy to the Marquis of Salisbury. I carried out that very welcome task on the same day and I have just received a reply which reads as follows :

"I have received the kind telegram sent me on behalf of the Second Opium Conference and wish to express deep gratitude to Your Excellency and members of Conference for good wishes, and I regret deeply that my accident has prevented me having the honour of meeting the delegates and taking part in their work."

*The telegram was noted.*

**62. WELCOME TO THE NEW DELEGATES TO THE CONFERENCE.**

**The President :**

*Translation :* Before beginning our work, I think I shall be voicing the views of all the

members of the Second Opium Conference when I extend a welcome to the new chief delegates who have joined us to-day. I welcome Viscount Cecil, one of the most prominent figures of the League of Nations. I welcome a member of the French Government, M. Daladier, Minister for the Colonies, whom we are very glad to see among us, and also His Excellency M. Loudon, who is very well known and very popular in Geneva. I offer our warm greetings to all these gentlemen.

Last Monday, I announced that the first delegate for Canada had left and that he would be replaced by Mr. Riddell. I welcome that gentleman also. I beg the new delegates to hand in their credentials to the Secretary-General of the League of Nations. I would also ask the Vice-President of the Conference, M. de Aguero y Bethancourt, who is Chairman of the Committee on Credentials, to take the necessary steps for convening that Committee in order to examine the full powers in question and to inform me in due course at what date he will be able to report to the Conference on this subject.

I would also ask those delegates who have not yet done so to notify their addresses to the Secretary of the Conference.

At our meeting held on December 16th, we decided to adjourn our plenary meetings until January 12th. You know that there was a further postponement at that date and you know the reasons for it.

The first question on our agenda is the continuation of the discussion on the motion submitted by the delegation of the United States. We shall, therefore, resume our discussion on this question, which is the only one on the agenda of this meeting.

**63. PREPARED OPIUM : CHAPTER II OF THE SUGGESTIONS OF THE UNITED STATES OF AMERICA MOTION SUBMITTED BY THE DELEGATION OF THE UNITED STATES OF AMERICA : CONTINUATION OF THE DISCUSSION.**

**The President :**

*Translation :* I call on Viscount Cecil, first delegate of the British Empire, to address the Conference.

**Viscount Cecil (British Empire) :**

Mr. President, ladies and gentlemen, in the first place I have to appeal for your indulgence, because I have not had the great advantage of being present at your previous discussions. It is therefore quite probable that I shall say things which are commonplaces to you, who are much more familiar with your work than I can hope to be. But thus early I want to make clear the position which my Government takes on the question which is now before you.

The question before the Conference is a motion submitted by the delegation of the United States of America to the effect that the proposals contained in Chapter II of their suggestions should be referred by the Conference to the appropriate Committee. Those proposals deal with the question of opium-smoking, and the representatives of my country and of other countries immediately raised the question whether this Conference was competent to consider them. I do not think that I need say very much on the technical aspect of that question, because it has already been dealt with very fully. I shall merely repeat — for I am afraid that it must be a repetition — the main argument which seems to me to bear on the subject, and which, with the greatest respect, appears to me, I confess, to be conclusive.

We sit here to discharge certain duties which are defined in resolutions of the Assembly of the League of Nations. We came here on the suggestion of that body, and it was on its resolutions and on the terms of its resolutions that the various Governments accepted the invitation to the Conference and sent their delegates. The question of competence therefore appears to me to depend on the true construction of those resolutions and on nothing else.

It is quite clear — at least I venture to think it is quite clear — that the Conference cannot extend its mandate except by unanimous consent ; it can only deal with and decide questions which are contained in the document which summons it ; and it would be a precedent, as it appears to me, of the greatest gravity if a Conference were to take upon itself to extend a mandate that has been given to it. The whole question therefore, and the only question, as I venture very respectfully to submit to my colleagues, is, What is the true construction of the resolutions by virtue of which we are meeting here ?

The Conference is very well aware that there are two resolutions which are important, one in virtue of which what is called the First Conference was summoned, and one in virtue of which the Second Conference was summoned. I submit that, taking these resolutions as they stand and construing them in their grammatical sense, it is fairly clear that it was intended to divide the problems that we have to consider into two parts, and to give one part to the First Conference and the other to the Second Conference.

I had better read the whole resolution in virtue of which the First Conference was summoned :

“The Assembly approves the proposal of the Advisory Committee that the Governments concerned should be invited immediately to enter into negotiations with a view to the conclusion of an agreement as to the measures for giving effective application in the Far Eastern territories to Part II of the Convention [that is the Hague Convention, and Part II is the part which deals with opium-smoking] and as to a reduction of the amount of raw opium to be imported for the purpose of smoking in those territories where it is temporarily continued, and as to the measures which should be taken by the Government of the Republic of China to bring about the suppression of the illegal production and use of opium in China, and requests the Council to invite those Governments to send representatives with plenipotentiary powers to a Conference for the purpose [that is, for the purpose quoted] and to report to the Council at the earliest possible date.”

That is the mandate of the First Conference. It seems quite clear that it is to deal with the question of opium-smoking.

Then comes the mandate of the Second Conference :

“The Assembly, having noted with satisfaction that, in accordance with the hope expressed in the fourth resolution adopted by the Assembly in 1922, the Advisory Committee has reported that the information now available makes it possible for the Governments concerned to examine, with a view to the conclusion of an agreement, the question of the limitation of the amounts of morphine, heroin or cocaine and their respective salts to be manufactured ; of the limitation of the amounts of raw opium and the coca leaf to be imported for that purpose and for other medicinal and scientific purposes ; and of the limitation of the production of raw opium and the coca leaf for export to the amount required for such medicinal and scientific purposes, requests the Council, as a means of giving effect to the principles submitted by the representatives of the United States of America, and to the policy which the League, on the recommendation of the Advisory Committee, has adopted, to invite the Governments concerned to send representatives with plenipotentiary powers to a Conference for this purpose [that is, the purpose of limitation already quoted, namely, limitation in connection with the manufacture of morphine, heroin and cocaine] to be held, if possible, immediately after the conference mentioned in Resolution V.”

I confess, therefore, that it seems to me to be quite plain — I may be wrong, but it seems to me quite plain — that the intention of the Assembly, or the intention of those resolutions, for that is what we have to consider, was to give the question of opium-smoking to the First Conference, and the question, broadly speaking, of drugs to the Second Conference, and that that was the division of work which was arranged by the Assembly in order to arrive at practical results. The

British Government of course may be wrong — that may happen to any Government — but that is its very strong view, and we have no instructions to take part in the Conference except upon that basis.

That is all that I propose to say on the technical question of competence, but I desire to add some observations to show that this division of the subject into two parts is in accordance with what has previously taken place, and is a probable and likely construction of the resolution, having regard to the whole history of the question so far as it is germane to this subject.

I naturally do not propose to go fully into the whole of the questions involved; that would take you too long and me too long. My object is merely to go sufficiently into them for the purposes of the argument I am presenting to you.

As I apprehend the question we have to consider, there are four uses of opium. First, the medical and scientific use. No question arises on that point because, naturally, we all recognise that, from a medical and scientific point of view, the use of opium is, or ought to be, beneficial, and nothing else.

Secondly, there is the question of eating opium. I think we may say that, generally speaking, that practice is regarded as undesirable; but in one quarter of the globe, and so far as I know in one quarter only, it is habitual and has been habitual for very many centuries; that region is India. As I understand the evidence that has been before you, it is certainly true that, when taken in moderation under the conditions that prevail in India, opium is probably harmless, and, according to a good many opinions, it may even be useful. There is, I am quite aware, a great deal of dispute and discussion on this point. I personally do not wish to express any opinion; indeed, my opinion would be quite valueless; but it is probable, it seems to me, that this is a question of degree. Undoubtedly, at least so it seems to me, there is a use of opium in India which may be called quasi-medical, where it is used in order to combat physical disabilities and physical disease without actual medical prescription, but still really for medical purposes, and there its use certainly seems to be unobjectionable.

Thirdly, there is opium-smoking. Speaking personally, I am prepared to say that, so far as I can see, opium-smoking is never beneficial; it is almost always harmful and, if pursued to excess, is highly deleterious. That certainly is the view of the British Parliament, which has made it a criminal offence to smoke opium in England, and it is certainly the policy of the British Government to bring opium-smoking to an end throughout the Empire at the earliest possible moment.

I venture to think that any fair, candid and impartial examination of the conduct of the British Empire during the last few years will confirm that statement, and I may refer, as a striking example of what has been done, to the action taken by the Indian Government in Burma, where it has very actively pursued its object of suppressing opium-smoking and has reduced it to something like one-seventh, I think it is, of what it was a year or two ago, and has done it, I may remark incidentally, — I am ashamed to have to say such a thing —

without the slightest consideration of the pecuniary consequences involved in such a policy.

The fourth use of opium, and I venture very respectfully to remind the Conference that this is by far the most important question that we have to consider, is what is called drug-addiction; that is to say, the habitual use not of opium, prepared or raw, but of its derivatives, morphine and heroin. I should, of course, include also the derivative of coca, cocaine, which undoubtedly is the gravest possible evil. This is much the most serious aspect of the case that we have to consider.

I was amazed to read or hear the other day that this was a question in which the West was interested but not the East. I cannot imagine who could have thought such a foolish thing. It is an evil which unfortunately afflicts both the East and the West, the countries which believe themselves to be the most advanced in civilisation no less than the countries which are less advanced. It is a terrible social evil, producing physical and moral degradation, and I understand from the representatives of the United States that it is one of the evils which is, I will not say particularly, but markedly, bad in America, where it is causing the American Government the greatest anxiety; indeed, I have seen figures stating that the consumption of opium per head is very much greater in America than in India. It is undoubtedly a very terrible thing and though it may be, and I think is, less in my own country than in some others, yet wherever it exists it is a very serious evil. It is of the utmost importance that this Conference, whatever view you may take of its mandate, which was primarily called to deal with that evil, should not be led astray from dealing with it. This is by far the greatest evil with which we have to deal and it would be criminal to allow ourselves to be diverted in any way from doing our utmost to suppress it.

Further, I venture very respectfully to say that, if we are really usefully to approach this question and incidentally the question of competence, we must very clearly keep in our minds the distinction between the various problems. All of them are important and, as I say, the question of drug-addiction is of the gravest possible importance.

I venture to say that these questions are entirely distinct. That fact is very important from the point of view of the argument that I am presenting. Take first the eating of raw opium. This is, as I have already indicated, purely an Indian question. As far as I know, it is exclusively an Indian custom, and whereas there are, as I have said, grave differences of opinion as to its harmfulness, there can be no difference of opinion as to the fact that it is a purely domestic question in India. It is for the Indian Government to decide under what restrictions and what conditions Indian opium should be used by the Indian population under its control.

As far as that part of the matter is concerned, it does not appear to me to be a question for international interference at all. I am one of those who think that international interference in such domestic questions would be a very dangerous precedent to establish, and one that we should guard against with the utmost care; one which, if we were not to

guard against it, might well bring all international action into disrepute as an intolerable interference with national sovereignty.

I venture to remind the Conference that this is the view taken of this question in the Hague Convention. I shall not trouble the Conference by reading the actual wording of the Convention, but I think that this is an accurate statement of it: that the provisions dealing with raw opium only require the Governments to control the production and distribution of the raw opium and to regulate the export and import of it. There are no provisions determining the uses to which raw opium is or is not to be put, or requiring other things with regard to it.

This is quite reasonable. It is reasonable that there should be international regulations as to the import and export of raw opium, for at the moment when export or import takes place it becomes, or may become, an international question; but what is done inside a country with a drug grown in that country is a domestic question and not one for international interference, though it may well be a matter for national agitation or national action.

The word "control" is therefore absolutely right, and it is control which we have a right, as an international body, to require from the Indian Government; that it should so far control the raw opium as to make it quite certain that none of it is exported save for those purposes which are allowed by international agreement. Unless that control is established, it is evident that grave abuses may occur.

Although I am not in any way representing the Indian Government, I am interested, as representing the British Empire, in what goes on in India, and as a matter of fact, as far as I am concerned, I am here to say that the control of raw opium in India is excellent. It is the only really effective control there can be; the opium is controlled from the moment it is planted until the moment its fruit is gathered. The production of these drugs is controlled, and this, I venture to think (and I believe it is generally agreed now), is the really effective method to adopt. Unless growth and production are controlled, it will be very difficult to control the use of the drugs.

In India the whole process is controlled — the growth of the opium, the collection of it the distribution of it — everything is controlled by the Government, and controlled effectively. No opium is exported except on the authority or at the request of other Governments. There is no commercial export as such. There is no hawking of opium in order to sell it to anyone who is willing to buy it. I am not going into the details of the control now, because that question will possibly arise at a later stage of our discussions. In any case, it would not be appropriate here.

There is only one other point which I wish to raise as regards opium in India, but it is a very important point. Indian opium is not in practice used (I am not dealing, of course, with exceptional use) for the production of those harmful drugs — heroin, morphine and the like. This is due to technical reasons, the chief of which, I am told, is that the morphia content of Indian opium is so much lower than the morphia content of Persian or Turkish opium that it does not pay to use Indian opium for producing morphine, heroin, etc.

Whatever the reason may be — whether the above explanation is correct or not is of no importance — the fact remains that Indian opium is not used for the production of these drugs, and therefore it has nothing whatever to do with the great problem, the very terrible problem, of drug-addiction, which is, I venture to repeat, the main subject which this Conference, at any rate, has to consider.

I pass now to the smoking of opium. Just as the eating of opium is almost exclusively an Indian question, so the smoking of opium is almost exclusively, though not quite, a Chinese question. I believe — indeed, I know — that there are some people in Burma, and some, I believe, in Siam, who smoke opium; but, broadly speaking, it so happens that the Chinese are the only people who smoke opium, apart from the two exceptions to which I have just referred. It is not possible to account for the habits and customs which grow up in one nation and not in another. The above fact is due, however, to these inexplicable customs, which may perhaps have some physiological basis, of which, however, I know nothing.

Undoubtedly, those countries which have subjects or residents of Chinese race within their borders are anxious to diminish the smoking of opium. The British Government is most anxious to do so, and the Chinese Government also. I wish to make it quite clear that, as far as I am concerned, I accept to the full the assurances of the Chinese Government that it is most anxious to put an end to the smoking of opium.

As I have just mentioned India, I want to make it clear that India has nothing to do with this problem of opium-smoking as such. It is quite true that a good deal of Indian opium is exported for the purpose of smoking, but there is practically no smoking in India, except in Burma, where, as I say, drastic steps have been taken to reduce it. There is no export from India except at the direct request of other Governments. India supplies the opium which other Governments ask it to supply, and does nothing else.

As a member of the British Government, I can testify that neither the Indian Government in Calcutta nor the India Office at home has ever taken any part whatever in the discussion of what should be the policy of the British Empire in regard to the suppression of opium-smoking. They have left it entirely to the British Imperial authorities, acting on the advice of the local governments.

Although I do not think any member of this Conference has ever said so, it has been said outside this Conference that India has been anxious to keep opium-smoking alive for her own interests. There is not the least truth in that suggestion. On the contrary, the Indian Government has always shown itself absolutely impartial in the matter, and has not intervened (as, indeed, it is not its duty to intervene) in the policy of the British Empire outside its own limits.

I wish to repeat again that this question of opium-smoking has nothing whatever to do with the question of drug-addiction, but is an entirely separate question. The opium used for smoking is, broadly speaking, either Indian opium or Chinese opium. In both cases, for the reasons that I have already given, the



opium, whether it comes from China or India, is not used for the manufacture of those poisonous drugs — morphine, heroin and the like. If opium-smoking were stopped altogether, there would be no effect whatever on the question of drug-addiction, which is the serious question with which we have to deal. I venture to impress that point rather strongly on the Conference, because I think it serves to show how entirely separate these questions are, and that they ought to be treated as such.

If one wanted to press that argument to its logical conclusion — and I am not afraid of its logical conclusion — one would be forced to say that if the opium production, as it at present exists, were maintained and if all opium-smoking were stopped, the markets of the world would be flooded with a vast quantity of opium which would not be at all suitable for the manufacture of drugs and which, in such circumstances, might conceivably be turned to that purpose. I do not want to press that argument, because it is a purely hypothetical one. It is enough for me to say at the present stage that opium-smoking and drug-addiction are two entirely distinct problems which have to be dealt with separately and cannot be mixed up if we want to keep our minds clear on the subject.

Indeed, these two problems are so treated in the Hague Convention. They are all included in one Convention but are treated entirely separately. I am informed — though I will not pledge myself to this — that, when the Hague Convention was being drawn up, it was suggested, I believe by one of the American delegates, that there should be two Conventions to deal with the two subjects separately. Whether that is so or not, it is a fact that they are dealt with absolutely separately in the Convention itself.

In this connection, I trust that the Conference will bear with me if I explain the British attitude on this point. I have already said that the British Government desires to suppress opium-smoking. If it did not so desire, as in fact it does, in the interests of good government and for the benefit of its subjects, it is bound to do so under the terms of the Hague Convention. It entered into the obligation to suppress the use of prepared opium, that is, opium for smoking, under the terms of the second chapter of the Hague Convention. It was recognised, however, that it could not be suppressed at once and provision was made for its gradual and effective suppression, with due regard to the varying circumstances of the countries concerned.

I want to say most explicitly — and I was amazed to hear that in responsible quarters there was some misapprehension on the point — that the British Government fully accepts that obligation. It has no intention of withdrawing or receding from it in any degree, and its object is to suppress the smoking of opium, but to do so practically and effectively.

It is quite true that the smoking of opium is not a custom in England; it does not therefore affect the English people, that is to say, the people living in Great Britain; but it does affect the subjects of the British Empire, and in this matter the British Government naturally makes no distinction between one group of people and another. We regard this question as an extremely serious one, and we are

most anxious to co-operate in every possible way that we regard as useful and practicable, with a view to the suppression of opium-smoking. I beg all my colleagues in the Conference to accept that assurance as representing absolutely the intention and desire of the British Government.

I venture to think that our past conduct has shown that it is our desire. I do not want to draw any comparisons, naturally, but we have always been among those who are most active in the suppression of the evils of the opium traffic.

As the members of the Conference are perfectly well aware, it was only on the signature of the Treaty of Versailles that the Hague Convention came into operation, and I think I am not wrong in saying that it was at the instance of the British representatives at the Peace Conference — it was certainly with their full support — that the relevant provision was included in the Treaty of Versailles.

Since that date the British Government has done what it could — indeed, it began to take action before — to suppress what has been one of the chief causes of the abuse of the opium traffic — namely, the farming of opium for private profit. It has thought it right to make the Governments of its Possessions responsible for dealing with this matter so as to avoid the trade being pushed by people with a view to making an undue or increased profit out of the sale of opium. It has greatly increased throughout its own direct Dominions and, I believe I may add, throughout the self-governing Empire, the severity of the legislation against the abuse of the opium traffic. It has enacted or caused to be enacted more than one law in all parts of the Empire, with the object of diminishing the use of opium for smoking.

There is yet another thing which we in this room are entitled to consider. It was, I believe, at the instance of the British member on the Advisory Commission that the whole of this movement, in which we are now taking part, was initiated. The British Government, I venture to submit, has shown itself most anxious throughout to see opium-smoking suppressed. It has never allowed, and never dreamed of allowing, financial considerations — not that any financial consideration could affect Great Britain, as it would not matter at all to Great Britain whatever happened to the opium traffic — which might affect its various Colonies and Possessions to interfere for a moment with the policy of suppressing this evil.

I may remind the Conference of the action which the Indian Government took, with the full support and approval of the British Government, in abandoning the very considerable revenue it used to derive from the sale of opium to China.

You will remember that, as soon as the Indian Government was satisfied that the Chinese Government had suppressed the growth of opium throughout the provinces of China, it agreed to abandon the export of opium to China at an earlier date than that to which it was bound by the agreement into which it had entered.

I want to say, and I hope my Chinese colleague will believe me when I say, that there is nothing further from my wish than to make any criticism of or attack on the Chinese Government. On the contrary, the

British Government has the greatest possible admiration for the action taken by the Chinese Government on that occasion and for its very wonderful achievement. By energy, vigour and self-sacrifice it put a stop, practically throughout the whole dominion of China, to the growth of opium. Had it been possible for that state of things to continue, there is not the slightest doubt that the position would be very different from and very much more hopeful than it is at the present time.

Unhappily, and through no fault of the Chinese Government, its results have been overclouded by the civil disorders which have taken place in China. That is no peculiarity of China. Where civil disorders occur in any country, progress comes to an end, and indeed a civil Government has great difficulty in acting at all. My friend who represents the Irish Free State will agree with me that, so long as disorders were rampant in Ireland, it was very difficult to carry on the duties of civil Government and very great disasters took place.

It is a matter of common knowledge that such happenings result wherever civil disturbances exist. It is therefore not a matter for surprise, nor can there be any criticism of the Government of China, if, as a result of these civil disorders, there has been a recrudescence of poppy cultivation. I hope and believe that the present situation is merely a temporary phase in the history of an ancient Empire and that, in the course of a very short time — the shorter the better — the Central Government will be fully re-established throughout the country. I can say with the utmost conviction that I feel sure that one of the first acts of that Central Government, when and so far as its authority is restored, will be to resume the old opium policy of the Chinese Government and to suppress the growth of the poppy as rapidly as possible. It is therefore with great confidence that I look forward to future developments in China in this respect.

We have, however, to deal with the present situation. I am not in a position — no one is in a position — to know exactly what is the production of opium in China at this moment, but it is certainly very considerable. I have seen it estimated — I do not know with what accuracy — at about 15,000 tons, as compared with a total production in India, for instance, of something like 800 or 900 tons. While that rate of production — unhappily, the growth and product of civil dissension — goes on, the British Government feels very strongly that any proposals such as those which the American delegation is anxious to submit to this Conference are impracticable. It feels very strongly that, as long as such large quantities of opium are being produced, to forbid opium-smoking in the British Far East Dominions either immediately or in a period of years would merely result in putting so much extra profit into the pockets of those who are at present smuggling opium into those territories.

The British Government is quite ready to take any step that will help to stop opium-smoking, but it is not ready to take a step which will not put an end to opium-smoking but will increase the profits of what is, after all, one of the most worthless sections of the human race. Such is the view of the British Government, and I am bound to tell the Conference

that it is the unanimous view of the British experts that it has consulted.

Perhaps I may be allowed to remind the Conference that in England it is a tradition, and I believe a very wholesome tradition, to give full weight, as regards questions relating to the administration of the distant Possessions of the British Empire, to the advice of the man who is called "the man on the spot." This is a maxim which has passed into the common language of the British people — "Trust the man on the spot" — and it merely embodies a very fundamental principle of British Colonial Administration.

The colonies are administered according to the ideas of those who live there and, as far as possible, for their benefit. One of the principles, therefore, on which the British Empire is very largely based is that we are bound to give, and rightly do give, the fullest possible weight to the advice that we receive from the men who are fully conversant with the local conditions and are in a position to give us highly skilled and entirely impartial advice.

Let me remind the Conference that the advice of such men is absolutely unbiassed. It does not matter at all to them personally, or from the pecuniary point of view, whether the opium traffic continues or not. They are paid by the British Treasury and their salaries will continue just the same whatever happens to the opium traffic. Their advice, I repeat, is absolutely unbiassed, and I should not be discharging my duty as a representative of the British Government if I did not take this opportunity of paying the very warmest possible tribute to the British Civil Service and to the British Colonial Service. I myself have the highest admiration for the members of those services. I believe that there is no body of men in the world — I do not care what nation you take — who more nobly and more disinterestedly discharge their difficult duties and with such great skill, great justice and great impartiality. There is no body of men who do better service than the colonial administrators, and indeed the whole Civil Service of my country, and I admit that I hear, with something like impatience, criticisms suggesting that these men are biassed by some utterly, unmentionably corrupt motives in giving their advice — advice which, I am quite certain, is dictated solely by what men of great skill, great experience, and absolute disinterestedness think is the best for the populations under their control.

Such is the advice which the British Government has received, and on which it feels bound to act. That does not mean that we are going to do nothing. Not at all! We are prepared to do a great deal. In the first place, we at home are perpetually urging that everything that can be done should be done, and the authorities in the various Possessions are always advising such means as appear to them to be possible, such as the holding of enquiries and the appointment of committees; they leave no stone unturned to ascertain what further can be done for the suppression of this evil.

Even here at Geneva it is the fashion, I understand, to deride and condemn what has been accomplished by the First Conference. I do not take that view at all. I quite admit that the achievements of the First Conference are not spectacular, but it is not always the most

spectacular reforms that are the most useful, and I believe that the reforms recommended by the First Conference will do a great deal to advance the cause which we all have at heart.

I have drawn up a short summary of what that First Conference has accomplished.

The farming system, under which the right to deal in opium was granted to the highest bidder, who then made as much profit as he could out of the trade, is to be eliminated, and the whole business of importing, selling and distributing opium is to be placed in the hands of the Governments, with certain exceptions in regard to retail sale. It is represented that this provision is a reactionary step, the purpose of which is to secure revenues for the Governments, and one which will have the effect of creating a "bloc" of Governments financially interested in the opium trade.

As a matter of fact, the object is to eschew the private trader and to secure what is called in connection with another, though very closely allied, social reform, disinterested management.

It is also proposed to eliminate as far as possible the private retailer, who has a financial interest in pushing the sales of opium. The export of opium from the territories concerned is to be prohibited entirely. This, as well as the two preceding measures, should be very useful in checking the illicit traffic that is going on in the Far East.

The Governments concerned also undertake in every possible way to discourage the use of prepared opium and to assist one another in their efforts to suppress the illicit traffic.

Great Britain also urged that the other Powers should follow its example in making punishable illegitimate transactions which are carried on in another country by a person residing within their territory. This is an extremely valuable provision for dealing with the gangs of illicit traffickers who carry on their operations all over the world.

There seems to have been some difficulty on this point, but everyone undertook to examine in the most favourable spirit the possibility of taking such measures.

Lastly, it was agreed to review jointly from time to time the position in regard to the application of Chapter II of the Hague Convention, and the first meeting was fixed to take place at latest in 1929, less than five years hence.

Although it is quite true that some of these provisions have already been enforced in the British Possessions and in other Possessions, their general enforcement will do a great deal to diminish the use of opium for smoking, and I think that it would be a mistake to suppose that the work done by the First Conference does not constitute an extremely valuable step towards the suppression of the opium traffic.

Now what else can be done? The British Government has been considering that question very carefully, and I was myself very much impressed by a document issued by a very distinguished member of this Conference, Bishop Brent, who, to our deep regret, has been called away by private affairs and is no longer able to take part in our discussions.

I find in that document a passage which, though it is a little long, I shall venture to read to the Conference, because it seems to me to include at least one suggestion which

is of great value. He is criticising very strongly the results of the First Conference, and he says :

"The Agreement has nothing in it touching the last part of Resolution V of the Assembly which called for 'An agreement... as to the measures which should be taken by the Government of the Republic of China to bring about the suppression of the illegal production and use of opium in China'."

Then he says :

"That China is blameless in the matter is a claim which the Chinese themselves would not advance. The members of the Chinese delegation who sat in the First Conference and also sit in the Second represent a Central Government whose laws respecting the use of prepared opium are so uncompromising as to be unequalled for their severity by those of any other Government. That they are not carried into effect is due for the most part to a condition of affairs over which the Central Government has no present control. The Chinese delegation deplores the fact and have asked that its assurances of good faith and fixed determination to be loyal to their principles and purposes be accepted."

That has already been said, of course, and the British Government accepts it fully.

Bishop Brent continues :

"Its Government is pledged to practical action to the summit of its executive and administrative ability. Some article embracing the foregoing would have been desirable, and at any rate no more vague than some at least of the articles of the Agreement as it stands. Though the Chinese, like every other nation, are jealous of their sovereignty and suspect anything which might threaten to impinge upon it, I cannot but feel that some reasonable offer of a co-operative character from neighbouring countries which are, in greater or lesser degree, dependent upon Chinese resident in them for labour, would have been an encouragement and a part solution of the problem."

Then I call special attention to the passage which follows :

"For instance, that they would move *pari passu* with China in the matter of suppression, whether by immediate prohibition or graduated stages, from the moment the Chinese Government was in a position to take effective action; that they would refuse admission into their territories of Chinese addicts; that they would look on addiction as disease and treat addicts accordingly; that they would adopt the system of licensing and rationing, inviting China to do the same; that the most vigorous and wise propaganda against the use of prepared opium be organised by all countries concerned, beginning with children and extending to every section of society; that they would use as much of their opium revenue as was necessary for carrying out effectively the foregoing

measures. China might not have liked some of these proposals. Never mind; for the balance of the eight countries it would have placed the shoe on the other foot. Granting, as I freely do, the enormous handicap which conditions in China impose on nations holding Oriental possessions where the Chinese are a large and indispensable factor, we must not allow ourselves to forget that we Western nations have had some share in making China what she is. We cannot therefore sit passive."

That is a very interesting and important declaration. I do not know whether all the proposals of Bishop Brent are practicable — I am rather afraid that they are not — but with the general spirit and object which they display I find myself in a very large degree in sympathy, and I am prepared on behalf of the British Government to make this declaration of policy :

(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 fifteen 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 (a) that, as soon as the period of fifteen 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 : (b) that the complete prohibition of opium-smoking to be effective by the end of the said period of fifteen 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.

That last provision, I am told, is absolutely essential, because without it there would be great danger of these unhappy people dying.

I am very reluctant to introduce into this discussion the name of anyone who is not actually present, but since, outside this room, and to some extent inside this room, the name of Sir John Jordan has been freely used to the effect that he is divergent from British policy,

I think it right to say that this document was shown to Sir John Jordan before I left London, and he says : "After careful perusal I find that these proposals represent the views I hold on the subject. They appear to me to constitute a practical and satisfactory solution of the question."

Such is the proposal which the British Government, after consulting all its advisers, ventures to make. It is quite true that it will not be satisfactory to those who are very anxious on this subject, and I respect their convictions and sympathise with them. After all, the British Government is in a position of great responsibility in this matter. It has to do what it thinks is right, not only what is pleasing to those it respects, but what it believes will be effective for the purposes in hand and what it believes can be carried out without gravely disturbing the territories over which it rules. This is the view of the British Government, though it does not claim infallibility in this matter. It quite recognises that it and all its experts may be mistaken. It may be that what appears to be the opinion of Bishop Brent and Sir John Jordan is as wrong as that held by the rest of the experts.

It recognises that, and is prepared therefore to hold by the offer, which I understand was made before the Christmas vacation, that, if it is so desired, it will recommend and urge upon the Council of the League of Nations the nomination of a small impartial Commission. As far as the British Government is concerned, it may be presided over by an American Chairman, and the Commission may go to the territories in question, investigate them and see whether the proposals and offers which the British Government has made or is prepared to make can be improved upon. If that Commission reports to the Council, and the latter adopts its report, to the effect 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.

I have detained the Conference at some little length on this subject because it is of very great controversial importance; but before I sit down I want to remind you that this question, important as it is, is not the main question that we have to consider; it is not the really vital thing which affects not only the Western peoples but the Eastern peoples; it is not the vice which threatens to undermine the manhood of those who indulge in it. Drug-addiction is the great question with which we have to deal. Whatever the view you take of the mandate of the Conference, drug-addiction is its primary, but not its exclusive, business. I must impress upon you very strongly that we should not be diverted from dealing with that question, on which the Hague Convention contains very important provisions.

We have done a great deal, and I am bound to say with great success, in suppressing the evil in our own land and among our own people by the application of various measures and by practical education. We are very anxious to get on with this business, but we are most particularly anxious that this Conference should not come to an end without having done something to help on this very essential work for the good of humanity.

We feel that the proposals which have been

submitted to the Conference are of the greatest possible value and ought to be most carefully considered. They seem to the British Government to promise a very great advance.

Let me remind the Conference what they are.

1. Sub-Committee A has been working out a scheme for the limitation of the manufacture of and trade in narcotic drugs. The original schemes for limiting the world manufacture of the drugs to a definite amount each year had to be given up and a compromise scheme (which was based on a limitation of imports) proposed by the Advisory Committee last August was then put forward; ultimately a scheme on the following lines was suggested and is being considered.

An independent Central Board will be established to keep a watch on the international traffic. It will receive from each country every two months particulars of its exports and imports of each of the drugs to and from every country. Each country will also furnish the Board at the beginning of the year with an estimate of its probable requirements during the year, the estimate to serve as a guide to the Board in its supervision over the traffic, but not to be regarded as binding on the country furnishing it.

Every country will also furnish the Board at the end of the year with full statistics of production, manufacture, etc. If the Board finds that the drugs are going in excessive quantities to a particular country, it will have the right to ask for an explanation; in the event of no explanation being furnished, or no satisfactory explanation, it will then be able to make a recommendation to the other Governments and to the Council of the League that no further exports should be made to that country until the situation was satisfactorily cleared up. If a country did not wish to act on this recommendation, it would be bound to inform the Council of the League, giving, if possible, its reasons.

It is thought that a scheme of this kind would constitute a very valuable check on excessive exports to any particular part of the world, and a comparison of the imports and exports with the figures of annual production and manufacture, which will be furnished at the end of the year, would show if the drugs were being manufactured by any country in excessive quantities.

2. The proposals made by the Advisory Committee last August for the improvement of the machinery of control over the international trade (*i.e.*, export and import) have been accepted by Sub-Committee E, to which they were referred. These include the export and import certificate system, the requirement of a separate export or import licence for each consignment, control over the drugs in transit, including transshipment (and prevention of unauthorised diversion), and in bonded warehouses, and control over free ports.

3. There are proposals for extending Chapter I of the Hague Convention to include the coca leaf as well as raw opium, for strengthening the definitions of the narcotic drugs, providing machinery for extending the Convention to new narcotic drugs not at present covered, and some other proposals of a minor character. There is also a proposal under consideration for extending the Convention to hashish.

4. Restriction of the production of raw

opium and the coca leaf. At present we have not been able to deal with that question.

We consider that these proposals are of great value, and I may say here and now, on behalf of the British Government, that we are prepared to co-operate with any delegation to strengthen those provisions and to make them more effective for the object which they have in view, provided, of course, that the proposals are of a reasonable and practical character.

As regards eating opium, there may be differences of opinion. We regret as much as anyone that the progress of the suppression of opium-smoking has been slow. It will be simply disastrous if we do nothing effective to deal with the drug traffic. I have learnt with great pain, not from what has gone on in the Conference but from what has transpired outside, that there is a measure of distrust of this nation and of that nation, and, for all I know, particularly of my own in this matter. I earnestly protest against that attitude, which does not make for progress, and which is not of any use whatever. If we want to get on with this work, we must abandon recrimination and adopt the policy of co-operation. Co-operation and not recrimination is the instrument of progress.

I venture very respectfully to suggest that we should by all means lay aside the controversial method and spirit which appear to have grown up, and devote ourselves to the really important task which lies before us. The most important part of that task is to deal with the traffic and manufacture of these dangerous drugs by which so much misery to humanity has been caused and is being caused at the present time. (*Applause.*)

**The President :**

*Translation :* M. Loudon, delegate of the Netherlands, will address the Conference.

**M. Loudon (Netherlands) :**

*Translation :* Mr. President, ladies and gentlemen, after the detailed statement which the first delegate of the British Empire has just made, I do not intend to speak on the opium problem as a whole. So far as my country is concerned, the reasons for which our delegation last December thought it its duty to oppose the resumption by the Second Conference of the discussion of the question of prepared opium, a question which had been dealt with by the First Conference, have been fully explained to you.

If I, nevertheless, once more refer to this point, it is only to tell you that the Government of the Netherlands, after a very careful examination of the question of competence which was raised in the Second Conference, altogether upholds the views expressed by its delegation.

In order to avoid any misunderstanding and to clear up a question which is constantly becoming confused as a result of erroneous interpretations, I think that I should give you a very brief explanation of the policy pursued in the Dutch East Indies so far as opium is concerned. This statement will, I hope, go some way towards convincing the world that our attitude towards the American proposals will in no way interfere with the realisation in practice of the ideal that we have at heart, and will show you that the adoption of these proposals would in no way further our aims,

but would on the contrary lead to fresh difficulties.

The systems which have been suggested with a view to combating the abuse in question are all inspired by the same ideal, that is to say, that of raising the moral and social level of the populations. The only difference lies in the methods by which it is sought to realise this ideal.

In view of the results obtained by a close study of the problem and by many years' experience, my Government cannot abandon its policy in order to adopt another the success of which is not, under present conditions, guaranteed in any way. The example of the Philippine Islands does not convince us. The figures which have been published with regard to the consumption of opium in these Islands, where the position, after all, is an exceptionally favourable one, as a result of the immigration policy — figures which do not go further than the year 1921 — in no way prove that the policy of prohibition has produced the satisfactory results that were expected from it. I should be very glad if the American delegation would give us the figures for the years 1922 and 1923.

Immediate prohibition and the American scheme of diminishing the annual importation of raw opium by 10 per cent, with absolute prohibition after the tenth year, are arbitrary and artificial measures. It is more than doubtful whether it would be possible to maintain them, and, once it is not certain whether it will be possible to maintain such measures, we consider it far preferable to leave them alone; they would reduce legitimate traffic to the sole benefit of the illicit traffic, the volume of which is thereby increased. When once hasty measures have led to a well-organised smuggling trade, it becomes almost impossible to suppress this trade. The smuggler who desires to increase his profits daily will lose no chance of extending his sphere of action.

The Dutch Government is convinced that the above-mentioned restrictive measures are only effective when they are based on a systematic moral education and on an improvement of social and hygienic conditions. In the Dutch Indies we have devoted all our attention to these aspects of the problem. We have further checked the spread of the evil by the institution, wherever it appeared possible, of prohibition centres. It has been noted that in native villages the consumption of opium is very limited (33 centigrammes per year per head.)

In the large ports, the maintenance of restrictive measures is much more difficult. This is partly due to the existence of very large foreign colonies, mainly Chinese, but in these centres also nothing has been left undone so far as restriction of consumption is concerned. I must admit that, in these localities, measures have been taken which appear to be even too drastic. It is true that the restrictive measures applied in the Indies have resulted in a considerable decrease in the legitimate traffic. The traffic during the year 1923 decreased by about 50 per cent as compared with the figures for 1920, and the figures for 1924 are still lower.

On the other hand, various symptoms show that, during the same period, illicit traffic increased. As soon as such an increase becomes marked, it is desirable to moderate the regime applied, or at least not to apply it more drasti-

cally, so as to avoid driving consumers into the arms of the smugglers. In a large part of our possessions, we apply the system of licences and rationing of smokers. It is probable that these very restrictions, which are somewhat too drastic, and also the excessive increase in prices with a view to making purchase difficult, have been responsible for the increased activities of the smugglers.

These facts prove even to laymen with what caution restrictive measures should be applied, the more so since it is to be feared that these smugglers might carry on a propaganda in favour of even more noxious drugs, such as morphine, cocaine, heroin, etc. Smuggling, once it has been organised, nullifies the effect of restrictive measures previously decreed, destroys respect for the law, and inevitably leads to corruption among Customs and police authorities.

We must, therefore, particularly in large centres where prohibition measures could not be permanently maintained, take account of a real present need for opium which it is the duty of the Government to meet, though subject to a very strict control. The consumption of opium is very strictly controlled. The re-export of raw opium or the export of prepared opium are absolutely forbidden. Opium is not cultivated in the Dutch Indies. Illicit re-export is virtually non-existent and the supply of raw opium, to be turned into prepared opium, is obtained solely by purchase from another Government. Therefore, opium does not enter into international traffic and the problem is hence of a purely internal character.

Propaganda against the use of opium is supported by all means in our power, and carried out by instruction in schools, by the distribution of pamphlets and by the exclusion of opium-smokers from all Government services, including the army and the navy.

As regards a system such as that of the gradual limitation of imports which is proposed by America, it would be absolutely necessary first to set up a system of licences and of rationing. Otherwise, it would be impossible to provide for a reduction which would affect all consumers equally. A licensing system in its turn presupposes an absolute Government monopoly. I beg to draw your attention to the fact that these are the very two measures which are to be found as the guiding principles in the Agreement arrived at by the First Conference — that Agreement which, as Viscount Cecil observed with truth, has been too severely criticised. It is true that it has not been possible to ensure the immediate application of these principles, in view of the excessive growth of smuggling as a result of conditions in the countries producing raw opium.

Provisions were therefore inserted in this Agreement which are absolutely indispensable to pave the way for measures such as the United States advocate. I would draw the special attention of the Conference to this fact, which proves that, when this Convention was drawn up, a real step forward was made, all the more so since it is understood that the object of Article 12 is to complete this Agreement by fresh restrictive measures as soon as the smuggling trade shall have sufficiently decreased.

From an international point of view, this draft Convention contains the maximum that can be achieved under present circumstances, which does not mean a maximum from the



domestic point of view of each of the Contracting Parties. For instance, so far as the Dutch Indies are concerned, I can give you an assurance that, not only shall we strictly observe the obligations provided for by this regional agreement, but we shall go yet further in our campaign against this scourge in our own territories by means of an increasingly strict control.

A memorandum regarding the policy of the Dutch East Indies in respect of opium, which contains all information on the action taken by my Government in this matter, is at the disposal of the members of the Conference. I request the Secretariat to be so good as to distribute this document. In it you will find what a Government, having long experience, having continuously studied this question and having been guided, not by the lure of financial gain but by high moral principles, and most important of all by commonsense, has accomplished in its attempt gradually to stamp out the opium evil.

In conclusion, I should like to draw your attention to the fact that, in order to achieve more speedily the object which was aimed at in Article XII of the Agreement drawn up by the First Conference, we consider it absolutely indispensable that smuggling should be reduced to a minimum by measures designed forthwith to limit the cultivation of raw opium in the producing countries so that there shall be no further surplus of the raw material available for export over and above the quantity necessary for consumption as authorised by the 1912 Convention in Chapters II and III.

Once this limitation has been achieved and the producing countries have thus shown that they are in a position effectively to control production in their territory, the Conference referred to in Article XII will, we are sure, have no difficulty in coming to an agreement with regard to the limitation of imports of raw opium intended for the manufacture of prepared opium into the territories of the Powers represented.

Finally, I would say that, in my view, this is the only way in which the consumption of prepared opium can be abolished within a short period. (*Applause.*)

**The President :**

*Translation :* M. Daladier, delegate of France, will address the Conference.

**M. Daladier (France) :**

*Translation :* In the name of the Government of the Republic, it is my duty to state that France is firmly resolved to carry on the campaign against drugs, that is to say, I wholly associate myself with the lofty sentiments which have just been enunciated by Viscount Cecil and M. Loudon. I also desire to express my sympathy with Mr. Porter and his friends of the United States delegation who have been high-minded enough to undertake a veritable apostolate throughout the world, a real crusade against the abuse of narcotics.

It is also my duty, in reply to a question that Viscount Cecil did me the honour of asking, to state that the French Government is indeed wholly in agreement with the views of the British Government and of the Dutch Government so far as the question of competence is concerned ; we are

all the more glad to state this since, whatever may be said, this Conference has arrived at proposals which have been inspired by really practical ideas, proposals which, I sincerely trust, will produce most valuable results when they are put into practice throughout the world.

I should also like to take up the thread of Viscount Cecil's argument and, more or less following the plan that he laid before us, acknowledge that narcotics may be divided into four classes. First, those which are useful for the treatment of the sick. Secondly, those which are absorbed in the form of opium and which come under the heading of opium-eating, with regard to which arguments have occasionally arisen, some people regarding it as very harmful, others as the least harmful of drug habits, but of which, I think, we may say that it cannot be recommended to anyone.

Thirdly, there is opium for smoking, which is undoubtedly dangerous, especially when it is smoked by white men, and in any case when consumers, without distinction of race, contract a habit which becomes inveterate and as a result of which they are led to absorb a larger dose every day.

Lastly, and I personally should desire that the Conference be unanimous on this point, the fourth category includes alkaloids, that is to say, morphine, cocaine, heroin, etc., which, whatever may have been said on certain occasions, are really by far the most dangerous of all narcotic drugs. I hope that this point will not be lost sight of and that, instead of spending a possibly disproportionate amount of time on theoretical discussions, we shall unanimously agree that the most imperative duty of this Conference is to contrive to prohibit altogether and as soon as possible — I would wish that it could be done to-day — the use of these alkaloids which constitute a real scourge, which are both a dishonour and a source of sorrow to humanity. If you accept this point of view, I may say that our chief object here is to use all means in our power to limit the consumption of narcotics and particularly of alkaloids to purely medical purposes, and to see to it that the consumption of such drugs, apart from medical purposes, be totally and effectively prohibited.

France, as I have already had the honour to state, is firmly resolved to support all effective and practical measures which may be taken with this object in view. I may, perhaps, be allowed to point out that France, in her own territory, produces merely a few hundred kilogrammes of cocaine, that is to say, merely the quantity which is absolutely necessary for medical purposes, and that she does not produce and never has produced a single gramme of drugs for other countries. I may perhaps also point out that France has adopted a domestic legislation which all countries agree in recognising as very severe, and if there are countries where the drug evil is rampant, France is entitled to say that she is in no way responsible for it.

When I say this, when I refer to the domestic legislation of France, it means that I wholly agree with those members, whoever they may be in this assembly, who might hold that this legislation is inadequate ; that I readily agree to any measures which may result in strengthening such legislation and making it yet more rigid and drastic. But if we really desire to

face the problem, to take a decision based on exact knowledge, should we not say that in reality the restriction of the use of narcotics, under whatever form, the restriction or the total abolition of the illicit consumption of all narcotics without distinction, is only really practical and possible in so far as production and manufacture have been suppressed or totally abolished? On this point, I should like to state that I personally consider, and that France considers, that if we limit our efforts to a reduction in the consumption of narcotics, we shall be labouring at a task which, in practice, is likely to be both vain and illusory.

On this point, speaking candidly of those aspects of the problem which interest France, I should like to prove the statement I have just made by submitting the Indo-China problem clearly and frankly to the Conference. This problem of the consumption of opium in Indo-China was not touched upon by my honourable predecessors, doubtless from a feeling of discretion to which I should like to pay a tribute; but the best tribute I can pay is to endeavour to lay the truth openly before you, as is fitting when one has the honour of addressing an assembly such as this. When laying this problem before you, I would beg you in all good faith to consider the geographical position of that country, which only produces a small quantity of opium, in mountainous districts, moreover, on frontiers which are inhabited by half-savage tribes.

Opium is consumed throughout the whole of the country, whereas only very small quantities are produced; the amount necessary for consumption must therefore come from foreign countries. From the geographical point of view, that territory is entirely surrounded by countries some of which are producers on a very large scale and others which are large consumers of opium. Whenever an attempt has been made in those neighbouring countries to reduce the production of opium, a parallel attempt has been made to reduce the consumption in that territory. It is my duty to state this, and thus in my turn to pay a tribute to the French Governors of Indo-China. But the figures are even more eloquent than words. In 1906, the Chinese Government issued a decree forbidding the cultivation of the poppy and, after an admirable effort made by the Chinese people to which we must pay this tribute, the production of China, which previously exceeded 30,000 tons of opium per year, fell in 1917 to a few kilogrammes. This is an admirable effort and a highly successful one.

What action was then taken by the French Government? What did the Government of Indo-China do? It immediately took steps to respond to the effort made by China, and Indo-China, which had previously consumed more than 125,000 and even more than 130,000 kilogrammes, found its production at the end of the period not even reaching a figure of 70,000 kilogrammes.

We are determined to increase our efforts, but I believe — and it is a question of good faith — that what we are determined to do with a view to first reducing and then abolishing the consumption of opium can only have satisfactory results if production also is really controlled, supervised, limited and held in check.

How shall we be able to guard the three thou-

sand kilometres of land frontier between Indo-China and countries which are opium producers or consumers on a large scale? Where could we get an army of Customs officials and gendarmes to hunt down the innumerable armed smugglers who will cross the frontier should we in Indo-China make an effort to reduce or suppress consumption, thus putting a high premium on the smuggling of opium?

This is the question which I ask the Conference to consider in a judicial spirit. If we agree on this point, we must contrive to apply the two sets of measures side by side — on the one hand, restriction of production and manufacture and, on the other, a simultaneous restriction of consumption. These are proposals which are both concrete, practical and honest.

I now propose to conclude in my turn with a brief written statement:

“In the name of the French delegation, and as a member of the French Government, I desire to declare that my country is firmly resolved energetically to combat the use of drugs of any kind. I think it my duty to remind you that it was with the support of France that, in 1923, the League of Nations decided to convene here two Conferences, one of representatives of States which produce and consume opium, and the other of representatives of all countries which may be interested in the measures calculated to stamp out the drug evil throughout the world.

“France immediately decided to take an active part in the work of these two Conferences. In the First Conference, the resolutions adopted provide for measures of two kinds; first, measures which show, on the part of the Contracting States, a very real desire gradually to restrict, and as soon as possible altogether to abolish, the consumption of opium in their territories; the second, one of a worldwide nature, designed by a very strict regulation of trade to prevent any export of the drug, or any diversion of supplies into other channels, which might prove a danger to other countries. In both cases, the French Government has given its full consent to the provisions adopted.

“It is in the same spirit that France is participating in the work of this Conference. We associate ourselves beforehand with all the resolutions which may be taken in order to control production, manufacture and distribution of all drugs in the raw state or prepared, the use of which is dangerous to the human race. France has already, on her own initiative, issued at home and in the territories under her authority a legislation which goes as far as possible in this direction. Our regulations are so strict that all dangerous substances up to the last gramme are kept in sight, without there being any practical possibility of evasion from the moment at which they cross our frontier until they are delivered to the consumer. Should it still appear of advantage to issue yet stricter regulations giving further guarantees, France, I repeat, is already prepared to do so. Our Government does not intend to raise any objection to yet stricter measures, whether it be a case of

imports, exports or consumption, in so far as they apply to our Continental territory or to the whole of our possessions outside Europe.

"So far as Indo-China is more particularly concerned, although the draft Convention prepared by the First Conference already meets our point of view, it may be of some use if I add that the French Government is firmly resolved to arrive, in the shortest possible time, at the complete abolition of all consumption of opium. In view, however, of the geographical position of French Indo-China, it is impossible for us to state exactly within what period of time this happy result will be altogether achieved.

"Indo-China is surrounded by countries which produce far more than they themselves require of opium, which is easy to sell at a low price. It is therefore absolutely essential that the gradual reduction and eventual abolition of the consumption of opium in Indo-China should be accompanied by the gradual restriction and eventual abolition of the production of the drug in the neighbouring countries. The question

of opium-addiction in Indo-China is necessarily, to put it somewhat differently, less a question of domestic consumption than a question of foreign production. I have no doubt that all will agree in recognising the consequences of such a state of things and in admitting that the French Government, whatever be its good intentions, is obliged to take these practical difficulties into account. France reserves the right, if necessary, to move a concrete proposal based on these ideas and providing for effective and practical measures to put them into force." (*Applause.*)

**The President :**

*Translation :* No other members have asked to speak. I think the reason for this is probably that the delegations desire to think over the very interesting statements which have just been made by various delegates. I therefore think I shall meet the wishes of the Conference by closing the meeting.

The next meeting will take place to-morrow morning at 10.30 a.m.

*The Conference rose at 6.25 p.m.*

## TWENTIETH MEETING

*Held at Geneva, on Tuesday, January 20th, 1925, at 10.30 a.m.*

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Continuation of the discussion.

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64. PREPARED OPIUM : CHAPTER II OF THE SUGGESTIONS OF THE UNITED STATES OF AMERICA : MOTION SUBMITTED BY THE DELEGATION OF THE UNITED STATES OF AMERICA : CONTINUATION OF THE DISCUSSION.

**The President :**

*Translation :* Ladies and gentlemen, the meeting is open.

The only item on the agenda of this meeting is the continuation of the discussion on the motion submitted by the United States delegation.

M. Sugimura, delegate of Japan, will address the Conference.

**M. Sugimura (Japan) :**

*Translation :* Mr. President, ladies and gentlemen, on behalf of the Japanese delegation, I wish to state my views solely on the American proposal at present under discussion.

I have listened with the greatest interest to the important statements made by the honourable delegates of the British Empire, France, and the Netherlands, but in the interests of clearness, simplicity, and precision, I think it preferable to refrain from dealing immediately with their points of view, to which I shall have much pleasure in reverting on another occasion. We shall thus obviate all possibility of confusion in the discussion. Having said this, I shall proceed with my statement.

I wish to state first of all that I am in favour of the American scheme concerning the total abolition, within ten years, of the use of opium for smoking.

The lessons gained by the experience in Japan, however, force me to adopt a passive rather than an active attitude. I have the greatest sympathy and respect for the American scheme, but I am unable to go so far myself as to support it with a feeling of conviction and responsibility.

Moreover, certain points, both fundamental and points of form, must be further defined. In my opinion, the drafting of Article 8 of the American suggestions does not satisfactorily reflect the real intentions of its author. When this has been done, I shall be ready to accept the American suggestion, which is radical in its application but reasonable from the point of view of the intimate correlation of all the measures which have been proposed for carrying out our task.

The method proposed by the American delegation has already been applied in various countries with or without success, or again with some appearance of success, but wit-

hout really satisfactory results, at any rate, as far as the neighbouring countries are concerned.

The Japanese Government itself has employed a similar method in Kwantung, but I must admit that the results did not justify our hopes.

Twenty-four years' experience in Formosa has shown us that our system is, in practice, excellent.

As regards ordinary smokers, the method is to enforce absolute and complete prohibition from the beginning. In the case of inveterate smokers, however, we do not lay down any definite limit for complete abolition. We grant the licence with a daily ration which places these smokers under the very strict control of the police authorities. In so doing we do not carry out gradual suppression as it is ordinarily understood, that is to say, by equal stages, but we obtain, nevertheless, the same excellent result.

Twenty-four years of persevering effort have brought about a decrease of over 80 per cent in the number of inveterate smokers. At the present time, this number represents only slightly more than 1 per cent of the total population.

Our confidence, therefore, in the system we have established in Formosa is based on conclusive experiments and undeniable facts. That is why it is not at all easy for us, when our system is on the point of attaining the result which we all desire, to change our methods and apply another system which, as far as we are concerned, has not given good results.

Consequently, our attitude towards the American scheme is bound to be passive. We can neither actively defend this radical system nor urge other States to accept it. We possess absolutely no data to enable us to say that it is really superior or, in practice, effective. I would venture to add that it will cause us much sorrow if we have to sacrifice the fruit of our own efforts for twenty-four years, efforts of which the Japanese nation is justly proud and which furnish a striking proof of our success.

As we are all responsible before the world for the effective character of our resolutions, I should be glad to learn in as much detail as possible the methods and measures which the American delegation proposes to apply in order to obtain effective and absolute suppression within ten years. We should not be satisfied with words; we should insist upon definite realities. Japan, when once she has accepted an international engagement, is accustomed to observe it with the utmost sincerity and loyalty.

I shall deal now with the question of substance.

In obtaining abolition, it is not the act of abolition itself which is difficult, but rather the conservation of the result obtained and the effective maintenance of the new situation so happily brought about. Naturally, it is, above all, necessary to prevent the habit from claiming new victims, particularly among young people.

But how are we to treat inveterate smokers? That is the Gordian knot, the really vital point of the problem.

If appropriate steps are not taken, inveterate smokers who are slaves to their vice will go abroad and will take refuge in a country in which the administrative power does not possess sufficient authority. There are already regrettable examples of this change of habitat, which

is by no means the same thing as the proposed abolition.

Moreover, if the number of inveterate smokers is very high in a country, and the administrative authorities weak, contraband is sure to flourish, since intoxication is for these unfortunate people a question of life and death, and they will seek by every means and at any cost to satisfy their craving.

Several methods may be considered by which the desired result may be obtained:

(a) We may attempt to cure inveterate smokers in special hospitals. This would be an excellent method, although it would entail considerable expenditure if the addicts were very numerous.

Our own experience has shown that it is quite possible in hospitals to cure inveterate smokers, but as soon as they return to ordinary life there is a great tendency among them to return to their former bad habits.

(b) It is in order to prevent this undesirable eventuality that, in Formosa, the Japanese Government has established a system of licences and strict daily rationing. This system has made it possible to obtain a gradual diminution of the daily consumption. In certain cases, and under the influence of appropriate moral education, there has not only been diminution, but actually a complete disappearance of the baneful habit of smoking opium.

These are the results produced by our system, in which we feel absolute confidence and of which we are justly proud. If, now, we are prepared to modify these prudent, wise and effective regulations in order to adopt a very radical system, we naturally desire a number of further details and guarantees. It is for this reason that we ask for definite explanations and effective guarantees as to the method in which we may, in ten years' time, obtain radical and complete abolition.

I wish also to draw your attention to the exact meaning of the words "gradual and effective suppression", the whole aim of which is not only complete suppression, but also a suppression carried out by fixed stages.

In Formosa, we have divided smokers into two categories according to the seriousness of their condition. In regard to ordinary smokers who are able to abandon their wretched habit without too much suffering, we applied a system of complete and immediate prohibition twenty-five years ago. There only remain, therefore, the inveterate smokers, recognised as such after a very careful examination by a Government medical officer. In our opinion, these are cases for treatment of a medical nature. These unfortunate persons are dealt with as medical patients. In their case we do not proceed to suppress the drug by fixed stages, but we nevertheless obtain a good result.

It is true that nature often follows its course and death supervenes; but in other cases we succeed in diminishing the daily ration. In exceptional cases the patient is induced to abandon the habit of opium-smoking.

In my opinion, where only inveterate smokers are concerned, the number of which is known as well as the amount they consume, the importance of fixing a strict limit for the attainment of total abolition and the establishment of definite stages is greatly diminished. We should not forget that, in the case of ordinary smokers,

complete abolition has, by our policy, been obtained from the very beginning. The case we are now considering is that of a very small proportion of the population, who may be likened to sick persons, and whose requirements grow less each year.

The underlying principle of the Hague Convention is undoubtedly progressive and effective suppression, but when we in any way advance beyond this principle, we must take due account of the sincere and effective efforts which have already been made.

In order to attain the object which the American proposals have in view, we require an effective and practical system. Is the American delegation in favour of the system of licences and rationing, that is to say, immediate abolition in the case of ordinary smokers and an annual 10 per cent reduction in the case of habitual smokers, or does it, on the contrary, contemplate a progressive reduction applied indiscriminately to ordinary smokers and to habitual addicts? If we adopt the latter point of view, we shall create unfortunate confusion and shall even be taking a step backwards. Such a system would hardly be in keeping with our humanitarian aims.

Perhaps it is the intention of the American delegation to leave all these details to the sovereign decision of each Government, which would be free to adopt such measures as circumstances warrant. In my opinion, the fate of the American scheme depends on the solution adopted in this respect. Of course, I would not venture to insist on my opinion as opposed to that of others, but it is important for us to obtain a definite explanation. If our work is to attain universal success, it must be based on clear and definite conceptions in which all the Contracting Powers will find the necessary reciprocal guarantees both in law and in fact.

I pass now to the question of form.

Article 8 of the American suggestions provides that: "... for a period of ten years beginning with the date of *ratification* of this Convention by it (*i.e.* each Contracting Party)..."

From this text it follows that:

1. The starting-point for the proposed 10 per cent reduction varies according to the country unless the Contracting Parties agree to ratify the Convention simultaneously.

2. The Convention does not apply to territories excluded by the Contracting Parties from the ratification (see Agreement of the First Opium Conference, Article XIII). This leaves a loophole.

To sum up, under the formula proposed, it hardly seems possible to bring about general and simultaneous abolition. I venture therefore to direct your attention to this point.

Article 8 refers only to importation. It does not include, and hence places no restriction on, the manufacture of opium products prepared from opium grown by any country within its own territory, although it prohibits the supplementing of any reduction in imports by domestically produced opium.

The word "importation" does not apply to traffic between the mother-country and its colonies and dominions or to the commercial relations which may exist between the latter.

As I understand the matter, it is the intention of the American delegation to abolish

opium-smoking completely at the end of ten years. If this view is correct, some amendment is required in the draft as it stands.

The American suggestions contain three essential provisions:

- (a) The confirmation of the principle of absolute and complete abolition;

- (b) The fixing of a definite period for such abolition;

- (c) The fixing of a definite number of years for such period.

As regards the first provision (a), no Power which is a signatory to the Hague Convention has the right to raise objections of any sort whatsoever, as the provision in question merely expresses the fundamental principle underlying that Convention. The necessary corollary of the gradual and effective abolition advocated at The Hague, is complete and absolute suppression. It is not within the power, therefore, of either the First or the Second Conference to draw up any agreement at variance with this principle.

The third provision (c) appears to me to be of secondary importance. The period fixed might be ten years or any other number of years which seems suitable in the circumstances.

The second provision appears to me to be a reasonable one, as the idea of complete abolition would be meaningless unless the question of time were taken into account. It must not be forgotten, however, that it constitutes an innovation in the Hague Convention, in that it fixes a definite uniform period (see Article 6 of the Hague Convention).

The suggestion that abolition shall be effected within ten years, a suggestion which is entirely new, constitutes, together with the project for the limitation of production, manufacture and importation, the vast American scheme which is based on the principles underlying the Hague Convention and is an effort to hasten the realisation of that ideal. All these measures form one indivisible whole. It is essential that their interdependence should be maintained, and that their development should progress evenly. It is this interdependence, this solidarity which exists between the various measures, that must be borne in mind. If the Second Conference reaches the happy results aimed at by the American suggestions, the First Conference must model its work on that of the Second Conference.

If all the other radical measures contemplated in the American scheme are accepted by the Second Conference, the Agreement arrived at by the First Conference will, it seems to me, be at variance with, and will prevent the logical execution of, the Agreement reached by the Second Conference. It is our bounden duty to co-ordinate our work in such a way as to produce a harmonious and homogeneous whole. With this purpose in view, I now declare that we are prepared to sacrifice our present system in the interests of the solidarity of this great social work. We are prepared to accept the American proposals in order to give the world a striking and unmistakable proof of our earnest desire for international co-operation for the welfare of humanity.

The Agreement reached by the First Conference refers especially to Chapter II of the Hague

Convention, and is concluded as between the States most directly concerned. Hence :

1. It does not constitute any real modification of the Convention, as such modification would necessitate the consent of all the Signatory States.

2. It is conditional on the said Convention, which implies :

(a) That it places no obstacle in the way of the application of the Convention, or of any modifications consistent with the fundamental principle underlying it ;

(b) That, should any discrepancy become apparent between the Agreement reached by the First Conference and the work of the Second Conference, it would be necessary to co-ordinate and harmonise the two in conformity with the fundamental principle of the 1912 Convention.

I have already had occasion to explain how, from the legal point of view, each of the Conferences is of an independent character, but I must point out also that, from the practical point of view, the two form one whole. It was the intention of the Powers represented at the First Conference to perfect the work done at The Hague. I need hardly state that it was never their wish to place obstacles, in any guise, in the way of improving any provision of the 1912 Convention. The work of co-ordination which I now venture to propose would thus serve the double purpose of revealing the manifest good-will of the members of the First Conference, and at the same time of safeguarding the legitimate rights of the other Parties signatory to the Hague Convention.

Both Opium Conferences have the same purpose — to improve and perfect the work begun at The Hague. If the two Conventions fail to satisfy the essential requirement of gradual and effective suppression, they will not be in keeping with the spirit which should inspire all our resolutions. This the American delegation understood clearly, and is therefore deserving of all praise. It is the moral duty, therefore, of the Conference to examine with the greatest sympathy the point of view of this great friendly Power, which is as anxious as we are to accomplish a work of humanity, justice and morality. Should the First Conference find itself unable to accept the American scheme, it would be necessary to arrive at a compromise which should meet the present situation and at the same time be in keeping with justice and equity.

I have submitted these few remarks simply in order to make my attitude perfectly clear, to define my responsibility, to throw as much light as possible on the situation, and to show the way of future development. I am in favour of the American suggestions, and am prepared to accept them in agreement with the other delegations. The work to be done forms one homogeneous whole, of which the various parts are interdependent. One single defect may mean the collapse of the whole structure. There must be an absolute balancing of the different parts. There must be perfect harmony and absolute cohesion. Prepared opium must be made subject to regulations as strict as those which apply to other dangerous drugs.

It is only right that an attempt should be made to put a stop as soon as possible to the

use of prepared opium, which seriously impedes the realisation of our work, our aim being to limit to strictly medical and scientific purposes the production, manufacture and importation of narcotic drugs, to create a Central Board for this purpose, and to impose on the Powers an obligation to furnish information and estimates.

From the humanitarian point of view, the two Conferences are of equal importance as steps towards the realisation of the same ideal. It is only a united front that can ensure the glorious victory towards which all the delegations aspire with equal fervour.

**The President :**

*Translation* : The Hon. Stephen Porter, delegate of the United States of America, will address the Conference.

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

Mr. President, ladies and gentlemen, the delegation from the United States has been at Geneva two months and three days, and I still find myself pleading for a hearing on the most important item in the suggestions made by my Government. I rise for the last time to ask for a hearing, because it should be perfectly obvious to all of us that the spirit that forbids a hearing will never bring about a successful Conference.

It has been a source of regret to me that I have not felt it prudent to follow the usual rough-and-tumble method of the body of which I have been a member for many years, namely, to speak extemporaneously, for I have felt that it was the duty of every delegate to lay before the Conference not only his own judgment but the deliberate and well-thought-out judgment of his colleagues. I have therefore always followed the rule of putting our arguments into writing so that there would not be the slightest doubt about the position of the entire delegation.

I thank the distinguished delegate from Japan for the manner in which he has met this situation. I also congratulate Japan upon the way in which she has honestly and sincerely tried to suppress this ghastly traffic. Japan's policy is founded upon the proper principle, namely, suppression without regard to revenue. As Bishop Brent has so well said, when it was discovered how lucrative a method it is for purposes of revenue, Governments easily dissembled with themselves and postponed reform indefinitely.

It is not our purpose to suggest the methods by which this traffic shall be suppressed. We are merely asking that a solemn compact made between the nations of the world many years ago shall be performed. It is not for us to say how it shall be done. Those who entered into that compact did so with full knowledge of the responsibilities involved, and if it were impossible of performance it was known then just as well as it is known now.

The distinguished gentleman from Japan knows more about the way of handling this situation in a moment than I do in a lifetime, and a method which would be effective in Japan might be perfectly useless in Hong-Kong or Singapore. I desire, therefore, to impress upon the Conference that the delegation from the United States has not the slightest intention



of interfering with the method to be used for the suppression of this traffic. All we ask is that this solemn compact, which means so much to mankind, shall be carried out.

I have not had the opportunity of examining closely the record of the speech of the distinguished delegate of the British Empire, but he made one statement that I feel it is my duty, in the interest of the people which I represent, to challenge at the first opportunity. The statement was that the *per capita* consumption of opium in the United States of America, according to information which had been furnished to him, was greater than that in India. Let me read it to you. Speaking of the ill-effects of these drugs he said: "It is a terrible social evil" — I agree with him — "producing physical and moral degradation and I understand from the representatives of the United States that it is one of the evils which is, I will not say particularly, but markedly bad in America, where it is giving the American Government the greatest anxiety; indeed, I have seen figures stating that the consumption of opium per head is very much greater in America than it is in India. It is undoubtedly a very terrible thing and though it may be, and I think is, less in my own country than it is in some others, yet wherever it exists it is a very serious evil; it is of the utmost importance that this Conference, whatever view you may take of its mandate, which was primarily called to deal with this evil, should not be led astray from dealing with it."

Later the same distinguished gentleman said, "I have learned with great pain, not from what has gone on in the Conference, but from what has transpired outside, that there is a measure of distrust of this nation and of that nation and, for all I know, particularly of my own in this matter. I earnestly protest against that attitude, which does not make for progress, nor is it of any use whatever. If we want to get on with this work, we must abandon recrimination and adopt the policy of co-operation."

With all due respect to the distinguished delegate of the British Empire, I must suggest that he is hardly practising what he preaches when he states that the use of opium in the United States of America is greater than in India. If he can utter a greater slander against any people than that I would like to know what it is.

Now what are the facts? Unfortunately, some four or five years ago someone connected with our Government issued a semi-official report to the effect that the *per capita* consumption of opium in the United States was 36 grains per annum. By looking at the figures it is perfectly obvious to anyone that the total imports for that year were taken and divided by the population, without any reduction whatever for exports, and for opium that passed through the United States. It is said that one can never catch up with a falsehood. I have been trying to catch up with this one for many years. It has been contradicted in every manner, shape and form, and I want now and for ever to denounce it as a vile slander upon the people of the United States.

(Viscount Cecil (British Empire) here rose to reply).

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

Let me just go a step farther; you will have plenty of time to reply.

**Viscount Cecil** (British Empire) :

I was only going to withdraw my statement.

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

Let me continue my argument. I do not for a moment suggest that you knew it was untrue. Far be it from me to suggest anything of that sort, but I do say that it is a curious fact that your advisers did not know that it was untrue.

I call your attention to Part I of Document O.D.C. 1 (1) prepared for the Second Opium Conference, in the composition of which the distinguished gentleman from the British Empire, Sir Malcolm Delevingne, took an active part. Surely this Conference should be willing to accept whatever its own record says. That document states: "The United States of America, estimated requirements, 0.56." That is a little less than 8 grains *per capita*. "Great Britain 0.54." The difference is negligible: "Canada 0.58; Denmark 0.89; Finland 0.6; New Zealand 0.51; the Netherlands 0.41," showing that the annual *per capita* consumption in the United States of America is practically the same as in nearly all the European countries. It is to the credit of the Teutonic and Slavic races that their annual *per capita* consumption is much lower than ours. Such is the record—a record which was prepared for the Opium Advisory Committee, of which the distinguished delegate from the British Empire, Sir Malcolm Delevingne, is an active member. It seems strange to me that that statement, that vile reflection upon the morals of the people of the United States, should have been repeated in this Conference, held under the auspices of the League of Nations, which many hope to become some day the Parliament of the world.

One other thing. The distinguished delegate from the Netherlands requests the figures of our seizures in the Philippine Islands for the years 1923-4. In May 1923 Bishop Brent made a speech in which he gave the figures for 1920, 1921 and 1922. That is a year and a-half ago. If at any time the distinguished gentleman from the Netherlands desired later figures he should have asked for them and not have waited until the last moment when it is impossible to furnish them.

The purpose of the request is perfectly obvious. It is to intimate that we have not been successful in the suppression of this traffic in the Philippine Islands. We have not been completely successful there or in the continental United States, and we never will be until this traffic is attacked at the source. But I would like to remind you of this: when the Philippine Islands passed into the possession of the United States, the smoking of opium was almost as rampant as it is in any of the possessions of the nations which are here to-day defending it. Later on, one of our great Presidents, one of our greatest Presidents, who is now among the immortals of the Republic, Theodore Roosevelt, said that it must stop, and it did stop. In 1903 we imported 254,000 lbs. of opium, and we had revenue from it. We took our loss of revenue, but I am happy to say to you that we did not experience an entire loss, for we gained in the

gratitude and affection of the Philippine people. Let us see the effect. In 1918 the imports amounted to approximately 235 lbs; in 1919 to 237 lbs; in 1920 to 150 lbs., and in 1921 to 192 lbs.

I admit that opium does enter the Philippine Islands. I wish to say to you, however, that we are spending immense sums of money in trying to keep it out, but we find it impossible. From where does that opium come?

I will put the record of the United States in the Philippines, where we are spending great sums of money to protect our people — and where the pallid face, the hollow eyes, the abscesses upon the body caused by the hypodermic syringe which is used by the victims of these drugs, are seldom if ever seen — I will put that record before the world beside the record of the Netherlands in the Netherlands East Indies.

The distinguished delegate of the British Empire has suggested that he is willing to withdraw his statement in regard to the *per capita* consumption. I did not ask him to do so, because I felt he would do it as a matter of justice to a people many of whom admire and respect him to the fullest extent.

**Viscount Cecil** (British Empire) :

I greatly regret that anything I said in my speech could be regarded by anyone, and above all by the distinguished delegate of the United States of America, as an attack upon his people or his country. I accept absolutely, of course, the figures he has given of the consumption in the United States, and I regret that in reading the great mass of papers before me I was misled into using figures which are apparently devoid of foundation.

I, of course, withdraw the allegation absolutely, but I wish to say that I did not intend my remarks as an allegation against the United States of America or their people. I merely meant them as an illustration of the terrible extent to which, even in so very great, so very distinguished and so highly civilised a country, this evil had spread, and to show the importance of dealing with the drug evil as revealed by this state of affairs.

I withdraw the allegation absolutely, but I understand that there is no difference of opinion between us as to the importance of dealing with the consumption of heroin, morphine, etc.

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

The motion proposed by the delegation of the United States reads as follows :

“On behalf of the delegation of the United States of America, I hereby present for the consideration of the Conference Chapter II of the suggestions of the United States of America, and move that the proposals contained in this Chapter be referred by the Conference to an appropriate Committee for consideration.”

I desire to make it clear that, under this motion, the question of the merits of the proposal submitted by the delegation of the United States regarding the suppression of the traffic in prepared opium is not before the Conference. The only question with which the Conference is now to deal is whether we are to be permitted

to present our suggestions to the Conference and whether the Conference will refer them to an appropriate Committee where they can be considered upon their merits. A favourable vote on this motion, therefore, means that the Conference will refer Chapter II of our suggestions to an appropriate Committee, and does not necessarily imply that our proposals will be adopted by the Conference.

I might say, however, that I do not subscribe to the view that a unanimous vote is necessary in order that the Conference may consider the question of the suppression of the traffic in prepared opium. On the contrary, it is our view that the Conference may, by a majority vote, undertake to consider the proposals.

The distinguished delegate of the British Empire took occasion yesterday to express the view that the British Government could not concede that the question of the measures to be adopted for the suppression of the traffic in prepared opium was within the competence of the Second Conference. The question of competence has heretofore been discussed at some length, and I shall not, therefore, repeat in detail the arguments that we have advanced in support of our position. Succinctly stated, our view is that, under Assembly Resolution VI, the present Conference was called as a means of giving effect to the principles submitted by the representatives of the United States and to the policy which the League, on the recommendation of the Advisory Committee, has adopted.

Allow me to quote those principles with which you are all familiar :

“1. If the purpose of the Hague Convention is to be achieved according to its spirit and true intent, it must be recognised that the use of opium products for other than medicinal and scientific purposes is an abuse and not legitimate.

“2. In order to prevent the abuse of these drugs, it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for non-medicinal and non-scientific purposes.”

It cannot be denied — and the Conference so decided in connection with the presentation of Article I of our suggestions — that, under the principles stated, the present Conference may consider measures for the control of the production of raw opium in such a manner that there will be no surplus available for non-medicinal and non-scientific purposes. If the production of raw opium is controlled so that there will be no surplus available for non-medicinal and non-scientific purposes, it necessarily follows that no raw opium shall be produced for the manufacture of prepared opium, since all must concede that smoking-opium is not used for a medicinal or scientific purpose. In Chapter II of our suggestions we therefore have fixed a definite period after which the use of opium for smoking purposes shall no longer be permitted.

So much for the question of competence. At best it is only a technical answer, and the arguments advanced in its support are not as important as the reasons which impel such a defence to be offered. Every nation here represented can, if it will, agree that the ques-

tion of the traffic in prepared opium shall be thrown open for discussion.

The delegate of the British Empire read yesterday a declaration on behalf of the British Government which, in substance, provides that the British Government undertakes that opium-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 — mark that language — of opium-smuggling from China into these territories. The question when the effective execution of the measures has reached the stage referred to shall, it is provided, be decided by a Commission to be appointed by the Council of the League of Nations, whose decision shall be final. Other conditions are contained in the proposal, but as I shall discuss them later they need not be referred to here.

While the distinguished delegate from the British Empire did not formally present the declaration to the Conference for consideration, which I very deeply regret, I shall discuss the declaration as though this had been done, as I feel that the Conference is entitled to know the attitude of the delegation of the United States in the matter.

On a former occasion I took the opportunity of pointing out to the Conference that the United States of America and other nations have in good faith fulfilled the obligations undertaken under Chapter II of the Hague Convention and that they therefore have the unquestioned right to insist that nations which have not taken the steps contemplated by the Convention likewise take measures for the effective and progressive suppression of the traffic in prepared opium and that such nations do not, by supplementary agreements between themselves or otherwise, weaken the Hague Convention in such a manner as to release themselves directly or indirectly from the fulfilment of obligations undertaken under that Convention.

A treaty or convention is, in effect, a contract between independent States and depends, for the most part, for the enforcement of its provisions on the honour and the interest of the Governments parties thereto. As stated by Vattel in his admirable work on the Law of Nations (page 229) :

“Who can doubt that treaties are in the number of those things that are to be held sacred by nations? By treaties the most important affairs are determined; by them the pretensions of sovereigns are regulated; on them nations are to depend for the acknowledgment of their rights and the security of their dearest interests. Between bodies politic — between sovereigns who acknowledge no superior on earth — treaties are the only means of adjusting their various pretensions — of establishing fixed rules of conduct — of ascertaining what they are entitled to expect and what they have to depend on. But treaties are no better than empty words if nations do not consider them as respectable engagements — as rules which are to be inviolably observed by sovereigns and held sacred throughout the whole earth.

“The faith of treaties — that firm and sincere resolution — that invariable constancy fulfilling our engagements — of which we make profession in a treaty, is therefore to be held sacred and inviolable between the nations of the earth, whose safety and repose it secures. . .”

As Hyde points out in his recent work on International Law (pages 1 and 2, Vol. II) :

“The disposition of States to contract with each other, and their habitual recourse to such action, have been due to a wide perception of the common advantage derivable from undertakings to limit reciprocally individual freedom of action, and to confidence in the efficacy of such means to fix restraints not otherwise to be established save by the sword.

“The number of agreements concluded since the beginning of the 19th century testifies to the conviction of statesmen that international compacts are capable of operating as such a deterrent. Because there has been found to be a readiness on the part of States to acknowledge that an obligation of an essentially legal character possessing the quality which the law familiarly attaches to contracts between individuals should be deemed to be impressed upon public international agreements, it has proven desirable as well as feasible for nations to negotiate them. Treaties are thus concluded because, in the mind of the contracting parties, their undertakings are to be performed and because the right of non-performance is given up.”

If a treaty is in effect a contract between States, and if the legal rights and obligations arising therefrom may generally be regarded as analogous to those arising from contracts between individuals, it is clear that the rights of nations signatory to the Hague Convention which have fulfilled their part of the agreement and the obligations of those nations which have as yet to take measures for the effective and progressive suppression of the traffic in prepared opium are well defined.

I shall therefore, with your permission, discuss in some detail the declaration offered on behalf of the British Government.

Paragraph 1 provides :

“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 fifteen 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.”

Our objection to the foregoing provision is not based upon considerations of a technical nature. We are not prepared to accept this proposal because we cannot give our assent to the principle involved. We cannot admit that the obligation to take effective and progressive steps for the suppression of the traffic in prepared opium which each nation signatory to the Hague Convention undertook to enforce can be held in abeyance pending the occurrence

of an event as uncertain and as indefinite as the one suggested by the British Government. We are of the opinion that the obligation to take progressive and effective measures for the suppression of the prepared opium traffic is a continuous one and cannot even temporarily be arrested.

May I also invite attention to the subtlety of the language used in paragraph 1. You will note that the period of fifteen years is not to run from the date on which China has effectively suppressed the growth of the poppy but from that time when such effective suppression has reached such a stage as to remove the danger of opium-smuggling from China into the territories. Is it not a fact that, so long as opium is produced, the danger exists that it will enter the illicit traffic?

Smuggling is a crime like homicide, like burglary, like larceny. Crimes have existed for centuries, and it is likely that they will exist for centuries to come. To predicate the performance of this solemn obligation upon the removal of the danger of smuggling puts the execution of that obligation so far in the future that all of us who are here will have passed on and those who come after will have joined us. I do not know whether, when we reach the millennium, there will be any danger of the commission of crime, but I fancy it might exist even then.

I want to impress that language upon the Conference — "the danger of smuggling removed". Who is to determine that fact? We are all in danger every moment of our lives of crime being committed against us. Uncertain as is the date when China will be in a position to execute effective measures for the suppression of the growth of the opium poppy, still more indefinite is the time when these measures shall be such as to remove all danger of opium-smuggling.

I may mention a further point, namely, that since the period of fifteen years is not to run until China has taken the steps suggested, the effect of the proposal, if adopted, would be that if any nation should be desirous of maintaining the traffic in prepared opium for purposes of revenue, or otherwise, it would not endeavour to assist China in any way in her effort to adopt the measures contemplated, but, on the contrary, the incentive would be to discourage and even in some cases to throw obstacles in the way of China's earnest endeavours in this direction.

Paragraph 2 of the proposal provides :

"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 effected at the end of the said period."

This paragraph is indefinite — that "necessary measures will be initiated to enable the complete prohibition of smoking to be effected at the end of the said period". The First Conference, after long discussion, was unable to come to an agreement with respect to the adoption of any measures reasonably calculated to accomplish the purpose desired. If the British delegation is in a position to state what measures are necessary to accomplish the

purpose sought for it would seem advisable for the sake of clarity to enumerate them in the paragraph.

Paragraph 3 provides :

"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."

Aside from the question of the manner of the appointment of the Commission, this paragraph is objectionable for the reason that it is, in effect, an attempt to suspend the performance of obligations undertaken under the Hague Convention until a Commission has found it advantageous for such obligations to be performed. To this principle we cannot subscribe. Moreover, are we to expect that China would be willing to permit any Commission to pass final determination upon the question whether the measures adopted by China for the suppression of the poppy have reached such a stage as to remove the danger of opium-smuggling from China?

Paragraph 4 provides :

"It is understood (1) that, as soon as the period of fifteen 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."

I desire you to note that paragraph.

"(2) That the complete prohibition of opium-smoking to be effected by the end of the said period of fifteen 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."

This is a most interesting provision. The nations in the territories of which the use of prepared opium is still temporarily permitted are not to take any steps to prevent any increase in the ranks of opium-smokers until the fifteen-year period shall begin to run. We would naturally have thought, and certainly we should have had the right to expect, that one of the first measures to be adopted by the Powers after ratification of the Hague Convention would have been the enactment of laws or regulations to ensure that no new recruits would enter the ranks of opium-smokers.

To our astonishment we find, years after the obligation to suppress the traffic in prepared opium was undertaken, that we are asked to give our assent to a proposal that the Powers concerned shall not immediately take steps to prevent new recruits entering the ranks of opium-smokers, but that such steps shall not be taken until the occurrence of an event as uncertain and as indefinite as the day when homicide, burglary, larceny and smuggling shall cease. It is unnecessary for me to state that the delegation of the United States cannot even acquiesce in such a proposal.

Mr. President, with regard to the provision in the second part of paragraph 4 that special provision be made for persons who cannot, in

the opinion of the medical authorities, be completely deprived of the drug without serious danger to life or health, we find it unnecessary to offer any comment, as this provision is dependent upon the acceptance or rejection of the preceding four paragraphs.

While we are aware that large quantities of opium are being produced illicitly in China, I might state that I am not prepared to accept the view that China is alone in her failure to fulfil the obligations undertaken under the Hague Convention. Even if China is an offender, this in itself does not excuse the other nations from fulfilling their obligations.

On a former occasion, I drew attention to the fact that the agreement concluded by the First Conference noted that the increase of the smuggling of opium in the greater part of the territories of the Far East since the ratification of the Hague Convention is hampering greatly the accomplishment of the gradual and effective suppression of the traffic. No question can arise as to what nation the Governments represented at the First Conference had in mind. It was, of course, China.

In my remarks just prior to adjournment I quoted the following excerpt from a speech made by Sir John Jordan :

"The argument will doubtless be urged, and urged with perfect good reason, that the widespread recrudescence of poppy cultivation in China has added immensely to the difficulties of the problem. That I freely admit, and no one has more reason to regret the Chinese relapse than I, who devoted ten years of my life to the work of opium suppression. But I would ask in all earnestness if the fact that China has fallen into a state of political disorder is sufficient reason for the other Powers to evade the obligations which they undertook under Article 6 of the Hague Convention. I do not think so."

I added that the delegation of the United States was in accord with the view of Sir John Jordan that the failure of China or any other country, through internal disorder or otherwise, to prevent effectively the illicit traffic in opium does not relieve other Powers signatory to the Hague Convention from the duty of fulfilling the obligations which they have solemnly undertaken.

In view of the foregoing, I am under the necessity of informing the Conference that the delegation of the United States cannot give its approval to the declaration presented by the British Government. We cannot admit that justification exists for even a temporary suspension of the obligation which rests upon every nation signatory to the Hague Convention to take effective measures for the progressive suppression of the traffic in prepared opium. The Hague Convention is clear and explicit as to the nature of the obligations undertaken, and we are not prepared to forego any right which, under that Convention, we are entitled to enjoy.

The distinguished delegate of the British Empire also referred in his remarks to the desirability of organising a Commission of enquiry to investigate conditions in the Far East. He doubtless had in mind the suggestion made by Sir Malcolm Delevingne just prior to

the adjournment of the Conference in December.

At the fourteenth meeting of the Conference, which was held on Friday, December 12th, 1924, Sir Malcolm Delevingne stated that the British Government had no desire to take up an obstructive attitude with regard to the question of prepared opium, and that it was therefore willing that a small and impartial Commission of enquiry, on which none of the interested Powers would be represented, should be appointed by the Council of the League of Nations for the purpose of making a thorough examination into the subject of prepared opium ; that this commission would visit the Far Eastern territories in which the use of opium for smoking is still permitted — China and the Philippine Islands — and would thereupon report to the Council as to what further measures, if any, could be usefully taken in order to bring about the effective and gradual suppression of the use of opium for smoking which is provided for in Chapter II of the Hague Convention.

Sir Malcolm Delevingne added, however, that he was not making a formal proposal on behalf of the British Government, as the matter was not considered one for the Second Conference, but, under instructions from his Government, he took this opportunity of making known the attitude of the British Government in the matter.

Objections of a more or less serious nature may be made to the organisation of the Commission, to the nature of the duties which it is intended that it shall perform, and to the absence of any assurance that the nations, the conditions in the territories of which are to be the subject of examination, will take the steps suggested by the Commission with a view to the suppression of the traffic in prepared opium.

Important as these and other objections of a similar character may be, I do not desire to take the time of the Conference to discuss them in detail, as I am under the necessity of stating that the delegation of the United States cannot accept in principle the proposal offered by the British Government. We cannot admit that nations which, under the Hague Convention, agreed to take measures for the progressive and effective suppression of the traffic in prepared opium are now entitled to have a commission of enquiry appointed to ascertain whether they shall at some future time undertake to perform an obligation which they solemnly engaged themselves to carry out more than ten years ago.

During the years which have elapsed since the foregoing obligation was undertaken, the traffic in prepared opium does not, judging from the facts brought to our notice, appear to have been progressively and effectively suppressed. That difficulties stand in the way of the effective suppression of the traffic we are prepared to recognise, but they are not of such a character as to render impossible the fulfilment of the obligations undertaken under the Hague Convention. On the contrary, we have the right to assume that the nations, at the time when they ratified that Convention, understood the nature and extent of the difficulties to be encountered. We therefore look to them to take measures for the progressive and effective suppression of the traffic in prepared opium.

It may, of course, be urged that circumstances or conditions have arisen, which could not have been foreseen in 1912 or at the time of ratification of the Convention, and which render it extremely difficult for certain nations effectively to suppress the use of prepared opium in the territories under their jurisdiction.

Irrespective, however, of any change in conditions or circumstances since the ratification of the Convention, the performance of obligations by the contracting nations falls squarely within the generally accepted principle of international as well as municipal law, namely, that nations or individuals, as the case may be, who solemnly undertake in an agreement to perform an obligation are presumed to know, and if necessary to anticipate, any difficulties which, subsequently arising, may stand in the way of the successful accomplishment of the purpose for which the agreement was concluded. This generally accepted principle needs no argument in its support.

It is stated by Chitty in his work on Contracts (page 821) — and, by the way, I might say in passing that, in my judgment, this is the best work upon the subject that was ever written :

“And where the contract is to do a thing which is possible in itself or where it is conditional on an event which happens, the promiser will be liable for a breach thereof, notwithstanding that the occurrence of an accident or other contingency which, although it was not foreseen by or within the control of the party, might have been provided against by his contract, has put it beyond his power to perform it.”

Since the manifest purpose of the Commission of enquiry proposed by the British Government is to investigate conditions in the Far Eastern territories with the view to determine what measures, if any, the nations concerned may take to discharge obligations undertaken a number of years ago, the delegation of the United States must, for the reasons heretofore stated, withhold its support from the proposal put forward by the British Government. In view of the fact that the traffic in prepared opium, notwithstanding the obligations undertaken under Chapter II of the Hague Convention, does not appear to have been effectively and progressively suppressed, and in the light of the facts disclosed before the First Conference, the Government of the United States is strongly of the opinion that the time has come to place in the Convention a definite time-limit after the expiration of which the use of prepared opium throughout the world shall no longer be permitted. We therefore have inserted in Chapter II of our suggestions a provision which, if adopted and carried out, will ensure that after ten years the traffic in prepared opium will no longer exist.

Recognising, however, the difficulties confronting a number of the nations in their desire to stamp out effectively the traffic in prepared opium, and being as desirous as any Government here represented not to maintain an arbitrary and obstructive attitude, the delegation of the United States is willing to increase from ten to fifteen years the period contained in Chapter II of the suggestions, after the termination of which the use of opium for smoking shall not be permitted, and to leave entirely to the various

Governments concerned the question of the internal measures to be adopted by them in carrying out the obligation undertaken.

Article 8 of our suggestions might therefore be amended to read somewhat as follows :

“The Contracting Parties in whose territories the use of prepared opium is now temporarily permitted under the Hague Convention agree that, within fifteen 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.”

We are also not unwilling that the Convention shall recognise, and if necessary make adequate provision, with appropriate safeguards, for persons in whose case it is certified by the competent medical authorities of the State concerned that they cannot be completely deprived of the drug without serious danger to life and health.

I desire to apologise for speaking at such great length, but I know we all realise the tremendous importance of our duties to these unfortunate people, these millions of unfortunate fellow human beings. But it means more than that : it means much for peace in the world. To establish one law for the West, to safeguard our own homes against these insidious drugs and to leave the homes of the Oriental open to exploitation is hardly conducive to peace. Why should not they be treated as we are treated ? Are not their children as near and dear to them as ours are to us ? Away with this nonsense — one law for the East and another for the West. Make it one law for the whole world, and you will take a step that will bring the world much nearer the goal that we all hope for, namely, universal peace among the peoples of the world.

The world is threatened with Bolshevism. I have stood up — and I have no objection to stating it here — and opposed the recognition by the United States of the Government of Russia, not so much on account of my own country but because I appreciate the danger to Europe of the recognition of Russia. I realise that it would put in the hands of the Bolsheviks a propaganda that might do great harm. Yes, if we fail at this Conference we put into their hands a propaganda for use in the Far East that will do irreparable injury to the peace of the world.

I have spoken much longer than I intended and I hope you will pardon me, but I have spoken from the heart. I have been interested in this matter for a long time, and that interest will never cease. We were cursed in America for over a century and a half by human slavery. It took a great war, that almost destroyed our Republic, to suppress it.

Opium is only another form of slavery, and may I not say that it is the worst form, because the master who owned slaves had a financial interest in their physical welfare and they at least received good care. John Brown, with a few followers, left the State of Kansas in the late fifties in a hopeless effort to suppress human slavery. He was captured at Harper's Ferry, Virginia ; he was tried and hanged ; and a poetess, writing of his cause, said : “Right is ever upon the scaffold ; wrong is ever upon



the throne". Why cannot we dedicate ourselves here and now to reverse the order and put right upon the throne and wrong upon the scaffold? (*Applause.*)

**Viscount Cecil** (British Empire) :

I desire to speak later in this discussion to-day.

**The President :**

*Translation :* There are still four speakers on my list.

The discussion will be continued at this afternoon's meeting, which will be held at 4 p.m.

*The Conference rose at 1.30 p.m.*

## TWENTY-FIRST MEETING

*Held at Geneva on Tuesday, January 20th, 1925, at 4 p.m.*

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65. PREPARED OPIUM : CHAPTER II OF THE SUGGESTIONS OF THE UNITED STATES OF AMERICA : MOTION SUBMITTED BY THE DELEGATION OF THE UNITED STATES OF AMERICA.

Continuation of the discussion.

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65. PREPARED OPIUM : CHAPTER II OF THE SUGGESTIONS OF THE UNITED STATES OF AMERICA : MOTION SUBMITTED BY THE DELEGATION OF THE UNITED STATES OF AMERICA : CONTINUATION OF THE DISCUSSION.

**The President :**

*Translation :* Ladies and gentlemen, the meeting is open.

I call upon Mr. Clayton, the delegate of India, to speak.

**Mr. Clayton** (India) :

Mr. President, ladies and gentlemen, we heard during the debate which took place before the adjournment a good deal about idealism. I for one do not complain of that, for one must remember all that this movement for the suppression of opium owes to the enthusiasm and inspiration of idealists, among whom I desire to mention Bishop Brent.

But, Sir, it occurs to me, and it has occurred to me throughout this debate, that we are here as practical administrators. If we are not ourselves practical administrators, it is our duty to produce something which practical administrators can carry out, and, from the point of view of a practical administrator, I venture to suggest that idealism pure and simple is but a poor guide and, if implicitly relied upon, is likely to become a will-o'-the-wisp, which will lead us all into a morass.

There is a higher quality than idealism for this workaday world — I mean statesmanship. That is a quality which has been defined by a great English publicist in the following words : "Idealism without illusions, and realism with faith." It is in that spirit that I would ask this Conference to consider the question which is now before it.

In a former speech made during this same debate, I ventured to put forward certain juri-

dical arguments which seemed to me to be apposite and satisfactory. I do not propose to repeat them now, but I desire to affirm them. I wish at the same time to say that I have listened to the arguments on the other side which were reaffirmed this morning, but they appear to me to have no more validity than they appeared to have when they were first uttered.

I do not wish, however, to deal with juridical arguments, for I realise that there are many delegates present in this room who are impatient of them. They did not come here to be stopped in their enquiry ; they came here to do something, to take any practical step which they may think advisable for the advancement of the cause which they have at heart, and when the representative of India, or any other delegate, rises in his place and pleads the question of competence, they regard him as a man who stands with his back against a closed door and refuses to allow them to enter. They draw the conclusion that because the door is closed there must be something hidden behind that closed door, something unfit for disclosure.

If any member of this Conference, during the earlier part of this debate, has ever had any such thought, surely his fears must have been dissipated after hearing the speeches made yesterday. Could there be anything more open and straightforward than the explanations which were then given ? If those explanations are not satisfactory, I feel certain that members have only to ask for more details and the fullest possible explanations will be given by every delegation concerned.

India is not closely affected by the motion now before the Conference. In most provinces in India, smoking is regarded as a vice, and is practically non-existent. In Burma, all smokers are now registered and every possible step is being taken to eradicate smoking. As India, however, is the country from which several other Governments derive their supplies of opium for smoking purposes, I think it right to say a word or two — the fewest possible words, in view of the speech of the British delegate yesterday — as to the Indian position.

The Indian Government claims that, so far as the opium produced within its borders is concerned, India is absolutely water-tight. Only in infinitesimal quantities can Indian opium escape its close internal control. Exports are only sent to Governments which want them, and only in the amounts covered by import certificates, and the Indian Government further reserves to itself the right to refuse exports,

even on a certificate, if it is not satisfied as to the demands. The Government of India is prepared to stop exports as soon as the importing countries cease to require them.

We claim that our system is watertight even as regards contraband. As far as drugs are concerned, we have this extra evidence to support that view. In the first place, as Viscount Cecil pointed out yesterday, the use of Indian opium for the manufacture of drugs is not, under existing circumstances, a commercial proposition. Secondly, so far as the Government of India is aware, no seizures of Indian opium have been effected in the contraband trade.

Having briefly described the Indian position, I now wish to address you on the question before the Conference. I ask you to look at the facts and in what I am going to say I wish to make it clear that I am not addressing the delegations of those Governments which have representatives upon the Advisory Committee on the traffic in Opium and other Dangerous Drugs. They know the facts, or could know them. There are other delegations who have come here, however, whose Governments are not closely concerned with the very intricate and difficult question of opium, and who have come here with open minds, anxious to learn the truth, and, I venture to say, perfectly ready to support any course which may be proved to them to be the right one. To them I say: Lay aside your illusions, and face the facts with faith!

If we are going to face the facts, what is the main one which overshadows the whole question of opium? Surely, it is the question of contraband. Contraband dominated the First Conference, and, if we consider the matter aright, it seems to me that it equally dominates the Second. East and West, it is the same. We have heard from the delegation of the United States what a serious trouble to its administration is the question of contraband.

I was talking the other day to the delegate of Canada, and he spoke to me of the enormous sums of money which the Canadian Government has to spend on the prevention of contraband. If we cross the Pacific to China, we find that China has its difficulties as regards contraband production and also its difficulties as regards contraband imports. A few words spoken by the delegate for Japan this morning indicate that Japan, in spite of her success in many fields, is not altogether free from the difficulties of contraband. As regards the Philippines, we have heard from Bishop Brent of the difficulties in that field. Moving nearer to my own country, and coming to Indo-China, I would refer you to the speech of the French delegate yesterday.

Let us now pass to India. It is true that, in India proper, our system prevents contraband, except to an infinitesimal extent, as regards our locally grown opium, but it is not so with regard to imported drugs. The problem in that respect is serious. In Burma, where we have a long land-frontier, the problem of contraband is also great.

I shall not delay the Conference further. You might take almost any country in the world and find that all of them (except, I think, one or two happy countries in South America, whose representatives assured us before the adjournment that they had no such trouble) have

difficulties in regard to contraband. Those countries in South America apart, the whole world groans under this trouble.

It seems to me, therefore, that it is really a matter of very small importance whether our agenda was restricted by the convening authority or not, for, whether or not it was so restricted, it is definitely and most absolutely restricted for us by the facts of the case. We have to deal with contraband, and only when we have dealt with contraband can we possibly deal with domestic consumption or any other such subject.

I put it to this Conference again that it is impossible effectively to deal with domestic consumption until contraband is controlled. What does that mean? It means that the primary duty of this Conference is to make every country watertight against contraband, either proceeding from within or entering from without. If we can do that, the Second Opium Conference will have succeeded. If we do not do that, it will have failed, whether it leads to any number of recommendations that we should do this, that or the other in ten years or not.

The engagements undertaken by the various countries under the present Hague Convention seem to me to be perfectly adequate. I will not accept in respect of my own country, and I venture to think that there is no representative of any country here who will accept in respect of his, that those engagements are not being fulfilled. The obligations that we have undertaken are, as regards internal matters, that we shall control our production and our consumption and that we shall prevent abuses; as regards external matters, that we shall prevent exports adversely affecting other countries. I put it to the Conference that, if one had to describe the real effect of the Hague Convention in one sentence, it could not be described more effectively than I have just done.

All countries have been endeavouring, not necessarily for many years — the obligation has only been on them since the ratification of the Hague Convention — to apply these principles. Some countries began to apply them a long time before that Convention was ratified; India began 112 years ago. At any rate, since the ratification of the Hague Convention, all countries have been engaged in trying to apply its principles. What has been the difficulty? In every case the question of contraband has been in the way. It appears to me that, in order to make every country watertight, it is our duty, as I have said, to improve our international machinery so as to enable in all cases the exporting and the importing country to co-operate for the purpose of making each other watertight.

I wish to be quite frank with this Conference, and therefore, in giving an example of the impossibility of reducing consumption before the control of contraband, I propose to take that province of India which I know best and in which I have myself spent twenty-six years. I do not know if the members of the Conference are aware of it, but we pride ourselves in Burma on our opium administration. We have a system of rationing and registration which we regard as very successful, and we have recently started a special system for the registration of smokers.

In 1917-1918 our licit opium consumption was 40,000 kilogrammes. We reckon our illicit traffic on the basis of ten times the amount of seizures. I think that this is an accepted calculation. In 1917-1918, on that basis, our illicit consumption was 8,000 kilogrammes, the total opium in the province being 48,000 kilogrammes. In 1917-1918, as the Conference is aware, the situation across our borders was satisfactory. In 1923, as a result of five years' hard work, the licit consumption was reduced to 32,000 kilogrammes. We might readily claim that such a result was extraordinarily satisfactory, representing as it does a reduction by one-fifth in five years. But meanwhile our seizures increased. We reckon that the illicit trade in 1923 had risen to 36,000 kilogrammes, making our total consumption 68,000 kilogrammes. Where was the advantage of our reduction? The control was as good as it had been before, but the difference was in the leakage across our borders.

Let me put another case, perhaps a more simple one and one which, possibly, may appeal to Mr. Porter. Suppose that I am interested in fishing and lease a river. I then find that the stock of fish is gravely depleted, partly because the previous owner brought many friends to fish and partly because the local people helped themselves at night. I suggest that I should not first take the step of reducing the invitations to my friends, but that I should first deal with the illicit fishing, with the poaching, with the contraband. I think that all members of the Conference will agree that they would do the same. In the case of opium as of the fish, the contraband must be our first aim.

There is a further point. The proposal of the United States raises the question of the right of each country to control its own domestic consumption. In that regard I have only this to say: the exclusion of internal affairs from international intervention is a cardinal principle in the Hague Convention, and I venture to think it is also a cardinal principle of the League of Nations. That principle has been reaffirmed in this Conference by several Sub-Committees and I think that, in the ordinary sphere of the world's politics, it has no greater, no stronger supporter than the great nation from which Mr. Porter and his friends come and which they represent so successfully in our midst.

When, therefore, the delegation of the United States comes here and asks that we shall interfere with domestic consumption and turn aside from our real duty — that of controlling international contraband — I can only say that, although I respect its idealism and appreciate its enthusiasm, I feel bound to suggest that its idealism is still tinged with illusion and that it has not yet learned to face the facts with faith.

Some seven weeks ago, this same question of competence was debated here with reference to another proposal. The view I urged then as to the authority which was alone empowered to decide the question, I venture to urge now. When an international conference is unanimous, it may legitimately enlarge its agenda. When it is not unanimous, the only authority which has the power to decide what matters do or do not fall within the purposes for which that Conference was summoned is, surely, the Pre-

sident; the more so when, like you, Sir, the President comes to us as the universally honoured and acclaimed nominee of our convening authority.

On the last occasion you did, indeed, put the question to the Conference; but before doing so you announced your own decision and it was clear that many delegates held the same view as the Indian delegation and regarded your finding, Sir, as decisive. On that occasion, moreover, no opportunity was given for the discussion of the practical merits of the proposal. You, however, found that the juridical arguments and the practical arguments coincided, though in a manner hostile to the contention of my delegation, and you decided accordingly. That decision, for the purposes of this Conference and its discussions, the Government of India has accepted.

On the present occasion, another method has been adopted. The door to the discussion of the practical merits of the proposal has been thrown open and you, Sir, were in a position to judge, with the fullest knowledge, the facts of the case from every point of view. I venture to think once more that, not only in your opinion but in the opinion of every delegation present, the juridical arguments and the practical arguments will be found to coincide. May I express the hope that the delegation of the United States of America may recognise this fact? It has secured the full discussion of its proposal. If its case has not yet been fully presented, it has still an opportunity to fill all the gaps it may wish to fill. It has obtained the fullest explanations — explanations which I hope it will find satisfactory when it has had time to read the speeches delivered yesterday. If any further explanations are desired, I feel sure that they will be given as readily as possible. I ask the United States delegation, Will it not now be satisfied and consent to withdraw its proposal?

If, however, it cannot see its way to take this course, it will be for you, Sir, again to take the decision. We know that it will be taken in a spirit of the highest statesmanship and we trust that it will be one which can be accepted, not with abstentions, not with the opposition of a few or of a minority, however small, but with the unanimous approval of all the delegations present.

**The President :**

*Translation :* M. Sze, delegate of China, will address the Conference.

**M. Sze (China) :**

Mr. President and members of the Conference, before I address you, I wish to ask your permission to preface what I have to say by one or two remarks.

First of all, members of the Conference, I wish to assure you that I treat you all alike, whether you are among those who only came yesterday or are among those who were here at the beginning of the Conference, or among those with whom I had the pleasure of working at the First Conference. I treat you all alike. We are all on an equal footing; we are all plenipotentiaries.

Secondly, I wish to make a remark which I had the honour of making in the First Conference. Remarks were made here yesterday, and there have been others to-day, which refer

to my country ; in some of them the name of my country was specifically mentioned and in others there were insinuations.

I do not propose to-day for various reasons to take issue with regard to those remarks or to correct them. My first reason is that the statement which I am about to read to you, particularly with reference to the subject now before us, is sufficiently long, and I do not wish to take up too much of your time by other matters. Secondly, some of the remarks were so absurd, so manifestly absurd, that it would reflect on your intelligence if I were to take up your time by telling you that they are wrong. This is obvious from the facts of the case ; therefore I shall not deal with those remarks.

I have already taken up the time of the First Conference on this issue, and the falsity of these allegations has been explained to it and no challenge has been made as to their disproof either by members of the First Conference or by anybody else. Since that time, no lady or gentleman, whether a newcomer or an old member, has pointed out to me that I was wrong. I shall therefore content myself by at once reading to you the paper that I have prepared.

Mr. President and members of the Conference, I shall not conceal the concern that I felt when, four weeks ago, this Conference found itself compelled to adjourn in order to prevent a confession upon its part of its inability to effect the purpose for which it had been convened. Now that we have been again convened, my concern has been deepened by reason of the declarations that have been made by certain of the delegations, and especially by that of the British Empire.

In the address that was made yesterday by Viscount Cecil, the chief of the British delegation, a number of assertions were made the correctness of which might easily be challenged ; but I shall not now take up the time of the Conference by dealing with them, since I am anxious to keep our discussion above the level of disputable matters of fact, and to have it deal with broader and more fundamental issues. When I come to deal with the specific proposal which Viscount Cecil has made on behalf of his Government, I shall likewise consider its essential character rather than its accidental or specific features.

Before doing this, however, I wish to express personally and on behalf of my Government and people, my and their appreciation of the statement of His Lordship that his Government accepts, with full confidence in their sincerity, the assurances that the Chinese delegation has given to the effect that the Chinese Government will not depart from its policy of absolute prohibition of the production and consumption of opium in China save for strictly medicinal and scientific purposes, and that when its authority is again completely established throughout the provinces it will, as one of its first measures, take effective steps, to the extent of its administrative and executive power, to bring to an end that production and consumption of opium within China which, though illegal under Chinese law, the Government is now not able to suppress.

The proposal presented by Viscount Cecil on behalf of the British Government is in effect a proposal that the obligation unqualifiedly assumed by the Powers in Chapter II of the

Hague Convention shall be transformed into a conditional and contingent one. These Powers, which still legalise the use of prepared opium within their several territories or possessions, obtain their opium for this use from abroad.

If we examine the purposes especially enumerated by the League of Nations, for the attainment of which we were invited to assemble at Geneva, it is found that one of them is "the conclusion of an agreement as to the measures for giving effective application in the Far East to Part II of the (Hague) Convention and as to a reduction of the amount of raw opium to be imported for the purpose of smoking in those territories where it is temporarily continued".

In the face of this admonition, contained in the resolutions of the Assembly, and which furnishes us with the official basis for our work, we are now asked to weaken rather than to strengthen the obligations which the Powers solemnly assumed when they signed and ratified the Hague Convention ; to avoid the execution of an obligation unqualified in its terms, and in its place to assume an obligation the fulfilment of which is to be dependent upon the coming into existence of certain conditions in another country. Convened to do a certain thing, we are asked to do the opposite. Instead of proposing measures which will give effective application to the obligations assumed by the Powers in Chapter II of the Hague Convention, it is proposed that we shall impair and weaken those obligations.

For these reasons, fundamental in their nature, and relating directly to the sanctity of international contracts, the Chinese delegation is constrained to express its dissent from the proposal which the delegation of the British Empire has presented. This opposition is thus in no wise based upon a fear that the Government of China will not be able, in the near future, to bring to an end within its borders the present production and consumption of opium, which are illegal under the Chinese law. On the contrary, the rapidly rising tide of anti-opium public opinion in China gives assurance that this can and will be done. What the Chinese delegation does object to — and it is convinced that the other delegations will also object — is that an unqualified obligation shall be transmuted into a conditional or contingent one and thus that authorisation shall be given by this Conference to a retreat from, instead of an advance towards, that goal which we are striving to reach.

It would be difficult, if not impossible, to explain our action before the world should we take such a backward step. In China it would be difficult, indeed I may say that it would be impossible, to explain and justify such action. The Chinese people, who fully appreciate the opium evils which now so unfortunately beset them, though discouraged by the failure upon the part of the Powers with Far Eastern possessions to take effective steps to suppress the smoking of opium by the thousands and hundreds of thousands of Chinese who dwell in these possessions, have had their hopes again raised by the convening of the two Conferences at Geneva.

If it shall appear from the attitude taken by these Western Powers at this Conference that, so far from undertaking to take steps to bring to an end, within a brief or definite period of years, the legalised smoking of opium

within their several possessions, it is their desire to postpone to an indefinite date such a suppression, my people will be greatly shocked.

These Powers have repeatedly declared their desire to give to China such aid as they properly can in order to enable her to correct the opium evils which now afflict her. If this aid is to be given, Mr. President, it should be given now and not at some uncertain date. This present aid, which China eagerly desires, can be given in its most effective and, possibly, its only wholly acceptable form by action upon the part of the Powers so to control the manufacture and exportation of narcotic drugs that an end will be put to the contraband trade in those drugs and therefore to the flood of illicit morphine, heroin and cocaine which is now entering China and doing such dire damage to her people, and by such action upon the part of the Powers which have Far Eastern possessions as will bring to an early termination the traffic in prepared opium — a traffic which especially affects, and, in some cases, exclusively affects, the Chinese residents in those possessions.

My delegation, Mr. President, has not attempted to deny the existence of contraband trade in opium, some of which opium, though by no means all of it, is of Chinese origin; nor has my delegation sought to assert that this illicit trade has not increased the task of progressively reducing the licit traffic in those possessions in which the use of prepared opium is still permitted by law. But what the Chinese delegation has objected to has been the magnification of the extent of this illicit trade, and the bringing forward of its existence by the Powers as a reason why they should be released from the performance of the solemn international obligation which they assumed when they signed or gave their adherence to the Hague Convention. Especially does the Chinese delegation object to this attempt to evade a contractual obligation upon this ground in view of the fact that the Governments concerned have made no serious attempt to demonstrate that they have themselves made every effort that is reasonably possible to check that contraband trade.

But, however that may be, and it is to be admitted that it is a matter upon which it is impossible to speak with precision, it is not proper that the Powers which still permit the use of prepared opium in their Far Eastern possessions should seek to excuse themselves from doing what they can to reduce this use within these territories because of unsatisfactory conditions that prevail in China. There has already been quoted to you the statement of Sir John Jordan, to the effect that he could not believe that the Powers of the West would be willing to shelter themselves behind the plea that they were absolved from performing their part of the obligations assumed by them under the Hague Convention because of disordered conditions in countries like China, Persia and Turkey.

Mr. President, I do not desire to-day to quote to you and the members of the Conference too many passages from the Minutes of the Advisory Committee, but, in view of the fact that some members joined this Conference late and have not had the time to consult those Minutes, perhaps I might be permitted to quote one only.

I am about to quote a passage from the Minutes of the fourth session of that Committee, page 41:

“Sir John Jordan, replying to Mr. Campbell’s remarks at the previous meeting, said that he had no intention of criticising the internal administration of the opium problem in India.

Mr. Campbell had assured the Committee once more that the Indian Government would never undertake the suppression of opium in India. The Assembly had sanctioned this decision, and he did not desire to question its wisdom. He only referred to India as a producing and exporting country. Turkey, Persia and India were the three principal producing and exporting countries. He hoped that both Turkey and Persia would be represented at the next session of the Committee, and he suggested that the three countries might come to an understanding to reduce proportionally their present exports of opium to the Far Eastern possessions of European Powers. His suggestion struck at the root of the whole question, *i.e.*, at production.

The Committee had always interpreted the Hague Convention in the sense that that instrument placed no limitation on the production of raw opium, while another of its clauses provided for the gradual and effective suppression of prepared opium. India or Persia could not, under the terms of the Convention, export prepared opium, but they could export without limit raw opium to Ceylon, Singapore, or to any other place, where it was all converted into prepared opium. This was, in his opinion, an absurd position. There seemed to be a joker in the Convention pack of cards. For this reason, he had frequently impressed upon the Committee that the limitation of production was the only real solution.

“Mr. Campbell had shown that there had been a reduction of exports to two out of seven or eight Far Eastern possessions. In Singapore, on the other hand, there had been an increase in the years 1918-1920. Since 1918, the consumption in the Federated Malay States had remained constant. It was the same in Siam. The reduction in Hong-Kong was more apparent than real, since Indian opium had there been supplanted to some extent by Chinese opium, and Persian opium had elsewhere taken the place of Indian.

“It was quite true that the Indian Government did not export a single ounce of opium to a country which did not ask for it. The Committee, however, must remember that the Far Eastern possessions of European Powers were not in the position of self-governing countries. They were Crown colonies ruled by Governments in Europe, and the responsibility for what happened attached to those Governments. This responsibility was all the greater because the people concerned were not nationals of the countries holding Far Eastern possessions but were Chinese settlers who carried back the habit to China.

“One thing was quite clear: whatever the amount of opium produced it would all be consumed. The amount produced was the amount consumed, and unless production was reduced the problem would never

be solved. His opinion was based on experience. He had dealt with the problem in China for ten years from 1907-1917. In China, during that period, the question had been attacked from the standpoint of production. Consumption had been considered a secondary question. The Committee had reversed this procedure. For ten years production was gradually reduced in China, and had been, in the end, practically suppressed. Despite the present very disturbed state in China, most of the reform which had been accomplished by 1917 still remained. The International Opium Association at Peking went so far as to say nine-tenths of it. In his own opinion, at least three-quarters of it remained. The reduction, therefore, in China was far greater in proportion than the reduction in the Eastern possessions of other Powers, and that meant that the overseas Chinese — that was to say, the Chinese living under Western rule — were in a far worse position as regards opium than the Chinese living in their own country. This was not to the credit of the Western countries concerned."

Such are the words of Sir John Jordan.

So much for the plea of confession and avoidance which the British delegation has presented.

The United States delegation, as you have heard, has sought to meet, as far as possible, the wishes of the Governments of the Powers with Far Eastern possessions by agreeing to modify its original proposal to the extent of extending from ten to fifteen years the period during which those Powers are to bring about that effective suppression of the legalised use of prepared opium which is promised in the Hague Convention. To such a liberal proposition as this there would seem to be no reasonable ground for objection, and I urge, in the most solemn manner, that it be accepted. The possible consequences of a rejection of it will be most serious in character, and of these possible consequences I feel constrained to speak.

The general problem with which this Conference has to deal would be one of great importance even if it were regarded simply as a matter of securing a more effective regulation of the traffic in narcotic drugs and the control of the production of the raw material out of which these drugs are manufactured. But, when viewed in its larger aspects, the problem is seen to be a far greater one, for, by necessity, it involves the great question whether the Governments of the world have reached that degree of enlightenment and that stage of ethical development which enable them to determine their policy by principles of justice and right, and which dispose them to sacrifice immediate and sordid interests in order that the ultimate welfare of humanity may be secured.

Co-operation between sovereign Powers is possible only when these Powers are willing to sacrifice their own selfish interests in order that some larger and more general good may be achieved. The results reached by this Conference will show whether this stage of internationalism has been reached. There have been other Conferences assembled at the invitation and under the auspices of the League of Nations, but, in one respect, the one in which we are

now gathered exceeds in significance those that have preceded it. This special significance is due to the fact that we have to deal with a problem which is essentially a moral one. It has political implications only in so far as the confidence in the good-will of Governments will be judged by what they do here ; it has economic or financial aspects only in so far as there are vested interests which will profit by a continuance of the evil which this Conference has been convened to abolish.

It is not necessary for me to speak of the moral aspects of our problem. They speak for themselves. It is upon some other broader aspects of it that I wish, for a moment, to dwell.

Of one thing we may be sure, and that is, that, should we fail in the task that has been assigned to us, those Powers which, by their refusal to subordinate materialistic and sordid considerations to ethical obligations, cause this failure will be held responsible by the other nations of the world. They will be regarded as nations which have not yet moralised their public policies. They will, therefore, have to pay a heavy price for whatever immediate or materialistic interests they manage to conserve to themselves, and it is not unlikely that this price will be measured not only in terms of moral prestige but also in terms of those very financial and economic interests upon which they will have shown that they set such store.

As to these possibilities, in so far as they relate to the future relations between the four hundred millions of Chinese and the Western Powers that possess territories in the Far East, I am, perhaps, being myself a Chinese, in a better position to speak than most of you, and, therefore, to these possibilities I feel myself justified in calling your attention.

Among the features which have specially characterised traditional Chinese thought and civilisation, two have stood out with especial clearness. One of these has been the emphasis that has been laid upon the moral aspects of life. Until recently, indeed, almost the whole purpose of the Chinese educational system was the inculcation of the ethical duties of man. The other feature has been the extent to which the Chinese people have relied upon reason rather than upon force, with the result that the Chinese Government, even when nominally autocratic, has depended, in order to obtain obedience to its laws, rather upon persuasion than upon compulsion, and, therefore, has promulgated its laws in hortatory rather than mandatory form.

I speak of these matters because they have become ingrained in the Chinese people, and, therefore, should they become convinced that certain of the Western Powers are not disposed to have regard for the moral and physical welfare of the hundreds of thousands of their fellow-countrymen dwelling within their Far Eastern possessions, and do in fact unjustly discriminate between them and their own subjects or citizens, they, the Chinese in China, will be moved by a profound moral indignation.

Instances of the results to trade and commerce, not to speak of other less material but more important consequences, that have followed within recent years from a sense, upon the part of the Chinese people, of right outraged will occur to you all. They indicate to you what may result should my people find that certain of the Western Powers are determined to



continue to derive large public revenues from the sale of prepared opium to Chinese living in their Far Eastern possessions, or from the exportation to those possessions of the raw opium from which the prepared opium is to be manufactured.

I do not wish to dwell too much upon the economic or commercial consequences that may possibly result from the action that the Powers may take in this Conference, but it is a phase of our problem that cannot be wholly ignored. The significance of the trade of China to the other trading nations of the world needs no emphasis by me. Only a few days ago in the *London Times* of January 3rd, 1925, there appeared a message from its own Peking correspondent in which it was pointed out that, although the year just ended had been, for China, one of the most troublous in her history, the Customs duties collected had exceeded, by over six million taels, all previous records, and that the total duties collected had represented a foreign trade of more than two hundred million pounds, of which something like forty per cent had been British.

The recent strikes of sailors and workmen in Hong-Kong and Shancen show that Chinese labourers are rapidly grouping themselves into effective unions, and thus are able, upon occasion, to exert an influence that cannot be lightly regarded. I would also recall to your memory the evidence contained in the address made to the Conference by Mr. T. Z. Koo, and in other communications to which I have had occasion to refer, as to the enormous interest that the Chinese people are taking in the whole opium question, and the anxiety with which they are watching the procedure of this Conference. This means that if they feel that they have cause for indignation at the position taken by any of the Powers in this Conference, that indignation may lead to popular movements which the authorities might find it difficult to counteract, much as they might desire to do so, and which will have an influence upon the trade of the countries concerned, and also upon the free flow of labourers to the Far Eastern possessions of the European Powers.

I gladly leave, however, these materialistic implications of our problem and turn to a phase of it which, because more cultural or spiritual in character, is of still greater importance. This aspect of the question has to do with the future relations of the Eastern and Western peoples.

For many years past, the peoples of the West have proceeded upon the conviction that their civilisation, and especially their religions and the codes of morality founded upon them, are superior to the systems of thought and conduct of the East. Based upon this assumption, the peoples of the West, encouraged and supported in many instances by their Governments, have sought by educational propaganda and missionary effort to persuade the Orientals to accept the Western ideas and ideals in place of those of their own.

I shall not attempt to discuss how far this conviction upon the part of the Western peoples has a firm foundation of fact, but this much can certainly be said, that, whatever be the opinion held upon these points, a principle of right and justice to the Oriental as to the Occidental, must, from its very nature, be as valid when applied in the East as when

applied in the West. Hence it must result that if, when put to the practical test, it be found that Western Powers, which claim to enjoy the benefits of Western civilisation carried to its highest point of development, are determined to continue indefinitely in their Far Eastern possessions a traffic which admittedly debauches the hundreds of thousands of Chinese who dwell in their possessions, there can be but one result; not only will Western systems of ethics be deprived of much of the respect which they command from the peoples of the East, but the Governments of the West will lose somewhat the regard which they now enjoy in Eastern Asia. By this I mean that it will henceforth be more difficult for them to convince the Powers of the East of the sincerity of their professions of good-will.

It may be thought by some of you that I have unduly trespassed upon your time by speaking at such length. But I ask you to believe that I have been moved by a strong conviction of the profound importance of the matters which I have brought to your attention. Having this conviction, I have felt that I could not do otherwise than I have done in urging that the problem with which we are attempting to deal should be considered not only in its immediate and obvious aspects, but also in its broader and ultimate implications.

For these reasons, I earnestly appeal to my colleagues to agree to refer the American proposal without further hesitation to a special Sub-Committee for discussion and action, and subsequent report of its conclusions to this Conference. (*Applause.*)

**The President :**

*Translation :* Mr. MacWhite, delegate of the Irish Free State, will address the Conference.

**Mr. MacWhite (Irish Free State) :**

Mr. President and fellow delegates, when this motion came before us last month I had some scruples about intervening in the debate as we were then assured by some of the delegates who took part in the First Conference that a Convention had been adopted which was worthy of merit and which, in the course of a day or two, would receive its baptismal certificate bearing the signatures of the representatives of those Powers which participated in its framing.

Six weeks have since gone by, during which time I have had ample opportunity of studying this Convention, which has not yet been signed. It does not require a high degree of intellectual acumen to realise that it lays no floral tributes on the altar of the ideal, neither does it introduce any radical or revolutionary change into the existing order of things, nor does it adversely affect the material advantages that many of the interested Powers derive from the opium traffic. It certainly marks no satisfactory progress. That is why my scruples have been dissipated and why, to-day, I feel it my duty to support the proposal of the United States delegation so that some practical measures may be devised for the gradual suppression of the traffic in prepared opium.

In this respect, Japan has already given us a praiseworthy example. From the statistics which were laid before us by the Japanese delegation, we can see how effective and successful are the steps which were taken by the

Governor of Formosa in combating the narcotic drug evil which was decimating the inhabitants of that island. Our congratulations are due to Japan and to the Governor of Formosa, who, I am happy to say, is one of our colleagues at this Conference, more especially as Japan did not wait for the moral pressure of an international convention before she set her hand to this great humanitarian work. She has given a lead to some of the Powers of the Occident, which I trust they will not be slow in following.

I do not want to criticise the First Conference or its work. I cannot, however, be blind to the result of that work. Neither can I remain indifferent to the fact that the ground for both the First and the Second Conference was badly prepared — a fact which I attribute not to the Advisory Committee but to those who are responsible for the composition of that body.

If, as a result of our post-war economic conditions, in order to combat the high cost of living, a municipality appointed a Committee of Master Bakers to fix the price of bread, the latter could scarcely be blamed, however honest they may be, if they put their own interests first.

I admit that in the present case there were extenuating circumstances and I do not deny the right of countries principally concerned in the traffic in opium and coca leaves to adequate representation, but countries having higher and holier interests at stake — the interests of mankind in general — should be equally represented. Furthermore, it is apparent to all that the holding of two Conferences for tackling the narcotic drug evil was a mistake, which is responsible for some of the difficulties with which we are confronted to-day.

In view, however, of the situation created by the failure of the First Conference, it would be nothing less than farcical for us to continue building an edifice on a foundation that has already sapped. We must examine this difficulty from the bed-rock up, for in no other way can we emancipate the millions who are now victims or prospective victims of the narcotic drug evil. We want all doors thrown open so that the light of day may simplify our work, for, up to the present, some of us at all events have been given the impression that something is being kept in the dark and that efforts were being made to thwart free and wholesome discussion.

If we allow technical or legal quibbles to stand in our path, the position of the Second Opium Conference will become just as farcical as that of the First, and the League of Nations, under whose auspices we are here assembled, cannot escape some of the odium that will inevitably fall on the shoulders of those primarily responsible for such a result.

Because I wish to raise the moral prestige of the League and to fortify in every sphere the policy for which the League stands, so that this Conference may reach a successful issue, I repeat, that to seek refuge in diplomatic subtleties and legal technicalities on the present occasion would be to show a lack of statesmanship which would earn for the delegates to this Conference the scorn and contempt of future generations.

I am not here to judge or to condemn the motives of those who employ negative tactics

in face of the present difficulty, but I am afraid there are some who do not realise what the heart of the problem is. Their thoughts are perhaps lurking in a past when the calculation was always of national advantage, and they have not yet come to see the light of day when men are thinking of the common advantage and safety of mankind. Negations are not going to construct the policies of the future, neither will they help us to bring this Conference to a happy and fruitful issue. It is next to impossible, however, to make progress in face of the nations who say: "We won't play". The pursuit of such a policy would not only impede the onward march of our civilisation but it would throw the world back again into the obscurity of mediæval night.

In bringing forward its proposal, the delegation of the United States has not only done a good day's work for the great moral principles upon which our civilisation is founded, but it has done a good day's work for the League of Nations. According to the late President Wilson, the League of Nations revolutionised international law by putting morals into it.

Nobody can deny that the presence here of representatives of the United States Government has had a very salubrious and highly moral effect on this Conference. Without them, it would already have been classified in the limbo of forgotten things. We have further reason to be grateful to them when we look around and see the distinguished statesmen who have come, even at this eleventh hour, to help us out of the morass in which the Conference has been floundering. This is a happy omen from which we begin to realise that the Great Powers of Europe have been awakened to the importance of the problem which we have been called upon to solve.

I need make no apology for stating that what the United States have achieved by co-operating with the League in the field of humanitarian endeavour they can more effectually achieve by extending that co-operation to the economic and political domain. That, however, is for the people of the United States and not for us to decide.

At our last meeting in December, one of our colleagues told us that if the United States proposition were adopted, a situation would arise which was without precedent in the history of international conferences. I do not think we fear such a situation. I, for one, gladly welcome it. The whole fabric of international law, such as it is to-day, has been laboriously constructed from the alpha to the omega by the creation of precedents.

The Covenant of the League of Nations is a document unique in the history of the world, and principles were written into it which were never written into any great international agreement before. Matters were drawn into it which affected the peace and happiness of the whole Continent of Europe, of forlorn populations in Africa and of peoples in Asia of whom we have hardly heard. It was because of the unprecedented precedents created by the Peace Conference in writing Article 23 into the Covenant that we are assembled here to-day.

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continue to derive large public revenues from the sale of prepared opium to Chinese living in their Far Eastern possessions, or from the exportation to those possessions of the raw opium from which the prepared opium is to be manufactured.

I do not wish to dwell too much upon the economic or commercial consequences that may possibly result from the action that the Powers may take in this Conference, but it is a phase of our problem that cannot be wholly ignored. The significance of the trade of China to the other trading nations of the world needs no emphasis by me. Only a few days ago in the London *Times* of January 3rd, 1925, there appeared a message from its own Peking correspondent in which it was pointed out that, although the year just ended had been, for China, one of the most troublous in her history, the Customs duties collected had exceeded, by over six million taels, all previous records, and that the total duties collected had represented a foreign trade of more than two hundred million pounds, of which something like forty per cent had been British.

The recent strikes of sailors and workmen in Hong-Kong and Shameen show that Chinese labourers are rapidly grouping themselves into effective unions, and thus are able, upon occasion, to exert an influence that cannot be lightly regarded. I would also recall to your memory the evidence contained in the address made to the Conference by Mr. T. Z. Koo, and in other communications to which I have had occasion to refer, as to the enormous interest that the Chinese people are taking in the whole opium question, and the anxiety with which they are watching the procedure of this Conference. This means that if they feel that they have cause for indignation at the position taken by any of the Powers in this Conference, that indignation may lead to popular movements which the authorities might find it difficult to counteract, much as they might desire to do so, and which will have an influence upon the trade of the countries concerned, and also upon the free flow of labourers to the Far Eastern possessions of the European Powers.

I gladly leave, however, these materialistic implications of our problem and turn to a phase of it which, because more cultural or spiritual in character, is of still greater importance. This aspect of the question has to do with the future relations of the Eastern and Western peoples.

For many years past, the peoples of the West have proceeded upon the conviction that their civilisation, and especially their religions and the codes of morality founded upon them, are superior to the systems of thought and conduct of the East. Based upon this assumption, the peoples of the West, encouraged and supported in many instances by their Governments, have sought by educational propaganda and missionary effort to persuade the Orientals to accept the Western ideas and ideals in place of those of their own.

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If the pioneers of our civilisation had been waiting for the creation of precedents before proceeding with their work, there would be no need to hold Opium Conferences, for mankind would not yet have emerged from the darkness

of the palæolithic age. Instead of appealing to precedents, let us divorce ourselves for a moment from the worn-out arguments of another age and join hands in an appeal to common sense. For, though not expressly mentioned in our legal text-books, it has settled many a thorny problem in the past, and there is little likelihood of its being disdained in the future.

If we look again at Resolution VI of the fourth Assembly through our commonsense glasses, we shall read therein that the Council is requested, amongst other things, "as a means of giving effect to the principles submitted by the representatives of the United States of America and to the policy which the League has adopted", to summon a Conference with a view to the conclusion of an agreement on the subject for which we have been called together. How in the name of Providence can we give effect to those principles unless we have an opportunity of discussing them? Our duty in the matter is clear. We

can only give effect to the American principles by voting for the proposition before the Chair. By doing so, we are well within our terms of reference and we shall merit, not only the approval of the Assembly and the Council of the League of Nations, but of the many millions of our fellow creatures in the Orient as in the Occident who eagerly await the result of our deliberations. (*Loud applause.*)

**The President :**

*Translation :* Ladies and gentlemen, there are still four delegates down to speak and I understand that two of them — the first certainly — wish to make fairly long speeches. I think, therefore, that, as the plenary meetings have lasted for five and a-half hours to-day, I shall be interpreting the general feeling if I adjourn our work until to-morrow.

The next meeting of the Conference will take place to-morrow, Wednesday, at 10.30 a.m.

*The Conference rose at 6.30 p.m.*

## TWENTY-SECOND MEETING

*Held at Geneva on Wednesday, January 21st, 1925, at 10.30 a.m.*

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67. PREPARED OPIUM : CHAPTER II OF THE SUGGESTIONS OF THE UNITED STATES OF AMERICA : MOTION SUBMITTED BY THE DELEGATION OF THE UNITED STATES OF AMERICA : CONTINUATION OF THE DISCUSSION.

President : M. Herluf ZAHLE.

#### 66. CREDENTIALS OF NEW DELEGATES : REPORT OF THE COMMITTEE ON CREDENTIALS.

**The President :**

*Translation :* Before opening the general discussion, I will ask M. de Aguero y Bethancourt, Chairman of the Committee on Credentials, to report on the work of his Committee, which has examined the credentials of the new delegates.

**M. de Aguero y Bethancourt** (Cuba), Chairman of the Committee on Credentials :

*Translation :* Ladies and gentlemen, the Committee has examined the credentials of the following delegates and found them to be in good and due form :

*British Empire :* The Rt. Hon. Viscount CECIL OF CHELWOOD, K.C.  
*Bulgaria :* M. Dimitri MIKOFF.  
*Canada :* Dr. W. A. RIDDELL, Ph.D.  
*Chile :* Dr. Eugène SUAREZ-HERREROS.  
*France :* H.E. M. DALADIER, M. KIRCHER, and Dr. PERROT.  
*Netherlands :* H.E. Jonkheer J. LOUDON.  
*Portugal :* H.E. Dr. Rodrigo RODRIGUES.  
*Turkey :* Prof. NOURIDDIN BEY.

#### 67. PREPARED OPIUM : CHAPTER II OF THE SUGGESTIONS OF THE UNITED STATES OF AMERICA : MOTION SUBMITTED BY THE DELEGATION OF THE UNITED STATES OF AMERICA : CONTINUATION OF THE DISCUSSION.

**The President :**

*Translation :* The discussion is open. I call upon the first delegate of the British Empire, Viscount Cecil, to address the Conference.

**Viscount Cecil** (British Empire) :

Mr. President, ladies and gentlemen, I have addressed a good many international gatherings during the last four or five years, but I do not recollect any occasion on which I have risen to speak with a greater and more urgent sense of responsibility than on the present occasion.

I cannot conceal from myself the fact that the position of this Conference is critical and that it has not become less critical in the last day or two. In consequence, I am well aware that even a casual and unintended expression on my part may produce results which I should be the first to deplore. I therefore beg my colleagues on this Conference to extend to me their utmost assistance and good-will and to do their best to construe what I have to say in the most favourable light and to believe that what I say is said under an imperative sense of duty and with the greatest possible desire to bring the work of this Conference to a successful issue.

Compliments and an appreciation of the idealism which actuates the United States delegation have been paid to that delegation, and I entirely agree with everything that has been said. I recognise its deep sincerity and its anxiety to achieve serious and important results. I have never joined — I hope I shall

never join — in the thoughtless gibes that are sometimes levelled at the American people. I have had the great honour and privilege of visiting their country and I have been received with the utmost kindness by every class and by every section of the American people with whom I have come in contact. I should be both stupid and ungrateful if I did not recognise to the full their splendid qualities and their anxiety to do what they believe to be right, an anxiety which, I believe, is second to that of no other nation in the world.

If, then, I venture on the present occasion to make some criticism, and even, if I may be permitted to do so, to utter some warning, I trust it will be understood that it is with a profound sense of the many great qualities of that people and without the slightest intention to say anything that could possibly wound or hurt their sensibilities or those of their Government.

Let me begin with a very deeply felt warning. I have sometimes been called by critics an idealist and I have always welcomed the charge as a great compliment; but I do recognise that what my critics really mean is that I am too prone to be guided by aspirations and sentiments, however noble, without sufficient regard to the practical considerations which must govern all our actions in this world.

I hope that that charge is untrue in my case, but I recognise that, if it is true, it is a serious charge, because idealism of that description not only does no good but is apt to bring discredit upon the cause in which it is engaged. I say this because I most earnestly desire every member of the Conference to believe that the British Government in general, and myself in particular, are as anxious, as burningly anxious, to put an end to the evils of the opium traffic — whether it is connected with smoking or the far more serious evil of drug addiction — as any nation and as any person can be in the whole world.

If we have felt compelled to take up an attitude which is inconsistent with, and opposed to, what are known as the American suggestions, it is solely and entirely because we believe that those suggestions would not accomplish the object that they have in view, would not diminish the evil that they are intended to combat, and might even increase and make more serious that evil. We may, of course, be mistaken. I do not pretend that we are infallible or that anybody else is infallible. That is the honest, sincere and definite belief of the British Government, of which I am the representative, and I ask that the same courtesy which in international gatherings has always been extended, as far as my experience goes, to the declarations of any Government may be extended now to my Government.

What are the broad lines of our case? They are very simple. We believe that simply to cut off from these districts the supply of what has been called Government opium, unless at the same time, and as part of the reform, action is taken regarding smuggled opium, will be of no value whatever, will merely increase the profits of the smugglers and urge them to still greater exertions, which may easily result not in diminishing the amount of opium that is consumed in these districts but in actually increasing it.

Such are the broad outlines of the case that we submit, and it is based, as I venture very

respectfully to think, on solid ground. It is the result of the absolutely unanimous advice that we have received, and other Governments in a similar position have received, I gather, from their experts. We have no reason whatever to doubt the complete good faith, and no one can doubt the knowledge and skill of those experts. We are bound, unless we see strong reason to doubt it, to accept their advice. And so far from seeing any strong reason to doubt that advice, we feel that all the attendant facts and circumstances that have been brought to our knowledge confirm it.

Unquestionably, there is a vast production of opium going on. I do not want to use any figures which may be disputed. I see in looking over my last observations that I used the figure of 15,000 tons. It has since been brought to my notice that that figure is not accepted by the representatives of the Chinese Government. I do not wish to insist on it. I quite recognise that these are matters of speculation and that it is impossible to tell how much is produced. It may well be that the figure of 15,000 tons is an exaggeration, and I earnestly trust that it is.

As far as I am concerned, I wish to assure the Chinese delegation that I merely used that figure because it was the only one that I happened to have come across. If the Chinese delegation has any objection to it, I hasten to say, as I would say to any other Government that objected to anything that I said, that of course I do not insist on that figure. I only used it as an illustration of what everyone admits: that, unfortunately, there is at present a vast production of opium in the territories of the great Chinese Empire, contrary to the wishes and contrary to the efforts of the Central Government. All that opium thus produced is, let me remind the Conference, used for smoking; it is not used for the production of drugs; it is not used for eating; it is all used, or almost all, for smoking. This, at least, is the information which I have received.

Then there is the actual geographical position, which must be taken into account. We in our territories are unfortunately — or fortunately — actually touching or in the close neighbourhood of this great production. As regards Hong-Kong, for instance, which, as you know, is an island just close to the coast of China, there is a constant flow of population to and from the mainland, and for all geographical purposes the island is almost or quite a part of the mainland itself.

Malaya, the other most important of our Far Eastern possessions, is further removed, but it has a coast-line of some 1,230 miles, intersected very frequently by creeks and rivers, a coast-line which, even if the whole country were completely settled and under the most highly centralised and civilised form of Government, it would be almost impossible to watch, and which, under the existing circumstances, since the country is very largely unsettled at present, it is impossible adequately to guard.

The next fact which the British Government had to consider was that in the few years that immediately followed the acceptance by Great Britain of the principles of the Hague Convention of 1912 (before, indeed, it had become a definite part of the international legislation on the subject by the Treaty of 1920), when the British Government was acting fully in the spirit of that Convention, a very large amount



of success was achieved. The opium-smoking evil was very considerably reduced in consequence of those efforts. I purposely do not trouble the Conference with detailed figures. It was only coincidentally with the great recrudescence of the growth of the poppy in China that this desirable result appeared to receive a serious check.

Again, there are the actual figures as regards smuggling. Of course, we can only obtain figures which result from actual seizures. I cannot give — nobody can give — the complete figures as to the amount of successful undetected smuggling which goes on, but the figures of detected smuggling, the actual seizures, are serious enough.

I see that in Malaya, in 1923, 229 steamers coming from China with opium on board were seized. There was a certain number of other steamers, about 36, but in practically every case, with the most insignificant exceptions, the opium seized was Chinese opium. In the first eight months of 1924 this figure of 229 steamers had increased to 345. You will observe a great increase — a very large amount in itself and a great increase — almost double, allowing for the eight months of 1924, in the smuggling which took place in 1924 as compared with 1923. What does that mean? It means, unfortunately, that in spite of the utmost efforts — and the utmost efforts have been made, for there was every reason to do everything possible to stop this smuggling — in spite of those efforts, smuggling is so prosperous and so lucrative that it has greatly increased and is greatly increasing. This fact indicates that, apart from the seizures which have been made, a very considerable quantity of opium gets through and reaches its unhappy victims.

As regards Hong-Kong, the figures are even more striking. The total yearly consumption of what is called Government opium in Hong-Kong is about 22½ tons. A single smuggling syndicate was recently discovered to be operating in Hong-Kong. Its premises were raided, its books were seized and examined, and it was found that that single syndicate, in the course of a year, had been importing smuggled opium which was equal in amount to the total amount of the Government opium consumed. Of course, that means that other syndicates — and there are a great many people engaged in this illicit traffic — were also importing large quantities.

The official estimate (which seems to me, I confess, bringing such common sense as I have to bear upon the matter, a very conservative estimate) is that not less than twice that quantity of smuggled opium was imported. That is to say, for every ounce of opium which originates from Government sources not less than two smuggled ounces originate from other sources. Of course, all this opium is Chinese opium. That fact is not surprising if we take into consideration the conditions of life in Hong-Kong, where an immense floating population passes to and fro from the island to the mainland. I have seen it stated this as many as 15,000 or 16,000 persons pass to and fro every day, and I can easily believe it.

Anyone who has been to Hong-Kong and seen that vast port, one of the greatest ports in the world, operated entirely by Chinese labour (the number of other nationals in Hong-Kong is always negligible), will realise that the

great flow of industrial persons from the mainland to the island must be enormous. Under those conditions, it is obvious that when dealing with an article like opium, which we have heard on all hands is so easily sold, it is almost impossible to combat the contraband traffic unless it can be cut off at the source, namely, at the point of production. This was another factor which the British Government had to take into consideration.

There is yet another matter which I am sure the experts of the British Government have considered — I cannot say that I had until I came here, as I did not know anything it — and that is the result of the early experiments which have been carried out on the lines now recommended by the American delegation. I do not know, but I understood from what Mr. Porter said yesterday that the experiments began by a decision of President Roosevelt. President Roosevelt went out of office in 1912, I think. I may be wrong about the exact date and, if so, I hope I shall be corrected. I presume, however, that the experiment began somewhere about that date. I do not know whether I am right on that point.

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

It was 1905 or 1906, I think.

**Viscount Cecil** (British Empire) :

I accept everything you tell me. I am most anxious only to make a statement if it is accurate. I am told that the experiment was begun in 1906 or somewhere about that date, nearly twenty years ago. Absolute prohibition has been in operation for twenty years, not ten years, and Mr. Porter very candidly and fairly said that, though he thought it had produced a very good result, he was bound to say that even in that period, and enforced as it was by the United States Government, it had not, so far, been completely successful. The figures he was able to give us — I do not complain at all — went no further than 1922. We have no ground, at any rate, for saying that the experiment has been more successful during the last two years.

Such is the result of this experiment, and, of course, the geographical situation of the Philippines is entirely different from that of Hong-Kong. The Philippines are further from the source of the opium production, and there is not, of course, a tithe of the facilities for smuggling there which exist in the case of Hong-Kong.

We all listened, with great admiration and interest, to the very striking speech made by one of the delegates of Japan. He did not give us the details — I am not complaining — but he told us that an experiment on those lines, if I understood him rightly — again I ask for correction if I am in any way mis-stating what he said — had been tried in Kwantung and that the Japanese Government was not satisfied with the success of that experiment.

Again, we had the statement of the delegate of India, Mr. Clayton, a very interesting speech explaining what had happened in Burma.

Whatever may be said about the British Government, no one who has any sense of fairness can doubt that the most determined efforts have been made to put a stop to opium-smoking in Burma, and with very great success

indeed, taking Burma as a whole. But what did he tell us? He said that the efforts made and the measures taken were very successful in those parts of Burma which, by their geographical situation, were not exposed seriously to the danger of smuggling; they were too far removed. The country is very difficult for travel, as a good many of you know, and the southern part of Burma is a long way from the Chinese frontier. But the delegate of India has told us that in the northern part, near the Chinese frontier, the efforts of the Indian Government had been unsuccessful, because it had not been found possible to cope with the smuggling, which was so rife there that it had entirely obliterated the efforts made to reduce the opium-smoking.

I venture very respectfully to ask my colleagues on the Conference to consider all these facts. I think that each one of them is important and worthy of consideration, and I venture to think that the accumulative effect of them is enormous. I approached this question with the great disadvantage of knowing very little about it, but with the great advantage of being, as I honestly believe, entirely unprejudiced in the matter. It was only about a fortnight ago that I returned from America, and up to that time I had no idea that I was going to be asked to take part in this Conference.

I have no *parti pris* at all in favour of, or against, the American proposal. I confess, however, that when I came to consider all these arguments and all the circumstances of the case, I could not refuse, and I do not see how any reasonable man could refuse, to admit that the strength of the case against the American proposal was very, very great. It is only too probable that those who opposed it were right when they said that it would do no good and that the only result of it would be to increase the profits of those who lived by the very disreputable trade of opium-smuggling.

I wish I could leave the matter there, but I am bound to refer to the way in which these arguments were disposed of by the delegate of the United States. He swept them aside. My hearing may have been defective, but I did not hear any attempt to deal with any one of them. They were merely dismissed and, instead of dealing with them, the delegate of the United States confined himself to making — and in the plainest language he said it — a charge against the British and other Governments, that were unable to accept the American point of view. The charge he made was that, in the first place, they had altogether disregarded the international obligation they had accepted under the Hague Convention, that is to say, that the pledged word of the British Government had been treated like a scrap of paper and that its new suggestion, or rather the declaration which I was empowered to make, urging a different method of dealing with the problem, was not an honest and sincere proposal for dealing with this great evil, but was merely an attempt to avoid our obligations.

I am very sorry to have to say it, but I am sure that the Conference will see that a member of a self-respecting country cannot allow such charges to be made in an international gathering without repudiating them. It was also alleged that this disregard of our obligation and proposed evasion were motivated by financial considerations — Government administrative

financial considerations of a sordid description. Such is the charge, and I am sure that I am not exaggerating when I say — and I imagine that I shall have the sympathy of other Governments which are in the same position as the British Government — that such a charge can only be regarded as very wounding indeed.

I have tried to imagine what such a charge would look like if it were made between private individuals. Suppose somebody came to me and said: "We had a contract to fulfil, an object which we both professed to have at heart, and you entered into certain obligations. We negotiated for that and now we want to enter into a further contract". Suppose that I replied: "Well, your contract may have merit, but I do not think it will succeed, and I suggest to you an alternative method of dealing with the matter"; and thereupon the negotiator said: "Oh! that is because you have always ignored your obligations under the previous contract, and you are now anxious to evade them completely by a new contract which is entirely illusory. The reason why you are anxious to do this is some pecuniary consideration of a not very respectable kind". I may be unduly sensitive, but if an individual negotiating with me in a private matter were to use language of that kind I should take up my hat and leave the room and I should decline to have anything further to do with the negotiations.

I am certainly not going to advise my Government to take any such course in reference to the present position, because I consider that, however hurt we may feel — and we are deeply hurt — by these charges, we have no right to allow national feeling and national reputation and national honour to stand in the way of trying to do something to forward the great task of fighting against this opium evil and protecting the many hundreds of thousands of people who are its victims. I must say, however, with the greatest respect, that to me, at any rate, it is just as wounding to have a charge of that kind made against my country as if the charge had been made against me personally.

I hesitate to elaborate what was said, but the Conference will remember that, on behalf of the British Government, I made a certain declaration of policy. I thought it was right to do that, in order to remove the slightest excuse for any doubt as to the complete good faith of the British Government. It was received by a criticism of the most meticulous character, suggesting that it was a complete fraud (in very slightly veiled language) and that it was subtly phrased (I remember that that was one of the adjectives used) and that its only purpose was to suspend and help us to get out of the obligations of the Hague Convention and to make the position worse than it was before the declaration had been made.

That line of criticism ignored altogether the fact that, in putting forward that declaration, I said, in the most emphatic and explicit language that was at my command, that the British Government recognised to the full its obligations under the Hague Convention, that it was determined to carry them out, and that this proposal, this suggestion, this declaration — call it what you will — was made, not with a view to diminishing our obligations in any way, but merely in order to point out one method by which we thought those obligations could

be most effectively and properly fulfilled. But I said that if there were any other methods — and there are other methods in operation — we should go on practising them to the full; we should do our utmost; we should do everything we could; we should spare no expense and no effort to carry out what we believed to be our duty under the Hague Convention.

We tried to give a pledge of our good faith in the matter by suggesting that, since suggestions had been made that those who had been examining this matter for us were perhaps unconsciously biased by national considerations, we were quite ready that a Commission should be appointed, presided over by an American citizen to be chosen by the Council of the League of Nations, to examine the matter, not to suspend what we were doing, not to delay what we were doing under the Hague Convention, but to tell us, if so it might be, what further might usefully be done in order to carry out those obligations.

I confess I do not see how a Government could give a greater proof of its good-will than by making that offer. How was it received? It was received simply as a deliberate attempt to evade our obligations and to suspend them, so that we should no longer feel ourselves bound to do anything until the Commission had reported.

I am afraid I have spoken, as I did not intend to do, with some warmth. I hope my colleagues, and even my American colleagues, will pardon me. I hope they will consider how they would feel if, in an important international gathering, a charge, such as that which has been made against my Government, had been made against theirs. I earnestly trust that, if I have spoken with warmth, it may be understood that it is not due to anything except my feeling that I should not be discharging my duty as a British citizen, much less as a British Minister, if I did not take the earliest possible opportunity to repudiate, in the most emphatic language at my command, the very grave charge that has been made against my country.

I have one word to add, and then I will pass, if I may, from that aspect of the question. I am constrained to make this further observation. I told the Conference that I had attended a great many international gatherings here and elsewhere, but particularly at Geneva. The thing that has struck me most perhaps among all the achievements — and I myself regard them as very remarkable — of the League of Nations at Geneva has been the creation of what has been well called the Geneva atmosphere. There has been no greater achievement than the creation of this atmosphere. What is the Geneva atmosphere? If I understand it, it is this: That all who take part in gatherings, which are ruled by that atmosphere, take part in them with one desire and one desire only: to reach an agreement in furtherance of the cause for which the gathering has been summoned. There is no idea of national victory. National interest is, as far as it is possible for human beings to do it, put on one side in those gatherings, and the one object of those who have come together has been to reach an agreement — a fair, honest and straightforward agreement — regarding the cause which they have in hand.

I believe that this is very largely true. I have seen the most thorny and difficult

questions discussed. I have seen those questions solved and an agreement reached with no trace of bitterness left by the discussion. There has been no symptom of national antagonism, but all have combined together to try to find a solution of the difficulty that was laid before them.

I believe it is only in that spirit, and by making full allowances for one another, by attributing to everybody who attends conferences of this kind the best motives and the most earnest desire to reach a sound and honourable conclusion, that any real international progress can be made. If it be true, as I have heard in this room, that this Conference has lasted many days and has not reached an agreement, I cannot help wondering whether one reason for that unhappy result may be that this principle, this atmosphere, has been lost sight of, and that we have degenerated into a kind of recriminatory rivalry which is certainly less likely than anything else to lead to the solution of the problems that are submitted to us.

After all, we must recognise that agreements between sovereign and independent States must be agreements. We are all representatives of sovereign and independent States. We are none of us prepared to submit to the domination or the dictation of others. We are all anxious to reach a solution by agreement, not by a majority vote; for, believe me, in international matters majority votes will do very little. We can only make progress by a real agreement, making such concessions to one another as are unavoidable, having in mind the common object that has brought us together and only that. It is only in that way, and in no other possible way, that an advance can be made.

That, as everyone who is aware of the procedure and of the Covenant of the League of Nations will agree, is the principle on which the League is built. It is the contrary principle to the super-State, the organisation which gives orders to sovereign and independent countries. It depends upon bringing the countries together and inducing agreement, and not on any attempt to force countries to do that which they honestly and sincerely believe it is not in the interests of their people to do.

I cannot help concluding this part of my observations by appealing to all my colleagues to return to the Geneva atmosphere and see, whether, even at this eleventh hour, the proceedings of this Conference may not be saved, and whether real results for the advancement of human prosperity and humanity generally may not yet be secured if we can only try to look at things, not only from our own point of view, but also from the point of view of each and all of us who are engaged in this discussion.

Finally, I now come to the actual question, the question whether this proposal put forward by the American delegation ought to be adopted. I do not pretend to try to impose my view on anybody else; I can only state it and ask that it shall be accepted as a perfectly honest and sincere view. I cannot convince myself that this matter is within the competence of this Conference. I observed, in some of the very interesting speeches we heard yesterday, that there was a tendency to sweep that aside as a merely technical and formal objection. I am

afraid I regard it as something more. I am deeply impressed with the importance of proceeding, in international gatherings, with absolute regularity. The general system of such gatherings is still in its infancy, and it is very important not to do anything which may seem to those who take part in them likely to be dangerous and uncertain. I think it is very important, therefore, that we should not attempt, whatever the motive may be, to extend beyond our mandate the competence of this Conference.

It may well be — I do not know — that it would have been a better plan if there had been, not two Conferences, but one. I do not express any opinion on that point. It is very likely that it would have been better. We must, however, take the facts as they are. The Assembly decided to call two Conferences. I have read and re-read those resolutions. Again I may be quite wrong, but I cannot myself doubt, what is said in those resolutions, that applying the ordinary rules of construction to the intention was that the opium-smoking problem should be referred to one of those Conferences, and other aspects of the opium evil to the other Conference. That is also the view of the Government that I represent.

It may be said, it has been said, that this is a formal or technical matter. I cannot help feeling that it is of great importance that in international gatherings we should proceed with regularity. It may be said that we are wrong in the view we take of the meaning of these resolutions. It may well be so. Every sovereign and independent State is bound to act and can only act on its view of the mandate which it has obeyed. The British Government came to this Conference believing, and honestly believing, that that is the meaning of the summons. It cannot be a party to an extension of that meaning beyond the limits to which it believes it should fairly go. It feels very strongly that to do so would be to import into gatherings of this kind an irregularity and an uncertainty which in the end might have very serious consequences for the whole system of international conferences. It believes that it is of the utmost importance that nations, when they accept an invitation to attend a conference, may be in a position to be absolutely certain that no attempt will be made to extend the ambit of the Conference beyond the terms of the invitation which has been addressed to them.

Such is the view of my Government. It is most anxious to find a solution of this problem. It is most anxious that this Conference should not separate without achieving some definite progress. But I am bound to explain to you the view of the British Government — a view to which I, of course, adhere — upon this point, and I beg you earnestly to believe, whether you agree with it or disagree with it, that it is an opinion profoundly and genuinely held, and one which I cannot, therefore, disregard as a representative of that Government. For my part, if any means can be found of getting round this difficulty which lies before us, I shall be most happy to adopt it; but I have not heard of any suggestion at present.

That being so, I can only say, as representing the British Government, that I shall feel bound to vote against the motion that is now before the Conference. (*Loud applause.*)

**The President :**

*Translation :* His Excellency Jonkheer Loudon, delegate of the Netherlands, will address the Conference.

**H.E. Jonkheer J. Loudon (Netherlands) :**

*Translation :* Mr. President, ladies and gentlemen, I would like to reply briefly to some of the remarks made yesterday by Mr. Porter, first delegate of the United States.

The question I addressed to Mr. Porter with regard to the figures for the Philippine Islands in 1922-23 — I did not say 1924 — was not intended to throw an unfavourable light on the position in the Philippines, but merely to discover whether the result of the measures adopted by the United States were still as unsatisfactory as they were shown to be by the figures published in 1921.

I am familiar with the speech of Bishop Brent to which Mr. Porter referred. The inference which we drew from it was that the quantity of opium confiscated in the Philippine Islands was on an average 100 times that of the opium imported legally, whereas in the Dutch Indies the value of the quantities seized only constitutes a one hundred and fifty-thousandth part of that of the legal consumption. I fully recognise the entire disinterestedness of the opium policy pursued by the American Government in the Philippine Islands, but my point was to know whether the method employed had succeeded, and how far it deserved to be held up as an example for other countries to follow.

I said, the day before yesterday, that the measures adopted by our Government in the Dutch Indies were not inspired by any desire for gain. They used to be, but since the end of last century this reproach no longer holds good. I am therefore surprised to hear Mr. Porter continually repeating that other countries seek financial advantages from their opium policy. I confess that I am particularly surprised at the disparaging terms in which he speaks of these countries. I do not know whether he alludes to the Dutch Indies, but, if he places them in this category, I may, for example, point out that, according to the latest statistics which refer to the years from 1920 to 1923, the measures we have taken, though they involved considerable expenditure, have resulted in a diminution of 30 per cent in the Government receipts from opium. This constitutes a considerable reduction, even allowing for a certain falling off in the use of opium owing to the unrest which was then prevalent.

Mr. Porter's accusation — if I have understood it aright — that we do not apply the same principles in the East as in Europe I find rather amusing. It is quite obvious that in Europe there is only an extremely small number of opium-smokers, and that, happily, the measures we apply are merely preventive in character. My country's legislation as regards narcotic drugs, however, is quite as severe in the mother-country as in the overseas colonies.

Mr. Porter also gave us his views as to the value of treaties.

I would be the last to gainsay him on this point, but when he accuses the signatories of the Hague Convention of having evaded their obligations, I must emphatically repudiate the suggestion that my country has not done all that lay in its power to carry them out.

The statement which I have already made in regard to our policy in the Dutch Indies proves, on the contrary, that we have done all that was possible in the circumstances, taking into account the increasing contraband trade from other countries. We are prepared to go even further. The part played by our delegation at the First Conference is sufficient evidence of that. Our delegation is ready to co-operate most energetically in the elaboration of the particularly important Agreement which this Second Conference is preparing with a view to stamping out the pernicious and demoralising traffic in drugs. I think that this Agreement would have been easy to reach if the American proposal had not complicated matters. I do not, however, despair. The attitude of the Netherlands towards the question of competence which has been raised here is well known to you, and, like Viscount Cecil, I am obliged to say that I will vote against the American proposal if it is put to the vote.

Let us all give full reflection to this problem. If we are all determined to solve it, we shall succeed. But, to be quite frank, I consider that our discussions should be abridged and, above all, should be carried on in a less combative spirit. (*Applause.*)

**The President :**

*Translation :* M. Chodzko, delegate of Poland, will address the Conference.

**M. Chodzko (Poland) :**

*Translation :* Mr. President, ladies and gentlemen, I do not propose to go into the details of the proposals before the Conference. I will confine myself to referring you to my speech of December 13th, and I merely wish to state, on behalf of the Polish Government, that I support the American delegation's motion to refer Chapter II of the American suggestions to the competent Sub-Committee for consideration, and I also support the other proposals relating to this motion. I allude particularly to the proposal made by the honourable delegate of the British Empire.

I also welcome the conciliatory suggestions of the Japanese delegate and I am gratified that they have been so favourably received by the United States delegation, because I think that this shows the possibility of finding a satisfactory issue from the dilemma in which we are placed.

I sincerely trust that all the members of this Conference will collaborate to the fullest possible extent in the work of conciliation and mutual agreement, which is so important for the peace and prosperity of the world. I think that, against all appearances, the discussion which has taken place gives us some grounds to hope for a solution.

**The President :**

*Translation :* I must ask the honourable delegate for Poland for an explanation, as I do not think I have quite understood his meaning. He first refers us to his speech of December 13th and he renews his support of the proposal which was then being discussed. But he adds that the proposal to which he alludes is that of referring Chapter II to the competent Sub-Committee. At the same time, he suggests consideration of a British draft or declaration and he also supports a suggestion made by

the Japanese delegation. I must point out, however, that I have no proposal before me either from the first delegate of the British Empire or from the Japanese delegation.

I am at a loss to know exactly what the honourable Polish delegate means, since no new proposal has been formulated but merely a recommendation that the competence of a Committee which has not yet been formed should be extended.

I should therefore be glad if the honourable Polish delegate would give me an explanation on these points.

**M. Chodzko (Poland) :**

*Translation :* Mr. President, I understood that the honourable British delegate's declaration was in the nature of an amendment to the American proposal, since it is closely related thereto; it deals with the same question and indeed has already been discussed here. I therefore supposed that it would be quite possible to refer it to the same Committee as considered Chapter II of the American proposal.

In the course of the discussion which has just taken place, I gathered that the American delegate accepted certain parts of Viscount Cecil's proposals. I was, therefore, under the impression that this acceptance constituted, an amendment.

As regards my reference to the Japanese delegate's proposal, I repeat that I support his general suggestions.

**The President :**

*Translation :* Have the British and Japanese delegates any observations to make in regard to the interpretation placed on their suggestions by the first delegate of Poland?

Viscount Cecil, delegate of the British Empire, will address the Conference.

**Viscount Cecil (British Empire) :**

I am extremely sorry that the honourable delegate for Poland misunderstood what I said, and I am grateful to him for giving me an opportunity of clearing up the misunderstanding. The position of the British Government is now what it always has been, namely, that this Conference is not competent to deal with the question of opium-smoking, and my Government is therefore opposed to the American proposal to refer its suggestion for dealing with that proposal to a Sub-Committee, because such a decision would admit that this Conference was competent.

Nevertheless, in order to show the good faith of the British Government and its anxiety to make its position quite clear, I was instructed to make a declaration of what is, in fact, the policy of the British Government, not by way of amendment or dealing with the American proposal, but as a unilateral declaration. That is the position, and I do not regard my proposal as in any respect an amendment to the American proposal, because I do not think, and I cannot admit, that this Conference has any competence to deal with the matter.

**M. Sugimura (Japan) :**

*Translation :* As far as the Japanese delegation is concerned, I entirely accept the Polish delegate's interpretation and I thank him for his sympathetic reference to my proposal.



**The President :**

*Translation* : Prince Arfa-ed-Dowleh, delegate of Persia, will address the Conference.

**Prince Arfa-ed-Dowleh (Persia) :**

*Translation* : Mr. President, ladies and gentlemen, I have already had the honour to put before you my Government's point of view in regard to the reduction of the cultivation of the poppy, the limitation of its use, and particularly in regard to the last proposal of the United States delegation.

I had not intended to weary the Conference by repeating what I have already told them. Yesterday, however, Lord Cecil and the honourable delegate for China made some allusions to Persian opium which have made it necessary for me to add a few remarks to the general discussion.

The thorny question of the suppression of opium, or rather of its reduction to the strict limits of medical and scientific needs, is not one of yesterday. In 1909 we had the First International Commission at Shanghai, and in 1912 the First International Conference was held at The Hague. Persia was represented at both these humanitarian conferences.

For the past four years, I have had the honour to represent my country at the League of Nations, although not on the Advisory Committee on the Traffic in Opium and other Dangerous Drugs. As a member of the Fifth Committee, however, I have taken part in all the discussions on the question of opium.

I have heard many enthusiastically applauded speeches; much ink has been spilt and many fine sentiments have been pronounced. But I think we must all admit that there is very little to show in the way of results.

While some countries have slightly reduced their cultivation of the poppy, others have doubled or trebled theirs, and the evil is continually assuming more alarming proportions. Need I say more? Look at the statistics of raw opium in the Far East and you will see that, in spite of the most praiseworthy efforts, the quantity of raw opium is on the increase.

Indo-China and China have reduced their production of opium, but Turkestan, Bokhara, Khiva and Turkman have trebled theirs, and hundreds of tons of opium are sent via Siberia and Vladivostok to Mongolia, China and the Far East, naturally, as contraband.

I do not make these remarks in order to discourage the Conference. On the contrary, I do so simply to point out the true facts of the situation and to enable you to combat this evil more effectively. In the interests of humanity, I will be perfectly frank and I will tell you my impressions of the debates in the Committees of the Assembly of the League of Nations.

Most of the members of these Committees belonged to those fortunate countries where the cultivation of the poppy is unknown and where nobody earns a living by producing it. It was easy for them to make eloquent speeches and energetically to demand that the League of Nations should control the cultivation of the poppy and that its production should be reduced to strictly medical and scientific needs. I appreciate their efforts and I admire their concern for the unhappy fate of the opium addicts, but, unfortunately, their concern brought no remedy for the evil, and the impression made by their speeches soon evaporated.

But, in Asia, gentlemen, apart from India, China and Persia, there are other countries which are great producers of opium, such as Turkey, Afganistan, Egypt, Turkestan, Bokhara, Khiva and Turkman, which do not yet belong to the League of Nations and were not represented on the Opium Committees. In my opinion, it is most important that the opinion of the opium-producing countries should be asked at all Committees and Conferences dealing with the opium question. The representative of Persia was present at all the Committees but no one asked him what was the position of his country in relation to this thorny question or how they could help Persia out of her difficulties. The only question that was asked was why Persia did not destroy her poppy plantations once and for all and deliver the human race from the opium scourge. No one seemed to realise that we could not decree the starvation of thousands of men, women and children employed in the cultivation of opium, which for centuries had been their sole means of livelihood. These people are not to blame, because they genuinely believed they were selling opium as a medicine to relieve suffering.

Fortunately, the United States delegation, after a careful examination, grasped the true import of our memorandum and, taking the view that our arguments were just and well founded, their delegate in Sub-Committee B proposed that a Committee of Enquiry composed of agricultural, engineering and financial experts should be sent to Persia under the auspices of the League of Nations to study the question on the spot and to seek the best method of giving us effective assistance and of reducing the cultivation of opium to strictly medical and scientific needs.

At the request of the United States delegation, I telegraphed to Teheran the text of their proposal, and I am happy to be able to inform the Conference that I have just received a cable from H.E. the Minister for Foreign Affairs informing me that the Persian Government accepts the proposal of the United States delegation.

The first step has thus been taken towards the solution of the opium question in Persia, and I hope that the Conference, the Council and the Assembly of the League of Nations will adopt a favourable attitude towards the proposal of the United States delegation, thus rendering a great service to humanity and to the noble aims which inspire this Conference. (*Applause.*)

**The President :**

*Translation* : M. Daladier, delegate of France, will address the Conference.

**M. Daladier (France) :**

*Translation* : Ladies and gentlemen, my first duty is to associate myself fully, on behalf of the French delegation, with the noble sentiments which have been expressed here by Viscount Cecil and M. Loudon. I feel that it is incumbent on us to express, in particular our profound respect for Viscount Cecil, whose unremitting efforts for so many years in the cause of international understanding have earned our profoundest gratitude. (*Applause.*)

I would now like to lay before the Conference a few observations which are not guided by political considerations but rather by a desire to



bring the discussion back to the precise point — from which, I think, it has strayed under the influence of these very political considerations — and to treat this problem of narcotics as it should be treated, that is to say, in a practical spirit and with the determination to attain real and effective results.

After hearing all the eloquent speeches which have been made here in the last two days, I can only say that I still hold to the observation which I made in my first speech, namely, that the primary consideration is still the campaign against alkaloids. I regret that the question of prepared opium has been, in some sort, treated separately, for I have gained the conviction both from the work of experts and from the experience of practical men that, to use a colloquial expression, the hypodermic syringe is a much graver danger to humanity than the opium-smoker's pipe.

It is a matter of regret to me that, while we have been engaged in this great debate on opium, we appear to have forgotten that in many of our leading newspapers there appear, daily, advertisements publicly offering quantities of alkaloids corresponding to millions and hundreds of millions of those injections which are both so degrading and so fatal in their effects. I have felt it incumbent on me to make this statement, ladies and gentlemen, but needless to say, that does not mean that France has any desire to turn a deaf ear to the invitation which is extended to her here; on the contrary, she is resolved to deal with this problem of opium and of opium consumption in all sincerity and loyalty.

I listened with great interest to the declaration made by the Japanese delegate, a declaration inspired alike by the highest idealism and by a keen sense of reality. His country has made a very considerable effort against the abuse of opium, and I note from my honourable colleague's statement that the result of the experiment has been to suppress, or at least to reduce very considerably, the consumption of opium in Formosa, but that most of these energetic and disinterested measures failed when they were applied in Kwantung. The Japanese delegation has thus placed the problem in its true light, and the conclusion it has put before you is that in Formosa, an island of three million inhabitants, which is easy to control, Japan has succeeded in restricting considerably the use of opium for smoking, but that in Kwantung, where geographical conditions are different, she has been unable to attain this result, because she has been the victim of contraband and of the illicit traffic in opium.

Contraband, illicit traffic; these are the difficulties which dominate the problem and which the delegates of all the countries represented here have emphasised and of which they have spoken to the practical man and to those who are anxious as regards realities. When I hear and read the declarations of the honourable delegate for Japan, I am particularly struck by the lesson they contain, namely, that the chief difficulty is to deal with inveterate smokers. He particularly emphasised that the peril was a serious one and that innumerable inveterate smokers, rather than give up their vice, would emigrate to countries where opium-smoking was still tolerated. This is a problem which very closely affects France, because 70 per cent of the opium-smokers in Indo-China are Chinese.

I also listened with deep interest to the honourable delegate of the United States. I have the greatest admiration for the fervour with which his great country is pursuing the struggle against narcotics and the energy with which he himself defended his point of view. But I venture to say that, treating this problem on its merits, I cannot think that the American proposals would have the results which the United States delegation anticipates. And why? Because they only deal with the question of imports. The experience of so many of the delegations assembled here is that, if it is desired to reduce consumption, it is necessary to take a series of co-ordinated measures dealing simultaneously with all the aspects of the problem: production, traffic, importation and consumption.

If any evidence is needed in support of this view — which for my part I will never cease to maintain — I can give you a few definite facts for which, if any delegations desire explanations, I can quote chapter and verse.

In the documents which I have here, and on which I invite the Conference's comments, I see that the Chinese people between 1906 and 1917 succeeded in suppressing almost entirely the production of opium. Since the civil war which has unfortunately overtaken that great country, the measures adopted, although they correspond to the aspirations of the best elements in the population, have not been respected in practice. We, as neighbours of that country, know that the generals, the governors of the provinces and the army chiefs, whatever may be the intentions of the Central Government, at present derive the greater part of their revenue from the traffic in opium.

In reality, China is gradually cultivating the poppy once more on a very large scale, although in 1917 its production had almost ceased. The cultivation of the poppy has even been introduced into provinces where it was unknown before the prohibition era. In the regions of Yung-chin, Pao-ling, Shung-shan and Chiun-ching, "opium trains" are run under military guard. At Kwo-gang, Fai-Ho, Ying-Chow-Fu and Su-Chow-Fu, one-tenth of the land is covered with poppy; the tax levied on cultivation in a single locality attains the figure of 400,000 piastres.

I might multiply examples, and if it proves to be necessary later on in the discussion, I will quote others, which we can compare with those I have just mentioned. But for the moment the point I wish to mention again is that, at the very doors of the French possessions in the Far East, the cultivation of the poppy has been resumed on a considerable scale. It would therefore be hypocritical of me to accept a formal and strict undertaking, when, on our very frontiers, no steps are being taken to prohibit or even strictly to reduce the cultivation of the poppy.

If, gentlemen, you grant me these premises, you will recognise that production, traffic, importation and consumption are problems which cannot be treated separately; they can only be considered and dealt with as a whole. I find a theoretical justification of this point of view in the official declarations of American statesmen. In "Hearings before the Committee on Foreign Affairs — House of Representatives, U.S.A., February 21st, 1924", I find Resolution No 20 of the 68th Congress, which reads as follows:

"In order to prevent the abuse of these products, it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for non-medical and non-scientific purposes."

I may also quote an extremely eloquent and moving speech made by Mr. Porter at the fifth session of the Advisory Committee on Opium, which was also held here at Geneva from May to June 1923. Mr. Porter said :

"The United States feels that the unrestricted production of raw opium inevitably results in a surplus of the drug over and above that required for medicinal and scientific purposes, and the diversion of it or its derivatives — morphine, cocaine and codeine — into illicit channels of international traffic, thereby creating a problem of universal international concern."

I would also like to add this sentence, the importance of which will not escape you. Mr. Porter continues in these terms :

"...and making impossible the execution of laws adopted by the several Governments under the terms of the Convention."

I think it would be bad taste on my part if I pressed this point any further. I would like to say, however, that, if certain somewhat strong remarks which have been made were levelled at my country, I feel that it is unnecessary for me to answer them, first, because I consider that history sufficiently proves that France has always honoured her signature, and, secondly, because, as regards this question of raw opium and its consumption, France, on her own initiative and without waiting for the convocation of any international conference, has reduced the consumption of opium for smoking by more than 50 per cent since 1906.

I recognise, however, that the strong criticisms so ably formulated by Mr. Porter contain a number of definite objections, some of which, at least, appear to me to be well founded. I think that it is the duty of all the countries represented at this Conference to take careful note of these objections. I understand fully Mr. Porter's objection when he states that if no undertaking is entered into with regard to the enquiry of which he has spoken, with a view to the suppression of opium for smoking within a specified period, it will look as if all action in this matter is being put off to the Greek Kalends. This was not, in fact, the intention of those who put forward these proposals, but I recognise that on this point Mr. Porter should obtain satisfaction.

To be faithful to the methods of conciliation, peace and mutual concession, which are symbolic of the very atmosphere of Geneva, and to follow the numerous examples of co-operation and harmony which have been given to the whole world in this very room, the French delegation therefore desires to make a declaration in which it has endeavoured to conciliate the often conflicting views which have been put forward in this Conference.

With your permission, ladies and gentlemen, I will read it :

"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 :

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

"During the third year and following years, the Council of the League of Nations will officially note 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 its 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 Viscount Cecil said in regard to the legal aspect, and I have therefore added the following paragraph :

"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."

Gentlemen, I trust that in this way, if I have not had the good fortune to gain your conviction and your adherence, I have at any rate done my best to respond on behalf of my country to the appeal which has been addressed to us in this Conference.

We have been reminded of the difficulties encountered in the fight against slavery and of the final success gained in that field. Allow me to say that France was the first country to abolish slavery and to endeavour to establish equality as between the races of mankind. She considers that the equality of men does not depend on colour but on the sincerity of their efforts to achieve justice.

In this question of opium, we are determined to remain loyal to our traditions and to the example which has been set by our forefathers. Accordingly, now that the time has come, as we hope, to begin an active and effective crusade against opium, the French people are ready and willing to respond to the call. (*Loud applause.*)

**The President :**

*Translation :* There are still four speakers on my list ; I will therefore postpone the discussion on the proposal submitted by the United States delegation to the next meeting, which will take place this afternoon at 4 o'clock punctually.

*The Conference rose at 1.25 p.m.*

## TWENTY-THIRD MEETING

Held at Geneva on Wednesday, January 21st, 1925, at 4 p.m.

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President : M. Herluf ZAHLE.

68. PREPARED OPIUM : CHAPTER II OF THE SUGGESTIONS OF THE UNITED STATES OF AMERICA : MOTION SUBMITTED BY THE DELEGATION OF THE UNITED STATES OF AMERICA : CONTINUATION OF THE DISCUSSION.

#### The President :

*Translation* : The meeting is open.

I call upon M. El Guindy, first delegate for Egypt, to address the Conference.

#### M. El Guindy (Egypt) :

*Translation* : Mr. President, ladies and gentlemen, I did not think I should be called upon to take part in this discussion, especially as I had, on the eve of our adjournment, expressed my admiration for the laudable and praiseworthy efforts of the United States delegation and my approval of the motion which it had put forward, and which forms the subject of our present discussion.

It should be glad to concur in the suggestion made in this connection by the Japanese delegation, but there is one important word, a word of decisive importance, if I may say so, which has been used and frequently repeated, and which causes me to intervene in the discussion. That word is "smuggling." In this connection, I may affirm that, as far as I know, no country in the world has suffered more than Egypt. Smuggling, on a vast scale, of all narcotic substances (hashish, morphine, heroin, cocaine and their derivatives) is assuming ever larger dimensions in our country, in spite of the great efforts made by all the competent authorities.

In consequence, the situation has become so alarming that the whole nation, with the exception, of course, of the addicts themselves, is aroused to the utmost indignation, and from all sides, from religious and educational bodies and from administrative circles, moving and eloquent appeals are reaching us pointing out the ravages of these drugs and calling upon us to put a stop to them. The newspapers, both Egyptian and foreign, are every day devoting important space in their columns to this subject. A quite recent communiqué from

the Chief of Police in Cairo shows that 85 per cent of lunacy cases are due to the abuse of these drugs.

This does not mean that the Egyptian Government is doing nothing to stop smuggling. No country has to bear such heavy charges in its budget for this purpose as Egypt, but in spite of this, varying quantities of hashish, cocaine, morphine and heroin, etc. are daily being confiscated. At one time we thought that this evil — this terrible epidemic, rather — would remain confined to the big towns. Unhappily this is not the case. In the Egyptian countryside the fellah, who is the Egyptian peasant, used only to think of working for himself, his family and his bit of land. At the present time, one of the most intelligent and hardest-working peasantries in the world is threatened with the loss of its fine qualities through the effects of these drugs. From being a valuable factor in society and civilisation, it is likely to become a danger and an enemy to humanity.

As I have had the honour to explain to you, we have not failed in our task. Like all of you, we are doing our best practically and morally to combat smuggling. At the same time, I must confess with sorrow and regret that the results are neither decisive nor re-assuring, nor, indeed, even satisfactory. The smugglers will beat us and will certainly gain the upper hand, thanks to their financial resources and their unscrupulousness. The more we work to stamp out smuggling, the more the smugglers will increase their efforts. This is what I have always said and what I have remarked to my colleagues in our conversations concerning hashish and the other drugs.

In order to remedy this deplorable state of affairs, we have only one single radical means, namely, to attack the evil at its source, to strike at the root of the matter, as our colleagues and predecessors in the debate have so well said. The smuggler must be deprived of the opportunity to employ his skill in doing evil ; at any price, the production of these narcotics must be reduced, both as regards their cultivation and manufacture, and then we shall attain our object. Let us forbid absolutely the production of hashish, opium or coca leaves, their salts and their derivatives for other purposes than medical and scientific use.

At the beginning, no doubt, we shall be faced with various difficulties, but we shall overcome them without suffering much loss. Let us have the courage of our convictions. Let us all do some practical work toward this humanitarian end. Let us all contribute our disinterested and effective co-operation, as we have many times promised to do. Let us stand side by side and paralyse this terrible evil ; let us destroy the common enemy.

Let each for his part make the great and heavy sacrifice, which will not be very great

nor very heavy in comparison with the results so much desired and hoped for. Otherwise, it seems to me that we should be wasting our time and that our efforts would be in vain, since the results would be nil. Let us therefore reduce the production of all drugs, and we shall then realise our common aim. By this reduction, which is the only remedy, we shall save the victims themselves as well as the criminal smugglers and their propaganda agents.

Let us allow men to live free, independent and healthy lives, that is to say, to live in peace and with good-will one towards the other, with feelings of friendliness and mutual confidence, instead of being nourished on hatred, rancour and distrust.

In this way we shall show ourselves doubly worthy of our country, of humanity and the whole of civilisation. (*Applause.*)

**The President :**

*Translation :* M. Veverka, delegate of Czechoslovakia, will address the Conference.

**M. Veverka (Czechoslovakia) :**

*Translation :* Mr. President, ladies and gentlemen, two months ago the Conference started with a general discussion. We all stated our opinions, made our declarations of good-will, and only after long and laborious discussion did we succeed in drawing up a plan of work and finally start upon it.

To-day we are resuming the general discussion, for it was necessary to provide an opportunity of stating their views for those who have come among us for the first time to give us their support and assistance. We are glad to find that these newcomers are inspired with the same idealism and the same wish to succeed as ourselves. Their names and their records are a guarantee that we shall arrive at a happy result.

I am not afraid to speak of idealism, even after the exhortation of the honourable delegate for India. The realist methods of which he spoke will doubtless be applied when we are seeking to devise effective machinery to organise the campaign against drugs, but in order to find courage to create this effective and practical machinery, apart from all material considerations, we must be guided by idealism, an idealism which must be as enthusiastic as it is militant and constructive, as noble and as pure as it is laborious — an idealism of which we have a shining example among us — I mean Viscount Cecil, the great apostle of human solidarity.

If we want to succeed we must get to work. One of my colleagues said to me, in all sincerity, that it was very hard for him to discuss problems here which the others sometimes did not understand. I confess my ignorance, but I do not despair, because all the great social and political problems of humanity, such as freedom of conscience, serfdom, slavery, and the problem of political liberty, have been solved by men who, in the opinion of contemporary experts, did not understand them.

To come to the chief point of the present discussion, that is to say, the proposal made by the United States delegation to refer their suggestions for discussion to a competent Sub-Committee, I support the word "discussion" but not the word "adoption". I do not see for my part, as a good democrat, that it

is possible to give a blank refusal to this request, whatever interpretation may be put upon the resolutions of the Assembly.

The distinguished President of my country, Thomas Masaryk, when he returned from exile, stated his whole programme in three words : "Democracy means discussion". It seems difficult for us not to accept this maxim as our guiding principle, after we have called a Conference of such high moral authority and such technical competence. It seems the more difficult since the delegates of the British Empire and France have made declarations on the same subject. It would seem logical to put these statements together and refer them to a competent Sub-Committee, but we have also before us a suggestion by the Polish delegation and a very concrete proposal by the Indian delegation, the latter asking that the question of reference should be settled by the authority of the President. We also have the French statement, which might in my opinion serve as a basis for reconciling these various suggestions.

After two months' experience, we must say to ourselves "dicimus justiciam moniti", and after so much discussion "et post tot crimina rerum". All these proposals deserve to be considered with attention. We must find a solution which will allow us to continue our efforts to arrive at a just and equitable settlement amid this maze of suggestions. In order to obtain this result we need time, and, if this is granted to us, I am convinced that we shall succeed, since I cannot imagine that there is any statesman, no matter what position he may occupy among the great of this world, who would dare to-day to assume and take upon himself the tremendous responsibility of destroying this Conference, which was convoked under the auspices of the League of Nations and the brotherhood of peoples. (*Applause.*)

**The President :**

*Translation :* I call upon Dr. Sjöstrand, delegate of Sweden, to speak.

**M. Sjöstrand (Sweden) :**

Mr. President and fellow-delegates, I feel convinced that the majority of representatives from States not directly concerned in the matter under debate would like to have time to form an opinion about the different proposals, declarations and suggestions which we have received. On the one hand, there is the United States proposal, demanding a straight vote on the reference of the matter to a Sub-Committee of the Conference. On the other hand, there is a declaration from the British delegate, also relating to the matter under debate, and, further, a declaration from the French delegate. The delegate of the United States seems to be willing to make some concessions as to the substance covered by his motion, and perhaps the same willingness might be found on the other side.

For my part, I cannot see why these proposals and declarations could not be used as a basis for discussion, with a view to reaching an agreement which would satisfy all the members of the Conference. Some of us have the impression that if a vote were taken here and now it would mean a breakdown of the Conference, which would indeed be very regrettable. Two or three days are not wasted if during that time

a way could be found out of the present dilemma. In the meantime it may perhaps not be impossible to find a means of co-ordinating the different proposals and suggestions and of placing them before the Conference in such a form as will enable us to resume our work and to arrive finally at a satisfactory conclusion.

For instance, it might be useful to lay the proposals, declarations and suggestions before a body or a delegation composed of an equal number of delegates from the First and Second Conferences. Of course, different suggestions may be made for the composition of such a body, and I do not lay any special stress upon that point now. But what I do lay stress upon is the importance of leaving nothing untried in order to find a solution.

It would really be a disgrace if, after the League has passed through five years of constructive work, during which no Conference and no Commission has failed to arrive, at all events, at some measure of general agreement, this Conference should break up. In the numerous other Conferences, even where questions closely touching the national honour were involved, an agreement has been found possible. Problems of fundamental interest, such as frontier and minorities questions, and even the question of security, involving political difficulties infinitely greater than those with which this Conference is concerned, have been solved. It would surely be a calamity if the hopes which millions of people throughout the world have based on the League of Nations were to be prejudiced, if not destroyed, by the failure of this Conference to find some way out of its present difficulties.

The issue at stake is not whether we shall find a solution of the technical problem with which we are confronted but whether we are to check the whole development of the League and diminish the faith and the hope which the democracies of the world have placed in it.

It is for this reason that I urge the Conference to consider my suggestion, and I am certain that it corresponds to the feelings of all the countries not directly interested in the question and, I believe also, to the feelings of those whose interests are directly involved.

I therefore move that the discussion of the United States proposal be adjourned until Saturday, January 24th, in order that we may try to find a means of elucidating and co-ordinating the proposals, declarations and suggestions before the Conference, perhaps by means of a delegation created from the two Conferences.

**The President :**

*Translation :* We now have before us a proposal by the honourable delegate for Sweden, which is certainly inspired by the most sincere desire for the success of this Conference. I do not think there can be any objection to the discussion of this proposal to-day. To save time, I will request the Secretariat to be so good as to have Dr. Sjöstrand's proposal distributed. In the meantime, we will continue the discussion on the motion submitted by the American delegation. When the delegates are fully acquainted with the Swedish proposal, I will open the discussion on this motion of order.

Has anyone any objection ?

I call upon M. Toivola, delegate of Finland, to speak.

**M. Toivola (Finland) :**

I rise to second the motion put by my Swedish friend. Before saying a single word on the question which is before us now, I wish to make it quite clear that the country which I have the honour to represent here is disinterested in the question of opium-smoking. We are not producing opium and we do not smoke it, even if we are very fond of a good English pipe.

But, disinterested as we are in that question, we are not altogether disinterested in the future of this Conference. I agree with my Swedish friend that the breakdown of this Conference would be perhaps fatal for the League of Nations. I think that every Member of the League would be happy to see this Conference lead to some tangible result. A few days would, in my opinion, be long enough in which to show whether there is the possibility of a conciliation between the different points of view.

I have the impression, for my own part, that such a basis for conciliation exists. The United States delegation, which has with great enthusiasm taken part in our work since the middle of November last, has, I believe, come here to do business. I think, in the same way, that the British delegation has not come here to make obstructions, and the declaration made by the head of the French delegation this morning shows, to my mind, that good-will exists on the part of France. Well, that good-will must be explored.

I think that the proposal made by my Swedish friend opens the door for the Conference to find a solution. To my mind, the only condition for success is that we grasp the facts and the realities that have been pointed out to us, and in my opinion the most real fact is that not everything we have asked for can be obtained at this Conference. If we are asking for a pound of flesh, we cannot get it, but a body created in the way suggested by Dr. Sjöstrand might give us half a pound, and personally I should be quite content with that. (*Applause.*)

**The President :**

*Translation :* Mr. Shepherd, delegate of Australia, will address the Conference.

**Mr. Shepherd (Australia) :**

Mr. President, I had no desire to take part in this debate, and probably would not have done so but for a statement in the *Journal de Genève* that I was going to vote for the United States proposal. I wish at once to correct that statement. I do not intend to vote for the United States proposal for various reasons : because I believe it to be outside the scope of this Conference and because the United States delegation has repeatedly stated that what it wanted was to have its proposal discussed. Well, so far as I can see, its proposal has been very fully discussed ; in fact, it seems to me that we have done very little else but discuss it for some time past. These discussions have clearly and definitely demonstrated the fact that a number of countries most concerned cannot see their way to accept them for reasons which appear to be clear and justifiable under existing conditions.

Even if the American suggestions were within the competence of this Conference, they would be referred to a Committee composed of exactly the same elements as the full Confe-

rence. The discussion in the full Conference has clearly shown that there is no prospect of unanimity, as several of the countries most concerned have definitely stated their views. No good purpose would therefore be served by again stating them in a Committee.

It is therefore perfectly obvious that there is no prospect whatever of agreement. I have no desire to see the Conference destroyed, because I am most anxious to see progress made in the direction of stopping the traffic in the derivatives of opium and coca, which was the principal duty entrusted to this Conference. I hope, therefore, that wiser counsels will prevail and that the American delegation will be satisfied with having achieved its object, namely, the full discussion of its proposals.

**The President :**

*Translation :* I call upon the Hon. Stephen Porter, delegate of the United States, to speak.

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

Mr. President, ladies and gentlemen of the Conference, the distinguished delegate from Australia is entirely mistaken. Apparently he has not read the pending motion; it does not ask for the discussion of this item in the American suggestions; it asks for the consideration of it in the same way that all other items have been, or I hope will be, considered. We certainly did not cross the Atlantic Ocean for the purpose of hearing it discussed and having the matter end there. We came here in good faith in the hope that the proposal would be considered by the Conference and passed upon — either adopted or rejected.

We first met on the 17th of last November. I believe that is now sixty-four days ago, and I still find myself knocking at the door of the Conference for a hearing on this particular item. It may be that I am now in the vestibule — I am not sure — but I am certain that the door-bell must be out of order.

I would be delighted if the Conference would take the suggestion of the distinguished delegate from Czechoslovakia and refer all these matters to an appropriate Committee. Nothing would please me more, because we are only asking to be heard in the ordinary way.

A motion of adjournment until next Saturday has been put before the Conference. Well, I like Geneva; I have met many delightful people here; but I am afraid that if I stop here much longer I shall forget my home in the smoky city. I am perfectly willing to wait. I think everyone will grant that I have been quite patient in regard to the matter. And why? Because we all recognise the importance of this matter to the whole world, and because we have been hoping against hope that we can reach a satisfactory agreement.

I must confess that I feel very much discouraged in regard to the situation. However, the position can change quite rapidly in conferences. The present situation may change, and I have no objection to an adjournment until Saturday, because I have always been willing to confer with anybody on every occasion in the hope of reaching an amicable adjustment of this matter. I have, however, one guidepost which frankness and candour compel me to state, and that is this: that I should not feel justified in agreeing to a treaty that

would not effectively suppress this traffic. If I did so, I should be unfair and unjust to every delegate here. If I signed such an agreement, the chances are that I would not be able to secure its ratification by the Senate of the United States. I do not want to put myself in that position, and I know you do not want me to do so.

I might go a step further and say that it has been somewhat humiliating for us that we have not been able to be heard on this problem, but, notwithstanding that, I have no objection to adjourning it until Saturday. I beg, however, that on Saturday we may dispose of the matter once and for all.

**The President :**

*Translation :* The last speaker began speaking on the proposal for adjournment put by the first delegate for Sweden. Although this motion has not yet been distributed to the members of the Conference, I have nothing to urge against its immediate discussion. I will therefore open the discussion on this motion for adjournment.

Viscount Cecil, delegate of the British Empire, will address the Conference.

**Viscount Cecil (British Empire) :**

I have only a few words to say. I am prepared to accept the motion put forward by the Swedish delegate, and I think that on the whole, it represents the best course we could pursue. It will be, of course, for the President to decide, but I trust that the intervening days may not be entirely lost by the Conference, and that we may possibly be able to go on with other parts of our work in the meanwhile.

I do not really need to add anything, except that, as regards the other suggestions which were included in the Swedish delegate's speech, I can only say that I will give them my most earnest consideration. My object is to arrive at a solution of the deadlock in which we find ourselves, and, if I may be permitted to say so to Mr. Porter, I make no declaration as to what I will or will not ultimately accept.

**The President :**

*Translation :* M. Sze, delegate of China, will address the Conference.

**M. Sze (China) :**

I rise with all seriousness to say a few words with reference to the proposal submitted to the Conference by the distinguished delegate of Sweden. This is not the first time that I have had the honour of addressing the Conference on the desirability, necessity or wisdom of an adjournment. When the last adjournment was proposed, before the Christmas vacation, it was with much concern, as I told you yesterday, that I gave my assent. It is with no less concern that I rise to-day to give my assent; I hope that this adjournment, though only for a space of two days, will bring us results acceptable to all, results upon which we may look with pride and admiration.

In giving my assent to the proposal that there should be an adjournment in order to afford an opportunity for a possible harmonising of the several proposals or suggestions that have been made regarding the control of the traffic in prepared opium, it is appropriate that I



should say that any proposal that may be presented to this Conference, in order to be acceptable to my country, will have to be one that gives definite assurances that within a reasonable period of time, the termination of which can be clearly foreseen, the legalised traffic in prepared opium in those territories and possessions where it is now temporarily permitted by law will be brought to an end. It is my duty, in giving my assent to the new proposal of adjournment, to state my position clearly.

**The President :**

*Translation :* M. Loudon, delegate of the Netherlands, will address the Conference.

**M. Loudon (Netherlands) :**

*Translation :* May I be allowed to address a few words more particularly to Viscount Cecil? I do not know if I have rightly understood what he said. Did Viscount Cecil say that he agreed to the adjournment of the Conference pure and simple or that he agreed to submitting this question to a Committee or a delegation of the two Conferences?

**The President :**

*Translation :* I think that the first delegate for the Netherlands has slightly misunderstood what was said. The proposal made by the first delegate for Sweden referred simply to the adjournment, in order that we might in this way try to effect a co-ordination of the different suggestions and proposals. It contained no suggestions as to the methods to be employed in this co-ordination. Is the first delegate for the Netherlands satisfied with this explanation?

**M. Loudon (Netherlands) :**

*Translation :* Perfectly.

**The President :**

*Translation :* Viscount Cecil, delegate of the British Empire, will address the Conference.

**Viscount Cecil (British Empire) :**

I should like to reply out of courtesy to my friend the delegate of the Netherlands. The President has very accurately expressed my intention. I intended to assent to the adjournment, and to the adjournment only. As to the other matter, I will, of course, consider most carefully what the Swedish delegate has said, but it would evidently be improper, on the spur of the moment, to express any opinion upon it, favourable or unfavourable.

**The President :**

*Translation :* M. Daladier, delegate of France, will address the Conference.

**M. Daladier (France) :**

*Translation :* On behalf of the French delegation, I gladly concur in the proposal that has been put before us. At the same time, I would observe that, in my opinion, Saturday, the date proposed, should be the latest date. I mean that, if the delegates find themselves in a position to resume the Conference sooner, it should be understood that we might meet, say, on Friday. Subject to this reservation, the French delegation gladly adheres to the Swedish proposal.

**The President :**

*Translation :* As I interpret the remark of the French delegation, the question of resuming the meetings should be left to my discretion.

**M. Daladier (France) :**

*Translation :* Certainly, Mr. President.

**The President :**

*Translation :* Does the delegate of Sweden wish to give any supplementary information regarding his proposal?

**M. Sjöstrand (Sweden) :**

I only wish to confirm the fact that the interpretation the President has given to my intentions is quite correct.

**The President :**

*Translation :* Do any members of the Conference wish to add anything in regard to the Swedish proposal for adjournment? Does anyone want a formal vote on this proposal?

As no one has asked to speak, I declare the proposal by the Swedish delegation unanimously accepted, it being understood that it is interpreted in the way just explained by the first delegate of France.

*The proposal was adopted.*

#### 69. METHOD OF WORK OF THE COMMITTEES AND SUB-COMMITTEES AND APPOINTMENT OF THE CO-ORDINATION COMMITTEE.

**The President :**

*Translation :* Previously to this meeting I had intended to propose an adjournment, not in connection with the question with which we have dealt to-day but in order to dispose of the other outstanding work of the Conference. To-morrow at 10.30 a.m. there will be a meeting of the Business Committee, of which I have the honour to be the Chairman.

I must ask the Chairmen of the different Sub-Committees for information as to how the work of their respective Sub-Committees stands. I do not know whether these gentlemen desire to give this information at once or whether they prefer to communicate it to me in writing. As no one has asked to speak, I presume that these gentlemen will inform me in the manner they think best. I must, however, draw your attention to several points.

As I have already said, we have had the misfortune to lose a very distinguished representative in the first delegate for Canada, Dr. Beland, Chairman of Sub-Committee A. This Sub-Committee will therefore have to appoint a new Chairman. Accordingly, I would ask the Vice-Chairman, the delegate for Sweden, to be so good as to take the necessary steps to summon a meeting of the Sub-Committee for the purpose of appointing its Chairman.

I have a question to put with regard to the reports of the Sub-Committees. The Chairmen of the Sub-Committees need not answer this question now if they do not wish to do so. The reports which were distributed before the Christmas adjournment are "provisional reports" and I cannot judge whether the Sub-Committees do or do not desire to revise these reports prior to their discussion. I believe

that the report of Sub-Committee B, of which the Polish delegate is Chairman, is not yet complete.

I will ask the Vice-Chairman of Sub-Committee A, and the Chairmen of the other Sub-Committees, to be so good as to inform me on this point.

Before the Christmas adjournment the Conference had decided to create a Co-ordination Committee. In consequence of a proposal by the British delegation, it had been agreed that this Co-ordination Committee should be made up of two members of Sub-Committees A, B and D and one member of Sub-Committee C. I therefore request the Vice-Chairman of Sub-Committee A and the Chairmen of the other three Sub-Committees to be so good as to summon their respective Sub-Committees in order to nominate the members who are to form the Co-ordination Committee.

After these appointments are made, I will ask the elected members to meet and select a Chairman.

Further, I would like to put a question to the members of the Business Committee, a rather important question, because it affects the arrangement of the work which remains to be done. When the reports of the different Sub-Committees are finally completed, should they be discussed here in plenary session before being submitted to the Co-ordination Committee or is it better that they should first be submitted to the Co-ordination Committee before being discussed in plenary meeting? I do not wish to express an opinion on this subject, but I will ask the members of the Business Committee to consider the point. If my second suggestion is accepted, the plenary Conference will have a definitive text for its discussion, and the delegations which are not in agreement with the views adopted by the Co-ordination Committee will be able to formulate proposals or suggest modifications as regards the final work of the Co-ordination Committee.

M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios (Spain) :**

*Translation :* Mr. President, I should like to make one practical observation. According to what you have just said, Sub-Committees A, B, C and D will doubtless meet to-morrow in order to appoint one or two of their members, as the case may be, to serve on the Co-ordination Committee. Thus it is certain that several representatives of the same nationality will serve on the Co-ordination Committee. Do you not think that we could apply to that Committee the same system as was adopted in constituting the Sub-Committees of the Conference, which consists in providing as far as possible for the representation of producing countries, consuming countries and countries not directly concerned in the problem?

This seems to be an important point to consider. If we refer to our Rules of Procedure, we should perhaps find a better solution, for example, in Article 5, which lays down that, among other things, the Business Committee shall nominate for the approval of the Conference, should occasion arise, the members of any Committee which shall be constituted by the Conference. It seems to me, therefore, that, in conformity with our Rules of Procedure, we could entrust to the Business Committee

the duty of establishing the Co-ordination Committee.

**The President :**

*Translation :* I thank M. de Palacios for his suggestion. I quite agree that our Rules of Procedure seem to entitle us to entrust to the Business Committee the duty of making the proposals to the Conference as regards the nomination of members.

If there is no opinion to the contrary, I will venture, in my capacity as Chairman of the Business Committee, to propose the discussion of this point with my colleagues at to-morrow morning's meeting.

**M. Dinichert (Switzerland) :**

*Translation :* Mr. President, may I say a word with regard to the question raised, or would you prefer that I should defer my remark till the next meeting of the Business Committee?

**The President :**

*Translation :* If you think that the observation you desire to make may be helpful from the general aspect of the question, I will ask you to speak.

**M. Dinichert (Switzerland) :**

*Translation :* I shall not take up the time of the Conference very long. I simply wish to say this: I quite appreciate M. de Palacios' apprehensions, but I do not think that they are quite justified. The different members of the Sub-Committees are also representatives of their delegations. On the Co-ordination Committee, however, at least so far as I understand the matter, the representatives of the different Sub-Committees are the mandatories and spokesmen of those Sub-Committees. They have to set forth and explain within the Co-ordination Committee the work done by the Sub-Committees. Consequently, I do not think that there is any conflict of interests, if I may say so, since on the one hand we have the representatives of the delegations and on the other the authorised representatives of the Sub-Committees, who have worked for weeks at the study of the different problems submitted to them.

I think, therefore, that we should leave to the Sub-Committees the free choice of their representatives on the Co-ordination Committee, since they are in the best position to choose from among persons who have participated most actively in the work.

However, this question could, of course, be discussed by the Business Committee. As M. de Palacios is not a member of that Committee, I wanted to put this objection to him to-day.

**The President :**

*Translation :* M. Chodzko, delegate of Poland, will address the Conference.

**M. Chodzko (Poland) :**

*Translation :* I have no objection to the discussion of this question by the Business Committee. I ought, however, to draw your attention to the fact that in Sub-Committee B, for example, we have already appointed two representatives, of whom one is the Rapporteur of that Sub-Committee. I imagine that this case might also arise as regards the other Sub-

Committees, for the Rapporteurs are best able to give information on the course of the work and will be most suited to defend a point of view before the Co-ordination Committee.

**The President :**

*Translation :* I thank M. Chodzko for his observation. Account will naturally be taken

of his point of view in to-morrow's discussion by the Business Committee. The Sub-Committees will, of course, at all times have the right to appoint their members.

The Business Committee will accordingly meet to-morrow morning at 11 a.m.

*The Conference rose at 5.40 p.m.*

## TWENTY-FOURTH MEETING

*Held at Geneva on Saturday, January 24th, 1925, at 10.30 a.m.*

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President: M. Herluf ZAHLE.

### 70. WITHDRAWAL OF THE DELEGATION OF THE FREE CITY OF DANZIG FROM THE CONFERENCE : NOTE FROM THE POLISH DELEGATION.

**The President :**

*Translation :* Before opening the discussion on the first item on our agenda, I wish to read this note which I have just received from the first Polish delegate :

**[Translation] :**

"The Senate of the Free City of Danzig has expressed its desire to recall its delegation from the Second Opium Conference now meeting at Geneva under the auspices of the League of Nations, and, the Polish Government having agreed to the Senate's request, I have the honour to notify you herewith that the Danzig delegation has been recalled by my Government.

"I have to inform you that the delegation will therefore take no further part in the Conference."

*The communication from the Polish delegation was noted.*

### 71. PREPARED OPIUM : CHAPTER II OF THE SUGGESTIONS OF THE UNITED STATES OF AMERICA : MOTION SUBMITTED BY THE DELEGATION OF THE UNITED STATES OF AMERICA : CONTINUATION OF THE DISCUSSION.

**The President :**

*Translation :* You will remember that we adjourned two days ago on a motion submitted by the Swedish delegation in order that we might endeavour to find a means of elucidating and co-ordinating so far as possible the various proposals, suggestions and declarations submitted during our discussions.

We will now continue the discussion on the motion proposed by the United States delegation. I call upon M. Toivola, the Finnish delegate, to speak.

**M. Toivola (Finland) :**

When we adjourned last Wednesday, we all hoped that the adjournment would help us to find a way out of the difficulties which have been confronting us since the middle of November. I can assure you that during the two days that have elapsed since last we met no avenue likely to lead to a solution of the opposing views has been left unexplored. On every side there has been most sincere good-will in seeking a compromise which would enable the Conference to continue its work and to reach a happy conclusion.

After having discussed this question with a great many of my fellow-delegates, I am able to propose an amendment to the motion of the delegation of the United States of America, an amendment which I hope will be carried by this Conference.

I will read the amendment, which is as follows :

"In suggesting that the First Opium Conference meet in order to take a corresponding decision, identical in its object, and on condition that that corresponding decision be adopted :

"The Second Opium Conference decides :

"To name eight delegates representative of Governments, which have not participated in the First Conference, to form a Committee with eight members designated by the latter ;

"That that Committee shall be entrusted

with examining the aforementioned proposal 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."

I have very few words to add. I think that, if this amendment to the American motion is accepted, it would provide a basis for the collaboration of all the delegations in this Conference. I may say that, in my opinion, this amendment has been made in the spirit that has always prevailed in the assemblies of the League of Nations, and I think all my colleagues here agree that international collaboration cannot be made to yield good results without that very spirit.

**The President :**

*Translation :* Under paragraph 2 of Article II of the Rules of Procedure, I may, during the debate, allow any amendment or resolution to be discussed or voted upon if the text has been submitted to me in writing beforehand. As this formality has been complied with in the present case, I now declare open the discussion on the Finnish amendment.

I call upon M. Sze, delegate of China, to address the Conference.

**M. Sze (China) :**

Mr. President, ladies and gentlemen, I wish, on behalf of my delegation, to congratulate the delegate of Finland on the result of the efforts that have been made during the last two days. Nothing is further from our desire than that this Conference should find the excellent result of those efforts unacceptable to it. This motion, however, has come so suddenly and unexpectedly before us that I would ask the President to be good enough to cause it to be distributed so that we may be able to examine and discuss it intelligently. Moreover, in view of the fact of its sudden appearance, may I ask that the vote on the subject may not be taken until this afternoon, after a full discussion this morning.

**The President :**

*Translation :* In anticipation of the wishes of members of the Conference, I have given instructions for the amendment to be roneed and distributed at once.

If I have understood the Chinese delegate correctly, he has no objection to the amendment being discussed now, but simply asks that a vote should not be taken until this afternoon.

In any case, I think that we can hardly ask the Conference to vote on the amendment now, as certain members may perhaps wish to submit further amendments. If the discussion is concluded this morning, I will remember M. Sze's request.

I call upon Viscount Cecil, delegate of the British\* Empire, to speak.

**Viscount Cecil (British Empire) :**

We all, of course, knew that some proposal of this kind would be presented to the Conference, because the Swedish delegate, in making his motion, indicated that it was in his mind.

It does not therefore come altogether as a surprise to any of us that such a motion has been presented. At the same time, I think there is a great deal to be said for the President's suggestion that we might adjourn for a quarter of an hour until the text has been roneed and distributed.

I will reserve my general observations, if that is the desire of the Conference. All I will say now is that I hope the Conference will consider this proposal very seriously. It seems to me to be designed to meet a very grave difficulty in which we are placed, without requiring any of those who have taken strong views on this matter to withdraw from the position they have taken up. I think that this is always a very desirable way of meeting difficulties. It is nearly always extremely difficult for the representative of a sovereign Government to abandon a position which he has taken up ; but if he can find means of meeting the other view without abandoning that position, that is the wise course to adopt.

I should have thought that this resolution leaves undecided the question of the competence of this Conference to deal with the matter. It puts that question on one side. On the other hand, it provides for a very careful and detailed consideration of the proposals of the United States and of the declarations of the intentions of particular Governments with regard to this question. This seems to me to be a practical commonsense way of dealing with the situation, and as far as I am concerned, though I would like to reserve my final opinion until I have seen the texts more closely in English and French, my first inclination is to accept the proposal that has been put forward, because it seems to me to meet the case in a practical and commonsense fashion without victory to either side. I have always asserted, and still believe, that the great secret of the success of the League of Nations is that it aims at securing agreement without victory. I therefore move that we do now adjourn for a quarter of an hour pending the distribution of the resolution in English and French.

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

I second the motion.

[*The meeting was adjourned at 11.10 a.m. and resumed at 11.30 a.m.*]

**The President :**

*Translation :* We will continue the discussion on the amendment submitted by the Finnish delegation.

I call upon M. Sjöstrand, the Swedish delegate, to speak.

**M. Sjöstrand (Sweden) :**

Mr. President and fellow-delegates, I rise to support the amendment to the American proposal. It is evident to all members of this Conference that we have arrived at a point where we have to take a decision of the most vital character. In such a situation, I rise to plead not for theoretical distinctions, nor for hard and fast rules, but for practical co-operation. This is perhaps a new method of work in this Conference, but we ought not to separate before having tried it, for the stakes are enormous.

People outside the Conference cannot grasp

the theoretical aspect of the question, nor can they understand the subtleties of division, but what they see is that there is a lack of ability to come to a reasonable conclusion, to a practical result. This is the test to which we are put ; this is the measure according to which our work is to be judged, and not only the work of this Conference but the whole humanitarian work of the League, so admirably performed up till now.

May I also remind you that it is the first Conference of the League where duly accredited representatives of the great American Republic are taking part. This great fact is more than a revelation: it is a revolution. It marks the end of a period, and it depends upon us if it will mark the beginning of a new.

What has brought us into our present position ? — the separate mandates given by the Assembly of the League to the two Conferences. But the object of the whole work undertaken by the League is evidently to develop and make more effective the measures provided for or indicated in the Hague Convention. It can never have been the intention of the Assembly to split the Hague Convention into two parts and thus to weaken instead of reinforcing it. In that case, it must have been in the minds of the authors of Resolutions V and VI that the results achieved by both Conferences should be co-ordinated and made a whole.

In my opinion, it is up to both Conferences to take in hand that work of co-ordination, as was foreshadowed in a suggestion made by the Japanese delegation before the adjournment last year. What would, in effect, have been the difference if this division of mandates had not been laid down by the Assembly and if the whole work had been entrusted to one single Conference ? In reality I cannot see very much difference, if any. If there had been one single Conference, Chapter II of the Hague Convention would presumably have been referred to a Committee or Sub-Committee, in which both parties, those directly concerned and those not directly interested, would have been represented in equal numbers. Now we can refer this question to a delegation of both Conferences, where both Conferences are equally represented.

You all know now the main lines upon which the proposal is based. They are consistent with the decisions taken by the League and they do not seem to impair, but rather to further, the realisation of the principles upon which the Hague Convention is based and which it is the solemn obligation of all signatory Powers to bring into effect.

**The President :**

*Translation :* M. Loudon, delegate of the Netherlands, will address the Conference.

**M. Loudon (Netherlands) :**

*Translation :* I merely wish to submit a slight amendment to the Finnish proposal.

In the Swedish proposal which we adopted three days ago, the word "*délégation*" was used instead of the word "*commission*". I think that it would be more correct to use in the Finnish proposal the term "*délégation*", and I believe that the French delegate will agree with me. I propose, therefore, that the word "*commission*" be replaced by the word "*délégation*" or even "*délégation mixte*".

**The President :**

*Translation :* M. Sugimura, delegate of Japan, will address the Conference.

**M. Sugimura (Japan) :**

*Translation :* In order to prevent unnecessary confusion, I wish to state at once that I am in favour of the Finnish proposal. I should like, however, to submit two minor points :

(1) I should like to ask the Finnish delegate if the Committee will as a matter of course examine not only the various suggestions submitted during the recent discussions of the Second Conference but also any proposals which may be put forward subsequently.

**M. Toivola (Finland) :**

*Translation :* Certainly.

**M. Sugimura (Japan) :**

*Translation :* If that is so, I need not dwell on the point.

(2) Sweden, like Japan, assisted in the drafting of the fourth Assembly's resolution. As regards the actual principle, I agree with the Swedish delegate that, according to the spirit of the Hague Convention, all the various questions form one single whole.

There remains, however, a question of form : I refer to the juridical independence of the two Conferences, this being a point which has been stressed by many of the delegations.

If the question of principle is satisfactorily settled, the question of form, although it is of secondary importance, will still have to be dealt with.

I think that we must maintain the juridical independence of the two Conferences, in order that the force of the fourth Assembly's resolutions may not be weakened. On this point, I do not suggest that there is any difference of opinion between the Swedish delegate and myself ; I merely wish to give my opinion.

**The President :**

*Translation :* Viscount Cecil, delegate of the British Empire, will address the Conference.

**Viscount Cecil (British Empire) :**

In the first place, I should like to ask the delegate from the Netherlands whether it is really necessary for him to insist on his amendment. I will tell him my difficulty. I do not think there is any way of rendering in English the distinction between a delegation and a commission. Our poor, heavy, insular minds fail to perceive the distinction between the two, though possibly the Scotch, who are better metaphysicians than we are, might be able to grasp it. Therefore, as far as I can see, even if the word were changed in French, it would have to remain the same in English. You can put anything in the French text you like, because you understand that language far better than I do, and if in French it is more satisfactory to use the word "*délégation*" rather than "*commission*" I have no objection. As far as the English text is concerned, however, I object strongly to any change in the wording, because it would raise all sorts of questions and doubts, whereas "*committee*" is a word which is perfectly well understood in English.

As to the point raised by the Japanese dele-

gate, I entirely agree with him that his proposals, to which I know he has been giving a great deal of time, ought to come before this "Mixed Committee". That is clear, and I imagine the whole Conference agrees that this Committee is not to be confined to anything that has actually been proposed but that any conciliatory proposal will be open to its consideration.

In this connection, there is just one slight criticism of the wording which I make merely in order to avoid any misunderstanding afterwards. The text says: "That Committee shall be entrusted with examining the aforementioned proposal..." What is intended, of course, is not merely the proposal of the American delegation but the substance of the American suggestions dealing with the whole question of prepared opium. The "aforementioned proposal", as it reads, might be construed in a narrower sense. We desire to have the whole matter submitted to the Committee.

I only mention that point so as to avoid any misunderstanding. The only proposal that has been aforementioned in this document is the proposal to refer the matter to a Committee, but we want all the suggestions of the American delegation so referred, in order that they can be compared and dealt with in view of the discussion which has been held and the other observations which have been made.

As to the latter part of the observations of the Japanese delegate, I hope he will not press this matter any further. The whole object of this proposal is to leave on one side for the time being the controversy that has arisen about competence. It can be raised later if necessary, but for the time being we do not want to decide that question one way or the other but to reach a practical solution in regard to the substance of the difficulty. I agree with him most fully that, if we can reach a practical solution in regard to the substance of the problem, it will be found that the form will present very little difficulty indeed. I hope therefore that we may now adopt this resolution, which seems to me to command the general assent of the Conference.

**The President :**

*Translation :* I should be glad if Viscount Cecil would state whether his proposal concerning the amendment is a formal one.

**Viscount Cecil (British Empire) :**

I did not mean to propose any modification. I merely meant to make a declaration before the Conference to the effect that it was not suggested that the duties of the Mixed Committee should be confined to dealing with the American proposal to refer this matter to a Committee, but rather that it should consider the whole merits of the American proposal which was referred to it.

**The President :**

*Translation :* Then the text stands ?

**Viscount Cecil (British Empire) :**

Yes. If the word "aforementioned" were struck out, the text would be quite clear. I do not care whether there is any actual amendment or not, provided we are clear that no formal or narrow restriction will be placed on the work of this Committee but that it will really try to get to the bottom of the question.

**M. Toivola (Finland) :**

It seems to me that, if the word "aforementioned" is omitted, the text becomes very much clearer. In that case, I think we ought to say "proposals of the delegation of the United States of America".

**Viscount Cecil (British Empire) :**

I agree.

**The President :**

*Translation :* M. Sze, delegate of China, will address the Conference.

**M. Sze (China) :**

Mr. President and members of the Conference, I rise to say one word and to give one assurance to the Conference. I should like to suggest a slight amendment to the motion which is now before the Conference, an amendment which, I am sure, will cause no difficulty to the Conference. It is to add at the end of the motion of the delegation of Finland the words "for consideration by these Conferences".

Then I wish to assure the Conference as earnestly, as sincerely and as expressly as the words at my command will permit me, that, so far as my delegation is concerned, we shall make, without hesitation and without reservation, the utmost efforts to work together with the other members of the Committee and try our best to bring its work to a successful conclusion. I say that for several reasons.

The first is that it is only right that we should all work for success. The second is that I am very solicitous for the hundreds of thousands of Chinese who are now resident in the territories and possessions of European Powers in the Far East where prepared opium, the use of which is temporarily legalised, is sold, if not exclusively, at any rate mainly, to Chinese subjects. There is the further reason that any improvement which is made in the condition of things in those territories and possessions will have a most beneficial reaction on the anti-opium work in China itself. I need not dwell upon that point, because the first delegate of Japan has said again and again — speaking from a rich experience — that anti-opium work done in one country reacts on the anti-opium work in another country.

In conclusion, may I repeat that my delegation will do its utmost to assist in bringing the work of the Mixed Committee to a successful conclusion.

**The President :**

*Translation :* M. Sjöstrand, delegate of Sweden, will address the Conference.

**M. Sjöstrand (Sweden) :**

I rise to answer the question put to me by the delegate of Japan. I think that the independence of both Conferences is adequately safeguarded in the proposal. This body of co-ordination which has been suggested is a delegation of both Conferences. That means that each Conference has delegated its powers in certain respects to that body without either Conference sacrificing its own independence. Of course, the decision of the Assembly stands, and the proposal represents an effort to reconcile the decision of the Assembly with our intentions in this Conference.



**The President :**

*Translation :* As no one else wishes to speak, I call upon the Finnish delegate to give his views on the amendment submitted by the first Chinese delegate.

**M. Toivola (Finland) :**

In my view, the few words that the delegate of China would like to add at the end of the amendment would in no way change the substance of the amendment.

Personally, I cannot see any necessity for adopting his amendment, but if he presses for its adoption, I hope that we shall be able to accept it. Its adoption would mean that, instead of the motion ending with the words "with the least possible delay", the concluding words would be "with the least possible delay, for the consideration of these Conferences".

It must be understood, if the amendment is adopted, that the added words would in no way change our position as to the question of competence.

**The President :**

*Translation :* M. Loudon, delegate of the Netherlands, will address the Conference.

**M. Loudon (Netherlands) :**

*Translation :* Mr. President, as regards the amendment submitted by the first Chinese delegate, I share the Finnish delegate's opinion. This amendment would serve no useful purpose; I would go even further and say that it is not quite logical. If anything is to be added, it seems to me the text should read: "This Committee shall, with the least possible delay, present a report to the two Conferences in order that each Conference may examine it".

**The President :**

*Translation :* M. Sze, delegate of China, will address the Conference.

**M. Sze (China) :**

Mr. President, of course I am not an expert in European languages and I do not always see the *finesse*, the fine points, that are raised. I submitted this little amendment in view of what Viscount Cecil has said, unless I have misunderstood him, and I beg him to correct me if I have done so. I thought he said it was understood that the result would be reported to the Conferences and duly considered, and therefore I that thought my amendment was entirely in order. In order to avoid any misunderstanding, especially as I am doing nothing except following the lead taken by the distinguished delegate of the British Empire, I think I may be pardoned for introducing this and for asking its acceptance by the Conference.

**The President :**

*Translation :* Viscount Cecil, delegate of the British Empire, will address the Conference.

**Viscount Cecil (British Empire) :**

Out of courtesy to M. Sze, I feel bound to reply. I find myself in entire agreement with what was said by the delegate of Finland. I do not think that the addition of these words makes the slightest change in the sense of the original proposition. I agree with him that as long

as it is understood that they have no hidden and undisclosed meaning, which I am sure would be far from the wish of the delegate of China, I see no objection to their being inserted. Personally, however, I share the view of the representative of Finland that, as a matter of drafting, his original phrase is better and clearer than it would be if these words were added. But if anyone doubts it, by all means let them be added. I do not mind. Of course, if the addition were made, it would be on the understanding expressed by the delegate of Finland at the end of his speech.

**The President :**

*Translation :* M. Daladier, delegate of France, will address the Conference.

**M. Daladier (France) :**

*Translation :* I think that it would be advisable, in the interests of the work upon which we are engaged, to terminate as soon as possible these calculations of addition, subtraction and multiplication which have perhaps taken up too much of our time. I think I may say, without hurting the feelings of anyone present, that the Finnish delegate's proposal came as a surprise to no one, and that if we all searched our pockets we should find a number of motions designed to effect a compromise, for there is, I think, one point on which we are unanimous: all delegations are agreed that we must make a determined effort if the hopes which world opinion has placed in this Conference are not to be deceived.

I therefore ask the Conference to take a vote at once. If each of us, regretting that his own motion cannot be adopted, endeavours to have part of it inserted in the Finnish delegation's text, there is every likelihood that we shall remain here for months.

I propose, then, that we should sacrifice our own ambitions, however noble and reasonable they may be, and should make the effort required of all assemblies, unanimously adopting, without reservations, the text so admirably and explicitly drawn up by the Finnish delegate. Finally, I would request the Conference to agree that, should the text require further elucidation, the Finnish delegation should be left to give such explanations freely and without hindrance.

Without, of course, venturing to advise our President, I would ask him to put the Finnish motion to the vote as it stands. (*Prolonged applause.*)

**The President :**

*Translation :* I call upon the Hon. Stephen G. Porter, delegate of the United States, to address the Conference.

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

Mr. President, ladies and gentlemen, the proposal offered by the distinguished delegate from Finland meets with my approval, although I would very much like to see it amended as suggested by the distinguished delegate from China.

There is, however, one enquiry which I would like to make before stating that I am going to vote for the resolution. As I have repeatedly said, all that the delegation of the United States has ever asked was that it should

be heard before an appropriate Committee, and that its proposals should be considered by this Conference. We believe there is nothing unreasonable in that request.

I recognise the situation in which we are as fully as any other delegate. I would like to enquire — and so that there should be no doubt about it I have reduced it to writing — I would like to enquire whether it is the understanding of the distinguished delegates of the British Empire, France, the Netherlands, Japan, China, India, Siam and Portugal that, if this proposal is adopted, the Second Conference may consider the report and may take appropriate action in regard to it.

In other words, I can see nothing to be gained by referring this matter to this Committee if no action is to be taken by the Conference. It would be time wasted and labour lost. I make this enquiry because I am not as familiar with your parliamentary rules as I should be. I am assuming that the resolution contemplates the consideration of this report by the Conference. If I am correct in that assumption, it will be a pleasure to vote for the resolution.

**The President :**

*Translation :* Viscount Cecil, delegate of the British Empire, will address the Conference.

**Viscount Cecil (British Empire) :**

As the delegate of the United States was good enough to address this question to me, among other people, I can only say that, in my own mind, it is quite clear that the report will be considered by the Conferences. There would be no purpose in having a report if it were not to be considered by the Conferences. It is equally clear, however, that any objection to the proposals in that report, whether on the ground of competence or on any other ground, will be as much open to the Conference or any member of it as it is at the present time.

I do not think that the matter can be put more clearly than that. The whole object was to have a detailed examination and to see whether it is possible to reach an agreement with reference to this subject. I trust that no questions or observations will be made which will render it less likely that such an agreement should be reached.

**The President :**

*Translation :* I would gladly adopt the first French delegate's suggestion, but we must act in accordance with the procedure generally followed at assemblies of the League of Nations.

As I understand the position, we have to deal with only one amendment, the Chinese amendment. The substitution of the word "delegation" for the word "commission" appears to me a matter of translation rather than an amendment. As regards the words which Lord Cecil suggests amending, that point has been settled, as the Finnish delegate, who submitted the amendment in question, introduced a modification in the text by making the word "proposal" plural.

The third amendment, and the only formal one, is the amendment submitted by the Chinese delegation, which is to the effect that the words "for consideration by this Conference" should be added at the end of the last paragraph. I cannot quite grasp the reason for this proposal. A

definite procedure is followed in all Conferences of this kind; reports drawn up by the organisations specially appointed for the purpose are referred to the Conference for examination. The Chinese amendment appears to me, therefore, to be unnecessary.

I would ask the Chinese delegate to withdraw it, in order to facilitate the proceedings. If he is unable to agree to this suggestion, we must first put the additional amendment to the vote.

**M. Sze (China) :**

Mr. President and members of the Conference, I shall be glad to agree to the request you make and withdraw the amendment which I proposed. I have been told by you that in these Conferences of the League of Nations you are guided by certain rules. I have tried to the best of my ability to follow the Rules of Procedure adopted by the Conference, but if I am ignorant of any of the rules beyond those in the rules of procedure I ask your indulgence, should I come in conflict with those rules.

May I also be permitted to say one thing before we vote on the proposal of the Finnish delegation? Since the honourable delegate for the United States has included China among the delegations of which he asks the question, I wish to tell him that I believe, as has been said by so many delegations, that when the report comes before this Conference it will be within the scope of the Conference to discuss it and take appropriate action. Such is my understanding of the position, and if that understanding is correct I gladly withdraw anything you may wish.

**The President :**

*Translation :* M. Sze was acting quite in accordance with the Rules of Procedure of the Conference. He had every right to propose an amendment, but it was my duty to apply to it the ordinary rules governing assemblies. I was entitled to ask M. Sze to withdraw his amendment; and, if he had been unwilling to do so, I should have had to put it to the vote.

**M. Loudon (Netherlands) :**

*Translation :* I beg to support the British delegate's reply to the first delegate of the United States.

**The President :**

*Translation :* If no one else wishes to speak, we will now take a vote. Does the Conference wish for a roll-call vote?

(No !)

**The President :**

*Translation :* I will read the text in English, as the amendment was originally drafted in that language :

"In suggesting that the First Opium Conference meet in order to take a corresponding decision, identical in its object, and on condition that that corresponding decision be adopted,

"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."

May I regard the first Finnish delegate's proposal as adopted, subject to the slight amendment which he accepted, but without M. Sze's amendment?

*The proposal was unanimously adopted.*

**The President :**

*Translation :* According to the terms of the resolution just adopted, the second Conference has to appoint eight delegates to sit on the Committee. I do not think that we can proceed to the election of these delegates until we have heard the views of the Conference on the subject. I will not submit any proposal, therefore, for the election of these members.

**72. CO-ORDINATION OF THE WORK OF SUB-COMMITTEES A, B, C AND D AND APPOINTMENT OF A DRAFTING COMMITTEE : AMENDMENT PROPOSED BY THE PRESIDENT TO THE RESOLUTION SUBMITTED BY THE BRITISH DELEGATE AND ADOPTED BY THE CONFERENCE ON DECEMBER 8th, 1924<sup>1</sup>.**

**The President :**

*Translation :* There are still two items on our agenda. The second is connected with an amendment which I have the honour to submit to you and which, I hope, will not require discussion. It is on behalf of the Business Committee that I am submitting this amendment to the resolution proposed by the British delegation and adopted by the Conference on December 8th, 1924. It refers to the composition of the Co-ordination Committee. According to the terms of the present resolution, the Co-ordination Committee was to be composed of representatives of Sub-Committees A, B, C and D, which deal more especially with technical questions. The Business Committee, however, after discussing the matter, came to the conclusion that it would be desirable to appoint representatives of all the Sub-Committees to sit on the Co-ordination Committee, and thus widen the scope of the latter's work.

I think the Conference will agree as to the advisability of this measure, and I propose, therefore, that you should modify the resolution in order that Sub-Committees E and F may be represented on the Co-ordination Committee in the same way as the other Sub-Committees.

The text of the amendment which I propose reads as follows :

"1. That a joint meeting of representatives of Sub-Committees A, B, C, D, E and F be held for the purpose of co-ordinating the conclusions of these Sub-Committees and presenting a joint report to the plenary Conference.

<sup>1</sup> See Verbatim Record of the thirteenth meeting.

"Sub-Committees A, B, D, E and F shall each nominate two members in addition to the Chairman, and Sub-Committee C one member in addition to the Chairman, to represent them at the meeting.

"2. That a Drafting Committee (*Comité de Rédaction*) be appointed forthwith, consisting of the President of the Conference and five persons to be nominated by the President, and that this Committee commence its work as soon as the report of any of the Sub-Committees has been approved by the Conference.

*The amendment was unanimously adopted.*

I would ask the Chairmen of Sub-Committees E and F to nominate their members to sit on the Co-ordination Committee.

I would also ask the Chairmen of Sub-Committees B and D to come to an understanding with regard to one point of their decision. Mr. Shepherd, the Australian delegate, has been chosen by both Sub-Committees to represent them on the Co-ordination Committee. I think that it would be better if one of these Sub-Committees chose another representative.

**M. Chodzko (Poland) :**

*Translation :* I have discussed the matter with Mr. Shepherd, and we have agreed that he shall represent Sub-Committee D, while the Turkish delegate will represent Sub-Committee B.

**The President :**

*Translation :* The latter therefore becomes a member of the Co-ordination Committee.

Viscount Cecil, delegate of the British Empire, will address the Conference.

**Viscount Cecil (British Empire) :**

I want to express the hope that the Conference, notwithstanding the meeting of the Mixed Committee which we have just appointed, may be able to get on with the rest of its work. I share Mr. Porter's reluctance to trespass too long on the hospitality of Geneva, and I hope, therefore, that we may be able to get on with our work while that matter is being considered. I particularly hope we shall be able to make progress with the Convention on the use of drugs, because that is really the most vital matter we have to consider.

I should like also to express the hope — if I may do so without impertinence, because I am not a member of the First Conference — that the First Conference will be able to meet without delay (either this morning or this afternoon), so that we may be able to proceed with the election of the members of the Mixed Committee this afternoon, as soon as we know whether the First Conference, in the words of our resolution, has taken "a corresponding decision". In that event, I do not see why we should not be able to elect our members this afternoon, as it is not a complicated matter.

**The President :**

*Translation :* I share Viscount Cecil's views as to the desirability of getting on with our work.

I would ask Sub-Committees E and F to inform me of the names of the members appointed to represent them on the Co-ordination Committee. When I have this information I shall be able to call a meeting of the Committee.

As regards Viscount Cecil's second observation, I shall, of course, ask the First Conference to meet as soon as possible, in order that it may elect the eight members to represent it on the Mixed Committee.

**M. de Palacios (Spain) :**

*Translation :* I share the general desire — a very legitimate desire — of members of the Conference that we should get on with our work, and I would venture to point out that unless a decision is taken to the contrary — and so far no such decision has been taken — the eight members who are to represent the Second Conference on the Mixed Committee can only be elected by that Conference on the proposal of the Business Committee. I propose, therefore, in accordance with Rule 5 of the Rules of Procedure, that the Business Committee should meet for this purpose.

**The President :**

*Translation :* M. de Palacios is quite right. The Business Committee is entitled to be consulted on the question now before us, but the Rules of Procedure make no express provision to this effect; they simply state that the Business Committee shall meet "*should occasion arise*".

**Dr. Carrière (Switzerland) :**

*Translation :* I have asked permission to address the Conference but it is not in connection with the question now under discussion. I simply wished to inform you that, at its meeting yesterday, Sub-Committee F appointed two representatives to sit on the Co-ordination Committee; they are M. Perrot (France) and M. de Myttenaere (Belgium). I have already handed in these names to you.

**M. de Palacios (Spain) :**

*Translation :* What I said was that the members of the Mixed Committee should be appointed by the Second Conference on the proposal of the Business Committee, *unless a decision was taken to the contrary, and that so far no such decision had been taken*. Unless a special decision is taken, the Rules of Procedure should be adhered to, but I do not raise any objection to members being appointed direct by the Conference.

**Dr. El Guindy (Egypt) :**

*Translation :* I have just been informed that the First Conference is to meet at 4 o'clock. It will therefore reach some decision. This being so, I would suggest that the Second Conference should meet in order to take cognisance of the decision, and to vote if necessary.

**The President :**

*Translation :* I cannot give an opinion on that point without consulting the President of this First Conference.

**M. van Wettum (Netherlands) (President of the First Conference) :**

There is no objection on the part of the First Conference, which is meeting at 4 o'clock this afternoon. Perhaps you would be able, Sir, to convene a meeting of the Second Conference at 6 o'clock.

**The President :**

*Translation :* I do not think that there is any need to call a meeting of the Business Committee for the purpose of proposing the names of eight delegates to represent the Conference on the Mixed Committee. The Conference can modify its Rules of Procedure as it pleases, and there is no express provision which necessitates a meeting of the Business Committee to deal with the question now before us. I am quite ready, however, to accept any suggestion from members of the Conference.

M. de Aguero y Bethancourt, delegate of Cuba, will address the Conference.

**M. de Aguero y Bethancourt (Cuba) :**

*Translation :* Mr. President, ladies and gentlemen, I think that the Spanish delegate's remark is very much to the point. The Business Committee could certainly submit a proposal to the plenary meeting, but as we wish to gain time and not trespass too long on the hospitality of Geneva, to quote Viscount Cecil, I think that the best plan would be for our Conference to proceed at once to elect its delegates. In deciding this, we shall not be violating the Rules of Procedure, as this is a plenary meeting. I propose, therefore, that the members of the Conference should elect representatives at once without consulting the Business Committee.

There is another reason for this, and a most important one. This Committee, which is about to undertake a very heavy responsibility, will have in its hands the whole fate of our Conference. It is this Committee which must deliver us from the deadlock that has now existed for a month and a-half. The members who are to sit on the Committee must search their consciences, and each delegation must know exactly by whom it is going to be represented.

For the above reasons, I propose that our Conference should elect its members direct. (*Applause.*)

**The President :**

*Translation :* I call upon the Hon. Stephen G. Porter, delegate of the United States of America, to speak.

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

I am in entire accord with the suggestion of the distinguished delegate from Cuba. I feel that we should follow the words of the resolution we have just passed. It says that the Conference is to name eight delegates representative of Governments who have not participated in the First Conference. If it was our intention to delegate that authority to any other body, we should have so stated it. In the interests of accuracy, I think that we should follow the letter of the resolution and that this election should be made by the Conference.

**The President :**

I think there has been some misunderstanding. M. de Palacios simply pointed out that, under the Rules of Procedure of the Conference, the delegates could be nominated by the Business Committee, but that as the Conference had plenary powers it had a right to nominate them itself.

The proposal of M. de Agüero y Bethancourt is now before the Conference. It is that the Conference shall nominate the eight members of the Mixed Committee. I think that no vote is necessary and I take it that it is unanimously accepted.

*Agreed.*

The next plenary meeting of the Conference will be held at six o'clock this afternoon, and the only item on the agenda will be the

election of the eight representatives on the Mixed Committee.

**M. Loudon** (Netherlands) :

*Translation* : I wish to ask a question. Will the election be by countries or by individuals ?

**The President** :

*Translation* : By countries.

*The Conference rose at 1.10 p.m.*

## TWENTY-FIFTH MEETING

*Held at Geneva on Saturday, January 24th, 1925, at 6 p.m.*

### CONTENTS.

73. APPOINTMENT OF THE MIXED COMMITTEE OF THE FIRST AND SECOND OPIUM CONFERENCES (COMMITTEE OF SIXTEEN) : LETTER FROM THE PRESIDENT OF THE FIRST OPIUM CONFERENCE.
74. ELECTION OF THE DELEGATION OF EIGHT MEMBERS TO REPRESENT THE SECOND CONFERENCE ON THE COMMITTEE OF SIXTEEN.

President: M. Herluf ZAHLE.

73. APPOINTMENT OF THE MIXED COMMITTEE OF THE FIRST AND SECOND OPIUM CONFERENCES (COMMITTEE OF SIXTEEN) : LETTER FROM THE PRESIDENT OF THE FIRST OPIUM CONFERENCE.

**The President :**

*Translation* : Immediately after our decision of this morning, I wrote to the President of the First Conference, communicating to him the resolution you had passed. I have just received a reply from him, which reads as follows :

"I have the honour to acknowledge the receipt of your letter of to-day's date informing me of the resolution adopted this morning by the Second International Opium Conference, and to acquaint you with the fact that the First International Opium Conference has adopted a resolution, a copy of which I enclose, accepting the invitation of the Second Conference to appoint a delegation to meet a delegation of the latter Conference.

"The delegation of the First Conference will consist of the first delegate of each delegation appointed to that Conference. In the event of his absence, he may appoint a substitute.

*(Signed) van WETTUM."*

The text of the resolution adopted by the First Opium Conference reads as follows :

"The First International Opium Conference,

"Taking note of the resolution adopted this morning by the Second International Opium Conference,

"Accepts the invitation to appoint a delegation to form with a delegation of the Second Conference a Joint Committee which shall examine the proposals, declarations and suggestions which have been put forward by the American, British, French and other delegations on the latter Conference, and shall report the results of their work to the two Conferences as soon as possible."

74. ELECTION OF THE DELEGATION OF EIGHT MEMBERS TO REPRESENT THE SECOND CONFERENCE ON THE COMMITTEE OF SIXTEEN.

**The President :**

*Translation* : The Second Conference might immediately proceed to the election of the eight members to represent it on the Committee of Sixteen.

As regards the procedure for the election, the voting will take place by secret ballot and by roll-call.

The Rules of Procedure of our Conference do not contain any special provisions regarding elections. I would propose, therefore, that we adopt the procedure already followed on similar occasions during our debates; this procedure is defined in Rule 21 of the Rules of Procedure of the Assembly of the League of Nations, and reads as follows :

"When a number of elective places of the same nature are to be filled at one time, those persons who obtain an absolute majority at the first ballot shall be elected. If the number of persons obtaining such majority is less than the number of persons to be elected, there shall be a second ballot to fill the remaining places, the voting being restricted to the unsuccessful candidates who obtained the greatest number of votes at the first ballot, not more than double in number the places remaining to be filled. Those candidates, to the number required to be elected, who receive the greatest number of votes at the second ballot shall be declared elected."

I presume that you will have no objection to adopting this procedure, as you have done so on previous occasions.

I would draw your attention to the fact that the voting will be for countries and not for persons. Voting papers bearing the names of persons will be regarded as null and void.

I have the honour to request the first delegate of Persia and the delegates of Portugal and Canada to be so good as to assist me as tellers.

I request the Secretary-General of the Conference to take the roll-call by countries.

*(The Conference then proceeded to a vote by roll-call.)*

**The President :**

*Translation :* The ballot is closed. I beg the Secretary of the Conference to be so good as to count the voting papers.

The following is the result of the ballot :

States voting.....	35
Absolute majority.....	18

The following States have obtained the following numbers of votes :

United States.....	30
Brazil.....	26
Cuba.....	23
Egypt.....	23
Finland.....	29
Italy.....	25
Persia.....	29
Poland.....	21

Eight States have therefore obtained an absolute majority in the first ballot. I declare these eight States elected by the Second Conference to be members of the Committee of Sixteen.

I will detain you only for a few minutes longer before closing the meeting. Our work is now distributed between three groups of Committees : the Committee which you have just appointed, the Sub-Committees which have not entirely completed their work, and the Co-ordination Committee, which cannot begin its work

before the Sub-Committees have completed theirs. The work of at least one of these Sub-Committees will be affected by the results of the deliberations of the Committee of which you have just elected the members. I would therefore suggest to the eight members of the Committee which has just been appointed that a constituent meeting should be held as soon as possible to elect the President and draw up the programme of the Committee. In my opinion, its work should not be interrupted by the ordinary work of the Conference.

If you have any proposals to put forward, I shall be glad to hear them.

Since nobody desires to speak, I propose that the new Committee should meet on Monday morning at 10 a.m.

*The President's proposal was accepted.*

**The President :**

*Translation :* Before closing the meeting, I would, with the permission of the first delegate of France, quote the memorable words spoken by another French Minister some eighty years ago at a time of crisis. I refer to M. Guizot, at that time Prime Minister, who possessed great wisdom and a profound knowledge of human nature :

“The crisis is at an end ; but I am one of those who know that in this world nothing is ever at an end. Unceasing work, frequently unsatisfactory, for results which are often doubtful and always incomplete, such is life. I accept it without illusions, but also without despondency.”

It is with these words that I desire to close to-day's meeting. I further desire to express my sincerest good wishes for the success of the Committee we have just appointed, and the earnest hope that the work we have done to-day will mark the beginning of a new era in our Conference. *(Applause.)*

*The Conference rose at 6.50 p.m.*

## TWENTY-SIXTH MEETING

*Held at Geneva on Saturday, February 7th, 1925, at 10.30 a.m.*

**CONTENTS :**

75. WITHDRAWAL OF THE DELEGATION OF THE UNITED STATES OF AMERICA FROM THE CONFERENCE : LETTER FROM THE UNITED STATES DELEGATION AND REPLY FROM THE PRESIDENT.

76. WITHDRAWAL OF THE CHINESE DELEGATION FROM THE CONFERENCE : LETTER FROM THE CHINESE DELEGATION.

President : M. Herluf ZAHLE.

75. WITHDRAWAL OF THE DELEGATION OF THE UNITED STATES OF AMERICA FROM THE CONFERENCE : LETTER FROM THE UNITED STATES DELEGATION AND REPLY FROM THE PRESIDENT.

**The President :**

*Translation :* Yesterday, as you know, I received a letter and note dated February 6th from the first delegate of the United States: It reads as follows :

“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.

(Signed) Stephen G. PORTER,  
Chairman."

#### MEMORANDUM.

"The League of Nations, on October 18th, 1923, extended an invitation to the Powers signatory to the Hague Convention, including the United States, to participate in an International Conference which was called for the purpose of giving effect to the following principles, subject to reservations made by certain nations regarding smoking-opium ;

"1. If the purpose of the Hague Opium Convention is to be achieved according to its spirit and true intent, it must be recognised that the use of opium products for other than medical and scientific purposes is an abuse and not legitimate.

"2. In order to prevent the abuse of these products it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for non-medical and non-scientific purposes.

"The joint resolution adopted by the Congress of the United States on May 15th, 1924, authorising our participation in the present Conference, quoted the principles referred to in the preamble and expressly stipulated :

"That the representatives of the United States shall sign no agreement which does not fulfill the conditions necessary for the suppression of the narcotic drug traffic as set forth in the preamble."

"Despite more than two months of discussion and repeated adjournments, it now clearly appears that the purpose for which the Conference was called cannot be accomplished.

The reports of the various Committees of the Conference plainly indicate that there is no likelihood under present conditions that the production of raw opium and coca leaves will be restricted to the medicinal and scientific needs of the world. In fact, the nature of the reservations made show that no appreciable reduction in raw opium may be expected.

"It was hoped that if the nations in whose territories the use of smoking-opium is temporarily permitted would, in pursuance of the obligation undertaken under Chapter II of the Hague Convention, adopt measures restricting the importation of raw opium for the manufacture of smoking-opium or would agree to suppress the traffic within a definite period, such action would materially reduce the market for raw opium and an extensive limitation of production would inevitably follow. Unfortunately, however, these nations, with the exception of Japan, are not prepared to reduce the consumption of smoking-opium unless the producing nations agree to reduce production and prevent smuggling from their territories, and then only in the event of an adequate guarantee being given that the obligations

undertaken by the producing nations would be effectively and promptly fulfilled. No restriction of the production of raw opium under such conditions can be expected.

"In the matter of manufactured drugs and the control of transportation, an improvement over the Hague Convention is noticeable. There is, however, no likelihood of obtaining a complete control of all opium and coca-leaf derivatives. Irrespective of the measure of control provided for manufactured drugs, it is believed that, by reason of the very small bulk, the ease of transportation with minimum risk of detection and the large financial gains to be obtained from their illicit handling, such drugs and their derivatives can only be effectively controlled if the production of the raw opium and coca leaves from which they are obtained is strictly limited to medical and scientific purposes. This the Conference is unable to accomplish.

"In the circumstances, the delegation of the United States, in pursuance of instructions received from its Government, has no alternative, under the terms of the joint resolution authorising participation in the Conference, other than to withdraw, as it could not sign the Agreement which it is proposed to conclude. We desire to make it clear that withdrawal from the present Conference does not mean that the United States will cease its efforts, through international co-operation, for the suppression of the illicit traffic in opium and other dangerous drugs. The United States recognises that the world-wide traffic in habit-forming drugs can be suppressed only by international co-operation, but believes that for the present, at least, greater strides in the control of the traffic may be hoped for if it should continue to work toward this end upon the basis of the Hague Convention of 1912."

I am sure that you all deeply regret the communication I have just made. The first United States delegate is leaving Geneva to-day. By replying to his letter before his departure — and before I could notify you — I felt sure that I should be acting in accordance with the unanimous feeling of the Conference.

This is the text of the letter which I addressed to him :

"I have the honour to acknowledge the receipt of your letter of to-day's date, in which you have communicated to me that the delegation of the United States of America, in pursuance of the authorisation of the President of the United States, finds itself unable to participate any longer in the deliberations of the Opium Conference.

"I beg, at the same time, to acknowledge the receipt of the memorandum enclosed with your letter, in which you have set forth the reason for this action. The letter and its annex have at once been officially circulated to all the members of the Second Conference and sent to the Secretary-General of the League of Nations. I shall, of course, in the plenary meeting of the Conference which will be held to-morrow morning, draw the attention of its members to the contents of your communications.

"I am fully convinced that this decision taken by the United States Government will be received with the profoundest regret by all the delegations assembled at Geneva, who, I feel sure, must still retain the hope that some effective solution may be found for the problems to which so much consideration has been given during these past weeks by us all, and, in particular, by the American delegation.

"I shall take the first opportunity of conveying to the Conference the friendly words you have spoken on behalf of the delegation of the United States as to the kindness of your colleagues at the Conference, and I shall express to the Secretary-General and to the whole staff which has been engaged in the work of this Conference your appreciation of the efficient services rendered.

"May I finally, on my own behalf, thank you for the kind words expressed to me personally. I am most grateful for the loyal and efficient collaboration you have given me in my capacity as President. I hope that you will keep as friendly a remembrance of our relations as I shall. I beg also to transmit to your colleagues in the delegation my warmest thanks.

(Signed) ZAHLE,

"President of the Second Opium Conference."

Our co-operation with the United States delegation has been inspired throughout these long weeks by the most profound interest in our work and by the most sincere desire to attain the object at which all the delegations here are aiming, and to accomplish a truly humanitarian work under the auspices of the League by perfecting what others before us had already begun.

We have voyaged over stormy seas, but all the members of our crew have toiled night and day to overcome the elements — to reconcile views divergent through the very force of facts and circumstances — and by unselfish co-operation to bring our ship safe into port.

We are within sight of land, and I even dare to hope that we shall enter port with colours flying. But just at this important moment one of the most energetic of our fellow-workers has left us. We feel his departure deeply, but I trust that, even without his valuable aid, we may succeed in finding an effective solution for those grave problems with which the Conference is concerned. Our front is still unbroken in this battle against opium. Much has been done and much remains to be done.

We are all determined to maintain this front intact and to make even greater efforts, acting on the Latin adage that nothing has been done as long as something still remains undone. We hope, therefore, that sooner or later we shall find ourselves again co-operating with that great Republic in a work worthy of the highest ideals of civilisation. (*Loud applause.*)

#### 76. WITHDRAWAL OF THE CHINESE DELEGATION FROM THE CONFERENCE: LETTER FROM THE CHINESE DELEGATION.

#### The President :

*Translation* : On my arrival here, a few minutes ago, I received the following letter from the first Chinese delegate :

"I have the honour to inform you that, for reasons given in the memorandum herein enclosed, the Chinese delegation is convinced that its further participation in the Second Opium Conference will serve no useful purpose. May I ask that this memorandum be communicated to the Conference ?

"It is with profound regret that my delegation has felt constrained to take up this position, but, in view of the failure of the Conference to arrive at any satisfactory agreement with regard to the measures to be taken for the suppression of the use of prepared opium, it has felt that no other course is open to it.

"Permit me to avail myself of this opportunity, on behalf of my delegation, to assure you and the members of the Conference and the members of the Secretariat of the League of Nations of our appreciation of, and thanks for, the courtesies shown to us.

"(Signed) Sao-Ke Alfred SZE."

#### MEMORANDUM.

"At the twenty-third meeting of the Conference, at the time when an adjournment of this body was moved in order that opportunity might be given to find, if possible, some means of elucidating and co-ordinating the various proposals, declarations, and suggestions that had been made by different delegations with reference to the measures to be agreed upon by the Powers here represented for the progressive suppression of the use of prepared opium in those territories and possessions in which such use is still permitted by law, the Chinese delegation had the honour to say that, in giving its assent to the motion, no proposal which might be presented to the Conference would be acceptable to China which did not give definite assurance that, within a reasonable period of time, the termination of which could be clearly foreseen, the legalised traffic in prepared opium would be brought to an end.

"It is now apparent from the formal proposals that have been made by the delegations of Great Britain, France, the Netherlands, and Portugal, and insisted upon in the Committee of Sixteen and the Sub-Committee of Five of that Committee, that the Governments they represent are not, at this time, prepared to agree to adopt measures which will meet the desires of the Chinese Government as thus stated.

"It is the sincere hope of China that, in the near future, the policies of these Governments will have so altered that they can see their way to the common adoption of measures that will lead to the early and total suppression of that legalised traffic which is now bringing such misery and moral degradation to the hundreds of

thousands of the citizens of China living within their respective territories and possessions. When that time comes, the Government and the people of China will be glad to co-operate to the extent of their ability.

"The present conditions in China, which, unfortunately, have made it impossible for the Government of China to obtain effective enforcement of its policy of prohibiting the production of opium and its use for other than medicinal and scientific purposes, are temporary in character. The Government of China gives the assurance that it will not depart from this policy with regard to opium, and that it will, at all times, exert all the executive and administrative power possessed by it to enforce that policy. This the Government of China now does, and will continue to do, independently and without regard to the action of other Powers. It is the hope of the Government and the people of China that, reciprocally with their independent effort to suppress the production and control the use of opium within the borders of China, the other Powers will, on their part, make every effort to prevent illegal traffic in opium and narcotic drugs and progressively to suppress the legalised use of prepared opium.

"Inasmuch as it appears that those Powers within whose territories or possessions the use of prepared opium is still permitted by law are not prepared to agree to the inclusion, within the Convention to be adopted by this Conference, of any undertakings whatsoever regarding the progressive suppression of such use, and inasmuch as it is the opinion of the Chinese delegation that the adoption of such undertakings is essential in order fully to effect the purposes which, as declared in Resolution VI of the fourth Assembly of the League of Nations, this Conference was assembled to achieve, the Chinese delegation deems no good purpose will be served by its further continuance in the Conference, and it is therefore constrained to cease its participation therein."

I am sure that in expressing my deep regret at the communication just received from the Chinese delegation, I am interpreting the unanimous feeling of the Conference.

I feel it my duty, in view of the terms of this letter, to make a few observations:

M. Sze informs us that, by order of his Government, the Chinese delegation will take no further part in the work of the Second Opium Conference. The reasons for which the Chinese delegation is obliged to withdraw are mentioned in the second paragraph of the letter which I have just read. This paragraph speaks of: "The measures to be taken for the suppression of the use of prepared opium..."

The reason for the withdrawal of the Chinese delegation appears, therefore, to be that the Conference seems unable to arrive at an agreement with regard to the suppression of the use of prepared opium. This reason is connected with the question of competence, which has never been settled by our Conference, but is based, if I am not mistaken, on a view of the matter different from that underlying the two

Assembly resolutions of 1923. Under the terms of paragraph V of the first resolution, a special conference of representatives with plenipotentiary powers was convened in order to arrive at an agreement on the question of prepared opium. There is no need to go into further details for the moment, but I felt it my duty, when reading a letter which dealt with the question of competence, to make certain observations.

I call upon M. Loudon, delegate of the Netherlands, to speak.

**M. Loudon (Netherlands) :**

*Translation :* Mr. President, ladies and gentlemen, the news which we received yesterday from the delegation of the United States filled us all with consternation. The great Republic, which since 1909 has played so large a part in the question of opium and whose active idealism is personified in such men as the late Dr. Hamilton Wright and the worthy Bishop Brent, has suddenly deprived us of its co-operation.

I shall always be the first to recognise the great debt we owe to American idealism, which the world has to thank for many noble acts and admirable institutions. How valuable the co-operation of the United States would have been in bringing to a successful conclusion the work we have undertaken here, in pursuing which we all have the same end in view and differ only as to the best means of combating the scourge! Such co-operation might have been continued to the very end if, two years ago, at the fifth session of the Advisory Committee on the Traffic in Opium and Other Dangerous Drugs, a misunderstanding had not arisen between America and ourselves concerning the Opium Conferences. This misunderstanding still exists. The memorandum annexed to Mr. Porter's letter proves it.

According to the American view, the work of this Conference should cover the first three chapters of the 1912 Convention, that is to say, the questions of raw opium, prepared opium and narcotics. The United States Government has evidently not realised that the reservations regarding the Advisory Committee's first resolution, formulated in 1923 by India, as regards raw opium, and by the Powers which still permit smoking, as regards prepared opium, were intended to show that the American principles were unacceptable to the Powers in so far as they referred to Chapters I and II of the Hague Convention. In practice, our Conference could apply the American principles only to Chapter III, and to Chapter I in so far as it is connected with Chapter III, that is to say, in so far as it concerns narcotic drugs.

Mr. Porter's instructions, however, involved the application of these principles to all three chapters. India's reservation was ignored. The United States did not take into account the fact that India had not accepted the American interpretation, and, while noting the reservation made by the seven Powers which still allow opium for smoking, she insisted at this Conference — despite the fact that this last-named reservation meant that Article 6 of the Hague Convention (the principle of the gradual suppression of prepared opium) should not be touched — that suppression should be brought about within a fixed period. The very points upon which an agreement was impossible formed,

in fact, the essential features of the American proposals.

The difficulty of reaching an agreement was still further increased by the fact that the United States delegation was bound by rigid instructions which admitted of no deviation during the discussions. May I express the opinion here at Geneva, where other similar meetings will be held, that an international conference necessarily implies mutual concessions, frank discussion and good-will on either side. Any international conference is doomed to failure if one of the parties insists on imposing its will on the others by threatening to break up the conference instead of being prepared to meet the divergent views and arguments which those other parties may submit. (*Applause.*)

Our proceedings here have been rendered still more difficult and almost sterile by the fact that Mr. Porter has never taken the trouble to explain his point of view or even to answer the arguments of his opponents.

One point which particularly struck me in Mr. Porter's memorandum is that, in the case of the consumption of drugs, he demands the co-operation of producing countries, while, in that of prepared opium, he not only ignores the possibility of such co-operation but even goes so far as to say that if production were to be reduced the consuming countries ought to be the first to adopt restrictive measures. It is generally agreed that this is not in accordance with the experience of the Powers concerned, not even of Japan, as M. Sugimura expressly stated.

The impression might very naturally be created in League circles — where, thanks to that admirable spirit of conciliation so aptly named "the Geneva spirit", so many great international works have been set on foot — that this regrettable incident will have a detrimental effect on the League. This, in my opinion, is by no means the case. Any impartial and intelligent observer with a full knowledge of the facts must realise that, in the question now before us, conciliation has been the dominant feature of the whole Conference, with the single exception of the delegation which retired when it saw that its proposals were definitely unacceptable to the majority. It withdrew despite the many concessions made in its favour and without recognising the progress which the proposals formulated at the Conference represented in the anti-opium campaign. My personal view is that if the Conference, despite the reasoned objections of so many delegations to the American proposals, had gone any further as regards concessions, such a sign of weakness would have done great injury to the League.

The United States have left us, but there is nothing to prevent our continuing our work. It is nearing its conclusion and, in my view, thinking people throughout the world will realise that, despite this regrettable incident, the two Opium Conferences have accomplished a work which denotes real progress and which, far from injuring the League, enhances its prestige. (*Applause.*)

**The President :**

*Translation :* Viscount Cecil, delegate of the British Empire, will address the Conference.

**Viscount Cecil (British Empire) :**

Mr. President, ladies and gentlemen, we have had two communications read to us. With regard to that from the Chinese delegation, the Conference, while deeply regretting the withdrawal of the delegation, will doubtless take note of its assurance that the Chinese Government intends to pursue its efforts to suppress the growth of the poppy, for on the success of those efforts much depends.

With regard to the communication from the United States delegation, I have the following declaration to make :

The withdrawal of the members of the United States delegation before a decision of the Opium Conference had been given on their proposals is much to be regretted. Their assistance in the earlier stages of the Conference was greatly appreciated, and it is recognised that some of the most valuable achievements at Geneva owe much to the vigour of American advocacy.

The statement in the American memorandum that the Conference was called to give effect to the principles cited therein requires modification.

It was called in pursuance of the following resolution of the fourth Assembly of the League of Nations :

"The Assembly, having noted with satisfaction that, in accordance with the hope expressed in the fourth resolution adopted by the Assembly in 1922, the Advisory Committee has reported that the information now available makes it possible for the Governments concerned to examine, with a view to the conclusion of an agreement, the question of the limitation of the amounts of morphine, heroin or cocaine and their respective salts to be manufactured ; of the limitation of the amounts of raw opium and the coca leaf to be imported for that purpose and for other medicinal and scientific purposes ; and of the limitation of the production of raw opium and the coca leaf for export to the amount required for such medicinal and scientific purposes, requests the Council, as a means of giving effect to the principles submitted by the representatives of the United States of America, and to the policy which the League, on the recommendation of the Advisory Committee, has adopted, to invite the Governments concerned to send representatives with plenipotentiary powers to a conference for this purpose."

In other words, the chief, if not the only, object of the Conference was to discover some means of arresting the traffic in narcotic and other drugs of addiction, and this object has been in a large measure attained.

The American memorandum, on the contrary, contends that the purpose for which the Conference was called cannot be accomplished. For this, two specific reasons, and only two, are given. In the first place, it is said that the Powers in whose possessions opium-smoking was temporarily permitted under the Hague Convention have, with the exception of Japan, refused to reduce the consumption of smoking-opium unless the producing nations agree to reduce production and prevent smuggling from their territories. That is a complete misapprehension. No such refusal has ever been made or suggested. On the contrary, the countries concerned have

repeatedly stated their purpose to reduce, or rather to abolish, opium-smoking in their territories, and are taking energetic steps to that end. Unfortunately, their efforts in that direction are nullified by the immense contraband trade which is done from neighbouring countries and which, without the co-operation of those countries, they are, in existing circumstances, powerless to prevent. This is not, and never has been, denied. Indeed, the facts and figures quoted as to the smuggling now going on would make any denial hopeless.

In these circumstances, the countries concerned have declined to make themselves parties to a paper prohibition, which would be quite ineffective until smuggling can be stopped by the limitation of production by their neighbours. This is in accordance with the second principle quoted in the American memorandum, which lays down that, in order to prevent the abuse of opium products, the production of raw opium must be controlled. It is also in accordance with the best expert opinion, such as that of Sir John Jordan, and with the experience of the failure of attempts, in the face of smuggling, to stop opium-smoking by prohibition, as, for instance in the Philippines.

But the countries concerned are quite ready to supplement the somewhat nebulous obligations of the Hague Convention for the gradual suppression of opium-smoking by a definite undertaking to suppress it in fifteen years from the date when over-production of opium by their neighbours has been so limited that smuggling is no longer an obstacle to such suppression. They are further ready to leave it to an impartial international authority to say when the fifteen years should start, and they suggest that the producing countries should, on their side, attain the required limit of production within a definite period of years. In the meantime, the consuming countries will continue their utmost efforts to bring opium-smoking to an end — efforts which will be increasingly successful as smuggling diminishes. Moreover, the stoppage of opium-smoking among the one or two per cent of Chinese outside China has no bearing on the drug problem.

The other ground on which it is alleged that the purpose of the Conference has failed is that, without control of the production of raw opium and coca leaves, drugs and their derivatives cannot be effectively controlled owing to the ease with which they can be smuggled. No practical proposal for the control of the growth of coca leaves has been made by anyone. The plant grows wild in certain countries of South America and Java, and in their present condition of population and development it is not seen how its growth can be prevented. Beyond the suggestion to stopping opium-smoking which has already been discussed, only one suggestion for controlling the growth of opium has been made by the American delegation, and that is a declaration that opium ought only to be produced for medical and scientific purposes, apart from its temporary use as prepared opium for smoking purposes in certain countries. On this principle there is no difference of opinion, though, without the co-operation of the producing countries, it evidently cannot be carried into effect. There has been a little difficulty in adjusting it to the centuries-old practice of eating opium in India for semi-medical and other purposes. That diffi-

culty has not yet been dealt with by the Conference, but there is no reason to suppose that it cannot be settled satisfactorily to all concerned.

But it is an error to suppose that the traffic can only be controlled by controlling the production of raw opium and coca leaves. A far more effective way of dealing with this terrific evil is by controlling drug manufacture. It is therefore the more surprising that only a passing reference is made by the American memorandum to the great work of the Conference in elaborating a Convention for the control of the manufacture and traffic in the drugs. That, after all, is the question which chiefly concerns humanity, and which is first referred to in the resolution above quoted.

In a document of some thirty or forty articles, a whole new system is to be set up whereby the output of the various factories is to be reported, the movement of drugs from one country to another is to be followed and the international traffic in them at every point is to be closely controlled. All this is to be under the supervision of a new international board, which is to be empowered, if the amount of drugs going to any particular country seems excessive, to make recommendations to the signatories of the Convention that no more should be allowed by them to go there. Under this system, it is believed that the illicit traffic in drugs will be much more effectively brought under control, and it is admitted that it is this illicit traffic that is at the bottom of the appalling evils of drug addiction which it is the great object of all countries, including the United States, to suppress. Whether this plan will succeed, time alone can show. It is, at any rate, a great common effort against a world evil. All the nations which have been scourged by the evil have combined against it. We had hoped that that combination might have continued till the end of the Conference. Unfortunately, that is not to be so. One of the leading spirits in this cause has felt unable to accept the solutions which we recommend. We profoundly regret it, while recognising the high ideals which have dictated the course pursued by the American delegation. We should have been stronger with them, but without them we will still continue, confident that in the end right will triumph.

**The President :**

*Translation:* M. Daladier, delegate of France, will address the Conference.

**M. Daladier (France) :**

*Translation:* Mr. President, ladies and gentlemen, the French delegation deeply regrets the United States delegation's sudden refusal to continue to co-operate in the work of the Second Opium Conference. This decision is the more regrettable as we have had opportunities of appreciating the generous views and lofty ideals of the Chairman and members of that delegation. Our regret at their departure must not be allowed to prevent us from expressing our personal esteem and our sincere admiration for the energy which they have displayed in their campaign against the scourges devastating the human race. We deplore the fact that they decided to leave before we had really exhausted all the possibilities of arriving at a practical agreement combining the real and the ideal, and before we had really considered all the

means of reconciling views divergent rather than fundamentally different.

Nevertheless, as our President so eloquently said, however regrettable the American decision may be, it must not, and indeed cannot, be allowed to discourage us. Our duty towards the whole world is clear, and the need for our efforts is as great as ever — indeed, even greater. When I weigh the full meaning of the United States memorandum and take into account the criticisms and objections, as well as the positive principles set forth in it, I find fresh reasons for encouragement and action. It is easy to understand that the United States delegation, holding the views that it did, was unlikely to adapt itself to an international conference intended not only to proclaim the higher interests of civilisation but also to take into account the very concrete and various realities which even the noblest idealism must respect if it is not to result in mere illusions and vain hopes.

Mr. Porter hoped to obtain a threefold result at Geneva :

(1) An immediate and considerable reduction in the quantity of raw opium and coca leaves produced throughout the world, pending the strict limitation of such production to medical and scientific requirements ;

(2) An immediate reduction in, and the gradual abolition of, the consumption of prepared opium, pending total abolition ;

(3) A strict control of the manufacture and distribution of narcotic drugs, in order that the present abuses might immediately be rendered virtually impossible.

But a thorough investigation of these three great problems revealed to Mr. Porter obstacles which, despite our best efforts, he too hastily concluded were insurmountable. The countries in which the poppy and coca are grown explained that they could not put a stop to this production too suddenly and thus deprive their nationals of their means of livelihood, without risking economic and agrarian disturbances, the political consequences of which might be very serious.

As it is impossible suddenly to put a stop to the free — and in some cases unlimited — production of raw opium, the consumption of prepared opium must necessarily continue for some time to come. No doubt, in the view of the United States delegate, if it were agreed “to suppress the traffic within a definite period, such action would materially reduce the market for raw opium, and an extensive limitation of production would inevitably follow”. Mr. Porter, however, does not take into account the illicit traffic in opium from which the consuming countries bordering on the producing countries have so often suffered in the past and are still suffering to-day. It was only too easy to show him, by means of facts and figures, to which no reply has yet been made, that this illicit traffic, as long as it persisted to any considerable extent, would render any measures taken to restrict consumption not only futile but even dangerous.

Yesterday, again, I quoted facts and referred to official Chinese documents in my possession proving that the Chinese authorities compel the population, on pain of fines, imprisonment

and even worse penalties, to extend the cultivation of the poppy.

I had hoped that Dr. Sze, the first Chinese delegate, would give an answer this morning to these specific facts, which cannot be denied. Unfortunately, the Chinese delegate has also withdrawn from the Conference. My regret is threefold : that this Conference should be deprived of the assistance of so remarkable an orator ; that I should not have his reply to my questions, and, above all, that I should now be unable to deliver a little speech I had intended for his ears.

However this may be, the lengthy discussions to which these difficult questions gave rise led Mr. Porter and M. Sze to think that this Conference was not able to bring about “a complete control of all opium and coca-leaf derivatives”.

We who have considered these problems in the light of more positive data and who think that progress is to be achieved not by a stroke of the magician’s wand but step by step are in no wise discouraged. We did not place our hopes so high and thus do not share the American delegation’s disappointment. We feel, on the contrary, that we are on the eve of great results, and our regret at Mr. Porter’s departure is the greater on that account. He himself admits that, as regards manufactured drugs, marked progress has been made on the Hague Convention. That Convention, which has formed the basis of our discussions, will be strengthened not only as regards drugs but also as regards the limitation of the production of raw opium and the use of prepared opium.

I am convinced that it is the firm intention of the producing countries from this time onward to control, to restrict and eventually to suppress cultivation intended for illicit purposes, and I most sincerely hope that Chapter I of the American proposals may be included and accepted, without too serious modifications, in the conclusions of this Conference.

As regards the consuming countries, they will undertake to abolish, within a fixed period, and under the vigilant control of the League, the use of prepared opium ; if they can go no further now, it is because it is their duty not to enter into any obligations which they cannot conscientiously promise to fulfil.

Let us, then, continue our work, which is nearing a successful conclusion and will undoubtedly render great service to all mankind. (*Applause*)

**The President :**

*Translation* : I call upon M. Veverka, the Czechoslovak delegate, to address the Conference.

**M. Veverka (Czechoslovakia) :**

*Translation* : Mr. President, ladies and gentlemen, I feel a certain diffidence in rising after hearing the eloquent speeches which so clearly describe the present position and make all recapitulation — and unfortunately all recrimination — superfluous.

Certainly, the net results of the Conference up to date are far from unsatisfactory. We have done a good piece of work in drafting with the active co-operation of all the delegations, the Convention against dangerous drugs. This, in my opinion, was the real purpose of our Conference.



On occasion we have also served, if I may so put it, as a corrective to the final proceedings of the First Conference, by allowing the complex and difficult question of the production of opium and prepared opium to mature. I am persuaded that we have brought the accomplishment of our ideal many years nearer.

This I have no doubt is the view of all present. There remains for us, however, another task, the difficulties of which I will not seek to conceal: it is to convince public opinion throughout the world that our work has been successful. Public opinion is a very uncertain factor and is sometimes too much inclined to judge by appearances and to form hasty conclusions on false analogies. It is our duty to take active steps to dissipate any such misunderstandings.

I appeal, therefore, first and foremost to our colleagues and fellow-workers, the journalists present here, who play so great a part in forming public opinion throughout the world. I call upon them to lend us their valuable aid in this difficult task. I am sure, Mr. President, that we delegates will do all that lies in our power, by stating the facts fairly and frankly, to prevent public opinion from being misled, and that we shall thus dispel the disappointment which might so easily arise. Our duty is the more imperative inasmuch as this disappointment would be proportionate to the hopes placed in the Conference. (*Applause.*)

**The President :**

*Translation :* I call upon M. Buero, the delegate of Uruguay, to address the Conference.

**M. Buero (Uruguay) :**

*Translation :* Mr. President, ladies and gentlemen, the Uruguayan delegation is in full agreement with the views of the British, French and Czechoslovak delegates and associates itself with their expressions of regret at the absence of the United States delegation just when its co-operation was most required to bring our difficult work to a successful conclusion.

My object in speaking now is not only to associate myself with the unanimous views of the Conference concerning the regrettable departure of the United States delegation. It is rather to submit a reservation on the remarks which we have just heard here concerning the interpretation to be placed on the action of the United States.

I have the greatest respect for the views expressed, but I think that this is hardly the moment — just when the United States

delegation is leaving Geneva — to give an opinion on its attitude or the admissibility of its interpretation of the question of competence, as it is not present and cannot reply with regard to questions which it considers should be dealt with differently. Such discretion is the more desirable as I am perfectly sure that the United States Government and people will not refuse to give us their co-operation in the near future when further efforts are made to set the world free from the drug scourge. (*Applause.*)

**The President :**

*Translation :* I call upon M. Ferreira, the Portuguese delegate, to address the Conference.

**M. Ferreira (Portugal) :**

*Translation :* Mr. President, ladies and gentlemen, the Netherlands, French and British delegates have summed up the situation with such precision that further comment is superfluous. I would simply ask you to note that the Portuguese delegation has tried to make some contribution to the humanitarian and practical work with which we are dealing, by submitting to the Committee of Sixteen a proposal representing a compromise between the different points of view.

At the present juncture, we cannot do better than support what has been said by the representatives of the countries more directly interested than ourselves in the question of opium.

In all fairness, however, we must do justice to the idealism of the great American Republic, which is revealed in the principles laid before us by its delegation. Our discussions have proved that those principles are accepted by all of us. It is only the question of the means to be employed that divides us. We trust that the differences of opinion existing between the various countries will disappear in the course of subsequent meetings, after we have gone more deeply into the problems for which we are seeking a solution.

**The President :**

*Translation :* There is no one else on my list to speak, and if no one else wishes to do so, I shall regard the discussion on the first item of our agenda as closed. I think that it would be best to adjourn the other two items until this afternoon.

Before concluding the proceedings, I would add that I consider myself authorised by the Conference to reply to the first Chinese delegate's letter on the lines of my reply to the American delegation's letter. (*Assent.*)

*The Conference rose at 12.50 p.m.*

## TWENTY-SEVENTH MEETING

*Held at Geneva on Saturday, February 7th, 1925, at 3 p.m.*

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**77. EXAMINATION OF THE REPORTS OF THE SUB-COMMITTEES : STATEMENT BY THE PRESIDENT.**

**The President :**

*Translation :* This afternoon we will proceed to the discussion of the second item on our agenda, namely, the examination of the reports of the Sub-Committees.

Before we begin this examination, permit me to say that, in my opinion, to-day's discussion on these reports must refer to the principles embodied in them and not to their actual texts. Any votes that are taken will be taken on the principles involved.

In accordance with the resolution adopted by the Conference it is necessary that the reports should be adopted in order that the Drafting Committee may officially begin its work. It is therefore of the greatest importance for the result of the work of this Conference that the Drafting Committee should know that you approve the principles embodied in these reports.

This should, therefore, in my opinion, be the object of our work to-day.

*Agreed.*

**78. EXAMINATION OF THE REPORT OF SUB-COMMITTEE A.**

**The President :**

*Translation :* Let us begin with the examination of the report of Sub-Committee A (Annex 19).

I call on Sir Malcolm Delevingne, the Rapporteur of this Sub-Committee, to address the Conference.

**Sir Malcolm Delevingne** (British Empire), Rapporteur :

As the Sub-Committee, which was entrusted with the consideration of the first part of the Advisory Committee's proposals, was forced to abandon the scheme suggested by the Advisory Committee and to substitute a new scheme framed on different lines, it has submitted for the consideration of the Conference a rather full report explaining both the general outlines of the scheme and commenting on the more important details of it. It is unnecessary, therefore, for me to say anything by way of explanation regarding the proposals of the Sub-Committee at this moment; but, of course, as Rapporteur, I shall be happy to deal, if I can, with any question which may be raised upon the report.

I ought to say, however, that there are some differences on points of detail in regard to the constitution of the proposed Central Board and the supply of statistics by the signatory Governments, between the recommendations of Sub-Committee A and the recommendations of Sub-Committees B and D. Those differences have been discussed at a meeting of the Co-ordination Committee and, I believe, have been satisfactorily settled. I understand that Sub-Committees B and D are prepared to accept the recommendations as contained in the report of Sub-Committee A.

**The President :**

*Translation :* The discussion is open on the report of Sub-Committee A. Does anyone wish to speak on the principles contained in this report?

As no one has any remarks to make, I will consider the report of Sub-Committee A adopted in principle by the Conference.

This report will be forwarded to the Drafting Committee.

**79. EXAMINATION OF THE REPORTS OF SUB-COMMITTEE B.**

**The President :**

*Translation :* We have two reports of Sub-Committee B to examine (Annexes 20 and 21).

I call on M. Dinichert, Rapporteur for the first report, to address the Conference.

**M. Dinichert** (Switzerland), Rapporteur :

*Translation :* The report before you (Annex 20) has the doubtful privilege of seniority. It is indeed by far the oldest of the reports which you will be called upon to consider this afternoon. I only point out this fact in order to excuse its antiquated appearance.

You will notice — or you would notice if you were reading it — that a part of the report, Items 3, 4, 5 and 6, have merely a documentary interest, because, at the beginning of December last year, when this part was discussed, Sub-Committee B had to deal with a certain number of proposals put forward by the Advisory Committee and also by the delegation of the United States of America. These proposals, however, have now merely an historic value, because subsequent investigations, particularly in Sub-Committee A, appear to show that these proposals could not and should not be retained.

With regard to the points to which I have to refer, there are, in fact, only two of interest, and these agree in their essentials with two proposals also submitted by Sub-Committee A. These refer, on the one hand, to Customs statistics, and, on the other, to statistics relating to stocks.

As our President has rightly requested us not to enter into unnecessary details but to refer only to general principles, I think I may conclude by stating that these two questions, which were adopted in principle as regards Sub-Committee A, may be considered as accepted also with regard to the work of Sub-Committee B. It is true that there are differences as regards the period of grace, and therefore this report is the only one that has been discussed by the Co-ordination Commission; but the Conference may possibly consider that this

question of the period of grace, without being a drafting matter, may, in present circumstances, be referred to the Drafting Committee. It will rest with this Committee then to find the best solution among the various periods of grace proposed, perhaps an average period. We shall then be able to go into the question of periods of grace more fully when the Drafting Committee brings us its proposals.

If you are of my opinion, I may consider my statement as concluded. I should like to add, like Sir Malcolm Delevingne, that if you wish for more detailed information I shall be glad to see that this report has aroused a certain interest and shall be entirely at your disposal to answer any questions that may be raised.

**The President :**

*Translation :* The discussion on the first report of Sub-Committee B is open. Does anyone wish to speak on this report?

As no one wishes to speak, I regard it as adopted in principle by the Conference and referred to the Drafting Committee.

We will now examine the second report of Sub-Committee B (Annex 21). I call on Mr. Shepherd, the Rapporteur, to speak.

**Mr. Shepherd (Australia), Rapporteur :**

I do not think it is necessary for me to make any comments on this report. It speaks for itself.

There are only two points which will require special consideration — the proposal for the appointment of a commission of enquiry and investigation of a general character, and the proposal for the appointment of a committee of enquiry in regard to the Persian position, in particular. At this stage of the proceedings, I do not think it is necessary for me to make any further remarks on the report.

**The President :**

*Translation :* The discussion on this report is open.

Mr. Clayton, delegate of India, will address the Conference.

**Mr. Clayton (India) :**

Mr. President, ladies and gentlemen, Sub-Committee B has altogether failed to come to any definite decision on an important part of its agenda and that, I presume, is why the Rapporteur did not mention that point in speaking just now. There is, in consequence, no recommendation before the Conference as to the amendment of Chapter I of the Hague Convention. The delegation which put forward a proposal for the amendment of Article I has, to the great regret of us all, a regret which the Indian delegation shares to the full, ceased to take part in our deliberations. In those circumstances, some statement seems desirable from the Indian delegation explaining why, though the present world position as regards opium production is admittedly most unsatisfactory, that delegation has taken the lead in opposing any alteration of the present Article I.

I have no wish to reopen the question of competence. I simply say that, had India been given full warning that the question of the production and internal consumption of raw opium would be raised in the Conference, she might have examined the question and might have been able possibly to make useful

suggestions. Faced suddenly with a question which goes to the very root of the opium administration in a country containing 320 million people, it was impossible for the delegation to do more than defend the present position. I desire to say very clearly that that position of defence concerns only the internal question.

As regards the external question, the question of external trade, I wish to say as clearly as I can that if, at any time in the course of the discussions in Sub-Committee B, there had been any indication that the addition of the two words "for export" to the American proposal would have proved acceptable, they would have been readily accepted by my delegation. I desire to say again that, if it is desired to make the same proposal here, no objection will be raised on the part of the Indian delegation.

I would ask the Conference to consider for a moment the world position when the Hague Conference first met. There were two main producing countries, India and China. India had been slowly evolving her monopoly system for a hundred years and was steadily improving it. Good results were being obtained. Only twenty years before, her methods had been thoroughly approved by a Royal Commission.

China was embarking on a policy of prohibition apparently with success. Two different policies working on different lines were before the Hague Conference. The policy adopted by the Conference was to trust the producing nations to work out their own systems. They were asked to control production and consumption, to suppress abuses and to prevent contraband. That obligation India accepted and has always fulfilled.

Now, after twelve years, China, for unfortunate reasons of which we know, has gone back, but India has made progress. Her control over opium consumption in her vast territories is equal to that of European nations. Her contraband is insignificant. Her internal consumption has been very greatly reduced. If you will turn to the summary of information supplied to this Conference (Document O. D. C. I. (1)), you will see that the consumption per head has fallen to 1.14 grammes — that is, to 17.72 grains. Now, the morphine content of Indian opium is about 8 per cent as against 12, 14 or 16 per cent in the case of opium used in Western countries. For the purposes of comparison, the Indian figure should therefore be reduced by one-third and stand at about 0.74 grammes, that is, nearly 0.5 grammes less than Switzerland, and less also than several other countries, in none of which has there ever been any suggestion that a drug problem exists.

This is not all. India is predominantly an agricultural country. Her stock of cattle is enormous. The Government regularly takes a cattle census, a thing which, I think, is not done in most European countries. We know, therefore, that there is in India to every two of the human population one head of cattle or horses.

Opium is the main veterinary drug used by the Indian people. The dose in the case of horses or cattle, which in India are liable to colic and other diseases, is larger than in the case of human beings. It is fair, therefore, to make a further reduction, and if we put

that reduction at one-third we get the figure of actual human consumption of approximately half a gramme per head per annum.

I do not want to make any invidious comparisons, but it is worth noting that this figure is less than the figures reported in the document, to which I have just referred, for the United States, for England, for Sweden, Canada, Finland or New Zealand, and it is only a few hundredths of a gramme more than the figure fixed the other day by Sub-Committee F of this Conference for the legitimate needs of European countries possessing a highly developed system of medical assistance.

These are the results obtained by the Indian system, of which the Indian Government and the Indian people are justly proud. The other day one of the delegations made a remark which I did not take up then, nor do I wish to take it up now. I only wish to say that if any nation thinks that there is any discredit in standing side by side with India in achievement under the Hague Convention it is a discredit which that nation will have to bear. For, Mr. President and gentlemen, we are already by the side of Western nations, and we propose to stop there. If anything, we hope to outdistance them.

I have said that the international position with regard to opium production is unsatisfactory. I do not deny that, but what is the cause of it? I venture to say it is due to the fact that other nations have either not signed the Hague Convention or, having signed it, have found it impossible to carry it out. Certain nations have signed it so recently that they have not had time to evolve any efficient system for fulfilling their obligations. I suggest that the right course is not to make India alter her system but to ask these other producing nations to follow the Indian example in their own way. Let them work out their own system, and they will, we hope, have the same success as we have had in India.

I have been asked why, if India has so nearly reached the medical standard of Western countries, she cannot now accept the medical and scientific test of consumption.

That is a fair question. If I am to answer it, the Conference must pardon me if I describe for a moment the position as it is in India. A great English statesman has said that one should use large maps. If you desire to consider the question of opium in India you will require a large map. India is not a country; it is a continent. It has a population of 320 million people. It is not a country of towns; it is a country of villages scattered about in all parts of that vast territory, inhabited to a large extent by small agriculturists, each working a tiny holding, or by persons engaged in occupations subsidiary to agriculture, who are subject to all the hundred-and-one tropical diseases which infest undeveloped tropical lands. As the Conference is well aware, there are not only diseases like fever and malaria but also diseases of the intestines, such as cholera, dysentery, diarrhoea, colic, and many others which I might mention, and these diseases are very, very frequent. For all these diseases during the last 400 years the Indian peasants and the Indian population generally have found in opium a household remedy.

In the course of this Conference the utility of opium as a medicine for such diseases has

been disputed. As regards malaria, those who wish to dispute its utility would do well, I think, to read a most interesting account of the use of opium in this connection which is contained in the report of the Royal Commission on Opium. It was there pointed out that Indian opium contains a large proportion of anarcotine, a product which is so valuable as a febrifuge that about a hundred years ago, when there was a shortage of quinine, the Government of India actually extracted that anarcotine and served it in bulk to its dispensaries as a febrifuge. With regard to other diseases, the value of opium is admitted everywhere. If further proof were needed, I could point to a reference in an official report issued in 1924 in the United States. In remarking on the large number of opium addicts in the southern States of America, it is especially noted that this large number can be accounted for by the known value of opiates in treating diarrhoeal diseases.

There is a further point which I would like to mention, and that is the experience of Europeans in India. Young Europeans going out to India for the first time are subjected to a very strict medical examination, and I suppose the same thing applies in all other tropical countries. It might therefore be said that they represent plus A1 class among the human population of their homeland. Nevertheless, the mortality from these tropical diseases among young men who go out — and not only young men but men who live in the East at all stages of their lives and stay out there — is very large. One of the first recommendations made to any young man who goes to India is that he should keep a bottle of chlorodyne in his pocket for treatment in diseases. I have here a one-ounce bottle of chlorodyne which I purchased, in Geneva the other day; it contains 300 milligrammes of morphine, equal to 3 grammes of Indian opium. That is the amount consumed in one year by six average Indians.

Speaking for myself personally, so long as I am in England, I do not bother to keep a supply of opium. After all, one can always find a chemist, and tropical diseases are not common. I expect a good many members of this Conference, when they require medicine, go and buy it at the chemist's. In India the chemist is far away; one cannot be sure of him; and therefore one always keeps some chlorodyne at hand.

One of the first things I do on arriving in the East is to pay a visit to a chemist's shop, so that I may be sure that, whatever else may be or may not be among my household drugs, at any rate opium will be there.

Now, if that is the rule for the European population living temporarily in the East, why should it not also be the rule for the indigenous inhabitants of the same country?

That is the basis of the medical or semi-medical use of opium in India. There is further what might be called the non-medical use. We call it non-medical, because it is difficult strictly to bring it within any medical definition. It may be compared with the use of alcohol in Western countries. Many elderly men, or men as they advance towards middle age, find it increasingly difficult to keep up with younger men, and in India they take a small dose of opium in the evening. Again, a man comes in tired, worn out, wet through,

and cold from his work; he is a poor man and he has to be ready for work next day. Well, he takes a little opium in the evening, and the result is that he is fit for work next day. Many such cases could be quoted. It is difficult to bring them under the heading of "medical", though in a sense they are medical, but they occur with great frequency all over India.

I will not go further into the question of the non-medical use of opium. Let me summarise it by repeating to the Conference the actual findings of the Royal Commission on Opium in 1893. I would point out to the Conference that one of the members of that Commission, which published a unanimous report, was one of the leading members of the Council of the British Anti-Opium Society. These are the words of the report :

"We have made exhaustive enquiry into the consumption of opium in India and its effects. We find no evidence of extensive moral or physical degradation from its use.

"Opium is extensively used for non-medical and quasi-medical purposes, in some cases with benefit, and for the most part without injurious consequences. The non-medical uses are so interwoven with the medical uses that it would not be practicable to draw a distinction between them in the distribution and sale of the drug."

Then there are certain social and religious customs in which opium plays a part. These, as might be expected, are very various when the population is as large as that of India. I will not go into them in detail. The Conference will understand that it is very difficult, if not impossible, for a central Government to interfere with such customs.

These remarks, I think, will give the Conference some idea of the position in 1813—1813, not 1913. Prohibition had then been tried and failed. There was a very strong public opinion against the abuse of opium. There is still. The Government started work on the lines of public opinion and introduced a strict monopoly control from the producer to the ultimate consumer.

At the present time, all opium in British India is grown on account of the Government and it is sold to the local Governments by the central Government. The local Governments supply it to the Government licensees, and from the Government licensees it reaches the actual consumer. The system is a Government system, an official system, throughout.

It has been suggested that we are wrong because we have a Government system and not a system working through medical or veterinary practitioners and chemists. No alternative system is practicable in the situation that now prevails. There are no doctors, strictly speaking. I know of administrative districts containing sometimes more than a million souls in which there may be one, and perhaps not even one, doctor qualified according to Western standards, and his time is fully occupied in the hospital in the central town. Over a very large portion of its area there are no doctors as doctors are understood in Europe, and I would point out to those who are pressing for this system of control by doctors and chemists that the acceptance of a doctor or a chemist as the judge of what drugs a man should take

is, even in Western lands, of very recent growth. Even now it is not entirely accepted. There are anti-vaccinationists, who do not accept the doctor's opinion, and there are Christian scientists who are known to disregard it. There are many other sects who by no means have agreed to surrender their right of choice to that of the doctor or the chemist.

It is true, however, that in the West people do accept doctors and chemists as a reliable agency for supplying them with drugs. At the same time, you will find everywhere — and in the papers before this Conference the demand is clear — a demand that drugs in small quantities, even opium in small quantities, shall be available for those who want them, without any great restriction, and that chemists should be able to sell them in small quantities to people who want them for urgent treatment. The urgency of the treatment is an important matter. If the distances are enormous, as they are in India, if the doctor is fifty or a hundred miles off, he is of no use to you. The treatment for all these tropical diseases has to be given quickly. Whether the patient be an animal or a human being, it will be too late if the remedy cannot be applied here and now. The result is that, where there are no doctors or chemists, the only control possible is the control of the Government; the only doctor known to the people is Dr. Custom. They treat themselves as their forefathers taught them, and there is no other method which they will accept. It seems to me that there is no objection to that so long as no abuses occur, and the Government of India has found that by close Government control, by raising prices, and by perfecting its monopoly it has by slow degrees so reduced the abusive use that it could finally arrive at the results which have been obtained to-day, that is to say, that the human *per capita* consumption is on a level with that in European countries.

The only question, to my mind, appears to be whether the system is in fact efficient. I have told you the results, and given figures for the human *per capita* consumption. I have told you that in 1893 the Indian system was examined and approved by a Royal Commission. You are aware that in 1912 the position was explained to the Hague Conference and the Indian system was accepted by that Conference.

Further, I can tell you that during the past year a careful examination of the whole system was carried out on behalf of the Servants of India, a nationalist society of moderate views, by no means dependent upon the Government. The articles in which the results of that enquiry are contained appeared in the Servants of India newspaper and are very interesting. The general conclusion of the author, Mr. Kodanda Rao, was that there was nothing to find fault with in the Indian Government's policy. He admitted that everything was not perfect, and in that the Government of India would agree. There are still, no doubt, some abuses, but in what country are there not abuses? He points out what is perfectly true, that the remedy for those abuses lies in the hands of the Legislative Councils of the various provinces, to which, by the Government of India, the control of opium has now been transferred. If, therefore, in any province in India public opinion desires to go further than the present Indian

system, that opinion has only to make itself felt through the polls and it will be in a position to obtain the end desired.

I do not claim that there are no abuses of opium in India. No doubt there is much to be done; we have still a long way to go. What I do claim, however, and I desire to claim it with all the assurance at my command, is that, inasmuch as in India contraband has been reduced to very small proportions, all such abuses as exist are definitely and closely confined within the average human consumption of half a gramme per annum, or one-sixth of the opium contained in an ounce bottle of chlorodyne. In view of this fact, I put it to the Conference that no case whatever can be established for scrapping the well-established system of control in India. On the contrary, from considerations of efficiency and humanity, there appears to be every reason why that system should be retained.

I have not exhausted the case of the Government of India, but I fear that I have exhausted the patience of the Conference. Before I sit down, I desire to make an appeal to my colleagues — not to their idealism, but to their statesmanship. Is it even *a priori* probable that an identical system of control can be applied with equal efficiency alike in producing and consuming countries, in countries of the West and in countries of the East, in countries with a highly developed social organisation and in countries where the life of the people proceeds on much more primitive lines?

It has been shown that in the case of India (and it is probably true also of other producing countries) the medical organisation, which is the very foundation of the method proposed by the United States and other Western countries, is almost wholly non-existent. It has been shown that in India, by another method, by direct Government control, results equal to those of the United States have been obtained. Surely, then, the only statesmanlike plan open to the Conference is that, in producing countries at any rate, the choice of method should be left to the decision of the particular State concerned.

Let there be a universal aim — the suppression of the abuse of opium. Let there be a universal obligation to enact effective laws and regulations to secure that aim. Let there be a universal test of the efficiency of these laws and regulations, namely, the figure of annual consumption per head of human beings. Let a central board, if necessary, apply that test and publish the results for the world to know. But, as to the actual tenor of the laws and regulations to be enacted, let each State be free to enact them in the manner which is best applicable to its own particular local circumstances. That, gentlemen, was the conclusion of the Conference which precluded the Hague Convention of 1912, and it will, I trust, also be the decision of the Second Opium Conference of 1924-1925.

**The President :**

*Translation :* If I have understood you correctly, you wish to ask the Drafting Committee to prepare the text for putting into force Chapter I of the Hague Convention, adding the words "for export" to the proposal that has been made.

**Mr. Clayton (India) :**

The view of the Indian delegation is that, as

no recommendation has been made by the Sub-Committee, no change will be made in the present wording. That is the position which the Indian delegation would prefer.

In the course of my speech, I stated that if, at any moment in the past, anyone had expressed, or if in the future anyone should express, the desire to move the United States proposal, plus the words "for export", then in that case the Indian delegation would have no objection.

**The President :**

*Translation :* M. Falcioni, delegate of Italy, will address the Conference.

**M. Falcioni (Italy) :**

*Translation :* I appreciate the statements made by the Indian delegate, who has accepted the United States proposal with regard to the first article. I understand perfectly the special conditions obtaining in India which suggested the amendment proposed, but, in view of the fact that these conditions do not exist in other countries, I would request him not to insist on this amendment in the interest of the success of this Conference.

On behalf of the Italian delegation, I beg to submit the following declaration :

"The Italian delegation regrets its inability to associate itself with the Indian delegate's proposal, and is of opinion that no change should be made in the text of the American proposal, although each State should have the right of adhering thereto with any reservations it may judge advisable."

**The President :**

*Translation :* I understand the Italian declaration to mean that the Italian delegation endorses the American proposal.

**M. Falcioni (Italy) :**

*Translation :* That is so.

**The President :**

*Translation :* M. Chodzko, delegate of Poland, will address the Conference.

**M. Chodzko (Poland) :**

*Translation :* I wish to state at the outset, with regard to the discussion on the work of Sub-Committee B, that as this work is finished, I regret to say, not very happily, I resume my freedom of action.

I have some remarks to make in reply to Mr. Clayton's speech, for, as a delegate of my Government and as a doctor, I cannot pass over in silence some of his remarks. I recently stated that it is very dangerous to enter into medical discussions in the plenary meetings of this Conference. As my humble advice was not accepted, I am compelled to speak on this subject.

Mr. Clayton bases his arguments on quotations from the report of the Royal Commission of 1893. As you see, this is an old report, and since that time medical science has made great progress. Naturally, I do not deny the good intentions of the members of that Commission, but the results of their work correspond with the state of science at that period. Now, however, the question has assumed a different aspect. Moreover, after examining this report care-



fully, I cannot agree with Mr. Clayton that it was adopted unanimously, and I would like to draw attention to the adverse vote of one member of the Royal Commission, Mr. Wilson, member of the British Parliament. This vote is of particular interest.

I will pass over many questions which are of no interest to this Conference, and will merely draw attention to the passage relating to the effect of opium on malaria. Mr. Clayton mentioned a certain product called "anarcotine." In this same report we read that the Indian Medical Department had, even at that time, put a stop to the production of this preparation, because quinine was recognised as a much more effective remedy against malaria.

We read in this report that the doctor who had discovered this drug, which was a constituent of opium, had first called it "narcotine". As this name had given rise to suspicion among the people, he changed it and called the drug "anarcotine", as you may see on page 110 of the report. This fact is characteristic, and shows us the real sentiments of the people with regard to narcotic drugs.

I will pass over the other arguments regarding dysentery, etc. This disease is known in every country, but it is no justification for free traffic in opium. I would also like to draw your attention to an expression which appears to me to be somewhat strange, viz., "semi-medical". I must point out that this expression is not known to medical science; a thing is either medical or non-medical, and I think even the inventor of this word could not give it an exact meaning. This expression cannot be admitted by any Government which wishes to base its opinions on modern science, and I think that there is no Government which does not wish so to base them.

I would like to say that, if Mr. Clayton had submitted his views and added that he was speaking of Indian internal questions, I should not have raised any objection. But, since he has introduced medical arguments, I feel that I have a right to reply to him. He said, *inter alia*, that there was not a sufficient number of doctors in India, and that this forms a serious obstacle to the supervision of the distribution of drugs in general. I believe that there are in India a great number of dispensaries, and it might be possible to use them for organising a much more stringent control. This remark, moreover, merely refers to a question of detail.

Finally, I must admit that I experience a certain feeling of disappointment and regret when I see Mr. Clayton, for whom I have the highest respect, defending questions which are outside his competence and a cause which is not even defensible.

In the report of the Royal Commission there is a very interesting passage, which reads as follows: "On October 24th, 1817 (that is more than a hundred years ago), the Directors of the East India Company, writing to the Governor-General of India, referred to their desire 'to restrain the use of this pernicious drug'." It is stated further on that "were it possible to prevent the use of the drug altogether, except strictly for the purpose of medicine, we would gladly do it in compassion to mankind." This is what officials of the East India Company wrote a hundred years ago. I regret that to-day the arguments used are very different.

But, returning to the immediate question before us, I wish to state simply that I support the proposal submitted by the Italian delegate — that is to say, that Article I of the United States proposals should be adopted as it stands, without amendment. (*Applause.*)

**The President :**

*Translation :* I understand the last remark of the Polish delegate to mean that he accepts the Italian proposal, which includes not only the adoption pure and simple of the United States proposals but also special terms, giving each State the right to adhere to them with any reservations that it may think necessary.

**Dr. Chodzko (Poland) :**

*Translation :* Yes, that is so.

**The President :**

*Translation :* Mehmed Sureya Bey, delegate of Turkey, will address the Conference.

**Mehmed Sureya Bey (Turkey) :**

*Translation :* In the memorandum which the Secretariat has distributed to the members of the Conference<sup>1</sup>, and in the course of the sittings of Sub-Committee B, I have endeavoured to show the difficulties in the way of limiting the cultivation of the poppy in Turkey, and my declaration to Sub-Committee B has clearly shown my Government's view on this question.

In the present state of affairs, this question can be regarded from two angles :

- (1) That of countries which suffer from the improper use of morphine and its derivatives ;
- (2) That of countries which export raw opium for use in morphine factories.

Countries belonging to the first category are victims of illicit traffic, in spite of all rules made to suppress it. These countries cannot arrive at a satisfactory result. They propose that the producing countries should enact effective laws or regulations for controlling the production of opium.

The argument of the producing countries is that they are purely agricultural countries, in which industry and trade are not developed, and that their export consists principally of agricultural raw materials. This is, for instance, the case as regards Turkey.

It will be impossible to obtain a positive result in Turkey by enacting laws restricting the cultivation of the poppy; it is a very important agricultural product. The peasant must obtain some other resource before such a measure could be taken, and this would require time and money. Anyone undertaking to defend the interests of the peasants and to explain their point of view would say: "I know that the opium produced by the peasants is necessary for medical and scientific requirements; I know also that this production gives rise to abuses; as you propose that I should reduce it and co-operate in the task of reform, I agree to limit my cultivation of the poppy on condition that you, in turn, will assist me to make good the loss which this limitation will

<sup>1</sup> Vide Minutes of Sub-Committee B annex 8.

involve." That is exactly the position in my country.

Viscount Cecil has said on various occasions that Great Britain cannot enter into any engagement which it would not be able effectively to fulfil. Similarly, the Turkish Government cannot sign a document the provisions of which it considers to be inapplicable. The Turkish Government cannot consider the limitation of the production of opium so long as it has received no assurance that the proposals which it formulated in Sub-Committee B will be adopted in principle.

**The President :**

*Translation :* M. Yovanovitch, delegate of the Kingdom of the Serbs, Croats and Slovenes, will address the Conference.

**M. Yovanovitch** (Kingdom of the Serbs, Croats and Slovenes) :

*Translation :* I had no intention of explaining my Government's point of view, but since the other producing countries have expressed their views, I take the liberty, in my turn, of acquainting you with the present situation regarding opium in my country.

In a document distributed to the members of the Conference<sup>1</sup>, the Serb-Croat-Slovene delegation has given all the necessary information regarding the cultivation of the poppy in the Kingdom and has at the same time expressed the point of view of its Government.

I venture to give quite frankly the reasons for which we are unable to agree to the proposals regarding the limitation of the cultivation of the poppy in our country.

Before the war we produced about 200 tons of opium ; at present the production has fallen to half this amount. If it is taken into account that before the war our country had only four million inhabitants and that it has at present thirteen millions — that is to say, three times as many as before the war — the reduction in the production of opium in comparison with the number of inhabitants is still greater. Consequently, the production of opium has been effectively reduced in the Kingdom of the Serbs, Croats and Slovenes.

There can be no further reduction for the following reasons :

(1) The districts producing raw opium are restricted to soil which, by its nature, cannot be usefully employed for other crops.

The cultivation of the poppy could only be replaced by that of tobacco, vines, or cotton. With regard to tobacco and vines, it would be impossible to substitute them, for they are already over-produced in the country, and no adequate markets have been found for the surplus. For example, the Government has been obliged to purchase about 15 million kilogrammes of tobacco which could not be sold.

The position in the wine market is still more serious, on account of the large production, on the one hand, and, on the other, the prohibition of consumption and the importation of wine into certain States ; as a result, a large portion of the wine produced in the country has not been sold. With regard to the cultivation of cotton, there are two practical difficulties : the insufficient knowledge of the intensive cultivation

of this plant and the lack of capital necessary for operations which must be carried out preparatory to actual cultivation, such as irrigation and other work.

(2) Any further reduction in the cultivation of the poppy, which has already reached its minimum, would cause social disturbances, as the producers of opium would be deprived of their principal resources. The cultivation of the poppy alone supplies these people with sufficient means of existence, and the peasants producing opium employ their wives and children in the work and thus save a part of the cost of production. If we deprived these producers of their principal means of livelihood, we should create a social proletariat, always liable to being increased by economic crises. Moreover, we must take into consideration the fact that the districts in question were the scene of constant fighting from 1912 to 1919, and that the population still suffers severe hardships. Any fresh economic crisis would involve very grave consequences.

(3) If the approximate world production of raw opium is taken as 16,000 tons, the production in our country (100-150 tons) does not represent even one per cent of the total. If our entire production were stopped, therefore, it would have hardly any effect on the world production, and any measures that we might take would have no influence on the aim which we have in view.

By restricting our production we should be depriving a certain number of our nationals of their livelihood ; such sacrifices would in no way benefit the general cause but would merely favour our competitors.

(4) In support of our case, we consider it important to state that the abuse of opium is quite unknown in our country, and our opium is exclusively used for the manufacture of products for medical and scientific requirements. Our opium is exported for the most part to the United States of America, England, Germany and Switzerland. It is generally known that no opium is exported from our country as contraband.

To these observations, which apply solely to our country, I may add a few remarks of a general nature.

In the opinion of my delegation, the struggle against this scourge of humanity cannot be successfully carried on simply by limiting the cultivation of the poppy, in view of the fact that it is impossible to organise an effective control in all countries on account of the great extent of the territory of some and the lack of technical staff for exercising the control.

Moreover, it is evident that in certain countries, in spite of the good-will shown by the Governments and the measures adopted, the production of opium has considerably increased.

In drawing up a Convention, it is not sufficient to stipulate its provisions ; we must see that they are loyally carried out. We could not sign a Convention unless we were convinced that it would be successfully applied and would attain the object which we all have in view.

I would here refer to Viscount Cecil's speech before the Committee of Sixteen. The British delegate pointed out that perfectly definite obligations binding the producing countries are already provided for by the Hague Convention ; these provisions did not give the

<sup>1</sup> Vide Minutes of Sub-Committee B, annex 9.

expected result, simply because they were not applied and not because they were bad.

The first French delegate, in the remarkable speech which he made this morning, stated that he had received detailed information to the effect that the cultivation of the poppy was increasing in the largest producing country, and that, moreover, the authorities compelled the peasants to undertake the cultivation of this plant.

Under these circumstances, it would be impossible for our country, which has already reduced its production by half, to sign a Convention which would compel it to make a fresh reduction in the production of opium.

As a proof of the spirit of international co-operation with which my Government is inspired, it is prepared to give an undertaking not to exceed the present limit of production in the country.

**The President :**

*Translation :* M. Loudon, delegate of the Netherlands, will address the Conference.

**M. Loudon (Netherlands) :**

*Translation :* Permit me to ask a question. I do not quite understand where we are. I think we should be discussing the report of the Sub-Committee, which states that there was not a unanimous vote in favour of the United States proposal. It appears to me, however, that we are really discussing the question whether the first article of the United States proposals should be adopted or not.

**The President :**

*Translation :* I am of opinion that as the Sub-Committee was not unanimous on the various points of view, these views must be clearly stated so as to be a guide for the Drafting Committee. I think I cannot interrupt the present discussion.

I call on Prince Arfa-ed-Dowleh, the Persian delegate, to address the Conference.

**Prince Arfa-ed-Dowleh (Persia) :**

*Translation :* The Persian delegation had the honour to adhere to the first article of the United States proposals, with the definite reservation that the conditions set forth in the Persian memorandum<sup>1</sup>, which was distributed to the Conference at the beginning of our work, should receive due consideration. I can only repeat the statement that I made in Sub-Committee B.

**The President :**

*Translation :* I call on M. Dendramis, the Greek delegate, to speak.

**M. Dendramis (Greece) :**

*Translation :* Among the producing countries, Greece is the one that produces the smallest quantity of opium. Its production plays a very small part in the world market. Greece is therefore prepared to adhere entirely to the first article of the United States proposals only when all the great producing countries have adopted it without reservation.

**The President :**

*Translation :* I call on M. Pinto-Escalier, the Bolivian delegate, to speak.

**M. Pinto-Escalier (Bolivia) :**

*Translation :* I should merely like to ask if the Italian delegation, in proposing that the first article of the American proposals should be adopted, wishes to adopt it in its entirety, *i.e.*, also in respect of coca leaves.

**The President :**

*Translation :* In my opinion, we are not now discussing the question of coca.

**M. Pinto-Escalier (Bolivia) :**

*Translation :* We are discussing the first article, and I asked the Italian delegate if he intended to discuss this particular point. He replied in the affirmative.

**The President :**

*Translation :* M. Falcioni, delegate of Italy, will address the Conference.

**M. Falcioni (Italy) :**

*Translation :* The proposal to accept the first article was made by the Indian delegate, but he proposed an amendment, *i.e.*, that the words "for export" be added. I again beg the Indian delegate not to insist on this amendment.

I should like to repeat the declaration that I had the honour to make just now, so that everyone may be aware of the reservations that it contains and of their importance :

"The Italian delegation regrets its inability to associate itself with the Indian delegate's proposal, and is of opinion that no change should be made in the text of the American proposal, although each State should have the right of adhering thereto with any reservations it may judge advisable."

I have nothing to add, except that I should like to see the first article accepted as it stands.

**The President :**

*Translation :* Mr. Clayton, delegate of India, will address the Conference.

**Mr. Clayton (India) :**

I should like to make a personal explanation. As I explained before, my motion was that Article I of the Hague Convention should remain as it stands. In the course of my speech, I said that, if a motion were proposed to add the words "for export" to the United States proposals, I should be ready to accept it, but the actual form in which I would like to see Article I adopted is the form in which it stands in the Hague Convention.

**The President :**

*Translation :* We have before us the Italian proposal; we are not discussing the question of coca leaves, as this point was not touched upon in the report of Sub-Committee B.

I call upon Viscount Cecil, delegate of the British Empire, to address the Conference.

**Viscount Cecil (British Empire) :**

I feel in a good deal of difficulty about the present position, because I think we are all anxious to lay down as a general principle, as far as we can, that opium ought to be used for medical and scientific purposes only, at any rate as far as the traffic in opium is concerned.

<sup>1</sup> Vide Minutes of Sub-Committee B, annex 7.

The difficulties, as I see them, are considerable. In the first place, there is the question of coca leaves. I do not quite understand the Italian proposal, because, undoubtedly if we simply adopt the American Article 1, it does apply to coca leaves; yet Sub-Committee C has reported definitely that it is impracticable to deal with coca in the same way as with opium, because coca grows wild and there is no possibility of controlling its production in a number of countries. That is one matter we have to consider.

There is yet another difficulty. The Italian proposal is that we should adopt the article as proposed by the United States without amendment, any State having the right to make reserves. I do not know what our legal advisers would say, but I think that, if we put the American article into the Convention without a reserve, any State which was unable to accept that article would have to decline to sign and ratify the whole Convention. It is not possible to sign and ratify a Convention and make reserves unless all the other parties to the Convention agree to accept those reserves, and if any single country refused to accept a reserve it would make it impossible for the State to sign the Convention in that form. This seems to me to be a great practical difficulty in the way of the proposal as it stands.

There is also a suggestion — not a formal proposal — which was made by the Indian delegate — that possibly the difficulty could be overcome if we laid down the principle that no *traffic* in opium should take place except for medical and scientific purposes. That is to say, by putting in the words "for export" we should make it quite clear that no opium was to be exported from a producing country which was not for medical and scientific purposes.

As I understand the other speeches that have been made, and particularly the speech made by the delegate of the Kingdom of the Serbs, Croats and Slovenes and that made by the delegate of Turkey, I am not quite sure whether even that would satisfy them. It did not seem to me to be quite clear whether they would be able to support the amendment. It is quite evident that it is not much use including a provision of this kind in our Convention unless it is one which the producing countries are ready to accept.

In those circumstances, I venture to suggest that we might adjourn this discussion until Tuesday next, or some such date — the next date, at any rate, on which the plenary Conference meets. By that time, I think it is possible that some solution may be found which will meet the views of all parties. I think it would be a very good thing if we could arrive at a solution of that kind, and could find some way of embodying this principle, which is a very desirable one, in our Convention. I therefore beg to move that the debate be now adjourned.

If I may add one word, allow me to say that I do not make this suggestion entirely *en l'air*. I really have some ground for thinking that we may be able to arrive at a solution satisfactory to all parties, or at any rate that there is a fair chance of our doing so. I therefore earnestly beg the Conference to adjourn the discussion for the moment.

**The President :**

*Translation :* I wish to ask the opinion of the Conference on the proposal for an adjournment of the discussion on this point, while continuing the discussion of the other parts of the report.

**Viscount Cecil (British Empire) :**

My motion is simply to adjourn the debate until the next meeting of the plenary Conference. I did not mean necessarily until Tuesday. That is a matter for the President to decide.

**The President :**

Do you mean the next meeting or a subsequent meeting?

**Viscount Cecil (British Empire) :**

A subsequent meeting.

**The President :**

*Translation :* I propose therefore that the discussion be adjourned until a subsequent meeting. That does not signify a postponement *sine die*; it means that we can renew the discussion, for instance, to-morrow or this evening, but not exclusively on Tuesday as at first indicated by Viscount Cecil.

**M. Daladier (France) :**

*Translation :* If the Conference considers an adjournment necessary — for my part, I share this opinion — I suggest that we do not lose too much time and that we should fix the next meeting for Monday at 3 or 4 p.m.: I should like to save 24 hours on the date proposed by Viscount Cecil.

**The President :**

*Translation :* I do not wish to fix the time of the next meeting, as I cannot foresee what the programme of the Conference will be without knowing what stage our work will reach to-day. I propose to fix the time of the next meeting later.

As no opinion has been expressed to the contrary, I consider the proposal for adjournment adopted by the Conference and I declare the discussion closed on this part of Sub-Committee B's report. (*Adopted.*)

We will now proceed to the discussion of the other points in the report.

I have no speaker on my list. Does any member wish to speak?

As no member wishes to speak, I will consider the other parts of this report adopted in principle by the Conference and referred to the Drafting Committee. The only question that is referred to a future meeting is that which we have just discussed. (*Assent.*)

## 80. EXAMINATION OF THE REPORT OF SUB-COMMITTEE C.

**The President :**

*Translation :* We now pass to the report of Sub-Committee C (Annex 22).

I call upon the Chairman and Rapporteur of this Sub-Committee, the first German delegate, M. von Eckardt, to address the Conference.

**M. von Eckardt (Germany), Rapporteur :**

*Translation :* The examination of the control of the production and distribution of coca

leaves, Article 1 of the United States proposals, was entrusted to Sub-Committee C, composed of the delegations of Bolivia, the Netherlands, Japan and Peru. Our work was necessarily incomplete on account of the regrettable absence of the delegate of Peru, a country which produces and exports coca leaves and manufactures cocaine. The delegates of Bolivia and the Netherlands have already furnished at previous meetings some detailed information on the subject. Sub-Committee C proposes that the Conference should adopt the following conclusions, in conformity with the suggestions of the Advisory Committee :

1. Article 2 of the Hague Convention of 1912 shall be extended to coca leaves.
2. The system of import and export licences shall be extended to coca leaves.

**The President :**

*Translation :* The discussion on this report is open. Does anyone wish to speak?

As no member wishes to speak, I may regard the questions of principle contained in the report as adopted by the Conference and referred to the Drafting Committee. (*Adopted.*)

## 81. EXAMINATION OF THE REPORT OF SUB-COMMITTEE D.

**The President :**

*Translation :* We will now consider the report of Sub-Committee D (Annex 23.)

I call on Mr. Shepherd, Rapporteur of Sub-Committee D, to address the Conference.

**Mr. Shepherd (Australia), Rapporteur :**

Sub-Committee D considered the various articles of the Advisory Committee's report and accepted in principle Articles 1, 2, 3, 4, 5 and 13. Several amendments were suggested by the Sub-Committee, but these were subsequently covered (or most of them) by agreements reached in the Co-ordination Committee, and Sub-Committee D finds itself in general agreement, in principle, with the recommendations of Sub-Committee A.

The only point which it is perhaps necessary for me to make is that Sub-Committee D expressed the wish that non-producing countries should be represented on the Central Board. That is not referred to in the report of the Co-ordination Committee, and I mention it here for the sake of record.

I would like also to refer to the decision in regard to the Australian, Cuban and Austrian proposals<sup>1</sup>. I very much regret to find that the Australian proposal has not been adopted by Sub-Committee B. It was passed by Sub-Committee D with slight amendments, which were not acceptable to the members of Sub-Committee B. The producing countries on that Sub-Committee unanimously adopted the proposal submitted by Australia that all countries which do not at present produce should be prohibited from doing so, but unfortunately they were not able to accept the conditions submitted by Sub-Committee D.

The only other point to which I wish to draw attention is the Portuguese memorandum<sup>2</sup>

<sup>1</sup> Vide annex 18.

<sup>2</sup> Vide Minutes of Sub-Committee D, annex 2.

which the Sub-Committee wished to submit to the Conference, but on which it makes no recommendation.

**The President :**

*Translation :* There appears to be a difference of opinion between Sub-Committees B and D according to the remarks just made by the Rapporteur.

**Mr. Shepherd (Australia) :**

Well, I presume there is a difference of opinion, as Sub-Committee B did not accept the recommendations of Sub-Committee D on the Australian and Cuban proposals.

**Viscount Cecil (British Empire) :**

What did the Co-ordination Committee do?

**The President :**

*Translation :* Can the Chairman of the Co-ordination Committee give us any information on this point?

**M. Sjöstrand (Sweden) :**

I remember asking in the Co-ordination Committee whether there was any such difference of opinion, but I received no answer to the question. I have therefore no information with regard to any such difference of opinion. As the question seems to be one of some importance, it might be referred to the Drafting Committee.

**The President :**

*Translation :* M. Shepherd, delegate of Australia, will address the Conference.

**Mr. Shepherd (Australia) :**

I do not think that any good purpose would be served by debating this question. The principle on which we could not agree was the one on which the whole Conference has failed to agree: that is, that the producing countries, on their part, should undertake to reduce their production. As the Conference has failed to come to an agreement on that point, I do not think much advantage would be gained by again discussing it here.

**The President :**

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

May I suggest that there is not really a divergence of views between the two Sub-Committees on this point? Sub-Committee D, as I understand its report, recommended that the Australian proposal should be accepted, provided the producing countries were willing to undertake a certain obligation. The producing countries which were represented on Sub-Committee B did not see their way to undertake that obligation. The position, therefore, is that, as the producing countries represented on Sub-Committee B were not willing to undertake the obligation referred to, the recommendation of Sub-Committee D drops.

**The President :**

*Translation :* I hope that this information will make the matter sufficiently clear to the Drafting Committee.

I declare the report of Sub-Committee D adopted in principle and referred to the Drafting Committee. (*Assent.*)

## 82. EXAMINATION OF THE REPORT OF SUB-COMMITTEE E.

**The President :**

*Translation :* We now come to the report of Sub-Committee E (Annex 24). I call upon the Rapporteur, Sir Malcolm Delevingne, to speak.

**Sir Malcolm Delevingne** (British Empire), Rapporteur :

I have very little to add to what is said in the report, which enters fully into all the proposals contained in the Appendix. I would merely like to say that the proposals were unanimously accepted in each case and, I think, without any reservation by any delegation except on one or two very small points of detail. I think that, in those circumstances, it is unnecessary for me to detain the Conference in connection with this report.

**The President :**

*Translation :* The discussion on the report is open.

I call on M. Chodzko, the Polish delegate, to speak.

**M. Chodzko** (Poland) :

*Translation :* I take the opportunity of submitting a proposal which is, I think, within the competence of Sub-Committee E.

So far we may say that the Conference has been engaged rather with the question of controlling the legitimate trade in opium and its derivatives than with that of clandestine international traffic. We have not endeavoured to study seriously or even superficially the reason for the existence and development of this clandestine traffic, this scourge which is responsible for so much suffering and so many deaths.

While searching for a practical solution of this problem, I found in the minutes of the sixth session of the Advisory Committee on the Traffic in Opium, page 77, the words "the incentive for illicit traffic in dangerous drugs is to be found in the profits derived therefrom". If this is true — and it is difficult to deny it — it would appear that the best means of preventing this traffic and restricting its development must be to find a system which will render it impossible to make such illicit profits.

It is generally admitted that it is neither the manufacturer nor the chemist who engages in clandestine trade. These are firmly established in the country where they have their business and therefore are too much under the control of the authorities to engage in wholesale clandestine trade. This clandestine and illicit international traffic is of such dimensions that as recently as January 27th a quantity of morphine was seized at Brooklyn which was valued at about 450,000 gold dollars (see *The Times* of January 28th, 1925).

The reason for this extensive clandestine traffic is that there is nothing in the present legislation to prevent a person, authorised, to carry on a wholesale trade in drugs, from selling his stock — which may amount to several tons — to a clandestine trader. Having gained the enormous profits which such a transaction would bring, the wholesale dealer has merely to cross the frontier in order to be safe from any prosecution. Tempted by one of the numerous agents of this international organisation for clandestine traffic in drugs, the wholesale dealer sells his goods, takes his profit and disappears.

The remedy would appear to lie in a system of "bonds with cash surety" or "cash deposits", the amount of which might be in proportion to the total quantity which the wholesaler dealer should be authorised to have in stock. As the average illicit profit obtainable on 1 kilo of morphine or cocaine is known, everyone authorised to deal in these products would, on receiving his licence or trading certificate, pay a cash deposit which would be so large as to remove all desire to engage in clandestine trade. With the knowledge that his deposit might be confiscated by the authorities, such a wholesale dealer would not be tempted by the profits obtainable from illicit trade.

I should like to add that in Poland it is only the large pharmaceutical merchants who have the right to engage in the wholesale trade in narcotics.

Taking as our starting point the fact that this clandestine trade in narcotics exists solely on account of the profit which it brings in, I think the remedy can be found, while awaiting the limitation of manufacture to the strict medical and scientific requirements, in a system of bonds with cash surety, and I therefore have the honour to propose the following resolution:

"The High Contracting Parties undertake not to deliver licences for stocking, purchasing or selling narcotics to wholesale or semi-wholesale dealers, other than manufacturers, without imposing on such dealers the system of cash deposits or of surety for their good faith. The amount of the deposit to be paid on delivery of the licences shall be equal to the difference between the average profit obtainable in lawful trade on the maximum quantity authorised by the licence and the average profit that could be realised by the sale of the same quantity in illicit traffic."

**The President :**

*Translation :* I believe the proposal made by the Polish delegate has never been discussed by Sub-Committee E.

I request the Rapporteur of this Sub-Committee to give us his opinion on the subject.

**Sir Malcolm Delevingne** (British Empire), Rapporteur :

I do not know what grounds the delegate for Poland has for thinking that the system of bonds or "cautions" which he suggests is the only remedy for preventing the illicit traffic. As a matter of fact, the system was mentioned in Sub-Committee E, but it was not accepted by the Sub-Committee because it was considered that the question of the methods to be adopted by each Government for exercising control over the dealers and manufacturers in its country was a matter for its own determination.

The question as to what is the most effective method of dealing with a trader who engages in illicit traffic is one on which several views can be held. The view which is taken by most Governments, and the view which was taken, I think, by Sub-Committee E, was that the most effective method was the imposition of very heavy penalties, and the Conference will find at the end of the report of the Sub-Committee a reference to that point and a recommendation that a provision should be inserted in the Convention to be concluded by this Conference that the



Government should undertake to impose adequate penalties for all breaches of the provision contained in the Convention.

It seems to me that if it can be proved that a particular trader has been engaging in illicit trade — and for the purpose of enforcing the system which the delegate for Poland recommends it would be necessary to prove that fact — a very severe penalty of imprisonment or a very heavy fine is quite as effective as, if not much more effective than, the forfeiture of a bond.

In Great Britain, for example, the maximum penalty which can be imposed for breaches of the law in regard to dangerous drugs is as much as ten years penal servitude and a fine of £1,000. That, surely, is quite as effective as the forfeiture of a bond.

Again, I do not quite see how the amount of the bond is to be ascertained, because, if it is to be equal to the difference between the profits to be obtained in the licit trade and the profits in the illicit trade, you have to ascertain what the profits of the illicit trade are, and I venture to say that this is not a matter which is known to anybody but the illicit traders themselves.

I would suggest, therefore, to the Conference that this is a matter which must be left to each Government to determine for itself. If a Government thinks that a system of bonds is a good one, it can adopt it. If it thinks that a system of very heavy penalties is a better one, it should be left to decide the matter for itself. I think it is impossible at this stage to ask a Government to undertake to adopt a particular system which it may not think is as good as the one it has already adopted in its own legislation.

**The President :**

*Translation :* M. Chodzko, delegate of Poland, will address the Conference.

**M. Chodzko (Poland) :**

*Translation :* I regret that I cannot share the opinion of Sir Malcolm Delevingne — it is not the first time that this has happened — but we must refer to Article 10 of the Hague Convention : “The Contracting Powers shall use their best endeavours to control, or cause to be controlled, all persons manufacturing, importing, selling, distributing and exporting morphine, cocaine, etc... as well as the buildings...” It appears from the wording of this article that the dealers are obliged to have a building specially intended for this trade, but this is not actually the case.

If we follow the chain of persons through whom the narcotic passes from the manufacturer to the chemist, we find in the middle a wholesale dealer. This dealer may or may not give sufficient material guarantees. At the present time, in most States, he does not give any such guarantees.

Sir Malcolm Delevingne informs us that English legislation provides for heavy fines and ten years penal servitude, but how can a fine be imposed on a person who has no possessions, or penal servitude be inflicted on someone who has been able to leave immediately the country that gave him the licence ? It is important that these penalties should exist, but in many cases they are ineffective, as I have just shown.

There is the question of the interpretation of Article 10. If, as Sir Malcolm Delevingne tells us, we should leave it to the various States to take what measures they think fit, that is a good principle, but in that case why should we suggest that these States should introduce import and export certificates ? That is also a matter dependent on the sovereignty of the State, but we nevertheless propose it.

I do not see, therefore, why we should not propose a measure which might be useful. Most States at present grant licences to anyone who asks for them and who can pay a few francs, provided no previous conviction has been recorded against the applicant. Under this system the countries have no material guarantees. They cannot be sure of being able to punish cases of infringement, because they cannot seize property which the person in question does not possess. With regard to the sum that should be fixed as a deposit, this is still a vague proposal, and if Sir Malcolm Delevingne can make some other suggestion I shall be very glad.

**The President :**

*Translation :* I do not think the plenary Conference is a suitable place for discussing this question. Would the Chairman of the Sub-Committee be prepared to convene his Sub-Committee ? He could do that, for instance, on Monday next, without altering the programme of the Conference.

**M. Bourgois (France) :**

*Translation :* I think it is unnecessary to refer this question to Sub-Committee E. All the members have already considered it at length and studied it from every aspect, so that it might be possible to take a vote on it here and now.

**The President :**

*Translation :* The discussion of the Polish delegate's proposal is open.

M. Dinichert, delegate of Switzerland, will address the Conference.

**M. Dinichert (Switzerland) :**

*Translation :* I should like to say a few words on this proposal, because I think it is of interest and is inspired by a very justifiable anxiety. I wish, however, to point out that the precaution which the Polish delegate proposes should be taken by the various Governments applies less to manufacturers than to traders, and we are therefore all equally interested in this proposal. It is not a measure which should be taken specially by the countries manufacturing narcotics but by all countries in some way, since, in certain circumstances, all take part in the trade in these substances.

Therefore we should all consider whether we are able to take upon ourselves a contractual obligation of this kind in the same manner as the other obligations which have already been embodied in Article 10 of the Hague Convention. I think that probably even the author of this proposal never intended that we should ask the forty delegations representing their Governments here to embody a formal obligation of this kind in a Convention. I do not think that many of us are able to bind ourselves in this manner. But I repeat that the proposal is of interest, and I think it would deserve to

be brought to the notice of our Governments as a recommendation in favour of a measure which, in certain countries and circumstances, might be effective.

I agree with Sir Malcolm Delevingne that we should leave it to our Governments to take in their respective countries what measures they may think fit in order to fulfil the obligations assumed, but he will not deny perhaps, that these measures might prove very useful. I am therefore in favour of this proposal to the extent that I should like the idea to be submitted to our Governments as a recommendation for their consideration.

**The President :**

*Translation :* We have before us a proposal to make the Polish resolution into a recommendation. The discussion is open also on this point.

I call upon M. Bourgois, delegate of France, to address the Conference.

**M. Bourgois (France) :**

*Translation :* My Government had already considered this question of sureties, but after some hesitation it refrained from making proposals of this nature to the Conference, thinking that it would be better to leave this question to be settled by each of the Governments concerned.

It is on account of this very question that, on the suggestion of the French Government, one of the clauses of the Hague Convention was strengthened. Up to the present, under the Hague Convention, a simple declaration was sufficient in order to engage in traffic of this kind, whereas we have inserted in the future Convention a clause providing for the necessity of an authorisation. This is a much more serious engagement. It imposes upon the Government the moral obligation to satisfy itself, before granting this authorisation, of the trustworthy character of the person to whom it is granted. The Government must obtain certain guarantees.

It appeared to the French Government that this authorisation would replace and might even be more effective than any purely pecuniary guarantee. This moral obligation on the part of a Government, which itself chooses the persons permitted to engage in the traffic and obtains all the guarantees which it thinks fit, should re-assure the Polish delegate. I am not, however, opposed to a proposal of this kind being made as a suggestion to the Governments.

Nevertheless, I would propose a slight amendment. In respect of wholesale or semi-wholesale dealers who have shops or warehouses, and for manufacturers, the guarantees given by a Government are quite adequate, because the fact that the dealer's establishment is within reach of the Government makes it certain that the guilty person will not escape. This is to some extent a question of drafting.

**The President :**

*Translation :* Does the Polish delegate, M. Chodzko, who made this proposal, wish to speak ?

**M. Chodzko (Poland) :**

*Translation :* I have no objections to the Swiss delegate's suggestion to give my proposal

the form of a recommendation. As regards the form of this proposal, I think it would be better to request the Drafting Committee to draw it up, taking into account M. Bourgois' observations.

**The President :**

*Translation :* M. Sugimura, delegate of Japan, will address the Conference :

**M. Sugimura (Japan) :**

*Translation :* I fully recognise the effectiveness of the measures proposed by the Polish delegate. In numerous cases such a system for controlling illicit trade has been adopted and has proved effective. Nevertheless, Japan wishes to go further and to take still more energetic measures. For this reason, I cannot recommend to my Government a solution which is not adequate and measures which are not sufficiently effective. I therefore reserve my support on this point.

**The President :**

*Translation :* I think I may regard the Polish proposal as having been withdrawn.

**M. Chodzko (Poland) :**

*Translation :* No, I have not withdrawn my proposal ; I have simply transformed it into a recommendation.

**The President :**

*Translation :* Viscount Cecil, delegate of the British Empire, will address the Conference,

**Viscount Cecil (British Empire) :**

Speaking for the British Government, I could not accept this as a recommendation, because to accept it would mean that we thought it was a good plan, whereas our advisers doubt very much whether it is so. If, however, it can be treated just as a suggestion to go before the Governments, we shall have no objection. But we cannot approve it. I am sure that the delegate of Poland will see how impossible it is at this stage of the Conference and at this hour of the evening to approve a complicated proposal of this kind. We are quite willing, however, that it should be placed before the Governments in the form of a suggestion.

**M. Dinichert (Switzerland) :**

*Translation :* I agree with Viscount Cecil's views — that is to say, that we should try to find a formula corresponding to the proposal — but I should like to observe that I do not think the expression "suggestion" should be used. It is an expression belonging rather to psychology than to the realm of international relations. If we wish to change the word "recommendation", could we not use the expression "proposal" or "opinion" ?

**Viscount Cecil (British Empire) :**

That is a matter which might be left to the Drafting Committee.

**M. Dinichert (Switzerland) :**

*Translation :* I agree to your suggestion.

**The President :**

*Translation :* I understand that the unanimous feeling of the Conference is that this Polish-Swiss proposal should be referred to the

Drafting Committee with a request that the Committee should find a formula to submit to us, taking into account the various remarks which have been made.

Does any other member wish to speak on the report of Sub-Committee E?

As no one wishes to speak, I consider the general principles contained in this report adopted by the Conference. The report will be sent to the Drafting Committee with the request I have just mentioned. (*Adopted.*)

### 83. EXAMINATION OF THE REPORTS OF SUB-COMMITTEE F. 25, 26, 27, 28, 29.

#### The President :

*Translation* : We have now to consider the reports of Sub-Committee F (Annexes 25, 26, 27, 28, 29). M. Carrière, who was Rapporteur of this Committee, is absent from Geneva at present. Professor Perrot, who had been appointed to replace him as Rapporteur, is also absent. I have therefore appealed to M. de Myttenaere, who has agreed to present the report.

I call on M. de Myttenaere, in his capacity as Rapporteur, to speak.

#### M. de Myttenaere (Belgium), Rapporteur :

*Translation* : Sub-Committee F, called the Sub-Committee of Experts, was entrusted with :

(1) The determination of legitimate requirements of opium and opium alkaloids (which it is agreed to call the opium figure per head of the population for countries with a properly developed medical organisation.)

It accepted the figure of 450 milligrammes with certain reservations.

(2) The determination of the same figure for cocaine. The figure of 7 milligrammes was accepted.

(3) Modifications to be made in the drafting of the definitions in Chapters I and II of the Suggestions of the United States of America.

(4) The examination of the questions raised by the application of the provisions of the Convention to various known narcotic substances referred to and to such substances as may be subsequently discovered by science and having analogous properties.

(5) The examination of the Egyptian proposal regarding Indian hemp.

I do not wish to speak at length on this summary, as the subject has been fully discussed in the report of Sub-Committee F. In the absence of the Rapporteur, I should like to ask those who may wish to oppose certain points in the report to postpone their discussion.

#### The President :

*Translation* : Mr. Walton, delegate of India, will address the Conference.

#### Mr. Walton (India) :

I desire merely to say a word with reference to the question of Indian hemp dealt with in the report of M. Perrot<sup>1</sup>. The Indian delegation would find it impossible to accept the particular methods of controlling the use of this drug which are mentioned in that report.

<sup>1</sup> Annex 28.

The reasons of our inability to do so are fully explained in the note which is circulated with the report.

I wish only to add that the proposal for dealing with this drug has, of course, only been considered from the point of view of Sub-Committee F, that is, from the expert medical point of view; because it was not referred to any other Sub-Committee. Consequently, the question of the control of Indian hemp has not been examined from the administrative point of view.

Unfortunately, there are very considerable administrative difficulties which really ought to be taken into account if we are to do anything practical towards the control of the drug. One of the greatest difficulties is, of course, that the plant from which the drug is prepared grows wild, and the drug is prepared by very simple processes. Consequently, it is difficult to control the preparation of the drug, and the particular proposal to confine its use entirely to medical and scientific purposes becomes a very difficult matter from the administrative point of view.

A step that could usefully be taken, or so it appears to the Indian delegation and to the Government of India, from which we asked instructions, would be to apply the import certificate system to the international traffic in this drug to the full extent to which that system has been elaborated by Sub-Committee E. In that way, no export of Indian hemp would be allowed except on the production of the import certificate from the Government of the importing country. This would effectively control the international traffic, which is what we all desire to do and which is a practical step.

The Government of India, therefore, would be able to co-operate in measures of that kind and the Indian delegation would be able to accept the application of the new Convention to Indian hemp, in so far as the import certificate system is concerned.

It would be premature, perhaps, to deal in greater detail now with this question, but the Indian delegation thought it right to explain its point of view and will possibly ask leave to deal further with the matter when we come to consider the Convention itself.

#### The President :

*Translation* : Before calling on any of the speakers on my list, I wish to state that the author of this proposal, the delegate for Egypt, has written to me to-day to say that he is unable to take part in our discussions before Tuesday. He therefore asks us to adjourn the discussion of this proposal until then. In these circumstances, I think it would be advisable not to continue the discussion.

#### M. de Myttenaere (Belgium) :

*Translation* : When I asked to be allowed to speak it was my intention to make the very proposal that you have just submitted.

#### M. Bourgois (France) :

*Translation* : I withdraw my request to speak.

#### The President :

*Translation* : This question is therefore reserved for subsequent discussion. Does

anyone wish to speak on any other point in the report of Sub-Committee F?

M. Bustamante, delegate of Spain, will address the Conference.

**M. Bustamante (Spain):**

*Translation:* With reference to the first report of Sub-Committee F (Annex 25) which deals with the question of the legitimate doses of opium and cocaine, I wish to say that, even if we admit that the only remedy, and the one that has been the most recommended, is to reduce the cultivation of the poppy and of the coca leaf and to restrict the manufacture of their alkaloids in order that, a close relationship having been established between the substances available and their lawful use, the existing surplus of these products which serves to develop vice and is a powerful cause of degeneration will automatically disappear, we are at the moment still very far from being able to use this method.

The statistics available are incomplete and of small range, and some of their factors have even been omitted. In order that statistics may serve as a basis for deducing medical and scientific requirements, they must refer to a minimum period of three years and include all the preparations which require the use of the raw materials.

For this reason, the figure of 0.45 grammes for opiates indicated in terms of opium constitutes such a vague indication that it cannot be seriously considered. As far as our own country is concerned, it is possible that the quantity of 0.45 grammes is excessive, but as it has been possible for various reasons to arrive at the exact consumption of opiates and cocaine in Spain we can only accept it with the reservation that it represents our legitimate requirements.

We can admit more easily the figure of 0.007 grammes of cocaine per head of the population, in view of the fact that its therapeutic effects can be easily obtained by synthetic substitutes — as is shown in practice more and more every day. As the great French chemist Fourneau has proved in his work on the synthesis of organic medicine, these substitutes would have entirely taken the place of cocaine if the illicit use of this drug had not represented its principal commercial value.

**The President:**

*Translation:* M. de Myttenaere, delegate of Belgium, will address the Conference.

**M. de Myttenaere (Belgium), Rapporteur:**

*Translation:* I think it is not part of my duty as Rapporteur to speak in defence of Sub-Committee F. There was no intention, as M. Bustamante has said, to do more than fix a figure which might, if necessary, be taken as an average for the medical requirements of different countries. There was never any question of imposing the figure of 450 milligrammes on any country. The discussion was purely tentative, as no section based any calculations on the figure of 450 milligrammes fixed by the Committee of Experts nor on the figure of 7 milligrammes fixed for cocaine. Under these circumstances, it would be a waste of time both for the Rapporteur and for the Conference to speak in defence of figures which are of no importance.

**The President:**

*Translation:* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire):**

I wish to say one word with reference to the recommendation of the Sub-Committee, which says that certain preparations containing dangerous drugs may be supplied to the public by a chemist without a medical prescription. That was opposed in the Sub-Committee by the British representative, and I notice that the fact of his opposition, which was stated in the earlier drafts of the report, has been somehow omitted from the final text.

The British delegation opposed this recommendation very strongly on the ground — which seemed to us a sufficient ground — that under it a drug addict would be able to go from one chemist to another and obtain excessive quantities of the drug for his use. It seems to us to be a very dangerous weakening of the provision in the Hague Convention. Certainly, it is at present illegal under the provisions of the British law and, I imagine, under the law of most countries.

I do not wish to detain the Conference at any length on the subject at the present moment, but we shall feel bound to oppose it when it comes before the Conference during the consideration of the draft Convention.

**M. de Myttenaere (Belgium), Rapporteur:**

*Translation:* The Rapporteur has no responsibility for any inaccuracies in the report. I am aware of the reservation made by the British delegation, and I propose to reply to it subsequently.

**The President:**

*Translation:* The Drafting Committee will take into account the first observation made by Sir Malcolm Delevingne, and there will be a discussion on this subject in the plenary Conference.

**M. Bourgois (France):**

*Translation:* We have reserved the question of hashish. I should like to ask that the question of heroin should also be reserved on account of the absence of M. Perrot, who has dealt specially with this point.

**M. de Myttenaere (Belgium), Rapporteur:**

*Translation:* In spite of the absence of the Rapporteur and of the Chairman, I think we should nevertheless accept the reports of Sub-Committee F in principle, in the same way as we have accepted the other reports. The points of view of the various Governments can then be made known when we come to the discussion of the different points.

**The President:**

*Translation:* I propose, therefore, that we accept in principle the reports of Sub-Committee F and refer them to the Drafting Committee. I should perhaps specially reserve the question of hashish, but after the remarks which have just been made it does not appear to be necessary to reserve the question of heroin.

I declare the reports adopted and referred to the Drafting Committee. (*Assent.*)

#### 84. EXAMINATION OF THE REPORT OF THE COMMITTEE OF SIXTEEN.

**The President :**

*Translation :* We now come to the last item of our agenda : the report of the Committee of Sixteen (Annex 30). I do not think it necessary to call on the Rapporteur to speak, as the report has already been distributed to all the members of the Conference.

I call on M. Toivola, delegate of Finland, to address the Conference.

**M. Toivola (Finland) :**

*Translation :* Although I am not the Rapporteur of the Committee of Sixteen, I think it advisable to say a few words with regard to this Committee's report.

When the Second Conference decided two weeks ago to form a special Committee to consider the United States proposals and certain other declarations, we all hoped that this Committee would come to an agreement with regard to the suppression of prepared opium. You know that this hope has not been realised and that it has been impossible to come to an agreement.

We regret this fact. We all regret the departure of the United States delegation, and I think I may say that the presence of this delegation has had a good effect on our work. In international co-operation, as in all human activity, the essential point is to make progress. The means is of secondary importance. The report submitted by the Committee of Sixteen to the Conference only records a failure, but it is a failure that is more apparent than real.

The Committee of Sixteen was unable to agree unanimously with regard to what we may call the frame of the picture. The existence of the Committee of Sixteen and the efforts made by the members of this Committee, together with the perseverance shown by the distinguished representative of the United States, have led the interested countries to prepare plans which if realised will put an end to the scourge against which the United States delegation has fought with such energy.

Reference was made in the report to steps which certain Governments might take with a view to arriving at a definite solution of the question of prepared opium. Permit me to draw the attention of the Conference to the declarations made this morning by the distinguished delegates of the British Empire, France and the Netherlands. These declarations confirm very distinctly and clearly that these Governments are prepared to take definite steps to suppress prepared opium. They are willing to leave it to the League of Nations to fix the date from which the period of fifteen years should commence.

As the delegate of a country which is not interested in this question, I cannot deny the reality of the progress that has been made in these discussions. Let the producing countries take a similar attitude and the problem of prepared opium will be definitely solved in a very short time.

Mr. Porter, with whom I have had the pleasure of working on several occasions, said that it is impossible to suppress an age-long vice in a few days. Let the producing countries do their duty towards humanity and the day will approach with almost incredible rapidity

when prepared opium will cease to be used as it is used to-day. Fifteen years or twenty years is only a day in the life of nations. This Conference has helped us to see the first dawn of this day.

Let each one of us realise his responsibility. Let the producing countries, which should help the countries that are still consumers of prepared opium, take advantage of the opportune moment.

The existing conditions in China, which at present prevent definite measures being taken against this scourge, cannot continue for ever. The time is approaching when China will take measures against the cultivation of the poppy. Let us be prepared in all countries for this time. Let us be prepared to make simultaneous efforts against this scourge and it will disappear from the world.

**The President :**

*Translation :* Viscount Cecil, delegate of the British Empire, will address the Conference.

**Viscount Cecil (British Empire) :**

M. Toivola alluded to the proceedings of the Committee of Sixteen, and it was pointed out that, by the declarations which certain Governments made this morning, it is quite clear that they are determined to do their best to bring opium-smoking to an end. The Conference will remember that one of the proposals put before the Committee of Sixteen was that there should be two additional Protocols; one which would be adopted, if it thought right, by the First Conference and which would oblige the parties to it to put an end to opium-smoking within fifteen years after such progress had been made in the suppression of smuggling as to render it no longer an obstacle to their measures. With that Protocol, of course, I do not propose to trouble this Conference, as it is a matter for the other Conference.

It was also part of the same scheme that the producing countries should be asked to accept another Protocol by which they, in their turn, should undertake so to control 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 countries where such use is temporarily permitted.

The point which I am now laying before the Conference is contained in four clauses which are of a simple character. Perhaps I might read them to the Conference :

"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."

Well, I do not know that I need elaborate any argument in favour of that Protocol, because it has constantly been discussed in various forms both before this Conference and before the Committee of Sixteen. I have had some doubt whether it was desirable to proceed with it in the absence of the delegate of China, but I did venture to put to him once or twice the question whether he was prepared, on behalf of his Government, to assent to this Protocol. Unfortunately, he has left the Conference before he was able to give an answer to that question.

With regard to the other producing countries now present, I understand that, in principle, they do not object — or I think that I am right in saying that they do not object — to the present Protocol, although some of them would desire a change in the wording of Article I. That change seems to me one which I could quite well support. I do not know exactly what procedure would be right at this stage, but, unless I am out of order, perhaps I might read the draft amendment to Article I. I gather that no producing country here present would oppose it — three of them would be prepared to undertake to sign it, a fourth would be able to sign it *ad referendum*, and a fifth would be favourable, though he is, at present, I understand, without definite instructions on the point; there are no other producing countries.

If I am right in this, I also would be prepared to accept the amended text, which reads as follows :

"The Contracting Parties recognise that Chapter I of the Hague Convention of 1912 involves an obligation to exercise within their territories an effective control over the production and distribution of raw opium, so as to prevent all smuggling of opium, which constitutes a serious obstacle to the effective prohibition of the use of prepared opium in the territories where such use is temporarily authorised."

As I understand it, the substantial change proposed in the article is that the words "limit and" are suppressed. I see no objection to that, because there does not seem to me to be any real difference in the sense of the two words. The other modification is that instead of undertaking to stop opium-smuggling, so as to prevent its constituting a serious obstacle, the Contracting Parties undertake a general obligation to prevent opium-smuggling, recognising that at the present time it is a serious obstacle. This is a fine distinction, and again I do not think it substantially interferes with the effect of the Protocol.

If, therefore, the Conference should be of opinion that this Protocol is a desirable one to be presented to the producing countries for signature, I should be very glad to receive the support of the Conference in that respect.

I think myself that such a step would constitute real progress towards the stoppage of the use of prepared opium and it would mean that the matter would then be recognised definitely as one which the producing countries of the world, with the exception of China, had undertaken to deal with, and one would hope that, in view of the declaration from the Chinese delegation which was read this morning, although the Chinese Government would not be strictly bound by these obligations, it would be morally bound by that declaration. Under these circumstances, I hope that the Conference will adopt this Protocol.

**The President :**

*Translation :* M. Sugimura, delegate of Japan, will address the Conference.

**M. Sugimura (Japan) :**

*Translation :* The British proposal and the report of the Committee of Sixteen are two distinct questions. I should prefer to discuss the report first and the British proposal afterwards, as the latter is very important :

**The President :**

*Translation :* I accept the suggestion of the Japanese delegate and I open the discussion of the report of the Committee of Sixteen. Does anyone wish to speak ?

As no one wishes to speak, I propose that the Conference take note of this report. (*Assent.*)

#### 85. CONSIDERATION OF THE DRAFT PROTOCOL TO BE SIGNED SIMULTANEOUSLY WITH THE CONVENTION AND TO FORM PART OF THE PROCEEDINGS OF THE SECOND OPIUM CONFERENCE : PROPOSAL OF THE BRITISH DELEGATION.

**The President :**

*Translation :* I open the discussion on the British proposal<sup>1</sup> with a reservation as regards the drafting of the first article, which must be referred to the Drafting Committee. The discussion is open on the question of principle.

We shall have a further discussion later on the various articles when we have received the definite draft prepared by the Drafting Committee.

M. Sugimura, delegate of Japan, will address the Conference.

**M. Sugimura (Japan) :**

*Translation :* I have studied the British proposal very carefully and I am familiar with all its clauses, but as the Chinese delegate is absent and as it is advisable that a decision should only be taken with the co-operation of us all, I suggest that the discussion of the British proposal should be postponed until next week, particularly as we shall then have further questions to consider. That will also give me an opportunity of discussing this question with my own colleagues.

**The President :**

*Translation :* Prince Arfa-ed-Dowleh, delegate of Persia, will address the Conference.

<sup>1</sup> See previous page (Viscount Cecil's speech).



**Prince Arfa-ed-Dowleh (Persia) :**

*Translation :* The representatives of certain of the producing countries, such as Turkey, Egypt and the Kingdom of the Serbs, Croats and Slovenes, are absent ; moreover, we have not the text of the proposal before us. In these circumstances, I think it is useless to open the discussion.

**M. Yovanovitch (Kingdom of the Serbs, Croats and Slovenes) :**

*Translation :* I wish to point out that, though I was absent for a moment, my substitute was here.

**The President :**

*Translation :* Viscount Cecil, -delegate of the British Empire, will address the Conference.

**Viscount Cecil (British Empire) :**

May I say that, of course, I should not think of pressing any delegate to proceed with the discussion if he wanted further time to consider it. I only submit it as a possible course to adopt and am ready to withdraw from it if any delegate does not think it is right.

I should have thought that, since the general principle of this Protocol has now been before the Conference for some days, and as the Japanese delegate has been kind enough to say that he has studied it (I know that he has studied it with the greatest care), we might have gone as far as to accept the principle of it today, leaving all discussions of detail and final acceptance until the next plenary meeting of the Conference, when we shall have the definitive text before us.

I am extremely sorry that the delegate for Persia has not studied the alternative text, and I see that my friend the delegate of the Kingdom of the Serbs, Croats and Slovenes is now in his place. He knows quite well that the proposal was not mine but his. I was quite content to stand by my original draft, but as he was called away on urgent business I ventured to put his proposal before the Conference as my own. In these circumstances, I should have thought — though I do not, as I say, want to press the matter an inch if any delegate would prefer to adjourn it — we could get as far as accepting the general principle, subject to a consideration of the details and subject to a final acceptance of the proposal, which, of course, must be reserved until we have examined the details of the draft.

**The President :**

*Translation :* M. Yovanovitch, delegate of the Kingdom of the Serbs, Croats and Slovenes, will address the Conference.

**M. Yovanovitch (Kingdom of the Serbs, Croats and Slovenes) :**

*Translation :* The above proposal is the only basis on which we, as a producing country, can discuss the Convention and eventually adhere to it. It is to our interest to find a formula which all the producing countries can accept. All these countries have accepted Viscount Cecil's proposal on another basis, and it is in the interest of the Conference that a formula should be found which would bring together all the delegates.

**Prince Arfa-ed-Dowleh (Persia) :**

*Translation :* I should like to point out to the delegate of the Kingdom of the Serbs,

Croats and Slovenes that I have only accepted the proposal *ad referendum*.

**Viscount Cecil (British Empire) :**

I understand that.

**The President :**

*Translation :* M. Daladier, delegate of France, will address the Conference.

**M. Daladier (France) :**

*Translation :* I should like to support the proposal that the Conference should adopt, at any rate, the principle of the additional Protocol. The Japanese delegate said just now that, since the Chairman of the Chinese delegation had left, it would be difficult to discuss certain questions in his absence. I do not think, however, that M. Sugimura intends to lay down the principle that we must await the return of the first Chinese delegate before continuing our work and bringing it to the conclusion which all the world is expecting.

I do not see why we should not accept Viscount Cecil's proposal, while reserving the right to amend it on any particular point. The French delegation also has drafts of an additional Protocol, which call for discussion and amalgamation with the proposals made by other delegations. We should save valuable time if we took this decision to-night, with the reservation that the views of all the Powers should receive legitimate satisfaction in order to arrive at a really uniform agreement.

If I correctly understood Viscount Cecil's remarks, the idea expressed regarding this point appeared to me wholly just and in conformity with the general idea of the Protocol which the French delegation wishes to submit to this Conference. In this connection, I desire to state, in reply to the objections raised by the delegate of the Kingdom of the Serbs, Croats and Slovenes, that France does not ask the European States to take measures of such a radical and drastic nature as to produce the disastrous results to which I myself drew attention this morning. In a general way, what we ask the producing countries to do is to take such measures that the illicit export of raw opium from their territory should not paralyse the efforts which we are determined to make in our Far Eastern territories with a view to reducing the consumption of prepared opium until it finally disappears.

Since this principle, which the French delegation has always considered as fundamental, is also so considered by the British delegation, and since the delegate of the Kingdom of the Serbs, Croats and Slovenes has stated that, in the circumstances in which it is proposed, he is able to accept it, together with all the other producing countries, except those of the Far East, I should like to ask why the Conference should not take an immediate decision. At this moment it is in a position to take a reasonable decision.

I associate myself with the remarks made by Viscount Cecil, and I request the Conference to adopt the principle of the Protocol submitted by him. (*Applause.*)

**The President :**

*Translation :* M. Sugimura, delegate of Japan, will address the Conference.

**M. Sugimura (Japan) :**

*Translation :* I should like to make our point

of view clear in order to avoid any subsequent misunderstanding. We are in favour of any kind of improvement which might be made in the Hague Convention. We desired to go even further than the British proposal, but we naturally accept the principle contained in this proposal, with possibly some reservations which equity or the ideals of justice and humanity might demand.

**The President :**

*Translation :* Does any member wish to express any objections to the principles laid down in the British proposal?

Prince Arfa-ed-Dowleh, delegate of Persia, will address the Conference.

**Prince Arfa-ed-Dowleh (Persia) :**

*Translation :* I will propose the following text for Article I, which may possibly give satisfaction to everybody :

“The Contracting Powers recognise that Chapter I of the Hague Convention of 1912 involves for each of them an obligation to exercise in their territory such an effective

control over the production and distribution of raw opium as to prevent opium-smuggling, which constitutes a serious obstacle to the effective prohibition of the use of prepared opium in those territories where such use is temporarily authorised.”

I could accept that without reservation.

**The President :**

*Translation :* I request the Persian delegate to send me this text for transmission to the Drafting Committee.

As regards the question of principle, I think there is no difference of opinion regarding the British proposal, which will subsequently be submitted to the Conference. (*Assent.*)

I am obliged to ask the Drafting Committee to hold its first official meeting to-morrow morning at 11 o'clock.

As regards the next plenary meeting, I shall make a definite announcement later. This meeting, however, will not take place on Monday.

*The Conference rose at 7.45 p.m.*

## TWENTY-EIGHTH MEETING

*Held at Geneva on Tuesday, February 10th, 1925 at 10.30 a.m.*

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86. **CONSIDERATION OF THE DRAFT PROTOCOL TO BE SIGNED SIMULTANEOUSLY WITH THE CONVENTION AND TO FORM PART OF THE PROCEEDINGS OF THE SECOND OPIUM CONFERENCE: REVISED TEXT SUBMITTED BY THE DRAFTING COMMITTEE.**

**The President :**

*Translation :* The meeting is open. The first item on our agenda is the examination of the revised text of the draft Protocol.

I venture first to draw your attention to the fact that certain corrections should be made in the text which you have before you.

As regards Article I, the text drawn up by the Drafting Committee is not quite in conformity with the proposal submitted by the Serb-Croat-Slovene delegate. The change to be made in the present text has been accepted by the author of the draft, and consequently I do not think it will be necessary to go into details.

As regards Article II, you will see in the third and fourth lines the words: "...its obligation under Article I of the present Protocol". This expression is not correct, because the "obligation" does not arise in virtue of Article I of the Protocol but in virtue of the Hague Convention. This passage should therefore read: "...its obligation referred to in Article I of the present Protocol..."

We have also made a small addition to Article IV: we have decided that Articles "33" and "35" of the Convention are applicable and not Articles "23" and "25".

I would beg you to be good enough to make these corrections in the draft Protocol.

As you will remember, the Protocol has already been accepted in principle. I now declare the discussion open on the text with the changes which I have just indicated.

I call upon Viscount Cecil, delegate of the British Empire, to speak.

*Preamble.*

**Viscount Cecil (British Empire) :**

Mr. President, ladies and gentlemen, I think that, subject to the President's direction, the best course would be for us to take this Protocol paragraph by paragraph and deal with any amendments that are made as we come to them.

I will therefore first of all read the preamble and ask whether there is any amendment to it:

“The undersigned representatives of certain States signatory to the Convention relating to dangerous drugs signed this day, duly authorised 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 ...”

The first paragraph requires no explanation.

The second paragraph is, I think I may call it, the compromise suggestion whereby this Conference takes note of what the First Conference is doing with reference to the stoppage of the use of prepared opium for smoking.

I shall be very glad to answer any questions which any delegate desires to put to me on these two paragraphs.

**The President :**

*Translation :* I would like to point out that, in the French text, instead of "*drogues nuisibles*" we should read "*stupéfiants*".

**Viscount Cecil (British Empire) :**

I agree.

**The President :**

*Translation :* Secondly, I take it that the adoption of this Protocol by the Second Conference is dependent on the acceptance by the First Conference of the other Protocol.

**Viscount Cecil (British Empire) :**

I suppose that strictly and logically the two Protocols are quite independent, but I agree that they form part of one common scheme, and I should never put this Protocol before this Conference except upon the understanding that the First Conference was going to adopt the other Protocol. I would not like to say that they were absolutely dependent on one another, but in any case, whether this Protocol is adopted or not, the First Conference will adopt the other Protocol, which is not dependent upon this one.

**The President :**

*Translation :* In any case we should take into consideration the words "taking note..."

Prince Arfa-ed-Dowleh, delegate of Persia, will address the Conference.

**Prince Arfa-ed-Dowleh (Persia) :**

*Translation :* Mr. President, in the record of the twenty-seventh meeting of the Conference, held on Saturday, February 7th, I read at the end of my proposal the following sentence: "I could accept that without reservation (*sans réserve*)".

As you will remember, I did not say "*sans réserve*"; I only said that if my proposal were agreed to I would accept it *ad referendum*. Thereupon, certain colleagues having pointed out that I could accept this quite harmless proposal even *sans referendum*, I repeated their words.

If you ask me what is the difference between the expression "*sans referendum*" and "*sans réserve*" I will venture briefly to explain my view. The difference, as you are doubtless aware, is that one can accept a proposal without asking for new instructions — which means "*sans referendum*" — while remaining free to make reservations later. That is not the case, however, if a proposal is accepted "without reservation", which I have not the right to do and which was not my intention.

I will ask you to allow me to state here in the plenary Conference what I stated at the last meeting of our Sub-Committee E. "The Persian delegation has participated in the proceedings of the Committees and Sub-Committees, subject to all reservations. Our adhesion to the resolutions of the Sub-Committees, and even to the resolutions of the Conference, will depend

on whether we receive satisfaction from the Conference regarding our legitimate demand, which has been clearly set out in our memorandum. The members of the Conference know these conditions, for we had the honour to submit our memorandum to them at the commencement of the Conference."

This is the statement which I would request Your Excellency to note.

Subject to this reservation, I adhere to the Protocol which is now under discussion.

**The President :**

*Translation :* I had already understood the proposal of the Persian delegation in the sense now indicated by the first delegate. The modification which he desires will be made in the Minutes; and I would request the Secretariat to note this.

Do any members of the Conference wish to speak on this proposal?

Mr. MacWhite, delegate of the Irish Free State, will address the Conference.

**Mr. MacWhite (Irish Free State) :**

I would like to know whether the object of the second paragraph of the preamble is to make the signatories of this Convention accept responsibility for the Convention elaborated by the First Conference.

**Viscount Cecil (British Empire) :**

No; it only applies, and is only intended to apply, to the specific Protocol which is part of this arrangement. The action of the other Conference apart from that Protocol must be entirely on the responsibility of that Conference.

**Mr. MacWhite (Irish Free State) :**

In that case I think this second paragraph would lead to a certain amount of misunderstanding, and I do not see that it serves any useful purpose. I would like to propose that it be deleted.

**Viscount Cecil (British Empire) :**

Personally, I have no particular feeling about this paragraph. It was inserted entirely to meet the views of the members of this Conference who were anxious not altogether to dissociate themselves from what the First Conference might do with reference to the suppression of opium-smoking. If there is a feeling in the Conference that it would be better to delete this paragraph I do not attach any importance to it one way or another.

I might point out to the delegate of the Irish Free State that it does not do more than take note of the other Protocol. It does not accept even any direct responsibility for its terms. It is merely calling the attention of this Conference to the fact that there is another Protocol which deals with the subject of opium-smoking. I think that it is mainly a matter of form. Whatever the Conference desires I should accept, though personally I would rather prefer to leave it as it is. I do not, however, feel very strongly on the point.

**The President :**

*Translation :* I would ask the delegate of the Irish Free State to be good enough to put the amendment he has just proposed into writing. The discussion can continue.

M. El Guindy, delegate of Egypt, will address the Conference.

**M. El Guindy (Egypt) :**

*Translation* : While the delegate of the Irish Free State is putting his amendment into writing could we not now take a vote ?

**The President :**

*Translation* : We might continue the discussion on Article I.

**Viscount Cecil (British Empire) :**

I will do anything the President directs me to do. On the other hand, I am a little afraid of the discussion getting confused. Personally, I am quite ready to waive the putting into writing of this amendment, because it is quite clear that the amendment proposed is the suppression of a paragraph.

**The President :**

*Translation* : If you agree that we can discuss the amendment of the first delegate of Ireland without having it in writing I will authorise the discussion.

**Mr. MacWhite (Irish Free State) :**

After the explanation I have just heard from Viscount Cecil I wish to withdraw the amendment.

**The President :**

*Translation* : Since we no longer have a proposal for an amendment we can now vote on the Preamble.

Are there any objections ? As there are none, I declare the text of the Preamble adopted.

*Adopted.*

#### *Articles I and II.*

**Viscount Cecil (British Empire) :**

Article I reads as follows :

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

The Hague Convention provides for effective control, as cited here. The only importance of this paragraph is to draw the attention of those who have signed it to the special importance of preventing smuggling. It is an aspect of their obligation under Chapter I of the Hague Convention.

**The President :**

*Translation* : The discussion on Article I is open.

M. Kircher, delegate of France, will address the Conference.

**M. Kircher (France) :**

*Translation* : The French delegation has the honour to point out that the drafting of Articles I and II is not quite in conformity with the spirit of the Hague Convention. This is particularly so in the case of Article I. Article I of the Hague Convention reads as follows :

"The Contracting Parties shall enact 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."

If we take the text of the article before us, we read :

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

If we analyse this article we find that it consists of two parts. In the first, the provisions of Article I of the Hague Convention are faithfully reproduced, but in the second part a subordinate sentence is added which weakens the force of the Hague Convention. The obligations of producing countries are reduced enormously. It is stated that the only obligation on producing countries is to prevent the smuggling of opium from constituting a serious obstacle to the effective suppression of prepared opium in those territories where such use is temporarily authorised. I think that juridically this sentence is not in its proper place. The producing countries are not placed under any obligation whatever to control production in their own territory. In Article I of the Hague Convention that obligation is absolute ; all smuggling must be entirely controlled.

In my opinion the proper place for this restriction is in Article II.

Article I should be worded as follows :

"The States signatories of the present Protocol recognise that Chapter I of the Hague Convention of 1912 involves an obligation to exercise within their territories an effective control over the production, distribution and exportation of raw opium."

This provision is quite in conformity with Article I of the Hague Convention. The proper place for the supplementary sentence is, as I have already said, in Article II of the Protocol. Consequently Article II should be worded as follows :

"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 so as to prevent the smuggling of opium from constituting a serious obstacle to the effective suppression of prepared opium in those territories where such use is temporarily authorised."

This change in the wording would lead to two good results : the first being that the spirit of Article I of the Hague Convention would be respected ; the second, that it would make more clear the meaning of the new engagements which the producing countries were willing to take as regards the limitation of the

production of opium — a limitation which these producing countries are to undertake *hic et nunc*.

**The President :**

*Translation :* In order that there may be no misunderstanding, I would request M. Kircher to be good enough to tell me whether the phrase "within five years from the present date" should be inserted at the beginning or the end of the article. If we insert part of Article I in Article II it seems to me that the phrase is not in its proper place at the end of the article. It would perhaps be better to put it at the beginning, which would then read as follows:

"Each of the signatory States agrees, within five years from the present date..."

**Viscount Cecil (British Empire) :**

I think the interruption you have been good enough to make, Mr. President, indicates, if my friend M. Kircher will allow me to say so, the slight inconvenience in the course he has pursued. He has proposed an entirely new draft for the Protocol. There is no difference in the sense between his proposal and that which was intended in the British draft. Personally, I am quite content to accept the decision of the Drafting Committee as to which was the best drafting. I suppose it was unavoidable — for some reason which I do not quite understand — but this suggestion was not made by the French member of the Drafting Committee yesterday. Had it been made, it could have been discussed then.

In the circumstances, I propose that the suggestion made by M. Kircher should be referred to the Drafting Committee, as I think that if we try to redraft these articles in an assembly of this size we shall almost certainly make a mess of it.

**The President :**

*Translation :* M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios (Spain) :**

*Translation :* I think that the Conference should be able to accept Viscount Cecil's proposal.

As I have not the honour to be a member of the Drafting Committee, I would venture to make the following observation: Article I of the draft Protocol refers to the obligations arising under the Hague Convention; but other obligations will arise when the present Protocol and the Convention which we are drawing up come into force. For the Contracting Parties, Article 31 of the present Convention replaces the provisions of Chapter I of the Hague Convention of 1912.

I do not think it would be desirable to take into account obligations which already arise under the Hague Convention, but we must above all take into account the obligations which will arise in the future under the new Convention.

**The President :**

*Translation :* M. El Guindy, delegate of Egypt, will address the Conference.

**M. El Guindy (Egypt) :**

*Translation :* I think that we are all in agreement with Viscount Cecil's remarks concerning the observations of the French delegate.

Instead of dealing with the drafting here we might request the Drafting Committee to take into account the observations which have been made.

**The President :**

*Translation :* Does Viscount Cecil wish to reply to the opinions which have been expressed?

**Viscount Cecil (British Empire) :**

I think that the statement made by the honourable delegate for Spain is certainly well worthy of consideration. I could not express an opinion myself as to whether it would be necessary to alter the drafting. It seems to me that the question raised is entirely one of drafting, and I think that when the Drafting Committee reconsiders this article it will no doubt take account of the interesting observation made by the delegate of Spain.

**The President :**

*Translation :* We have already commenced to discuss Article II, which has not yet been introduced, but the French delegate read it when submitting his amendment. If there is no objection to the adoption of Article II — with all due reservations regarding its drafting — I shall consider it adopted.

*Articles I and II were adopted.*

*Article III.*

**Viscount Cecil (British Empire) :**

Article III is of some importance. It reads as follows:

"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 Council of the League of Nations, whose decision shall be final."

It is with intention that the exact functions of the Commission have been left rather vague in the event of its having to discharge that particular obligation. Those who drafted this article believed that it would be better to leave it to the Council of the League of Nations to frame, when required, the necessary instructions for that Commission rather than to attempt to frame them now.

With regard to the proposal that the Council of the League of Nations shall be entrusted with the nomination of this Commission, I would say — as I think everybody here will recognise — that whenever the Council has had to appoint a Commission — and it has had to do so in a great number of cases — it has always been most anxious to appoint a Commission which could be relied upon to give a perfectly fair and impartial verdict. In these circumstances, I hope that the Conference will see that this is the best machinery that can be devised in order to secure absolute fairness and impartiality for everyone concerned.

**The President :**

*Translation :* M. Chodzko, delegate of Poland, will address the Conference.

**M. Chodzko (Poland).**

*Translation :* The Conference has adopted the wording of certain of these articles. I should

like to know if the Drafting Committee, when the draft Protocol is being revised, will take into account the Egyptian delegate's proposal. I should like, Mr. President, to know your opinion on this subject, since you have stated that we have accepted the text.

**The President :**

*Translation :* I said that the text was adopted "with all due reservations regarding the drafting", since the Conference was agreed as to the changes to be made.

**M. Chodzko (Poland) :**

*Translation :* As regards Article III, which is now being discussed, it is proposed to leave it to the Council of the League to constitute a Commission, from whose decision there shall be no appeal. It is permissible to suppose that the decisions of this Commission will be taken with a view to the execution of the obligations arising under the present Protocol. What will be the situation then? Will the decision remain in the archives of the Commission or will it be put into execution? I should be glad to have an explanation on this point, and I beg to propose that Article III should be amended as follows :

"The Council of the League of Nations shall, on the report of the above-mentioned Commission, decide what measures are to be taken."

**The President :**

*Translation :* I call upon Viscount Cecil, delegate of the British Empire, to speak.

**Viscount Cecil (British Empire) :**

I am much obliged to the honourable delegate for Poland for his question. This Protocol, of course, must be read in connection with the other Protocol, as I have already pointed out. That Protocol provides that, if the necessary measures to prevent smuggling have been taken, an absolute obligation rests on the consuming countries to put a stop, within fifteen years, to opium-smoking within their territories. The consequence of a decision by the Commission in favour of the producing countries, if I may put it in that way, would be the immediate creation of an absolute obligation on the consuming countries. It is not contemplated that any other consequence could take place.

If, on the other hand, the Commission were forced to report that the producing countries had not yet been able to carry out to the full the obligation resting upon them, I think the matter would then have to be considered not by the Council of the League — I am in the hands of the Conference — but rather by a new Conference of the Powers, because I think they are directly concerned and not the Council of the League.

The delegate for Poland will remember that it is proposed by the First Conference that another Conference of the Powers shall be called within five years — that would be within the period of time mentioned in the article before us — in order to deal with the situation which has arisen. In those circumstances, I think perhaps he will feel that it is unnecessary to alter the present wording. The draft Protocol provides that the decision of the Commission shall be final, because, otherwise, it

would be only the Commission of the Council of the League which would report to the Council, and the Council would still be at liberty to accept or reject its report. We think it is very important that this Commission should act in a strictly judicial capacity and should not be reviewed by any body which, however distinguished and worthy of our confidence, is yet a political and not a judicial body.

**The President :**

*Translation :* M. Chodzko, delegate of Poland, will address the Conference.

**M. Chodzko (Poland) :**

*Translation :* I think that the present misunderstanding is due to the fact that we are not acquainted with the Protocol which is to be signed by the First Conference, although we are asked in the preamble of the Protocol before us to note the Protocol of the First Conference.

It seems to me, then, that this discussion is rather premature, because we do not know what action is being taken by the First Conference. We cannot therefore take note of it, as we are asked to do.

In view of Viscount Cecil's explanations, I ought to withdraw my amendment. Viscount Cecil has told us that under certain circumstances it would be desirable to convene a fresh conference. But if only one State fails to carry out its undertakings, are we to convene a new conference of all the States and set all this machinery into motion?

So long as we are unacquainted with the Protocol of the First Conference, it is difficult for us to take any decision. That is why I make reservations concerning Article III.

**The President :**

*Translation :* Is the amendment withdrawn?

**M. Chodzko (Poland) :**

*Translation :* As I have made a reservation, the amendment is suspended.

**The President :**

*Translation :* Does anyone else wish to speak on Article III?

Article III is adopted, subject to the reservation formulated by the Polish delegate. (*Agreed.*)

#### *Article IV.*

**Viscount Cecil (British Empire) :**

This is, I think, only a technical article.

"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. Articles "33" and "35" of the Convention are applicable to the present Protocol."

The purpose of the last sentence is merely to enable other States which, unfortunately, are not present at this Conference to-day to adhere to the Protocol at a later date.

**The President :**

*Translation :* Does anyone wish to address the meeting on Article IV?

*Article IV was adopted.*



87. **RELATION BETWEEN THE TRAFFIC IN OPIUM AND THE TRAFFIC IN ARMS AND MUNITIONS: DRAFT RESOLUTION PROPOSED BY THE FINNISH DELEGATION.**

**M. Toivola (Finland) :**

Before the discussion on this Protocol is closed I wish to move a resolution, the text of which I have given to the Secretariat. I would respectfully ask that the text may be distributed before I speak on it.

**The President :**

*Translation* : The text of the resolution, which reads as follows, will be distributed :

"Whereas the Second Opium Conference believes that the recrudescence of the growth of the poppy in the Far East is one of the most serious elements of the world's drug problem ;

"Whereas that recrudescence is largely due to the unfortunate political conditions now prevailing in large territories of Eastern Asia ;

"Whereas these unfortunate political conditions are in their turn largely due to the unlicensed importation of arms into those territories from outside countries ;

"Whereas the League of Nations has convened an International Conference on the Traffic in Arms and Munitions to be held in Geneva on May 4th next :

"Be it resolved :

"That the Second Opium Conference recommends to the Council of the League of Nations to consider the advisability of referring the question of the unlicensed importation of arms into the territories in the Far East to the forthcoming Conference on the Traffic in Arms and Munitions with the thought that the various interested Governments may, in the meantime, gather information and consider projects in this connection in the hope of removing what is one of the fundamental difficulties of the world's drug situation."

I presume that the Conference agrees to discuss this resolution, the text of which was not distributed before the meeting? (*Assent.*)

I call upon M. Toivola, delegate of Finland, to address the Conference.

**M. Toivola (Finland) :**

Mr. President and gentlemen ; we are discussing what is, I think, at least in principle, an important Protocol. Every one of us, I think, agrees that the results that can be hoped from the adoption of this Protocol are dependent on the conditions that prevail in a large country in Asia. As a matter of fact, for many weeks the conditions in that country have been a most serious obstacle to our work. If there were no smuggling from China, I think that this Conference and the First Conference also would have been able to adopt more definite Protocols than the one now before us.

We heard Viscount Cecil explain a moment ago that the countries in which opium-smoking is still permitted will be obliged to prohibit and finally suppress that habit if the producing countries are able in five years to suppress the over-production of raw opium. The crux of the whole opium question is the recrudescence

of poppy-growing in China. We have been told during the previous debates that there are generals in China who force the population to cultivate the poppy. Why do they do that? — They want the money, or so I have been told. They want the money to buy arms and ammunition in order to continue a very unfortunate civil war in China.

Now it happens that power to control or deal with the opium question has been given to the League of Nations in the same article in which we read the following : "The Members of the League . . . will entrust the League with the general supervision of the trade in arms and ammunition with the countries . . ." (see Article 23 of the Covenant, Clause *d*).

I should think that this Conference has plainly shown to everybody that it is in the interests of the whole world, as far as the opium question is concerned, to control the traffic in arms and ammunition in the Far East. It so happens that next May, I think, an international conference will be held — perhaps in this same room — to deal with questions concerning the traffic in arms and ammunition. I think it is the duty of this Conference to point out to the League of Nations — which has some obligations in this matter — that it is necessary to deal with the question of the Far East in order that even the opium question may be solved. If the League of Nations could find it possible to put this question on the agenda for the May Conference the result might be that some means might be found of putting an end to that very unfortunate traffic in arms and ammunitions which causes so much trouble to the Opium Conference.

Unfortunately, the Chinese delegate is not here, but I remember that he, as well as Mr. Porter, appealed to this Conference several times to help China in her present difficulties. I think that this Conference is still able to show that it is not only not blaming China but is trying to find a way by which China can be helped out of its present difficulties.

I move that this Conference should adopt this resolution. Of course, I understand quite well that a resolution of such importance might require careful consideration and, if the President so decides, I have no objection to the discussion of this draft resolution being deferred.

**The President :**

*Translation* : I am unable to decide whether a discussion on your proposal should be opened. It is a matter for the Conference to decide. Does anyone wish to speak on this question or would the members of the Conference prefer to postpone the discussion until to-morrow?

Mr. MacWhite, delegate of the Irish Free State, will address the Conference.

**Mr. MacWhite (Irish Free State) :**

Mr. President, before this discussion is continued — a discussion which may be interpreted by some as likely to infringe the sovereign rights of certain States — I should like to have your views as to whether this Conference is competent to deal with it.

**The President :**

*Translation* : M. Toivola, delegate of Finland, will address the Conference.

**M. Toivola (Finland) :**

May I say one word? I cannot see that this resolution will in any way interfere with the sovereign rights of any country. The resolution would only be addressed to the Council of the League of Nations for the consideration of the League, and if the Council should think that the addition of this question to the agenda of the next Armaments Conference would interfere with the sovereign rights of some States, of course it would decide not to do so. I must, however, point out to my Irish friend that, under the Covenant of the League of Nations, it is quite competent to deal with all those questions.

**The President :**

*Translation :* M. Sugimura, delegate of Japan, will address the Conference.

**M. Sugimura (Japan) :**

*Translation :* I do not doubt the absolute sincerity of the honourable delegate of Finland, but, as the question is really important, I should be glad if he would be more precise. The words "Far East" or "Eastern Asia" are very vague. Japan is a Far Eastern country, but there is no disorder in Japan. If Japan undertakes to trade in arms, we do not desire to be bound by the proposal now submitted to us. We insist on our full liberty of action and cannot agree that Japan should be bound in any way. Therefore I ask you, M. Toivola, to be good enough to define your expression "Far East" or "Eastern Asia".

Further, I read in the proposal: "Whereas these unfortunate political conditions are in their turn largely due to the unlicensed importation of arms into those territories from outside countries..." I venture to suggest to the delegate for Finland that he has studied the Chinese question here at Geneva and that he is consequently not well acquainted either with the realities or the facts of the situation in the Far East.

I should like to point out one or two facts which may enlighten him on the subject. At the Washington Conference in 1921-1922, at which M. Duchêne was present, we laid the bases of agreements concerning China in the highest spirit of loyalty and impartiality. These agreements were only drawn up two or three years ago, and during the civil war which has recently occurred, they have been applied loyally and in their entirety.

I wish to point out that the control of arms is carried out much more effectively and better than the control of narcotics, and I should like to know quite definitely what the Finnish delegate proposes. I should like to know exactly what he has in his mind. I cannot accept the phrase "Whereas etc." as it stands, for the words "largely due to unlicensed importation" are not in accordance with the facts. The political situation of the country is due to far deeper causes than the traffic in arms. I admit that perhaps the political conditions are due to a small extent to the unlicensed importation of arms, but I cannot believe that this is so to any large extent.

I do not for one moment doubt the sincerity and good faith of the honourable delegate for Finland. I do not level any reproach; I merely venture to offer a few observations — to appeal to him and request him to be good

enough to consider the question afresh and to state his views with greater precision. We might then resume our discussion of this interesting proposal on the basis of a new draft resolution.

**The President :**

*Translation :* I call upon Viscount Cecil, delegate of the British Empire, to speak.

**Viscount Cecil (British Empire) :**

I have listened with great interest to the two speeches which have been made. The subject has been in our minds for some time, but I had no idea that it was going to be raised this morning.

There seem to be two ways in which the cultivation of the poppy in China is connected with the traffic in arms. In the first place, it is, of course, undoubtedly the case that it is owing to the civil disturbances in China that it has been impossible to enforce the Chinese laws against the cultivation of the poppy. As long as these civil disturbances continue, there is only too much reason to fear that these laws will not be enforced. Therefore so far as the importation of arms enables those civil disturbances to continue it is connected with the growth of the poppy.

There is, however, a much more direct relation which I think has not been taken sufficiently into account by the delegate of Japan. Undoubtedly the poppy is grown, as the French delegation has pointed out, under direct orders from the provincial authorities in order to pay for the arms which are imported. I do not think it can be disputed that pressure is brought to bear on the population in certain parts of China to grow the poppy in order to pay for arms. This is a much more direct connection between the growth of the poppy and the traffic in arms.

The delegate of Japan will remember that in addition to what was done at Washington a Chinese Arms Embargo Agreement was entered into by certain Powers as long ago as 1919. I think that Japan was one of those Powers.

**M. Sugimura (Japan) :** Yes.

**Viscount Cecil (British Empire) :**

Japan has discharged her obligations under that agreement as she always does strictly discharge her obligations. Since this discussion began, it has been brought to my notice that there is in yesterday's London papers a notice calling the attention of British subjects to the importance of not in any way overlooking that obligation and recounting the various steps which the British Government has taken to see that it is strictly enforced. Therefore it has a certain reality of which I was not aware until this discussion began.

I think that it would be unwise for this Conference to embark on a full discussion of this matter this morning. It comes as an entirely new proposal to me at any rate. I had no idea that it was going to be raised, and I imagine that that is the case with the great majority of the people present. I think that we should be allowed twenty-four hours in which to consider the line we ought to take — whether it is, on the whole, desirable for the Conference to pass a resolution of this kind or

not or whether it will be sufficient that the discussion on the matter has taken place so that the Council of the League, which is represented here by many delegates, will be aware of the interest which this Conference takes in this subject and will be able to consider whether or not it is a matter which ought to be brought to the notice of the Arms Traffic Conference.

It seems to me that this is possibly the course which we ought to pursue. We ought possibly to accept this resolution, modifying it in the way indicated by the delegate of Japan. It would be absurd to word it in such a way that Japan might be included. I hope, therefore, that the Conference will, without any prolonged discussion, agree that this matter should be adjourned until to-morrow for further consideration.

**The President :**

*Translation :* The Conference has before it a proposal to adjourn the discussion for twenty-four hours. We must discuss this proposal, because we have to take a decision before we can continue our work. There are still two members down to speak.

I call upon M. El Guindy, delegate of Egypt, to address the Conference.

**M. El Guindy (Egypt) :**

*Translation :* The present proposal is that we should adjourn until to-morrow. I suggest that this adjournment should be prolonged until the end of the examination of the Convention. If this were done there would only be one set of recommendations to be submitted to the League of Nations.

**The President :**

*Translation :* I call upon M. Duchêne, delegate of France, to speak.

**M. Duchêne (France) :**

*Translation :* I cannot do otherwise than support the motion for adjournment which has just been submitted. I agree that we require time to consider the resolution which has been submitted to the Conference by the Finnish delegate. For my part I had no intention, either now or later, of intervening in a discussion on the subject-matter of this resolution; but since the Japanese delegate has referred to our common experience at the Washington Conference, I would like at this point to state the impression which I have received on reading this text for the first time :

The text can certainly be modified : if on certain points it calls forth ideas which did not form part of the author's intentions, the changes to be made in the text will dissipate all such misgivings. As the Japanese delegate has said, no blame can be attached to the great country which he represents. I also believe — and the explanations of the Finnish delegate would suffice to clear up this point if it were necessary — that the country concerned is China. But ought we, as the Japanese delegate suggests, to go so far in a text of this kind as to mention China by name. I think, gentlemen, that that would be a serious mistake. We cannot bring an indictment against any particular country. China, herself a great country, both at Washington and after Washington, has only formulated one request, and that is that no contraband in arms and munitions shall be carried on in her territory. You know that,

side by side with an official China, which has the best intentions, there is a China which I might call "the more or less real China". It is undoubtedly this "real" China which encourages the cultivation of the poppy in order to obtain the money required to procure arms and munitions.

I cannot yet say what will be the ultimate fate of this draft resolution, but, in any case, it will have served a useful purpose. We should thank the Finnish delegate for having drawn the attention of the Conference to a problem which is of considerable interest because it is not unconnected with the production of opium in the Far East.

If this draft resolution is abandoned, the observations which it has called forth here and which will appear in the records of the Conference will indicate to the Conference on the Trade in Arms the connection that exists between the special production in certain parts of the Far East and illicit arms. That will be a very important fact for the Conference which is to meet in May with a view to studying the problem of the trade in arms and munitions throughout the world. If its attention is specially drawn to a particular and very important aspect of the question, it will be thanks to the draft resolution submitted to this Conference by the Finnish delegate.

**The President :**

*Translation :* I now call upon the author of the proposal — M. Toivola, delegate of Finland — to speak.

**M. Toivola (Finland) :**

*Translation :* I am not opposed to the Egyptian delegate's proposal for an adjournment. We can quite well continue this discussion after we have discussed the Convention.

Moreover, I must thank the Japanese delegate for the observations which he made with that unflinching courtesy which we all appreciate. I must thank him particularly for his remarks on the question of the illicit importation of opium into China. I shall have occasion to reply later on to the questions which he has raised.

**The President :**

*Translation :* M. Sugimura, delegate of Japan, will address the Conference.

**M. Sugimura (Japan) :**

*Translation :* In order to avoid all misunderstanding, I repeat that I have never suggested that the words "territories in the Far East..." should be replaced by the word "China". That would have been a very serious error for a delegate of Japan to make. I repeat, therefore, that I have never suggested this word. Were such a suggestion made it would have a very disastrous effect on public opinion in China. I therefore trust that you will not allow this misunderstanding to arise.

**The President :**

*Translation :* I think I am interpreting the views of the Conference when I state that it agrees to the adjournment of the examination of this question until after the Convention has been discussed.

Does anyone oppose this suggestion ?

The proposal for adjournment, as thus defined, is adopted.

*Adopted.*

**88. EXAMINATION OF THE REPORT OF SUB-COMMITTEE B : ARTICLE 1 OF THE UNITED STATES SUGGESTIONS : CONTINUATION OF THE DISCUSSION.**

**The President :**

*Translation :* At our last meeting we postponed the discussion of Article I of the American proposals.

The discussion on this subject, which has been included in the agenda of to-day's meeting, may now be opened.

I call upon the Indian delegate, Mr. Walton, to speak.

**Mr. Walton (India) :**

Mr. President and gentlemen, the Government of India would greatly prefer, as regards this Article I of the American proposals, that no alteration should be made in the corresponding article of the Hague Convention which is reproduced in the provisional draft Convention that has been distributed to the Conference. Its reason for this conservative attitude is that there appears to be a great advantage in keeping this subject of the consumption of opium in opium-producing countries apart for consideration by some future conference.

It seems quite possible that the Council of the League may find it desirable in the near future to call a conference to deal with the subject, as a result, perhaps, of the enquiries in the Far East which are contemplated. If that should happen, the Government of India would also have an opportunity of pursuing its own enquiries into those questions of opium-eating in India with which it is concerned. It would then, perhaps, be able to come to the conference with constructive proposals, which, unfortunately, it has not been able to do at this Conference, because it really had no idea that the matter was going to be discussed.

There seems a danger that if we deal with the matter now we may find we have dealt with it in an imperfect and premature way, and for that reason the Indian delegation would greatly prefer that the article of the Hague Convention should not be altered and that this Conference should adopt the article which figures as Article 2 in our present draft Convention, which is the same.

If it should turn out that the members of the Conference are not prepared to adopt that solution, then the Indian delegation would consider as sympathetically as possible, and with every desire to come to an agreed solution, the American text of the article. It is possible — in fact I think it is probable — that we should be able to accept it if it were amended by the introduction of the words "for export" after the word "available". The article would then read : "The Contracting Parties shall enact effective laws or regulations for the control of the production and distribution of raw opium so that there will be no surplus available for export for purposes not strictly medical or scientific", and then would follow the proviso regarding the question of opium-smoking, which will, of course, in any case be necessary.

The Government of India would not have the slightest objection to an article in that sense, because India is prepared to confine its exports of raw opium to purposes duly certified by the Governments of the importing countries as being medical or scientific, with the exception, of course, which is covered by the separate proviso in the American text of the article, of the supply of raw opium which she sends on the demand of countries where the use of prepared opium is still authorised. Those demands also are invariably certified by the Governments of those countries, and in fact they come from the actual Governments themselves in most cases. Apart from that, the effect of the article as proposed to be amended would be to confine the international traffic in raw opium to medical and scientific purposes.

I submit that there are various minor advantages in this amendment besides some greater ones. In the first place, it would give a more logical and symmetrical structure to the Convention, because we should then have a convention dealing merely with drugs and the international traffic in drugs and with the import and export of the raw substances. We have already excluded opium-smoking from the Convention, and the control of the consumption of the coca leaf in the producing countries has also been excluded on the recommendation of Sub-Committee C. The reason for the exclusion of the coca leaf was interesting. It was that the limitation to medical and scientific purposes of the consumption and production for consumption of coca leaf in some of the producing countries is impracticable, on account of the difficulties connected with its use by the natives of those countries.

The difficulties with regard to the eating of raw opium in India and other countries are not, of course, quite the same, but still those opium-producing countries have difficulties, and it would be quite logical, I submit, that this Conference should recognise them in the same way that it has recognised the difficulties of countries which produce the coca leaf.

The Conference was called for the three objects to which I have already referred : the limitation to medical and scientific purposes of the manufacture of drugs, the importation of the raw material, and the exportation of the raw material for such manufacture. I submit that my amendment derives a considerable amount of support from the actual wording of Resolution VI of the Assembly of 1923, which everyone recognises ought to be the basis of our work.

The resolution, where it refers to the limitation to medical and scientific use of the production of raw opium and coca leaf, contains the words "for export" — "the limitation of the production of raw opium and coca leaf for export to the amount required for such medicinal and scientific purposes".

Perhaps those are reasons of minor importance, but I would like just to mention one important reason, and a reason which I think is, by itself, convincing in favour of an amendment, either in this sense or in some other sense which will have the same result. My proposal makes clear what I know to be the intention of this Conference : that there is no claim to interfere unduly in matters which are acknowledged to be matters of purely domestic jurisdiction. On the other hand, if the article were not

amended, its purport would certainly be to apply a particular method of regulation — namely, the medical and scientific test — to the use of raw opium within the borders of the countries that produce it.

I do not want to go again into the merits of the question, as I believe that the Conference is fully convinced that there are no abuses of opium in India requiring so drastic a remedy. But, apart from its merits, the article, if unamended, would clearly involve interference in a question which is admittedly wholly one of domestic jurisdiction : namely, the method by which certain States, having a peculiarly close interest in the matter, shall apply the general obligation of control that already exists.

The unamended article, I submit, would therefore defeat what I believe to be the intention of the Conference and would set up a principle of interference in matters of purely domestic concern. As ardent supporters of the League of Nations, the members of the Indian delegation feel — and they have also learnt from others who have the best ability to judge — that this would be a very unfortunate principle for the League of Nations to adopt.

There is just one point to which I would like to refer before I sit down. It relates to a further difficulty, apart from those which have already been mentioned, in connection with the American proposals so far as India is concerned. You have heard of the difficulties, from the medical, social and religious points of view, which would be attendant upon the application of this particular test to the eating of opium in India. Apart from these there is a grave constitutional difficulty which, by itself, would make it impossible for the Government of India to accept the proposal.

Under the Government of India Act passed by the British Parliament in 1919, eight of the Indian Provinces, of which there are nine, enjoy autonomy with regard to a large number of questions, and the question of the internal trade in and the use of raw opium is one of these. As regards the export trade, on the other hand, the Government of India remains directly responsible. The control of the internal traffic in opium has been placed, however, in the hands of the Provincial Governments, which, in regard to this matter, are fully representative of and responsible to the people in the Provinces.

It follows, then, that the Indian people have the power, should they desire to do so, to enact further legislation on the subject of opium with a view, for example, to restricting it to medical purposes, and they also have the power, if they wish, to introduce any change of policy with regard to the administration in respect of opium. On the other hand, no new legislation nor any new policy can be forced upon the autonomous legislatures in the Provinces.

You will at once see that the Government of India would be taking a retrograde step, it would be turning its back on a great democratic advance which has recently been made, if it were to take away this freedom that has been given to the Indian people and were to compel them to regulate the subject of opium in a particular way.

If anybody wants to know what the wishes of the people of India actually are, I submit that they can best be ascertained by the action taken by the representatives of the people

during the last four years — the period, that is, during which India has enjoyed this new constitution. During that time certain measures have been taken in the matter of opium, but measures having regard to opium-smoking only. This habit is regarded as a vice in India, and some of the new Provincial Governments have taken various steps to suppress it more effectively even than was the case before. But with regard to opium-eating, they have taken no single step to alter in any way the policy or the legislation which was bequeathed to them by the Government of India.

No doubt members of the Conference have seen a telegram from the Indian National Congress which was distributed about a fortnight ago and which criticises the policy of the Government of India (Document O. D. C. 87). Perhaps I might explain that the Congress, which is the Congress of a political party, has actually a majority in more than one of the Provinces of India. If, therefore, their criticism were justified they have it in their own power in those provinces to carry out the reforms which they consider desirable. Moreover, if in any province the autonomous legislature should desire to restrict the use of opium to medical and scientific purposes or to regulate it in any other way, the Government of India, as Lord Hardinge announced at the Assembly of 1923, would place no obstacle in their way and would even do everything in its power to co-operate with them in any measures having that object in view which were both lawful and practicable.

I beg to move the inclusion of the words "for export" in Article I of the United States Suggestions.

**The President :**

*Translation :* When the Indian delegate refers to the amendment to be submitted, does he mean the American proposal including the words "and coca leaves" or excluding them ?

**Mr. Walton (India) :**

Excluding the words "and coca leaves".

**The President :**

*Translation :* M. El Guindy, delegate of Egypt, will address the Conference.

**M. El Guindy (Egypt) :**

*Translation :* I hope that production will not be excluded, for if production is not limited it gives rise to smuggling, and it is necessary for us to combat such smuggling. We have been told that there are administrative questions and political questions. It has been said that certain States represented by others at our Conference will not submit to these laws. I think these recalcitrant States should be indicated. We could invite them to discuss the matter and could perhaps persuade them to accept such reductions. I would retain the article as it stands without adding the words "for export".

**The President :**

*Translation :* You do not include coca leaves ?

**M. El Guindy (Egypt) :**

*Translation :* We are now only discussing opium.

**Mr. Walton (India) :**

In reply to the statement made by the honourable delegate for Egypt, I would suggest, Mr. President, that the text of the article as proposed to be amended meets his point of view, because it would expressly provide that production should be so limited that there would be no surplus available for export, except for medical and scientific purposes.

**M. El Guindy (Egypt) :**

*Translation :* Why do we insist on laying down no restrictions on production itself?

**Mr. Walton (India) :**

I will try to explain my meaning. Such restrictions would be placed on production as would ensure that no surplus was available for export except for medical and scientific purposes. The honourable delegate for Egypt was afraid that, if export were restricted, a great surplus would accumulate in the producing countries, which would find its way into the contraband traffic. As I understand the article, however, as proposed to be amended, the Contracting Parties would undertake not to allow the accumulation of such surplus which would be available for export either through licit or illicit channels.

**M. El Guindy (Egypt) :**

*Translation :* I did not know until just now that there were States which allowed the exportation for other uses than medical and scientific needs. Since such limitation of exportation already exists, we should like to obtain the limitation of production itself.

**The President :**

*Translation :* Does anyone wish to speak on this subject?

As no one wishes to speak, we should, I think, vote on the question.

The situation in this matter is somewhat complicated. We have first of all the American proposal (it being understood that coca leaves are excluded.) To this proposal has been added the amendment of the Indian delegation suggesting that, after the words "no surplus available" should be added the words "for export". Moreover, the Egyptian delegate wishes to retain the American proposal. Finally we have an Italian proposal contained in a note distributed a few days ago asking that the American proposal concerning the production of raw opium should be accepted in principle by the Conference and referred by it to the Drafting Committee as a basis for its work. Each State would be free to adhere to the American proposal or to make such reservations as it deemed necessary.

We should, I think, vote first of all on the Indian delegation's amendment, which is an amendment involving an addition to the original proposal.

According to our rules of procedure, unless the Conference decides to the contrary, the vote should be taken by roll-call, but perhaps it will not be necessary for us to do this.

**M. Pinto-Escalier (Bolivia) :**

*Translation :* Before voting on Article I as amended I request the President to have this amendment read.

**The President :**

*Translation :* We will take the vote first of all on the Indian amendment.

**M. Falcioni (Italy) :**

*Translation :* I wish to point out that coca leaves are not being dealt with in this case. I have accepted the very reasonable observation made by the Bolivian delegate.

**The President :**

*Translation :* We quite agree with the first Italian delegate. I thought the Conference understood that.

M. Daladier, delegate of France, will address the Conference.

**M. Daladier (France) :**

*Translation :* We have arrived at a point in the discussion at which I, for one, do not very clearly understand the meaning or the scope either of the Indian delegation's amendment, or of the reservations of the Bolivian delegate concerning the question whether coca leaves shall or shall not be included.

We could, however, all come to an agreement adopting the modified articles the text of which M. Kircher submitted a short time ago. If the Conference adopts, as I think it intends to adopt — at any rate in principle — the text submitted to us by M. Kircher, there is no longer any reason to take a vote or to refrain from voting on the Indian delegation's amendment, in view of the fact that the problem will be solved by the new text which we have submitted to you.

If, in Article I of this draft Protocol, you say, as we have proposed, that the signatory States recognise the force of Chapter I of the Hague Convention which laid down, and continues to lay down, that they are to exercise effective control throughout their territory over the distribution and exportation of raw opium, I do not understand why we should re-open the discussion of Chapter I of the American proposals, nor why we should spend any time in discussing the amendment of the Indian delegation, which seems to me to be fully covered by the drafting of this article. This is the question of procedure which I wish to submit to the Conference.

**M. Yovanovitch (Kingdom of the Serbs, Croats and Slovenes) :**

*Translation :* May I support the French delegate's observations? I think I am also interpreting the views of the other producing countries. This question has already been settled.

**Mr. Clayton (India) :**

On behalf of the Indian delegation, I should like to say that we accept the articles in the first Protocol as a very satisfactory solution of the question. I adhere to the proposals of the French delegate.

**M. Dendramis (Greece) :**

*Translation :* I accept the articles as proposed by the French delegation.

**Viscount Cecil (British Empire) :**

The only thing I would like to say is that I think it may possibly be necessary to make some slight amendment in the wording



of the Protocol if that solution is adopted by the Conference.

**The President :**

*Translation :* M. Pinto-Escalier, delegate of Bolivia, will address the Conference.

**M. Pinto-Escalier (Bolivia) :**

*Translation :* The French delegate has said that he did not understand the reservations made by the Bolivian delegation.

The reason for these reservations is that this is not a question affecting the Protocol which has already been approved but the second point of the agenda concerning Article I. This article refers specifically to coca leaves, and I therefore wish to make sure of this point before taking part in the vote.

**The President :**

*Translation :* Mehmed Sureya Bey, delegate of Turkey, will address the Conference.

**Mehmed Sureya Bey (Turkey) :**

*Translation :* In Sub-Committee B we drew up a report, but we were not able to agree, because many of the producing countries formulated reservations regarding the adoption of Article I of the United States suggestions. I think, therefore, that, with the exception of the Persian delegation, we are in agreement concerning the first article of the Hague Convention. That is why I support the French proposal.

**The President :**

*Translation :* Am I to interpret the last statement of the first Indian delegate as meaning that the Indian amendment has been withdrawn?

**Mr. Walton (India) :**

Yes, in favour of the French proposal.

**Viscount Cecil (British Empire) :**

I think that we ought to be quite clear about this, because it is an important matter. I should like to know exactly what the attitude of the Italian delegation is. I do not know whether it intends to proceed with its motion or whether the suggestion is that the Italian motion, and consequently the Indian amendment to it, should be withdrawn and

that there should be substituted for it the proposal of the French delegation. If that is the proposal I understand it, but I am not quite sure whether it is. I do not know what the exact effect of that would be, without any further amendment, on the attitude of some members of the Conference who desire to confine the use of opium to scientific and medical purposes.

**The President :**

*Translation :* I call upon M. Falcioni, delegate of Italy, to speak.

**M. Falcioni (Italy) :**

*Translation :* As the Indian delegation has withdrawn its amendment, the Italian delegation also withdraws its amendment.

**The President :**

*Translation :* We have now two proposals before us : the American proposal, coca leaves being excluded, as supported by the Egyptian delegation, and the French proposal, which I understand to be as follows : The French delegation proposes the text of the Hague Convention without any addition and then the two articles of the Protocol, amended by the Drafting Committee.

As the first Egyptian delegate maintains his proposal, we must vote on the American proposal as it stands, excepting coca leaves.

**Viscount Cecil (British Empire) :** I confess that I feel in a considerable difficulty about this. I do not want to be hurried or that my Government should be hurried in the acceptance of a solution of this question, which on examination might not turn out to be satisfactory. It is now after 1 o'clock. I would very respectfully ask the Conference to defer a decision on this matter until we meet again this afternoon, when I feel that my mind, at any rate, will be much clearer as to the exact position than it is at the present moment.

**The President :**

*Translation :* If the Conference agrees, we will act on this suggestion. (*Assent.*)

*The Conference rose at 1.10 p.m.*

## TWENTY-NINTH MEETING

*Held at Geneva on Tuesday, February 10th, 1925, at 3.30 p.m.*

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President : M. Herluf ZAHLE.

89. **EXAMINATION OF THE REPORT OF SUB-COMMITTEE B : ARTICLE 1 OF THE UNITED STATES SUGGESTIONS : CONTINUATION OF THE DISCUSSION : APPOINTMENT OF A SUB-COMMITTEE.**

**The President :**

*Translation :* The meeting is open. Before continuing the discussion of the second point on our agenda for to-day, I will sum up the present position.

The Conference has before it the American suggestion, regarding Article 1, which is supported by the Egyptian delegate, and a suggestion put forward by the French delegation.

As regards the first point, the text of Article 1, as we are dealing with it, does not include coca leaves. We also have before us a slight amendment to the second paragraph of the article in question, which consists in replacing the words "in conformity with Chapter II of the present Convention" by "in conformity with Chapter II of the Hague Convention of 1912".

The French suggestion is to retain the clause of Article 1 of the Hague Convention of 1912 in the Protocol, as amended by M. Kircher.

These two proposals are submitted to the Conference for consideration. The discussion is open.

I call upon M. Loudon, delegate of the Netherlands, to speak.

**M. Loudon (Netherlands) :**

*Translation :* Mr. President, we have already discussed this article at length this morning and I doubt whether we shall reach any conclusion if we continue in this way. It seems to me that the French proposal — which I think is an excellent one — takes no account at all of the words at the end of the first paragraph of Article 1 of the American proposal which refer to medical and scientific uses. I think we ought to keep these words, and we might also add "for exportation". In this way, I think we shall be able to reach an agreement.

The Egyptian proposal went altogether too far, and the French proposal, as it stands, is not exactly what we require. It seems to me that, by adding a few words such as I have indicated, we should retain the idea of restriction to medical and scientific purposes which is contained in the American suggestion. I hope we shall be able to find a good formula, and I have put forward my suggestion with a view to cutting short a discussion which threatened to be interminable.

**The President :**

*Translation :* I call upon M. El Guindy, delegate of Egypt, to speak.

**M. El Guindy (Egypt) :**

*Translation :* Mr. President, when the honourable French delegate moved his amendment to the two articles, I was one of the first to approve it, because it referred to the Protocol. In my opinion, the Protocol of a Convention is like the preface to a book; the detail must be inserted in the Convention itself.

We are now discussing Article 1 of the Convention, and two points of view have been expressed. There are those who do not want to

reduce production — including in this term, production for exportation, for use in the producing country and for medical and scientific purposes — and there are those who do not wish to restrict production to the requirements for medical and scientific purposes. The honourable Netherlands delegate has just expressed a third point of view: that of restricting exportation to the requirements for medical and scientific purposes only. I have always understood the proposal in that sense. But what I desire to see reduced is production, because, as everyone knows, the reduction of internal consumption only is a source of contraband. If countries confine their exports to the requirements for medical and scientific purposes, what is going to be done with the surplus? I should like to have a reply to this question.

**The President :**

*Translation :* I call upon Viscount Cecil, delegate of the British Empire, to address the Conference.

**Viscount Cecil (British Empire) :**

Since the Conference was good enough to adjourn its discussion this morning, I have been doing my best to consider this very complicated and difficult problem. The position seems to me to be this: There has been a general acceptance of the proposal that, so far as the traffic in opium is concerned, the production of raw opium ought to be so controlled as to be restricted to production for medical and scientific purposes.

If I have rightly read the proceedings of the Advisory Committee and the Assembly, that principle was taken for granted; indeed, the resolution under the terms of which this Conference was convened seems to indicate that that is the question we are required to consider, because I notice that in one of the phrases it says: "and of the limitation of the production of raw opium and the coca leaf for export to the amount required for such medicinal and scientific purposes". Our mandate, therefore, certainly requires us to consider whether we should not lay down as a principle that the production of raw opium should be limited, at any rate so far as export is concerned, to medical and scientific purposes.

On the other hand, we have heard from the Indian delegation, and from other delegations, very strong protests against the conception that an international convention should affect and deal with the use to which a country puts its own products within its own borders. Evidently, other countries have a right to require that a country producing a drug like opium should so control its production as to ensure that no surplus which could be used for wrong purposes is distributed throughout the world. This, however, seems to be the limit of the interest which other nations can take in the matter, and it seems to me, therefore, that these two principles have to be combined. Is it possible to find a form of words which will secure the control of production, with the object of confining the traffic in opium to medical and scientific purposes, without interfering with the internal sovereignty of any country? That seems to me, if I understand it rightly, the problem which we have to consider.

The Egyptian delegate will, I am sure, forgive me when I say that I think he goes too far.

He proposes boldly to say, without any exception, that every country is to be bound to reduce its production of opium to the amount required for medical and scientific purposes. That proposal goes further than the American one, because the Americans always said that they did not wish to interfere with domestic matters. It goes further than the Italian proposal, which expressly said that it was desired to reserve to every country the right to deal with its own affairs. I am not quoting the actual words, but this represents their substance. In my view the Egyptian proposal goes further than any international body ought to go.

On the other hand, though I was very much attracted by the French suggestion, I am not sure whether, when it is worked out, it does not sweep away altogether the idea of confining the production of opium to medical and scientific purposes, for, if it is desired to do anything more than was done in the Protocol, the Protocol merely forbids smuggling and leaves the control of opium, apart from smuggling, quite untouched.

It appears to me, therefore, that we ought to look for some formula which will enable us to get out of these difficulties, and there seem to me to be two possible ways. One is that suggested by the delegate of the Netherlands; it has the great advantage of being most nearly in conformity with the resolution under the terms of which the Conference is convened. His suggestion is that production should be controlled so that no surplus will be available for export, except for medical and scientific purposes. I venture to submit that the Egyptian delegate misunderstood what had been proposed. This is a very clear and definite proposal and involves the strictest control of production, because it ensures that the surplus available will only be used for medical and scientific purposes if the strictest control of production is enforced.

We must, of course, assume that every country that adheres to this Convention will honourably try to fulfil its obligations, and, in that event, there will be a very definite control of production, with the effect of securing the world against the distribution of any opium except for medical and scientific purposes. This is one way of dealing with the problem, and it has the great advantage — at any rate, from my point of view — of having already secured the assent of the Indian delegation. I think the Conference would do very well to consider whether it is not, on the whole, the best way out of our difficulties.

The only other way of dealing with the matter that occurs to me would be to accept what is called the American article as it stands, inserting at the end some words to carry out the Italian suggestion of freeing individual countries from interference with their domestic concerns. The following text might be added at the end :

“Further, any Contracting Party may declare, at the time of its signature of, or accession to, the present Convention, the limitations subject to which it accepts this article as regards the production and distribution of raw opium for consumption in its territories. If such a declaration be made, the other Contracting Parties agree that this article shall only apply in the case

of the Contracting Party making the declaration, subject to the limitations contained in that declaration.”

That would, of course, give to any country, as regards its domestic affairs, the power to make a declaration before the world as to the extent to which it could be bound, in the event of its being unable to bind itself by the strict letter of the earlier part of the article.

On behalf of the British delegation, I would be prepared to accept either of these solutions, but I venture to think that one or other of them, or something analogous to them — and I can think of no other alternative — must be accepted; otherwise, we are going to do something which would be very oppressive to individual countries or else put them under this very unfair alternative: either they will have to refuse to sign the Convention altogether or they will have to undertake something which they cannot conscientiously do and which ought not to be enforced on them in the present condition of their social development.

I very earnestly commend these alternative suggestions to the Conference. If I may make one further suggestion, it is that, since we have here very definite proposals, it might be possible, perhaps, for a few members of the Conference to meet together to consider which of these two solutions would be the best in view of the very difficult circumstances in which we are placed. If the Conference thought it right, we might go on meanwhile with our other business, as time is now very urgently pressing.

**The President :**

*Translation* : M. El Guindy, delegate of Egypt, will speak.

**M. El Guindy (Egypt) :**

*Translation* : I would like to reply to a statement made by the honourable British delegate. I never intended that any country should be authorised to interfere in the affairs of another nation. I put forward a request in the Sub-Committee which was composed of the representatives of the producing countries. My proposal was not accepted. If we draw up a Convention, this will not constitute an interference in the domestic affairs of a country, as the Convention will be freely accepted by the States concerned.

I therefore maintain my proposal, without in any way wishing to interfere in the internal affairs of any country.

**Viscount Cecil (British Empire) :**

All the producing countries are agreed that they could not accept the proposal of my friend the delegate of Egypt. If some way out is not found, they will be obliged either to refuse to sign the Convention at all or to accept something which they consider to be an interference with their rights. This is the situation which has to be met, and the Italian delegation proposes to meet it by giving the producing countries an opportunity of saying: “Although we have signed the Convention generally, we must make certain reservations or declarations”.

**M. El Guindy (Egypt) :**

*Translation* : If a reduction of exports is accepted, will it be understood that this will lead inevitably to a reduction of production?

**Viscount Cecil (British Empire) :**

That entirely depends on the purpose for which the exports have been used.

**M. von Eckardt (Germany) :**

*Translation :* The proposal made by the first delegate of the Netherlands seems to me to be an excellent one, but I think it would be quite impossible to prevent the accumulation of the surplus stocks to which reference has been made. I do not understand how the countries concerned will be able to deal with this.

**The President :**

*Translation :* I call upon M. Falcioni, delegate of Italy, to speak.

**M. Falcioni (Italy) :**

*Translation :* I thank Viscount Cecil for having disinterred the Italian proposal. Perhaps it ought to be considered once more. The question is an important one. I would therefore like to ask the honourable Egyptian delegate not to press his proposal, and, as Viscount Cecil has asked us to explore the possibilities of an agreement, I think it would be a good thing for some of us to meet in another room and try to come to some conclusion.

**The President :**

*Translation :* I gather that the Italian proposal has been revived. No formal motion has been put forward by the Netherlands delegate or by Viscount Cecil.

I therefore propose that the Italian proposal should be regarded as revived and referred to a small Sub-Committee as a basis for the solution of the difficulty in which we are placed. If you agree, we could leave this question to the small Sub-Committee and resume the discussion of this article at five o'clock.

I have received the following proposal from one of the delegations regarding the composition of this Sub-Committee :

The first delegates of Italy, the Netherlands, France, India, Egypt and the British Empire.

**Viscount Cecil (British Empire) :**

There is one suggestion that I would like to make. I suppose that such a Sub-Committee would also consider the suggestion made by the first delegate of the Netherlands, because that is one of two alternative propositions.

**The President :**

*Translation :* That was also my view, as the Sub-Committee will have to discuss, on the basis of the Italian proposal, the remarks made during the present discussion.

If you agree, I will ask these six delegates to meet as soon as possible.

M. Dinichert, delegate of Switzerland, will address the Conference.

**M. Dinichert (Switzerland) :**

*Translation :* I should like to make an observation regarding the composition of this Sub-Committee. As has already been said, the question under discussion appears to be very complicated, and this must be the Conference's excuse for not having come to a conclusion. But I think it appears more complex than it really is, for we are nearly agreed upon a solution which consists in limiting the exportation of raw material to medical and scientific uses.

To express this, a formula must be found. But, gentlemen — and this, in fact, is the one thing I want to say — how can we insert a formula of this kind in the Convention which is being prepared if we are not certain that the principal producing countries will accept it? The engagement entailed by these articles must be accepted and carried out by the producing countries, otherwise it will remain a dead letter. For this reason, I could not give my adhesion to a formula which was not accepted by the representatives of all the producing countries.

I therefore suggest that the President — with the consent of the Conference, of course — should take this point into consideration and see to it that the representatives of the countries most concerned are associated with the work of this Sub-Committee.

**The President :**

*Translation :* I had prepared a list of names for the Sub-Committee but I had received another list from one of the delegations, and this is the one which I put before the Conference. My own list also included M. Yovanovitch, delegate of the Kingdom of the Serbs, Croats and Slovenes. It seems to me quite natural that the producing States should be represented on the Sub-Committee.

**M. El Guindy (Egypt) :**

*Translation :* Among the producing States chiefly concerned are Persia and Turkey, and I think H.H. Prince Arfa-ed-Dowleh ought to be on the Sub-Committee, as I know that he will accept the whole Convention provided he is given satisfaction in regard to his memorandum.

**Prince Arfa-ed-Dowleh (Persia) :**

*Translation :* I am afraid I cannot serve on the Sub-Committee as I am called away on urgent business to Berne and will be absent for a day or two.

**The President :**

*Translation :* Could not the producing countries specially concerned agree to be represented by the delegate of the Kingdom of the Serbs, Croats and Slovenes?

**M. Yovanovitch (Kingdom of the Serbs, Croats and Slovenes) :**

*Translation :* I propose that the Turkish delegate should take my place on the Sub-Committee.

**Viscount Cecil (British Empire) :**

I think both had better come.

**Prince Arfa-ed-Dowleh (Persia) :**

*Translation :* I accept M. Yovanovitch's proposal.

**M. El Guindy (Egypt) :**

*Translation :* If the Sub-Committee met to-day, H.H. Prince Arfa-ed-Dowleh could take part in its discussions and the difficulty would be solved.

**The President :**

*Translation :* I propose that the Sub-Committee should meet as soon as possible; in fact, it can do so immediately, and the first

delegates of Turkey and Persia can represent the countries directly concerned.

*The proposal was adopted.*

**The President :**

*Translation :* The discussion of this question is postponed until 5.30 p.m. I will therefore ask the Sub-Committee to meet at once.

## 90. FIRST READING OF THE DRAFT CONVENTION : EXAMINATION OF THE PREAMBLE AND ARTICLE 1.

**The President :**

*Translation :* The third item on our agenda is the first reading of the draft Convention, with the exception of Chapter IV, Article II.

I would remind you that this is a first reading, but it is none the less of importance, because all amendments to the text ought to be submitted now. It would be very helpful to me if you would submit in writing all amendments both as regards the subject-matter and the wording.

M. Sugimura, delegate of Japan, will address the Conference.

**M. Sugimura (Japan) :**

*Translation :* On rereading the text, I find that several small drafting amendments might be made. I will not bring all these points up now, but I reserve the right to submit them to the Drafting Committee.

**The President :**

*Translation :* If they are only questions of drafting, they need not be raised here. The Drafting Committee, to which I belong, will duly take note of M. Sugimura's observations.

### *Preamble.*

The text of the Preamble was read as follows :

"Taking note of the fact that the application of the provisions of the Hague Convention by the signatory States has produced results of great value, but that the contraband trade in and abuse of the substances to which the Convention applies still continue on a great scale ;

"Convinced that the contraband trade in and abuse of the substances to which the Convention applies cannot be effectually suppressed except by bringing about a more effective limitation of the production or manufacture of the substances, and by exercising a closer control and supervision of the international trade, than is provided for in the Convention ;

"Desirous therefore of taking further measures to carry out the objects aimed at by the Convention and to complete and strengthen its provisions ;

"Realising that such limitation and control require the close co-operation of all the signatory States ;

"Considering that this humanitarian effort will meet with the unanimous adhesion of the nations concerned :

"Have decided to conclude a Convention for this purpose.

"The High Contracting Parties have

accordingly appointed as their plenipotentiaries :

[ *Here follow the names of heads of States and their plenipotentiaries.* ]

who, after communicating their full powers, found in good and due form, have agreed as follows :

**The President :**

*Translation :* The names of the plenipotentiaries will not be inserted in the Preamble until all the signatures have been affixed. The document which you will be invited to sign will bear no names. The discussion on the Preamble is open.

I call upon M. Chodzko, delegate of Poland, to address the Conference.

**M. Chodzko (Poland) :**

*Translation :* I venture to draw the Conference's attention to the last line of the second paragraph, which says : "...than is provided for in the Convention". For greater clearness, I think we ought to say : "...than is provided for in the *Hague Convention*", as I presume the text refers to the Hague Convention.

**The President :**

*Translation :* I do not think there has been any reference to any other Convention. I quite agree with the proposal.

**M. Chodzko (Poland) :**

*Translation :* At the beginning of the second paragraph we also have the words : "...substances to which the Convention applies...". Does this mean the new Convention or the Hague Convention? It would be as well to specify which is meant.

**Sir Malcolm Delevingne (British Empire) :**

May I suggest that the proposal of the delegate for Poland be referred at once to the Drafting Committee to consider ?

**M. Dinichert (Switzerland) :**

*Translation :* There are quite a number of small points of drafting in the Preamble which require revision. I will send a copy of the document to the Drafting Committee containing the modifications in question.

**The President :**

*Translation :* In the name of the Drafting Committee, I beg to thank the Swiss delegate for his proposal.

*The Preamble was adopted at the first reading.*

### *Article I.*

The following definitions were read :

"The Contracting Parties agree to adopt the following definitions for the purposes of the present Convention :

"*Raw Opium.* — 'Raw opium' means the spontaneously coagulated juice obtained from the capsules of the *Papaver somniferum*, which has only been submitted to the necessary manipulations for packing and transport, whatever its content of morphine.

"*Prepared Opium.* — 'Prepared opium' means 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.

*“Medicinal Opium.* — ‘Medicinal opium’ means raw opium which has been desiccated at 60° centigrade and contains not less than 10 per cent of morphine, whether or not it be powdered or granulated or mixed with indifferent materials.”

**The President :**

*Translation :* M. Perrot, delegate of France, will address the Conference.

**M. Perrot (France) :**

*Translation :* In the text which has just been read I should like to suggest a slight addition to the definition of raw opium. The letter “L”, which stands for the name of the great botanist Linné, should be added.

As regards medicinal opium, Sub-Committee F was convened by its Chairman to consider a fresh drafting proposal put forward by the Netherlands delegation. This text was slightly amended in the course of the discussion. As it will not be distributed to the Drafting Committee until to-morrow, I should like to ask the Conference not to discuss for the moment the paragraph concerning medicinal opium. The Sub-Committee thought it advisable to draw up a text regarding medicinal opium which would be clearer and more precise and would apply to all known pharmacopeias.

**The President :**

*Translation :* From what M. Perrot has just said, I gather that it will not be necessary to return to this paragraph, as the Chairman of Sub-Committee F will send the new text direct to the Drafting Committee, which will itself consider the revised version.

M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios (Spain) :**

*Translation :* Mr. President : According to Article 31 of the draft Convention before us :

“The present Convention replaces, as between the Contracting Parties, the provisions of Chapters I, III and V of the Convention signed at The Hague on January 23rd, 1912.....”

This means that Chapter II of the Hague Convention remains as it is. Chapter II, however, begins with a definition of prepared opium, and the Spanish delegation therefore wishes to point out that the definition of prepared opium in Article 1 of the new Convention is superfluous. It may be argued that the intention was to collect all the definitions in one article, but it seems to me that it would be better to omit the definition of prepared opium.

If the Conference does not share the Spanish delegation’s views, I shall have to make a short statement, but I hope that my opinion will be accepted.

**The President :**

*Translation :* Mr. Malkin, Legal Adviser to the British delegation, will address the Conference.

**Mr. Malkin (Legal Adviser to the British delegation) :**

I might explain that the definition of prepared opium taken from the Hague Convention has been inserted in this list of definitions because the phrase “prepared opium” occurs in this Convention in several places, and it is inconvenient to have to look to the Hague Convention in order to find the definition of a phrase which is employed in the present one. I would therefore suggest that it is convenient to retain the definition where it is at present.

**The President :**

*Translation :* M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios (Spain) :**

*Translation :* I presume that Mr. Malkin has spoken on behalf of the competent Committee. In that case, I think the Conference will agree with him and will retain the proposed text.

I must therefore make the following declaration. The definition which we have before us is the same as that contained in the Hague Convention of 1912. This Convention was drawn up without the participation of most of the States which are now its signatories. Spain, for example, did not take part in the preparation of the Hague Convention. When she was invited to adhere thereto, she accepted it as a whole without discussing any points of detail. If my information is correct, Sub-Committee F did not deal with this definition of prepared opium—that is to say, the representative of the Spanish Government has not yet had an opportunity of giving its opinion on the definition in question.

The first paragraph is drafted as follows :

“...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.”

So far we are in agreement, but then it goes on to say :

“Prepared opium includes dross and all other residues remaining when opium has been smoked.”

We consider that dross and the other residues should not be included in the definition of prepared opium or treated in the same way as prepared opium. Prepared opium is already subject to special regulations, but the dross contains a much greater quantity of morphine and is much more injurious than prepared opium, and we do not think that the same privileged treatment should be applied to prepared opium including dross and the residues of smoked opium as to prepared opium proper. We consider that dross and the residues of smoked opium ought to come under the general regulations. Its use should never be authorised except in so far as the morphine contained therein can be utilised for medical and scientific purposes.

I do not intend to open a discussion on this subject now ; but as this is the first opportunity we have had of expressing our opinion, we have felt it to be our duty to do so.



**The President :**

*Translation :* Does the Chairman or Rapporteur of Sub-Committee F wish to make any remarks ?

I call upon M. Perrot, delegate of France, to address the Conference.

**M. Perrot (France) :**

*Translation :* This question was certainly not brought before Sub-Committee F, and there has evidently been an error in drafting which involves an error from the scientific point of view. Dross and the other residues of smoked opium can clearly not be regarded as coming under the definition of prepared opium. It would perhaps be possible by means of a new text to include these substances in a separate definition and thereby meet the wishes of the Spanish delegate. If the latter has no objection, I think this question might be left to the Drafting Committee.

**The President :**

*Translation :* I call upon M. de Myttenaere, delegate of Belgium, to speak.

**M. de Myttenaere (Belgium) :**

*Translation :* I think it would meet the case if we state that dross and the other residues are to be treated in the same manner as prepared opium.

**The President :**

*Translation :* M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios (Spain) :**

*Translation :* I thank the Chairman and Rapporteur of Sub-Committee F for their courteous replies, but unfortunately neither of them is in agreement with what I said. It is true that they proposed to make a correction, while still linking up dross with the prepared opium. The Spanish delegation cannot accept this. That is why I did not intend to open a discussion but simply to state our view, which is diametrically opposed to that expressed in the second paragraph of the definition before us.

**The President :**

*Translation :* M. Sugimura, delegate of Japan, will address the Conference.

**M. Sugimura (Japan) :**

*Translation :* I do not wish to raise the delicate question of competence at this moment, nor do I wish to raise a number of other important questions, as we have not yet come to the discussion of Article 31. I think, however, that the best solution would be to omit the definition of prepared opium. In this way, several delicate questions would be circumvented. I think that many of my colleagues will agree with my proposal.

**The President :**

*Translation :* I call upon Sir Malcolm Delevingne, delegate of the British Empire, to address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

I think, Mr. President, that there is perhaps a slight misunderstanding. Dross is included in the definition of prepared opium in the Hague Convention and therefore comes under the provision in Article 6 of that Convention,

which requires the Contracting Powers to suppress its use entirely. Therefore, it would be impossible to put dross in the same category as the drugs which are mentioned in Chapter III, because that would imply that the use of dross would be permitted for medical and scientific purposes. This would be inconsistent with the provisions of Chapter II of the Hague Convention, which requires the use of dross to be entirely suppressed.

I might also point out that, in the Agreement or Convention which has been concluded by the First Conference, a provision has been inserted to the effect that the purchase and sale of dross are to be prohibited. It would be a mistake, I think, therefore — and no doubt the Spanish delegate and the other delegations will agree with me — to include dross as one of the drugs in Chapter III of the Hague Convention.

Might I also point out that, as has been said, we cannot do without a definition of prepared opium in this Convention, because it is referred to in Article 2 — or will be referred to in the revised Article 2, now under consideration — and in Article 22, which requires statistics to be sent to the Central Board. Neither of those articles, however, will have any effect whatever on the use of dross, and the reference to dross is only maintained in the definition in this new Convention in order to make it exactly the same as the definition in the Hague Convention.

Accordingly, the point to which the Spanish delegate has called attention will not make any difference one way or the other as regards the manner in which dross is to be treated, and I think that, if it is realised that the use of dross is to be entirely suppressed, satisfaction will be given to the wishes expressed by the Spanish delegate and it will therefore be unnecessary, I suggest, to make this alteration in the draft Convention now before the Conference.

**The President :**

*Translation :* I call upon M. Perrot, delegate of France, to speak.

**M. Perrot (France) :**

*Translation :* The Chairman of Sub-Committee F and I would like to point out that there is no need to include dross among the residues of opium. The text under discussion serves no good purpose where it is at present and can perfectly well be omitted.

**The President :**

*Translation :* As the Rapporteur of Sub-Committee F himself proposes to delete the words concerning dross and other residues of opium, I propose that, if no other delegate wishes to speak on the question, we should agree to omit this sentence. We can revert to this point at the convenient moment later.

M. Sugimura has put forward a more far-reaching proposal. Does M. Perrot's suggestion satisfy him ?

**M. Sugimura (Japan) :**

*Translation :* No, I am not satisfied with it. Nevertheless, I have not the courage to discuss the question of competence. I simply desire to point out that the First Conference did not draw up any definition and was content with the term "prepared opium". In so doing, it followed the precedent of the Hague Convention. If we accept the phrase "prepared

opium", there is no need to go into the question any further. I am not sure that, under the terms of the sixth resolution of the Assembly, we are competent to discuss the definition of prepared opium from the technical point of view. I therefore think it would be wiser to omit the whole of this definition.

**The President :**

*Translation :* M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios (Spain) :**

*Translation :* I should like to thank the Japanese delegate for what he has said. I also asked that the Conference should omit the whole definition. If, on the other hand, it prefers the suggestion of M. Perrot — that is to say, to retain the first part of the definition and omit the second — I shall also be satisfied.

**The President :**

*Translation :* We have three proposals to consider: that contained in the draft Convention; that of M. Sugimura, who wishes the whole definition of prepared opium to be deleted; and that of M. Perrot, who only wants to delete the second sentence.

Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

It seems to me that, from the drafting point of view, it would be rather a pity to have one definition in the Hague Convention and another definition in this Convention.

In the faint hope of meeting everybody's views, I venture to put forward a suggestion which is made by our legal adviser — that we might omit the definition of prepared opium altogether here and that in the two clauses — I think there are only two clauses in which the phrase: "prepared opium" is used — we should say: "prepared opium as defined in the Hague Convention". In both those clauses the reference is to the use of prepared opium as defined in the Hague Convention in accordance with the provisions of the Hague Convention; therefore, if we omit the definition here and in those two clauses say, instead of the simple words "prepared opium", "prepared opium as defined in the Hague Convention", we shall perhaps meet everybody's view.

**The President :**

*Translation :* Does M. de Palacios wish to express an opinion on this suggestion?

**M. de Palacios (Spain) :**

*Translation :* I much prefer both M. Sugimura's proposal and M. Perrot's.

**M. Sugimura (Japan) :**

*Translation :* I think the point is not yet settled, for when we speak of prepared opium it is understood that dross is not included.

**The President :**

*Translation :* Mr. Malkin, Legal Adviser to the British delegation, will address the Conference.

**Mr. Malkin (Legal Adviser to the British delegation) :**

May I venture to point out a difficulty which I think stands in the way of the adoption of

M. Sugimura's suggestion. Article 23 of the draft Convention says that, "in order to complete the information of the Board as to the disposal of the world's supply of raw opium, the Governments of the countries where the use of prepared opium is temporarily authorised shall supply certain statistics". Those statistics include: (1) the manufacture of prepared opium and (2) the consumption of prepared opium.

In all cases, what is meant by "prepared opium" is prepared opium as defined in Chapter II of the Hague Convention. It is that prepared opium of which the use is authorised, and it is that prepared opium of which, under this article, certain statistics are to be supplied.

If, therefore, the last two lines of the definition are omitted, Article 23 will be rendered most inaccurate, because you will not be asking for the statistics which you really want to get — namely: the statistics of prepared opium as defined in the Hague Convention — but you will merely be asking for statistics of a certain portion of prepared opium; that, I am sure, is not the intention of the Sub-Committee which drafted Article 23 of the draft Convention.

**M. Sugimura (Japan) :**

*Translation :* I should like to ask Mr. Malkin whether, in his opinion, this Conference is amending the definition in the Hague Convention? In the view of the British delegation, would it be the new definition which should be applied with the second paragraph omitted?

**Mr. Malkin (Legal Adviser to the British Delegation) :**

The definition in the draft Convention before us is exactly the same as the definition in the Hague Convention. It is M. Sugimura who is proposing to alter it.

**The President :**

*Translation :* I call upon M. Perrot, delegate of France, to address the Conference.

**M. Perrot (France) :**

*Translation :* I think the Sub-Committee did not discuss the definition of prepared opium because it assumed that the exact definition in the Hague Convention would be retained. The text before us is that of the Hague Convention. But the technical experts have stated, as M. de Palacios pointed out, that the last sentence is not technically correct; in defining prepared opium we cannot say that it contains dross, as the latter is a residue. Technically this is incorrect, but there can be no question of modifying its text. The definition of the Hague Convention must stand.

**M. Fabris (Italy) :**

*Translation :* I propose that we vote on M. Perrot's suggestion.

**The President :**

*Translation :* M. Sugimura has proposed to delete this definition. I think we must vote on this proposal first.

**M. van Wettum (Netherlands) :**

I entirely support what has been said by Sir Malcolm Delevingne in regard to leaving out the definition of prepared opium here and inserting in each of the articles where we

refer to prepared opium the words "as defined by the Hague Convention".

**M. Sugimura (Japan) :**

*Translation* : I maintain my proposal to delete this definition, but I wish to reserve the right to discuss the article later on.

**M. Betances (Dominican Republic) :**

*Translation* : I cannot accept the proposal made by the Netherlands delegate, because the definition given in the Hague Convention is quite incorrect. We cannot say that dross is prepared opium.

**The President :**

*Translation* : We now have four proposals before us.

**M. van Wettum (Netherlands) :**

May I ask, for my own information, whether the country represented by the honourable gentleman who has just spoken has accepted the Hague Convention? I ask only for my own information.

**M. Betances (Dominican Republic) :**

*Translation* : The Dominican Republic has accepted the Hague Convention, but does not on that account feel obliged to go on accepting what is an error.

**The President :**

*Translation* : Would the Conference like to refer this question back to Sub-Committee F?

**M. Carrière (Switzerland) :**

*Translation* : I do not think Sub-Committee F can give you any other definition than this one, which is that of the Hague Convention. Sub-Committee F can add nothing to it.

**M. de Palacios (Spain) :**

*Translation* : When I first spoke, I said I did not wish to raise a discussion, as I had no desire to delay the work of the Conference. We have now heard the opinions of a number of delegates. I ask that the discussion be closed. In the first place, we have M. Sugimura's proposal, on which we ought to vote first, as it involves the greatest change. Then we have M. Perrot's proposal to delete the second paragraph only. If M. Sugimura's proposal is accepted, we shall then have to decide on Sir Malcolm Delevingne's proposal to insert the words "as defined in the Hague Convention of 1912" in the other articles where they refer to prepared opium.

**The President :**

*Translation* : There is now a motion to close the discussion. In accordance with the rules of procedure, I must ask the Conference's opinion on this motion.

**M. de Myttenaere (Belgium) :**

*Translation* : I think I have understood correctly the members of the First Conference; they have stated that the question of prepared opium is not within the competence of this Conference. It seems to me, therefore, that the discussion must be closed because we are not competent.

**The President :**

*Translation* : I think I can regard the motion of closure as adopted.

The question of competence has been touched upon by the Belgian delegate. I doubt whether it is really necessary to discuss this question.

It is now 5.30 p.m., the hour at which I had arranged to adjourn the discussion. I will therefore adjourn it and request the Conference to meet again in a quarter of an hour to continue the discussion of Article 1 of the United States suggestions.

**M. de Palacios (Spain) :**

*Translation* : I do not understand why we are closing a discussion which should have ended with a vote on a number of proposals. In my opinion, we ought to vote.

**The President :**

*Translation* : Yes, but the question of competence has just been raised. We are entitled to insert a definition pure and simple without discussion, but a debate has now arisen on a subject which, in the opinion of several delegates, is not within the competence of the Conference. There has never been any question of competence as regards a definition. I was not prepared for such a contingency.

I think we can vote on M. Sugimura's motion.

**M. Sugimura (Japan) :**

*Translation* : I also begin to have misgivings. I accept the Belgian proposal, for it seems to me that we are not competent to discuss this question. I will not even ask to have my proposal discussed; I withdraw it.

**The President :**

*Translation* : The Japanese proposal is withdrawn.

**M. de Palacios (Spain) :**

*Translation* : In that case, the Spanish delegation wishes formally to take up the Japanese delegation's proposal. I consider that, if a vote is taken on this proposal, the delegations will have an opportunity of expressing their opinion on the Conference's competence to insert a definition. The delegations which do not consider that they are competent will vote in favour of the former Japanese proposal, which has now become the Spanish proposal.

**M. Perrot (France) :**

*Translation* : If the Convention we are discussing is to be substituted for the Hague Convention, this is how the question will stand. If it is not substituted for the Hague Convention, but simply constitutes an addition thereto, we can vote for the total deletion of this definition without troubling about the question of competence. On this ground, I support M. Sugimura's proposal. We shall simply vote without defining prepared opium, which has previously been defined in the Hague Convention.

**The President :**

*Translation* : The proposal moved by the Spanish delegation and seconded by the French delegation will now be voted upon.

**M. Sugimura (Japan) :**

*Translation* : I should like to thank the Spanish and French delegations for having saved the present difficult situation as far as I am concerned. It was on that understanding that I accepted the Belgian suggestion, which,

in my opinion, is a very good one. If I vote in favour of the new Spanish and French proposal, it will be because I consider that we are not competent to discuss this question.

**Sir Malcolm Delevingne** (British Empire) :

I am prepared to accept the suggestion that we omit the definition; but I think it will be necessary for us, either in the full Conference or in the Drafting Committee, when we come to the sentence in which the phrase "prepared opium" is used, to decide whether it will be necessary to explain what we mean by the phrase. But that can be left till we come to the articles.

**The President :**

*Translation :* The motion proposed by the Spanish delegation to delete the definition of prepared opium is now put to the vote. The delegations in favour of this proposal are requested to rise in their places.

*Twelve delegations rose in their places.*

The delegations which are against the Spanish proposal are requested to rise.

*Two delegations rose in their places, viz., Poland and Italy.*

The Spanish proposal is adopted.

*Adopted.*

**The President :**

*Translation :* If no one else wishes to speak, I shall regard as adopted the text of Article 1, in so far as the definitions of opium are concerned.

*Article 1, in so far as the definitions of opium were concerned, was adopted at the first reading.*

#### 91. EXAMINATION OF THE REPORT OF SUB-COMMITTEE B : ARTICLE 1 OF THE UNITED STATES SUGGESTIONS : CONTINUATION OF THE DISCUSSION : REPORT OF THE SUB-COMMITTEE.

**The President :**

*Translation :* I should like to ask the members of the Sub-Committee if they have found a solution. Who is the Chairman or Rapporteur of the Sub-Committee ?

**M. El Guindy** (Egypt) :

*Translation :* Our Chairman is M. Daladier, delegate of France.

**The President :**

*Translation :* It would perhaps be well for the members of the Conference to consider the result of the Sub-Committee's deliberations. We can either adjourn the meeting for a quarter of an hour or, if you prefer it, we can proceed immediately to a discussion.

**M. Chodzko** (Poland) :

*Translation :* I propose that the meeting be adjourned for fifteen minutes to enable us to examine the document which has been distributed to us.

**The President :**

*Translation :* The meeting is adjourned for fifteen minutes to enable the members of the Conference to examine the Sub-Committee's proposal.

*(The meeting was adjourned at 5.45 p.m. and resumed at 6 p.m.)*

**The President :**

*Translation :* I call upon the Rapporteur of the Sub-Committee, M. Daladier, the first delegate of France, to address the Conference.

**M. Daladier** (France), Rapporteur :

*Translation :* After discussion, the Sub-Committee which you appointed adopted the following proposal by six votes to two : It suggested that the Conference should adopt Article 1 of the United States suggestions, which reads as follows :

"The Contracting Parties shall enact effective laws or regulations for the control of the production and distribution of raw opium so that there will be no surplus available for purposes not strictly medical or scientific.

"The foregoing provision shall not operate to prevent the production for exportation, or exportation, of raw opium for the purpose of making prepared opium, into those territories where the use of prepared opium is still temporarily permitted under Chapter II of the Hague Convention of 1912, so long as such exportation is in conformity with the provisions of this Convention."

This is the text of the United States suggestions with two modifications : the reference to coca leaves is deleted, and, instead of "the present Convention" in the last line but two, "the Hague Convention of 1912" is mentioned. So far, the members of the Sub-Committee were unanimous. It was at this point that the difficulty arose : it was proposed that a further clause should be added which would enable those States which think fit to submit reservations. This text is as follows :

"Further, any Contracting Party may declare, at the time of its signature of, or accession to, the present Convention, the limitations subject to which it accepts this article as regards the production and distribution of raw opium. If such a declaration be made, the other Contracting Parties agree that this article shall only apply in the case of the Contracting Party making the declaration, subject to the limitations contained in that declaration."

I am fully aware that this proposed addition provides a ready mark for the irony and wit of some of our colleagues, and I shall, no doubt, be the first to appreciate the shafts directed against this rather hasty work of the Sub-Committee. I feel compelled, however, to point out that we find ourselves in one of those extremely difficult positions in which it is quite impossible for an international conference to arrive at any result unless it adopts some of these small alterations which are inspired by human weakness, but which represent the least doubtful means of getting out of a very delicate situation.

If this position is not admitted by the Conference, what will be the result ? Most of the producing countries will not, in fact, give their adhesion even to the first part of the article — that is, the American proposal as slightly amended — and the Conference will simply have to record a negative result, if not total failure. This is the problem as it stands. The Swiss delegate has stated it with admirable

lucidity. What you have to consider is whether you can possibly do better. Without this addition, it is quite clear that the producing countries will not even accept the clauses which precede it.

I freely admit — for it is nothing but the truth — that the right conceded to these countries to make reservations is, in spite of everything, a modification of the fundamental proposal concerning the restriction of production. It is one of the cases in which international conferences have to make their choice. My personal opinion — which I might perhaps modify if any real, cogent and tangible argument were advanced — is that this solution, which is obviously not an ideal one but is none the less a solution, is preferable to the blank wall before which we shall find ourselves if we do not agree to some such clause.

When I consider the position of certain European producing countries — I say European producing countries because I am well acquainted with their position — I feel I have no right to bring to bear on them such pressure as would lead them to sign undertakings which they themselves know they cannot conscientiously assume and which the conditions in their country would make it impossible for them to fulfil.

In view of these facts, and although we are well aware that our proposals are far from satisfactory, the majority of the Sub-Committee asks you all to make the necessary concessions and to accept the necessary limitations in the proper spirit, in order that the Conference may emerge triumphant from the present difficulty and that the prestige of the League may not suffer.

This was the thought uppermost in the minds of the majority of the Sub-Committee, which authorised me to submit for your approval the American text as amended. (*Applause.*)

**The President :**

*Translation :* I call upon Prince Arfa-ed-Dowleh, delegate of Persia, to address the Conference.

**Prince Arfa-ed-Dowleh (Persia) :**

*Translation :* I desire to repeat the statement I made in the Sub-Committee. My Government's instructions are in one way very elastic but in another very restricted; they are to adhere to the decision of the Conference and to support the United States delegation — no Government could give more elastic instructions. On the other hand, I have been told not to accept even the simplest proposal without making reservations and stating that we accept only on condition that the requirements of the Persian memorandum are satisfied.

The Conference is nearing its conclusion and has as yet done nothing with regard to this memorandum. I can only agree to the Sub-Committee's proposal if the Conference adds to the Convention an official recommendation that the Council shall take note of our memorandum and on condition that our work follows the lines of the United States proposal.

The United States delegation agreed with me that the statements in the Persian memorandum were quite true, and asked me to approach my Government with a view to a Commission of Enquiry, consisting of agricultural experts, being sent to Persia. This Commission would

co-operate with the Persian Government and would probably have no difficulty in coming to an agreement with it; the Council of the League could then declare that it was expedient to accept Persia's views.

I agreed to this suggestion, telegraphed to Teheran and received a favourable reply. Now, however, the United States delegation has gone and my telegram will serve no purpose unless the Conference passes a recommendation that the Council shall deal with the Persian memorandum and send a Commission of Enquiry to Teheran under the auspices of the League, subsequent action being determined by the conclusions of the Commission.

If this is not agreed to, we shall accomplish nothing, and I shall be obliged to retire from the Conference.

**The President :**

*Translation :* Am I to regard this as a formal proposal by the Persian delegation?

**Prince Arfa-ed-Dowleh (Persia) :**

*Translation :* Yes, Mr. President.

**The President :**

*Translation :* I should be grateful if you would communicate your proposal in writing.

No one else wishes to speak? We have before us the United States proposal, with certain modifications, and also an amendment to that proposal.

According to the rules of procedure, we should first vote on the amendment. We will therefore take a vote by roll-call.

**M. El Guindy (Egypt) :**

*Translation :* I should prefer to take the United States proposal first and the amendment afterwards.

**The President :**

*Translation :* The ordinary procedure, when there is an amendment, is to vote on it first. That is the rule we have followed throughout the Conference. We will therefore take a vote by roll-call. Those in favour of the amendment will vote "Yes"; those against, "No".

The following delegations have voted in favour of the amendment :

Australia, British Empire, Canada, Denmark, France, Germany, India, Italy, Netherlands, Portugal, Kingdom of the Serbs, Croats and Slovenes, Siam, Switzerland.

The following delegation has voted against the amendment :

Irish Free State.

The following delegations have abstained from voting :

Belgium, Bolivia, Brazil, Czechoslovakia, Dominican Republic, Egypt, Finland, Japan, Luxembourg, Persia, Poland, Spain, Sweden, Turkey.

M. Sugimura, delegate of Japan, will address the Conference.

**M. Sugimura (Japan) :**

*Translation :* We are in favour of progress and are anxious to improve the Hague

Convention, but the text before us is so complicated that I do not know whether it represents an advance or a retrocession. I have therefore abstained from voting.

**The President :**

*Translation :* M. Sugimura's statement will be included in the record of the meeting.

I believe the first delegate of the Irish Free State also wishes to make a statement concerning his vote.

**Mr. MacWhite (Irish Free State) :**

*Translation :* I think that the addendum submitted has the effect of weakening the Hague Convention, and I cannot accept it.

**The President :**

*Translation :* The Sub-Committee's amendment has been adopted, 13 delegations voting in favour, one against and 14 abstaining.

*The amendment was adopted.*

**The President :**

*Translation :* According to the rules of procedure, we should now vote on the proposal as amended — that is to say, the United States proposal, together with the Sub-Committee's amendment.

The article reads as follows :

“The contracting Parties shall enact effective laws or regulations for the control of the production and distribution of raw opium so that there will be no surplus available for purposes not strictly medical or scientific.

“The foregoing provision shall not operate to prevent the production for exportation, or exportation, of raw opium for the purpose of making prepared opium, into those territories where the use of prepared opium is still temporarily permitted under Chapter II of the Hague Convention of 1912, so long as such exportation is in conformity with the provisions of this Convention.”

We will take a vote by roll-call.

The following delegations have voted in favour of the article as amended :

Australia, Belgium, Bolivia, Brazil, British Empire, Canada, Denmark, Finland, France, Germany, India, Italy, Luxemburg, Netherlands, Portugal, Kingdom of the Serbs, Croats and Slovenes, Siam, Switzerland, Turkey.

The following delegations abstained from voting :

Czechoslovakia, Dominican Republic, Egypt, Irish Free State, Japan, Persia, Poland, Spain, Sweden.

The United States proposal, as amended, has been adopted by the Conference, 19 delegations voting in favour, none against, and 9 abstaining.

*The article as amended was adopted.*

**The President :**

*Translation :* This article must be referred to the Drafting Committee for the slight modifications required in the text. It will come before the Conference again on the second reading of the draft Convention. (*Assent.*)

## 92. APPOINTMENT OF A COMMISSION TO STUDY THE DIFFICULTIES CONNECTED WITH THE LIMITATION OF THE PRODUCTION OF OPIUM IN CERTAIN PRODUCING COUNTRIES : EXAMINATION OF THE RECOMMENDATIONS MADE BY SUB-COMMITTEE B.

**The President :**

*Translation :* We have not yet settled all the questions connected with the examination of Sub-Committee B's report, as the latter contains recommendations relating to the Commission of Enquiry in the Far East and in Persia which are not quite clear. In order to remove all doubt as to the scope of Sub-Committee B's recommendations, I will ask Mr. Shepherd, the Rapporteur, to be good enough to give the Conference further information on the question.

**Mr. Shepherd (Australia) Rapporteur :**

When Article 1 of the United States suggestions was first discussed by Sub-Committee B, the voting showed that none of the producing countries could accept the proposal unconditionally or without further investigation. The United States delegation then submitted a motion regarding this Commission of Enquiry. Much discussion took place on this proposal and it was finally accepted in its present form by the Sub-Committee on the condition that it was amended to provide for the appointment of a Commission under the auspices of the League of Nations.

The United States delegate, however, reserved this point for further consideration, but at the later meetings of the Sub-Committee, when he was asked for an explanation of this point, he stated that the matter had been dealt with in the report of the Sub-Committee and referred to the Conference, and that the question was no longer one for the Sub-Committee but for the Conference to deal with. It is rather difficult, therefore, to say what the final attitude of the United States delegation was.

The Sub-Committee certainly passed the resolution but apparently the United States delegation was not satisfied and proposed to bring it up again at the full Conference. I am inclined to think that they took that attitude of waiting to see what the final decision of the full Conference was on Article 1.

That first resolution has therefore been passed by Sub-Committee B, and it is a matter for the full Conference now to decide whether it will adopt it or delete it in view of the subsequent action which has been taken with regard to Article 1 of the United States proposal, which I am inclined to think would satisfy the United States delegation.

With regard to the second resolution which deals with the question of the appointment of a Committee of Investigation to consider the Persian situation, the report of the Sub-Committee will show that this resolution was adopted but that, at subsequent meetings, the Persian delegation made a reservation which more or less nullifies the decision of the Sub-Committee. The Persian delegation takes exception to some of the additions to the resolution. Personally I am not prepared to accept it without those additions, and it again becomes a matter for the full Conference to say whether it will accept it or not.



A further point is that the subsequent deliberations of the Conference seemed to indicate that a Commission of Enquiry will be set up in any event, and I am inclined to think that there is not any necessity to have three Commissions of Enquiry. The report of Sub-Committee B suggests two Commissions of Enquiry, and the Protocol, which we have been dealing with to-day, I think, more or less indicates a further Commission of Enquiry. I very much doubt whether I should definitely state the wishes of Sub-Committee B on this matter in view of these facts: first of all, that the United States delegation did not indicate what it wished to bring before the full Conference, and in the second place that the Persian delegation makes a reservation which I do not think will be accepted by Sub-Committee B.

**The President :**

*Translation :* We now have to decide whether or not we shall accept the proposal made by Sub-Committee B. We must first, however, understand what that suggestion is. For that reason I asked the Rapporteur for further information, but I am still in doubt.

On the one hand, there is the suggestion made by Sub-Committee B that a Commission of Enquiry should be sent to the Far East, a Commission which might or might not be under the auspices of the League of Nations; that was the reason for the reservation to the original proposal. The author of that proposal is no longer here. We therefore have to deal with a proposal accepted by Sub-Committee B on condition that the Commission of Enquiry is placed under the auspices of the League.

On the other hand, there is a proposal concerning a Commission of Enquiry to visit Persia. A reservation has been submitted by the Persian delegation which, I think, makes it impossible to agree to the appointment of such a Commission.

Such being the case, as there is no special mention in Sub-Committee B's report, I find myself faced by a difficulty, since the Sub-Committee first arrived at an agreement and then added a reservation submitted by one of its members which makes it unacceptable.

Prince Arfa-ed-Dowleh, delegate of Persia, will address the Conference.

**Prince Arfa-ed-Dowleh (Persia) :**

*Translation :* I agree that I submitted a reservation, but in so doing I stated that Persia accepted the United States proposal. I can only accept what I have already agreed to accept in the report. The United States proposal is that a Commission of Enquiry should be sent to Teheran; I telegraphed to my Government, which accepts the suggestion. What I have just stated I have already submitted in writing.

**The President :**

*Translation :* I call upon the Chairman of Sub-Committee B to give us his views on the matter.

**M. Chodzko (Poland) :**

*Translation :* I think that, if the Conference approves, we might perhaps accept the first resolution proposed by Sub-Committee B. This resolution has been approved by the producing countries which are represented on that Sub-Committee.

As regards the second proposal, since reservations have been submitted, we might treat it as a recommendation of the Conference; this would mean that we need not settle any details concerning the Commission of Enquiry to visit Persia.

**The President :**

*Translation :* Mehmed Sureya Bey, delegate of Turkey, will address the Conference.

**Mehmed Sureya Bey (Turkey) :**

*Translation :* As the Chairman has explained, Sub-Committee B agreed on the question of the Commissions of Enquiry. Mrs. Hamilton Wright had asked that they might be sent to producing countries, and the recommendation might therefore be regarded as accepted by Sub-Committee B. I fully support M. Chodzko's proposal.

**The President :**

*Translation :* Viscount Cecil, delegate of the British Empire, will address the Conference.

**Viscount Cecil (British Empire) :**

I should just like to understand the position clearly. I have read this proposal, and apparently it leaves to this Conference the duty of working out all the details regarding this Commission of Enquiry, how it is to be appointed and what it is to do. We certainly are not going to undertake such a duty at this stage of the Conference — at least I hope we are not.

I cannot think that we can accept such a proposal, for I do not quite see where it will land us. The proposal accepts the principle of a Commission and the principle that the Conference is to decide what it is to do and where it is to go. The proposal is not apparently a recommendation to the Council of the League of Nations. If it were so, I should see no difficulty. But I certainly could not vote for it as it stands, as it seems to me to be quite incomplete.

**The President :**

*Translation :* Mr. Shepherd, delegate of Australia, will address the Conference.

**Mr. Shepherd (Australia) Rapporteur :**

I entirely agree with what Viscount Cecil has said, and I was about to make almost the same remark. This resolution was only proposed by the United States delegation after the Sub-Committee had rejected its proposals for Article 1. I feel pretty well satisfied myself that the action which we have just taken this afternoon in accepting the United States proposal would have satisfied the United States delegation. I feel sure that the delegation would have accepted the amendment to Article 1 at an early stage of the proceedings and would therefore not have asked for a Commission of Enquiry. In view, therefore, of the action which we have taken this afternoon, I personally am not prepared to vote at this stage in favour of this Commission of Enquiry. I do not think the Sub-Committee would have passed this motion if we had been in the position that we are in to-day.

**The President :**

*Translation :* Mehmed Sureya Bey, delegate of Turkey, will address the Conference.

**Mehmed Sureya Bey (Turkey) :**

*Translation :* Mrs. Hamilton Wright submitted the proposal that a Commission of Enquiry should be appointed, as we had explained the position in our country, a position which applies to all producing countries. The proposal was accepted by Sub-Committee B. The situation, however, is altered now. We have adopted Article I with reservations. If a Commission of Enquiry is sent to the producing countries, the reservations will be withdrawn. To send such a Commission would therefore be a means of doing away with the reservations relating to Article I of the United States proposals.

**The President :**

*Translation :* Viscount Cecil, delegate of the British Empire, will address the Conference.

**Viscount Cecil (British Empire) :**

May I suggest a compromise? Let us strike out the last two paragraphs of the first resolution, which throw upon this Conference the duty of determining the manner of appointment of the Commission, the question of the qualification of the members, the steps to be taken to obtain the necessary funds and the manner in which it is to make its report.

Evidently, we cannot possibly carry out those obligations now, but if we made the third paragraph a recommendation to the Council of the League of Nations instead of a recommendation to the Conference, we might leave all the details to be settled by the League of Nations if it accepted the recommendation.

The third paragraph would therefore read: "Sub-Committee B recommends to the Council of the League of Nations that careful consideration be given to the question of the appointment of a Commission", and so on. It can then be left to the Council of the League of Nations to say whether or not it thinks that this recommendation is practically possible. At any rate, I do not think we can possibly go into the matter further to-night. After what has been said by the delegate for Turkey, I

should not feel quite happy to do nothing at all.

**M. Chodzko (Poland) :**

*Translation :* I understand that the Conference refers the proposal to the Council of the League.

**Viscount Cecil :** That is so.

**The President :**

*Translation :* The Conference adopts the report as interpreted by Viscount Cecil. The Drafting Committee will submit a text which will, I think, be inserted in the Final Act of the Conference. Sub-Committee B may regard its report as accepted by the Conference and referred to the Drafting Committee.

**M. El Guindy (Egypt) :**

*Translation :* Before the meeting is adjourned, I should like to know whether there is to be only one reading of the Articles of the Convention or whether there will be a second reading and a second vote.

**The President :**

*Translation :* There will be another reading — the final one — and you will have an opportunity of submitting any observations.

**M. El Guindy (Egypt) :**

*Translation :* And of presenting our views?

**The President :**

*Translation :* I would remind you that, at the beginning of the first reading, I asked members to give their opinions then as far as possible.

**M. El Guindy (Egypt) :**

*Translation :* Some of the members were not present; I myself was not there when certain points were being discussed.

**The President :**

*Translation :* We have not even concluded our examination of the "definitions", so that you still have an opportunity of speaking.

Our next meeting will be at 3 p.m. to-morrow.

*The Conference rose at 7 p.m.*

## THIRTIETH MEETING

*Held at Geneva on Thursday, February 12th, 1925, at 10.30 a.m.*

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94. FIRST READING OF THE DRAFT CONVENTION : ARTICLE I : STATEMENT BY THE DELEGATE OF THE DOMINICAN REPUBLIC REGARDING THE VOTE TAKEN ON THE DEFINITION OF PREPARED OPIUM.
95. EXAMINATION OF THE REPORT OF SUB-COMMITTEE F : THE QUESTION OF HEROIN.

President : M. Herluf ZAHLE.

93. EXAMINATION OF THE REPORT OF SUB-COMMITTEE B : ARTICLE I OF THE SUGGESTIONS OF THE UNITED STATES : STATEMENT BY THE BRAZILIAN DELEGATE REGARDING THE VOTE TAKEN AT THE TWENTY-NINTH MEETING.

**The President :**

*Translation :* One of the delegations has requested permission, before we begin to-day's business, to make a statement regarding the vote taken at our last meeting on the question of Article I.

We shall have to deal with this article again to-day, but as this delegation has expressed a desire to make its statement at the earliest possible moment, I have acceded to its request.

I call on the first delegate of Brazil to speak.

**M. Pernambuco (Brazil) :**

*Translation :* At the last plenary meeting, when a separate vote was taken on the amendment to Article 1 of the United States Suggestions, Brazil stated that she would abstain.

Article 1 was then put to the vote, and we voted "yes", believing that we were voting on Article 1 with the smaller amendment concerning coca leaves.

On reading the record of the meeting, we regret to observe that the vote was taken on Article 1 of the United States suggestions with both the smaller and the larger amendments. In these circumstances, the Brazilian delegation, in order to be consistent, desires to state that it abstains from voting and asks that this statement shall appear in the record of to-day's meeting.

**The President :**

*Translation :* The Brazilian delegate's statement will be included in the record of the meeting.

**94. FIRST READING OF THE DRAFT CONVENTION : ARTICLE 1 : STATEMENT BY THE DELEGATE OF THE DOMINICAN REPUBLIC REGARDING THE VOTE TAKEN ON THE DEFINITION OF PREPARED OPIUM.**

**The President :**

*Translation :* I call upon the delegate of the Dominican Republic to speak.

**M. Betances (Dominican Republic) :**

*Translation :* We have voted in favour of the suppression of the definition of prepared opium contained in the Hague Convention and in the draft of the new Convention, not only because this definition is quite misleading but also because I hope — indeed I am practically certain — that at the proper moment the Spanish delegate will propose a more accurate and clearer definition of prepared opium and dross and all other residues of opium for smoking.

**The President :**

*Translation :* I thought it better not to rule out the above statements, but we cannot engage in a discussion. If, however, the Spanish delegate, since he has been named by the Dominican delegate, desires to make a short statement on this point only, I invite him to do so.

**M. de Palacios (Spain) :**

*Translation :* I quite agree with the President. I thought that the question had already been settled, but as our colleague has expressed a hope that the Spanish delegation will propose a definition of prepared opium, I must inform him that it was not our intention to do so. If, however, the Conference so desires, we will accede to its request. Otherwise, we will place ourselves at the disposal of the representative of the Dominican Republic to give him any further explanations he may desire, but outside the Conference.

**M. Betances (Dominican Republic) :**  
*Translation :* Thank you, gentlemen.

**95. EXAMINATION OF THE REPORT OF SUB-COMMITTEE F : THE QUESTION OF HEROIN.**

**The President :**

*Translation :* Members of the Conference will remember that when we considered the various reports of the Sub-Committees, we held over certain points, including a point in connection with Article 1 which was discussed at our last meeting. If to-day we revert to Article 1, it is not in order to discuss the report but to hear the first reading of the article.

The first item on our agenda concerns the two parts held over in connection with the question of heroin and Indian hemp. We will begin with the question of heroin. I declare open the discussion on this part of the report of Sub-Committee F.

M. Carrière, delegate of Switzerland and Chairman of Sub-Committee F, will address the Conference.

**M. Carrière (Switzerland), Chairman of Sub-Committee F :**

*Translation :* You have before you the report of Sub-Committee F, dealing with the question of heroin<sup>1</sup>. The resolutions contained in this report were almost unanimously adopted at the beginning, but the report itself should, I think, be re-examined to-day by the members of Sub-Committee F.

We have before us two proposals : that contained in our report and the proposal which will be submitted by one of the members of the Conference. As the author of the first proposal was M. de Myttenaere, the Belgian delegate, it was agreed that he should submit a report on the proposal appearing in the report of Sub-Committee F. I would therefore request you to be good enough, Mr. President, to call upon the Belgian delegate to speak.

**The President :**

*Translation :* I understand that another delegation has an amendment to propose. Would it not be better for this amendment to be submitted first, in order that M. de Myttenaere may, if he so desires, comment thereon later ?

I call upon M. Perrot, delegate of France, to address the Conference.

**M. Perrot (France) :**

*Translation :* Mr. President, gentlemen, I thank the Chairman of Sub-Committee F for having submitted the question in this way. A difference of opinion does, in fact, exist — I might say one of the few differences of opinion which have arisen in Sub-Committee F.

The question was dealt with in this Sub-Committee from various points of view. First of all the United States delegation proposed the total and radical suppression of heroin. The Sub-Committee felt that such total suppression was impossible and would in any case be going beyond the sphere of the Sub-Committee's — and even the Conference's — competence.

A new proposal has been made to the effect

<sup>1</sup> See Annex 26.

that heroin should continue to be treated as it is treated in the Hague Convention — that is to say, that the use of this substance should still be tolerated and that it should be given the same treatment as certain products which are allowed to circulate and which contain, for instance, 0.20 per cent morphine, 0.10 per cent cocaine, and 0.10 per cent heroin.

I do not think — although I am fully prepared to listen to arguments to the contrary — that there are any sufficient technical or scientific reasons for granting heroin a privileged position. But, as its name indicates, it is an heroic medicament; and consequently, since it is a medicament, I do not see why we should mete out to it a treatment entirely different from that which we have accorded to morphine and cocaine. The French delegation is therefore of opinion that there is no need to alter the Hague Convention. Accordingly, it has submitted an amendment, which is really no amendment at all, because it merely proposes that the present situation shall be maintained.

I am fully prepared to listen to arguments on the other side, but I do not think that any can exist, except those of a sentimental character. There is no reason why we should deal more severely with heroin than with morphine and cocaine, or why we should draw up Draconian measures for the complete suppression of heroin, which is a very active product of preparations which do not give rise to toxicomania.

On behalf of the French delegation, I maintain our request that heroin should continue to be dealt with as in the Hague Convention.

**The President :**

*Translation :* I understand, M. Perrot, that you nevertheless desire a slight change of phraseology in the text of the Hague Convention, namely : that the word "heroin" should be replaced by "diacetylmorphine".

**M. Perrot (France) :**

*Translation :* Everybody admits this change, because the word "heroin" is a registered trade name belonging to a commercial firm. We have therefore replaced it by "diacetylmorphine" in every case.

**The President :**

*Translation :* I call upon M. de Myttenaere, delegate of Belgium, to address the Conference.

**M. de Myttenaere (Belgium) :**

*Translation :* Mr. President, ladies and gentlemen, the Conference will perhaps remember that it was at my suggestion that the United States proposal concerning the suppression of heroin or diacetylmorphine was referred to Sub-Committee F. My intention was not only to spare the Conference in plenary meeting a long discussion of a purely scientific character but also to make to the Sub-Committee of experts a proposal which, while not so extreme as that of my United States colleagues, might, as I hoped, meet the latter's wishes.

Article 14 of the Opium Convention of 1912 exempts from the provisions of this Convention preparations, official or non-official, containing not more than 0.2 per cent morphine, 0.1 per cent cocaine, or 0.1 per cent heroin.

This means, in other words, that these preparations may be bought and sold without any restrictions and supplied by chemists without a doctor's prescription.

My proposal was that all the provisions of the Convention — particularly that concerning medical prescriptions — should be made to apply to all preparations containing diacetylmorphine. This proposal was adopted by a large majority of the Sub-Committee of experts. Its object was to limit the consumption of diacetylmorphine to a strict minimum, thus bringing about, first of all, a reduction — and later on, perhaps, the suppression — of the manufacture of this alkaloid.

Our Rapporteur, Professor Perrot, spoke against this proposal in the Sub-Committee as he has done here. He explains that it is sentiment which led the Sub-Committee, "in contrast to the stipulations of the previous article as regards morphine and cocaine, to adopt, as regards preparations of heroin, the suppression of the percentage — which means, in practice, that it is impossible to sell to the public any preparation containing even the smallest quantity of heroin without a medical prescription".

I venture to think that M. Perrot is mistaken. It is not a question of sentiment but a purely scientific question; and here I would ask the Conference to allow me to make a short explanation.

Medicinal opium contains 10 per cent of morphine, while the coca leaf contains varying quantities of cocaine. It is therefore impossible to conceive of any delivery of opium or coca leaf which does not constitute a delivery of morphine or cocaine. But neither opium nor the coca leaf contain diacetylmorphine. Diacetylmorphine is not a natural product — it is a chemical product derived from morphine.

We must authorise chemists to supply, on their own responsibility, preparations containing small quantities of opium or coca leaf, and it is therefore necessary to exempt from the provisions of the Convention preparations containing certain doses of morphine or cocaine. The action of these alkaloids is universally known, and the number of preparations containing them, which cannot in any way give rise to a habit, is considerable.

But there is no reason to adopt the same attitude as regards preparations containing diacetylmorphine. Certain States — *viz*: the United States of America, Canada, Poland, Brazil, Norway and the Irish Free State — have already decided to declare diacetylmorphine to be a medicament the use of which is not essential and which, as compared with morphine, possesses only one advantage, *viz*: that it is, in far smaller doses, an excellent narcotic.

Other States, including France (see in this connection Professor H. Coutiere's brochure circulated to us by the French delegation) consider that "heroin possesses special properties; it acts more rapidly and can be given in smaller doses than morphine. It is undoubtedly useful in diseases of the respiratory tract, and its action is thrice as powerful as that of morphine. It possesses real advantages over the latter, for it greatly stimulates intestinal peristalsis without disturbing the digestive functions, and it produces neither nausea nor vomiting".

Is it not quite clear from the French concep-

tion of the therapeutical value of diacetylmorphine that this drug ought most certainly to be prescribed by a doctor according to circumstances and ought not to be introduced into officinal preparations offered to the public in the form of patent medicines and supplied to any customer without enquiry or without a doctor's prescription?

Those are the reasons for my proposal. They are quite unconnected with sentiment, their only object being to safeguard public health and to assist in the campaign against the abusive use of narcotics. M. Perrot does more than ask for the maintenance of the provisions of 1912 and the supply, without medical prescription, of preparations containing 0.1 per cent of heroin: he undertakes to study the possibility of completely suppressing the manufacture of this alkaloid. I hope my honourable colleague will not take it amiss if I say that I do not understand him.

He demands exemptions from the provisions of the Convention; he demands, that is to say, delivery, without prescription or accounts, of preparations containing 0.1 per cent of heroin or a half-gramme per bottle of 500 c.cm., hundreds of thousands of which may, in the form of patent medicines, be issued throughout the world.

On the other hand, he says that he will consider the possibility of suppressing the manufacture of diacetylmorphine. What Professor Perrot asks and what he promises are in my opinion two quite contradictory proposals. The only measure which can enlighten the world as to the need or otherwise of diacetylmorphine and lead eventually to suppressing the manufacture would be to make the supply of all preparations of diacetylmorphine in any form whatever subject to the production of a medical prescription.

I have been asked to quote cases of toxicomania due to pharmaceutical preparations containing heroin. If such cases had been unknown I should never have made my proposal. Isolated cases, you may say; but these cases are always possible; they depend on particular circumstances and the total quantity of the alkaloid contained in the preparation. This is what led my friend Professor Perrot to vote for the proposal in the first instance.

About three years ago, in Belgium, chemists placed on the market certain patent medicines intended to put children to sleep. These medicines contained morphine. Several cases of intoxication were noted.

Under the Royal Decree of April 25th, 1922, it is forbidden to supply, except on a medical prescription, any preparation containing any quantity of narcotics whatever if the preparation in question is intended for children under three years of age.

What did the patentees do? They changed their formula and the patent medicines are sold as before.

Mr. President, gentlemen, I would draw your special attention to this. This is not a question of reducing production or manufacture; it is not a question of seriously prejudicing private interests. It is really the first positive attempt to reduce the consumption of a narcotic drug. For the sake of that spirit which characterises Geneva, for the honour of this Conference, I venture to hope that we shall unanimously agree to the text adopted

by the large majority of the Sub-Committee of experts. (*Applause*).

**The President :**

*Translation :* M. Perrot, delegate of France, will address the Conference.

**M. Perrot (France) :**

*Translation :* Mr. President, gentlemen, I thought, in coming here, that we had been convened to consider how narcotic drugs might be prevented from getting into the hands of the public in such a way as to become a danger to any of the nations represented here. I do not think that the discussion to which you are now listening has this object in view, for I do not know of any case proving that pharmaceutical specialities have become a danger to any nation.

In these circumstances I ask your permission to examine the arguments which have been laid before me. I propose to be brief, for in my opinion this is not a question which ought to take up too much of the precious time of this Conference, which has other and more serious work to accomplish, in view of the fact that the present question is simply that of tolerating something which has been admitted since 1912.

I have been told — and a French text has been quoted in support of the statement — that "heroin was three times as powerful as morphine". If it is more powerful, and if we decided that something ought to be done to draw the attention of public opinion to the matter, I should certainly have agreed to an indication being given.

If, on the contrary, we desire the disappearance of certain drugs which are bought and sold in the world market in the course of lawful trade, and have so far caused no trouble, and if the specially dangerous character of heroin is to be our pretext, the Hague Convention must be modified, and that is the point at issue. In thus demanding total suppression, we are going to exaggerated lengths, much in the same way as the United States delegation when it proposed that codein and the other non-narcotic derivatives of morphine alluded to by M. de Myttenaere should be included in the Convention. To revert to heroin, I do not think the bare fact of its being a morphine derivative is in itself a sufficient reason for making this drug the subject of drastic regulations.

As regards the conversations which I have been able to have with some of our number, particularly with my Belgian colleague, I will repeat that in my private capacity, I regret that new medicaments of an extremely dangerous character such as heroin might make their appearance in the scientific world. Nobody is to blame for this except Science, who is a severe mistress and before whose will we must bow. Since the question of suppressing the distribution of a medicament has been raised, why should we not once again go into the whole question of competence?

It is not for me to say whether heroin ought to be abolished some day. If we desire to reach a conclusion concerning heroin, we must consult the great medical authorities of the world who alone are competent to express a definitive opinion. Moreover, if the Advisory Committee on Opium, which recently met, took no other decision than that which is included

in the Hague Convention, it acted according to its conviction.

If heroin is by far the most active and most dangerous product, we are prepared to assist you in regulating its use; but I think that the quantity in question does not constitute a danger to society.

Finally, since it is the habit, when making a declaration, to conclude with an appeal to sentiment, I would like to say that I desire as much as anyone to see the abolition, for all illicit purposes, of the use of narcotic drugs which are a danger to the world and against which we must wage intensive and ruthless warfare.

**The President :**

*Translation :* M. de Myttenaere, delegate of Belgium, will address the Conference.

**M. de Myttenaere (Belgium) :**

*Translation :* M. Perrot has just alluded to the Health Section of the League of Nations — or rather to the Advisory Committee. In this connection I should like to remind you of what the Health Section of the League of Nations said on diacetylmorphine or heroin :

“Diacetylmorphine (heroin) is a very dangerous drug, still more toxic than morphine and still more dangerous as regards the forming of the drug habit. Since the pharmacologists and clinical practitioners admit that heroin can be dispensed with in therapeutics, the Mixed Sub-Committee recommends that the possibility of entirely forbidding its manufacture should be considered.” (Document O.D.C. 73.)

The Health Section of the League of Nations goes further than I do. I only request the reduction of an exaggerated and abusive distribution of an heroic medicament without advice from a doctor.

**The President :**

*Translation :* I call on M. Betances, delegate of the Dominican Republic, to speak.

**M. Betances (Dominican Republic) :**

*Translation :* In Sub-Committee F I supported the contention that we have not the right completely to suppress the manufacture of heroin, because, even if it is a very dangerous drug and many doctors think that it could be dispensed with in therapeutics, there are many others who consider it to be very effective. I should tell you that there are certain medicines containing heroin which I employ for my personal use and which I could not do without.

I propose a solution half way between that suggested by M. Perrot and that suggested by the delegate of Belgium, namely: that we should not forbid the manufacture of heroin but should reduce the quantity proposed by M. Perrot.

**The President :**

*Translation :* M. Perrot, delegate of France, will address the Conference.

**M. Perrot (France) :**

*Translation :* I thank the delegate of the Dominican Republic for the statement which he has made. He corroborates practically all my statements, lending to them the weight of his authority and personal observations. As

we have ourselves admitted that the dose appeared to be too strong, I willingly agree to reduce it by 50 per cent — that is to say to 0.05. I do not think that anybody could say that such a dose could produce any harmful effect either on individual consumers or on society.

**The President :**

*Translation :* M. Chodzko, delegate of Poland, will address the Conference.

**M. Chodzko (Poland) :**

*Translation :* When considering the French proposal we must ask ourselves what is its true significance. It is suggested, you will observe, to exempt a product from a provision of the Hague Convention, as has already been done in the case of morphine and cocaine. What is the object of this exemption? It is to facilitate the employment of this drug without a medical prescription in urgent cases. That is the only object in view.

Although we can admit that, as regards morphine, there are urgent cases — cases of intense suffering — in which morphine must be obtained immediately without a doctor's prescription, I do not see that there is any need to extend these facilities to medicines the urgent use of which is not so justified. Indeed, if we already have morphine, it is not necessary — since heroin produces the same effects — to extend the facilities in question so as to include a second medication which does not render any different services. In short, morphine is sufficient for all purposes.

Neither do I see, by the way, why we should admit an exemption in the case of cocaine, which is never an urgent medicament.

It is highly interesting to observe that in Article 9 of the new draft Convention which we have before us we have already provided for the possibility of chemists supplying the drug in urgent cases without a medical prescription. M. Perrot himself drew up this article at our request. Article 9, as it stands, is quite sufficient. There is no need to admit further exemptions outside this article.

Turning now to the consideration of heroin, I think we should once more stress the fact that, by allowing morphine to be supplied without medical prescription, we have completely fulfilled our obligations towards suffering humanity.

In support of this point of view I will only venture to read a few lines from a letter sent by the Dean of the Faculty of Medicine at Warsaw. This letter is addressed to the Director of Public Health and contains the following passage :

“... In the opinion of the Council of the Faculty of Medicine at Warsaw University, as expressed at its meeting on May 9th, 1924, the manufacture of heroin could be completely suppressed without any detriment to therapeutics.

“Diacetylmorphine, or heroin, is of no greater positive value than morphine, although far more toxic. As regards its calmative action in the case of coughing, heroin is less effective than codein, or, at any rate, is no more effective than the latter non-toxic and well-known alkaloid. The prolonged use of heroin leads to heroino-



mania, which, as regards its effects, is much more dangerous than morphinomania itself.

"Taking into account the fact that heroin is not more effective as a medicament than morphine and codein, and that it leads with far greater ease to acute intoxication and the habit of permanent abusive use, there is no reason to oppose the proposal to prohibit the manufacture of heroin. On the contrary, this suggestion should receive support."

The Polish Government, therefore, acting on the unanimous advice of all the Polish Faculties of Medicine, has requested the total suppression of heroin. To-day, however, we are discussing only the question of the exemption of heroin — that is to say, the possibility of facilitating the smuggling of this drug, for, if we allow the supply of heroin in even minimum doses, it will be possible by boiling to obtain considerable quantities of the toxic substance. We accord exemption in the case of morphine for reasons of humanity and in order to prevent suffering in urgent cases. But it is not necessary for us to accord a further exemption in the case of heroin.

M. Perrot has told us that he does not know of any case of intoxication by heroin. I would remind him that in this country, not more than two months ago, there occurred at Lausanne a very important case of intoxication by heroin on a large scale in which two or three persons lost their lives.

Although we no longer demand suppression — for the majority of the members of this Conference would not agree to it — I could not in any case accept the proposal at present before us, and if the Conference accepted it I should, on behalf of my Government, have to make the fullest possible reservations.

**The President :**

*Translation :* M. Carrière, delegate of Switzerland, will address the Conference.

**M. Carrière** (Switzerland), Chairman of Sub-Committee F :

*Translation :* I do not wish to prolong this discussion, which has doubtless lasted long enough ; but I should like, before it ends, to defend the point of view of Sub-Committee F and support the statements made by our eminent Belgian colleague at the beginning of the discussion, in favour of the proposal adopted by a large majority in the Sub-Committee.

I should like first of all to confirm M. de Myttenaere's observations concerning the opinion of the Health Committee of the League of Nations, which is composed of very distinguished experts. This Committee recommended that the possibility of prohibiting the manufacture and distribution of heroin should be examined. If the Health Committee did not think that the drug in question could be prohibited immediately, that was because medical opinion was perhaps not yet absolutely unanimous as to the therapeutical value of heroin.

One fact, however, is certain : Heroin, as has been stated again and again to-day, is a dangerous medicament. Even admitting that it has some therapeutical value, it is a medicament which, from a therapeutical point of view, may be replaced by other drugs. I should state that I am not quite in agreement with the

eminent Warsaw professor whose opinions our colleague M. Chodzko has just communicated to us. The therapeutical value of this medicament is very limited. It is utilised principally in cases of tuberculosis, and did I, as a national of a country which receives a large number of tuberculosis patients, desire to adopt a purely material attitude, I might defend heroin, for it is used to quite an appreciable extent in Switzerland. But I repeat that, as a whole, the usefulness of this medicament is restricted, and it may, at any rate in most cases, be replaced by other drugs. We may therefore say that its therapeutical value is practically nil.

In connection with any value which this drug may possess, we must consider its extreme danger. Even in far smaller doses it is more dangerous than morphine and cocaine. Heroin can, unlike morphine but like cocaine, be taken in the form of snuff, and I think that that in itself constitutes a very great danger.

In reverting to the ideas expressed by the Health Committee, Sub-Committee F wished, I think, to obtain an indication of our views. It did not wish, as the United States requested, to prohibit the use of heroin entirely, but it desired to restrict the use of this drug to absolutely indispensable needs. We do not prohibit the use of heroin ; we only request that its use shall be subject to the formalities of a medical prescription in every case. That will leave the partisans of heroin a sufficient margin and will not give them much scope for vehement protest.

Consequently, gentlemen, without wishing to prolong the discussion — and I would remind you that I speak not as Swiss delegate but simply as a member of Sub-Committee F — I would recommend the acceptance of the proposal now before you. I am afraid that a reduction of the percentage would not, in a word, be of any real use. We may be requested to-morrow to alter these percentages again.

I think that we ought to follow the initiative taken by a large number of countries, including the United States, Brazil, Poland and others. I think it is quite clear that heroin is already regarded as a danger, and I feel that this Conference ought to adopt Sub-Committee F's suggestion as submitted.

M. Perrot said he did not wish to invoke reasons of sentiment ; and yet he himself adduced at least one sentimental argument, and I think that, on the whole, our Conference has been actuated from the beginning of the debate far more by sentiment than by other considerations.

M. Perrot has said that science is a stern mistress, before whom he bows. I think, however, that we need not follow out her commands to the letter or accept her orders if they are likely to prove dangerous. Science and mistress she may be, but we ought not to bow down to her. Consequently, Mr. President and gentlemen, I would most earnestly beg you to adopt the conclusions of Sub-Committee F. (*Applause.*)

**The President :**

*Translation :* M. Perrot, delegate of France, will address the Conference.

**M. Perrot** (France) :

*Translation :* I once more crave your pardon for prolonging this discussion, but I think

that M. Chodzko has been labouring under a misapprehension. The question is not one of urgent medicaments (medicaments which have already been dealt with in Article 9); it is simply one of allowing a certain number of medicaments to be available to the public, subject to no restrictions other than those which govern ordinary pharmaceutical products. To my mind, it is little more than a problem of pharmaceutical trade organisation. For this reason, I think we are wasting our time in discussing the question; we are here to deal with matters of far greater importance.

I would venture to reply to M. Carrière that, if I defend the use of heroin, it is precisely because it is one of the most important medicaments in the treatment of tuberculosis in its early stages, and I think that tuberculosis is a disease concerning which an international convention would not be useless. Considering the question only from the scientific point of view, I beg you to reflect and to examine once more the situation as it really is: to believe that the question is not one of urgent medicaments but only of medicaments which will be tolerated and may be obtained by the public, subject to the provisions of domestic regulations, which are in many cases extremely severe.

**The President :**

*Translation :* M. Pernambuco, delegate of Brazil, will address the Conference.

**M. Pernambuco (Brazil) :**

*Translation :* The question of heroin has often been discussed in Brazil as well as the question whether this drug could be completely suppressed. The Brazilian National Department of Public Health, after going into the matter with great care, has declared that heroin could be suppressed because it could be replaced by other medicaments.

As regards the employment of this medication in tuberculosis, I can adduce no arguments for or against such use. But I know that it has sometimes been employed in mental diseases and that doctors have not been sure whether the signs of distress shown by their patients were due to their illness or to the fact that the drug was no longer being administered.

In any case the medical authorities in Brazil were agreed that it would be desirable to abolish the use of this drug. As many doctors still believe that we cannot entirely suppress heroin, we have decided to support the conclusions submitted by Sub-Committee F, namely, that the use of heroin should still be authorised but should be subject to a medical prescription.

**The President :**

*Translation :* I call upon M. El Guindy, delegate of Egypt, to speak.

**M. El Guindy (Egypt) :**

*Translation :* Mr. President, gentlemen, in Egypt, we suffer greatly from the mugging and illicit use of heroin, and the medical and administrative authorities in our country are of opinion that heroin ought to be completely suppressed. However, as views on this point are divided, I declare that I am in favour of placing very severe restrictions on this substance.

I think it would be well to leave the Health Committee of the League of Nations to carry out the necessary enquiries among international scientific institutions with a view to making it possible for us entirely to suppress heroin if the enquiries prove conclusive in this respect.

We should insert in the Convention a clause to the effect that complete suppression will be admitted on the recommendation of the Office international d'Hygiène publique and the Health Committee of the League of Nations. Thus we shall not be limited merely to what we decide now. We shall leave to technical institutions the right to constrain us in the future to carry out the complete suppression of heroin.

**The President :**

*Translation :* If I understand the Egyptian delegate aright, he proposes that a recommendation shall be inserted in the Final Act. If that is so, I would request M. El Guindy to be good enough to submit his recommendation in writing.

Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

The Conference has been listening, for the last hour and a-half, to a variety of views expressed by the experts of different countries; it has been listening to them with a great deal of interest and, I imagine also, with some bewilderment. Some experts have been in favour of maintaining the existing exemption for heroin preparations contained in Article 14 of the Hague Convention; some have been in favour of its complete suppression, and one delegate — the representative of the Dominican Republic — has suggested a middle course.

An English poet of the eighteenth century once wrote: "Who shall decide when doctors disagree?" I think a number of delegates in this Conference must feel themselves to be very much in that position at the present moment.

I am not going to intervene in regard to the expert side — the technical side — of the question. The person who intervenes in a quarrel of this kind usually attracts the blows of both parties. I am, however, going to submit to the Conference that this is not a question which can be decided wholly on technical considerations.

The proposal before the Conference in the report of Sub-Committee F is a proposal to alter the terms of the Hague Convention. It seems to me that the question which this Conference has to decide is whether a case has been made out for that change by those who support it.

I think the whole Conference will agree that it is not desirable lightly to make alterations in the Hague Convention. States have adopted legislation on the lines of that Convention in order to give effect to its provisions, and the public have become accustomed, by this time, to those provisions.

I suggest that the matter before us is one which should be decided on evidence as to the actual necessity for the change. In other words, has the present exemption been found, in the experience of the different countries, to be injurious and dangerous to the public? It seems to me that the onus of proof is on those who advocate the change. The question for

the Conference is: has that onus been fulfilled? If it has, I for one should be prepared to accept the change.

I have looked very carefully at the report of Sub-Committee F, and the only argument that I have found in that report is contained in the following passage:

"Impressed by the terrible ravages of the heroin habit, especially in the United States of America, the Sub-Committee ... adopted the suppression of the percentage, which means, in practice, that it is impossible to sell to the public any preparation containing even the smallest quantity of heroin without a medical prescription."

That is all that the Sub-Committee says on the point. That is the only argument that is adduced in the report of the Sub-Committee in favour of the change. I cannot find that the Sub-Committee has adduced any proofs, and I must say that, while listening to the debate this morning, I have not heard any proofs, to show that the exemption allowed by the Hague Convention for preparations which contain a very small percentage of heroin is in any way responsible for the ravages of the heroin habit to which Sub-Committee F alludes.

There are two grounds, I think, on which the change proposed by the Sub-Committee might be justified. The first ground would be if it is proved that these preparations give rise to the heroin habit or are used by addicts to indulge that habit. So far as Great Britain is concerned, I am not aware that there is any evidence that this is so. I should be very glad to hear from the delegations of other countries whether there is any evidence in their countries that the use of these preparations, and the sale of them to the public without a medical prescription, does, in fact, in any way contribute to heroin addiction.

Even if there were evidence in some countries to that effect, would that be a reason — I submit this to the Conference — why this Conference should ask all countries to make this change? Each Government, of course, has full liberty to take any measures, additional to those contained in the Hague Convention, which it thinks necessary to control the drug traffic in its own country. But it seems to me to be a question — and a serious question — whether the views of some should be imposed on all. This is an international convention, in which we are trying to arrive, by agreement, at fuller and stronger provisions for controlling the drug habit and for controlling the international traffic, and it seems to me that we cannot base a sound convention on experience which is only partial.

The second ground on which the change might be justified would be if it could be proved that these preparations — preparations containing only a very small amount of heroin — were used by persons engaged in the illicit traffic, national or international. This is the aspect of the matter which is specially interesting to the United States of America, who raised this question before the Conference.

Is there any evidence that these preparations are in fact made use of by those engaged in the contraband traffic? I am not aware of any evidence that it is so, and, on the face of it, it seems very improbable that it should be so.

These exempted preparations contain only one part of heroin in one thousand. It is extremely unlikely that persons engaged in the contraband trade would use preparations containing so infinitesimal a proportion of the drug which they wish to smuggle in order to carry on their operations. It would not be commercially profitable.

It seems to me, therefore — and I suggest it to the Conference — that, unless there is evidence either as regards the one ground which I have mentioned or as regards the other, we should consider very carefully whether it is desirable, by an international convention, to impose on all countries restrictions which may meet with opposition in some countries.

There are two general considerations which I should like to lay before the Conference and which seem to me to have some weight. The first of those considerations is this: The support on which our work must rely, and on which the Governments must rely, is the support of public opinion. Now, an extension of the provisions of the Hague Convention which would make it impossible for the public to obtain certain preparations without a medical prescription is going to inconvenience the public. They will be put to trouble and they will be put to expense in order to obtain a medical prescription. The fact that trouble and expense will be caused is, of course, no reason why that restriction should not be imposed if there is sufficient evidence to justify it. I come back then to what I said before: is there evidence, or is there not, to justify this inconvenience being placed on the public?

Unless we can satisfy the public that such is the case, unless we can convince them that this additional restriction is necessary in order to meet a public danger, then, I am afraid, we must run some risk of alienating a portion, at any rate, of public opinion, which is at present strongly behind the work of this Conference.

There is a second general consideration, which is this: This change, if it is inserted in the new Convention and is accepted by the Governments, will involve in the case of many countries (certainly in the case of my own) a change in the legislation of the country. The Government will have to go to Parliament in order to get its assent to the change. What case will the Governments be able to put before their Parliaments? They will be asked what evidence there is as to the necessity for the change, and I submit that we ought to have more evidence than we have at present before we decide to accept the change.

Personally, I have no strong feeling in the matter one way or the other. I should be glad to hear further evidence, and, if further evidence can be produced, I would be willing, as I said just now, to accept the change, or I would be willing to accept the solution which was proposed by the delegate for the Dominican Republic, which is to the effect that a middle course should be taken and the existing exemption retained, but in a modified form.

I do submit, however, that this Conference should be slow in attempting to impose on all countries views which are only held in some, and in asking Governments to accept a change which they may be unable to justify before their own Parliaments and before their own people.

**The President :**

*Translation :* M. Bourgois, delegate of France, will address the Conference.

**M. Bourgois (France) :**

*Translation :* I do not propose to treat the subject from a medical or scientific point of view. I speak merely as a member of Sub-Committee F and as author of the draft submitted to the Preparatory Committee, the object of which was to tighten up the provisions of the Hague Convention against smuggling.

The three narcotics — morphine, cocaine and heroin — possess properties so similar that it does not appear entirely logical to apply to preparations containing heroin a treatment different from that reserved for preparations containing morphine and cocaine.

It is not the case that preparations containing heroin in the doses permitted under the Hague Convention have ever led to abuse. There is nothing to prove that these preparations have been a source of toxicomania; nor is it the case, as Sir Malcolm Delevingne has rightly pointed out, that the illicit trade in heroin has ever been carried on by means of such preparations. Traffickers would have the greatest difficulty in extracting narcotics therefrom, and they certainly could not do so by boiling, as the Polish delegate has suggested. Traffickers in pharmaceutical products would obtain no advantage from fraudulent practices of this kind.

As the author of the draft which tightens up the provisions of the Hague Convention, I tried to discover where there were loopholes. In France, about three hundred offences are dealt with annually. I have examined the records of about a thousand cases spread over three years. I have never in one single case observed that traffickers used such preparations. I do not think, then, that the measure now submitted to you provides a method for preventing illicit traffic which, I repeat, has never been carried on by means of pharmaceutical preparations. I do think, however, that this measure would hamper the most legitimate forms of trade.

As Sir Malcolm Delevingne has said, it would not be wise by means of an international convention to force all countries to make a change of this kind.

I would be ready to withdraw the French proposal immediately if proof were forthcoming of one single case of toxicomania produced by heroin, or a single case of contraband conducted by means of pharmaceutical preparations.

In these circumstances the French delegation is prepared to support the proposal of the delegate of the Dominican Republic. I would draw your particular attention to Sir Malcolm Delevingne's observation: these preparations cannot be dangerous, and they cannot be employed in smuggling, because the proportion of heroin which they contain is only 20 in a thousand.

**The President :**

*Translation :* Mr. Riddell, delegate of Canada, will address the Conference.

**Mr. Riddell (Canada) :**

My Government feels that no hardship would result from the total suppression of heroin.

This is not only the opinion of the Government but the opinion of the best medical authority in my country, based, as I believe, on adequate experience. Therefore I shall support the recommendation of Sub-Committee F.

**The President :**

*Translation :* M. Gotuzzo, delegate of Brazil, will address the Conference.

**M. Gotuzzo (Brazil) :**

*Translation :* M. Bourgois has thrown out a little challenge to the opponents of heroin. He has said that if proof were forthcoming of one single case of toxicomania produced by heroin —

**M. Bourgois (France) :**

*Translation :* I said "by heroin preparations".

**M. Gotuzzo (Brazil) :**

*Translation :* — he would withdraw the French delegation's proposal. Cases of toxicomania by heroin are certainly not as numerous as those produced by morphine, but they exist. I cannot prove my statement here and now, as I should like to, but I remember having read reports concerning cases of intoxication by preparations containing heroin. If cases of intoxication by heroin are not more numerous, it is because people are afraid of this medicament and because it is not sufficiently well known. We doctors are afraid to give heroin because the effects produced by it are often different from what we expected. That is one reason why we should interrupt its delivery to the public. Now is precisely the time when we should take measures to prevent the wider distribution of preparations containing heroin and should, if possible, suppress the drug completely.

**The President :**

*Translation :* M. de Myttenaere, delegate of Belgium, will address the Conference.

**M. de Myttenaere (Belgium) :**

*Translation :* I should like briefly to reply to Sir Malcolm Delevingne and also to M. Bourgois.

Their anxiety to change nothing in the Convention seems to me to be rather extreme, for surely we have met here precisely in order to make certain changes in or additions to the Convention.

As regards internal legislation, the Convention will, whatever form it may assume, necessitate certain changes. The British delegate has referred to the difficulties which the public may experience if our proposal is adopted. As a matter of fact, if the Conference accepts our point of view, the patentee will simply change his formula, and it will still be possible for him to sell his patent medicine without medical prescription, as in the past. It is quite certain that our proposal does not at all involve the suppression of patent medicines but only the prohibition of the delivery of heroin without a medical prescription.

There is no doubt that there have been cases of intoxication through preparations containing heroin, the victims becoming heroin addicts. I can, if you like, give you names and addresses. Please do not tell me that a per-

son cannot become a heroin addict by taking small doses of this alkaloid when I have seen people take in wine-glasses or tumblers a substance which they should take in a teaspoon or dessertspoon.

I think it is clear, M. Bourgois, that you have only had occasion to observe such cases of intoxication as have led to convictions. Did not the persons in question begin by taking small quantities of heroin and then proceed to take larger doses? We should therefore demand, as proposed by the Egyptian delegate, the inclusion in the Convention of a proposal that the Council of the League of Nations shall recommend Governments to conduct an enquiry as to the possibility of suppressing the manufacture of heroin.

Our proposal is that heroin should only be supplied on the advice of a medical man. Statistics of these prescriptions in all countries would furnish the best possible evidence as to the necessity of heroin or otherwise.

To allow chemists and manufacturers — for, alas, it is not only chemists but also manufacturers who produce these substances — to offer heroin promiscuously to the public is to allow the illegal use of medicine.

I earnestly support the Committee of Experts' point of view. We desire to carry out an enquiry into the necessity for heroin — an enquiry which would give an indication as to the value of this alkaloid, not only from the commercial standpoint but also from the medical point of view.

That is what we must desire; it represents, after all, only the execution of justice in the domain of medicine and pharmacy and the care of public health.

**The President :**

*Translation :* M. El Guindy, delegate of Egypt, will address the Conference.

**M. El Guindy (Egypt) :**

*Translation :* Although I made a proposal concerning the enquiry to be undertaken by the Health Committee of the League of Nations and the Office international d'Hygiène publique, I did not do so with the sole intention that heroin should only be supplied on medical prescription. I desire to go further. You are aware that many countries have already suppressed the use of heroin, and my desire was to render the system stricter and finally to achieve the complete suppression of the drug.

**The President :**

*Translation :* I call upon M. Dinichert, delegate of Switzerland, to speak.

**M. Dinichert (Switzerland) :**

*Translation :* It is all the more easy for me to intervene in this discussion in that you doubtless do not expect me to say anything of interest as regards the scientific and medical side of the question. I venture, nevertheless, to trespass on your time in the hope that it may be possible for the Conference to reach an agreement, unanimous if possible, on a question which, whatever may be said, is of great importance and which, at this moment, appears to have led to some slight difference of view in this Conference.

I do not intend to repeat what has been said concerning the harmfulness of the preparations containing heroin which we have been discussing

— that is to say, those which contain less than one part of heroin in a thousand. But I know that, in fact, a large number of delegations and Governments — I might almost say the majority — regard this product as presenting special dangers. The proof of this is that a certain number of States have already decided to prohibit heroin entirely. As we have met in order to attain two objects in the campaign against narcotics — internal control and international control, two aims which often appear to have different aspects — I venture to state that the more important question of the two is that of international control.

Countries manufacturing these products, which offer them to the public and even insist on their exportation, obviously shoulder a great responsibility as regards the rest of the world and those countries which consider these substances to be dangerous. I do not see, therefore, why we should not agree to say that, if we manufacture these drugs and sell them, we are at least willing to provide other countries with the guarantees which the new Convention will contain. Could not we all agree to submit these remedies, as regards the international trade therein, to the guarantees to be contained in the Convention?

I was, moreover, particularly impressed by the remark made by both the French and British delegations that in certain countries habits have been acquired which should be respected and that there exists a public opinion which might, on account of these habits, revolt against too severe regulation. In this case I would venture to go so far as to say that if, after all, a country considers that it must allow a certain latitude within its borders, it is for that country to assume the responsibility. I would say willingly: Let it take such steps as it may think fit.

Before concluding, I beg to state that I was not very greatly impressed by Sir Malcolm Delevingne's argument that the proposal will involve a change in the legislation of his country. Most of us, happily, will be obliged to modify our national laws, for, if we have not had to do it in the past, it is because we have been marking time since 1912. Moreover, I do not see why one ought to modify a law in order to suppress a percentage if one is not obliged to do so in order to bring about a reduction.

But I revert to what I have just said. Could not the Conference unanimously agree that in regard to this question there is an international duty to be fulfilled, but that as regards domestic legislation a certain amount of latitude might be allowed to each country?

In conclusion, I would beg you all to adhere to the text which is before us on the understanding that the various countries will be able to make reservations later as regards the domestic use of these products.

I am one of those who believe that conventions should be signed with the smallest number of reservations possible, but I think also that it would be better to make certain reservations thus limited in character than that we should come to a deadlock. For I think that one party can scarcely impose its will on another in matters of this kind.

**The President :**

*Translation :* M. Bourgois, delegate of France, will address the Conference.

**M. Bourgois (France) :**

*Translation :* I only wish to add one word. There are certain disadvantages in signing a convention with reservations made by a number of States. That is, indeed, the more complex solution; the simpler alternative is for those States which feel that these preparations constitute a danger to adopt, in their own legislation, all measures which they deem to be indispensable.

**The President :**

*Translation :* As no one else wishes to speak, I declare the discussion closed.

We have before us a recommendation proposed by the Egyptian delegation. I do not think there will be any point in examining this recommendation before we come to consider the Final Act, and I request the Conference to authorise me to send the text which the Egyptian delegate has kindly handed to me direct to the Drafting Committee. The latter will make certain formal changes which the Egyptian delegate will, I am sure, be able to accept, and the discussion of the recommendation will be deferred until we consider the text of the Final Act.

We have an amendment submitted by the French delegation. I understand that the latter has modified its amendment to the report in conformity with the suggestion of the delegate of the Dominican Republic — that is to say, the French delegation only desires to make the following modification in Article 14 (c) of the Hague Convention of 1912: "Substitute, for 0.1 per cent heroin, 0.05 per cent". I will therefore put this proposal to the vote and request those delegates who are in favour

kindly to rise in their places in order that we need not have a roll-call.

**M. de Palacios (Spain) :**

*Translation :* Could you first give me information on just one point, please? I think there is also a proposal put forward by the Swiss delegation.

**M. Dinichert (Switzerland) :**

*Translation :* I did not make any proposal. I merely explained how I thought unanimity could be obtained on the draft submitted by Sub-Committee F, since, after this draft has been adopted, any Government which desires to do so later may make a reservation concerning the traffic in and domestic consumption of this drug. I merely threw out the idea in the hope that unanimity might be obtained. I did not make a formal proposal.

**The President :**

*Translation :* Let us now take the vote. Those who are in favour of maintaining the provision of the Hague Convention with the modification suggested are requested to rise.

(Six delegations rose in favour of the proposal.)

Those who are in favour of accepting the proposals contained in Sub-Committee F's report are requested to rise.

(21 delegations rose in favour of the proposal.)

The conclusions of the report of Sub-Committee F are therefore adopted by a majority. The report will be referred to the Drafting Committee.

*The Conference rose at 1 p.m.*

## THIRTY-FIRST MEETING

*Held at Geneva, Tuesday, February 12th, 1925, at 3 p.m.*

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President : M. Herluf ZAHLE.

96. EXAMINATION OF THE REPORT OF SUB-COMMITTEE F : QUESTION OF INDIAN HEMP.

**The President :**

*Translation :* We have to discuss this afternoon item "B" of the agenda: Indian Hemp<sup>1</sup>; I call upon the Rapporteur, Professor Perrot, to speak.

**M. Perrot (France), Rapporteur :**

*Translation :* The question of Indian hemp was referred to Sub-Committee F at the request of the Egyptian delegate.

As you are aware, Indian hemp is not a preparation, but is simply the upper part of the female tops of the hemp plant, which grows chiefly in India.

This question was a particularly complex one, because the hemp used for the manufacture of cloth belongs to the same botanical species, and accordingly — unlike the case of the opium poppy — it is extremely difficult to abolish its cultivation. India exports, I understand, some 100,000 tons of hemp fibre yearly.

The question, from the narcotic point of view, may be stated as follows: This variety of Indian hemp, which grows at a somewhat high altitude, yields a resin which is widely sold in Central Asia and is a dangerous narcotic akin to heroin. Thus the harmful custom of smoking hemp and absorbing preparations composed chiefly of hemp resin is widespread throughout Central Asia and also in parts of Africa. It is necessary, therefore, to endeavour to suppress its use, particularly in Egypt and Northern Africa.

The majority of foreign nations have prohibited its use; but, in certain cases, a monopoly

<sup>1</sup> See Annex 28.



has been established. The French position as regards Tunisia, for example, is as follows: We have passed strict laws prohibiting entirely the use of hashish or other preparations containing harmful substances. In consequence of the drastic measures taken to suppress all these harmful preparations, their illicit use has practically disappeared, and, as a result, hashish smokers are no longer to be found there.

In Egypt, the laws are extremely severe. As regards pharmaceutical preparations, under French law — and, I believe, under Italian law also — the preparation of Indian hemp is subject to the same regulations as opium. A number of internal regulations and prohibitions regarding this matter are already in force. The Egyptian Government has asked that international prohibitions should be extended as widely as possible in order to prevent the unrestricted use of hemp resins.

These, then, were the considerations on which Sub-Committee F based its discussion. It began by formulating a definition of Indian hemp in accordance with the texts of existing pharmacopœias. The definition is as follows :

“By Indian hemp is understood the dried flowering or fruiting tops of the pistillate plant *Cannabis sativa*, from which the resin has not been extracted, under whatever name they may be designated in commerce.”

The Sub-Committee also discussed the question of the raw resin. The Brazilian delegate pointed out that Indian hemp had some time previously been introduced into his country and that preparations known as “diamba”, composed chiefly of Indian hemp resin, were in use there and were a source of danger. This was in addition to what we already knew regarding North Africa and Asia.

The Sub-Committee, being convinced that something could be done to protect the world from these dangers, has studied the question of hemp resin and submits its observations in the following text :

“The use of Indian hemp and the preparations derived therefrom may only be authorised for medical and scientific purposes. The raw resin (charas), however, which is extracted from the female tops of the *Cannabis sativa* L., together with the various preparations (hashish, chira, esrar, diamba, etc.) of which it forms the basis, not being at present utilised for medical purposes and only being susceptible of utilisation for harmful purposes, in the same manner as other narcotics, may not be produced, sold, traded in, etc., under any circumstances whatever.”

Of course, the Sub-Committee is simply laying technical facts before you and does not suggest any means of introducing an international prohibition, because it has not endeavoured to find such means. It merely desires to show the Conference that raw resin derived from Indian hemp should not form an article of international commerce.

Such is our general statement on the Indian hemp question, and I am, of course, at your disposal should you desire to put any other questions of a technical nature.

**The President :**

*Translation :* M. Bourgois, delegate of France, will address the Conference.

**M. Bourgois (France) :**

*Translation :* We are all agreed as regards the question of principle, but no text providing for the application of these principles has yet been prepared for inclusion in the International Convention.

Discussions of texts are usually somewhat slow and unsatisfactory at plenary meetings, and, speaking on behalf of a number of delegations, I ask that a Sub-Committee should be appointed to draw up this text.

**M. El Guindy (Egypt) :**

*Translation :* May I regard M. Bourgois' statement as tantamount to an acceptance of the Rapporteur's report ?

**M. Bourgois (France) :**

*Translation :* I cannot give any undertaking on the subject, since I am not aware of the intentions of the various members of the Conference.

**The President :**

*Translation :* We have before us a proposal that a Sub-Committee should be appointed to draw up a definite text, as the report merely deals with the subject from the scientific and technical points of view.

**M. Perrot (France) :**

*Translation :* I should like to add that all the members of Sub-Committee F agreed that a definition of this resin should be formally laid down in order to prevent the possibility of its being changed.

**The President :**

*Translation :* I venture to make a suggestion as to the appointment of the members of the Sub-Committee.

**Prince Damras (Siam) :**

*Translation :* The Siamese delegation has not received any instruction from its Government concerning the question of Indian hemp. Therefore, I must make a reservation on that point.

**The President :**

*Translation :* The Conference agrees, I think, that a Sub-Committee should be formed to draw up a definite text.

I suggest as members of this Sub-Committee the representatives of Egypt, France, British Empire, India, Sweden, Turkey, Uruguay and also Siam, should the Siamese delegate desire to take part, despite the reservation he has made.

**Prince Damras (Siam) :**

*Translation :* I should like to be present at the Sub-Committee.

**M. El Guindy (Egypt) :**

*Translation :* Belgium is also concerned in the Indian hemp question, and, as her representative has taken an active part in the discussion, I should be glad if he also were a member of the Sub-Committee.

**The President :**

*Translation :* I quite agree with M. El Guindy, but would point out that the Sub-Committee will be somewhat large. With the Belgian representative, there will be nine members. However, I accept M. El Guindy's proposal.

I venture to make the following suggestions to the Sub-Committee :

- (1) Its work should, of course, be based on M. Perrot's observations.
- (2) The work of the Second Conference is well advanced, and I would urge the members of the Sub-Committee to do their utmost to reach a unanimous agreement and to submit to us a unanimous report.

The Sub-Committee should meet as soon as possible. I cannot say how much time it will have for its work, but I shall make arrangements with the Chairman, when elected, to give it ample time.

**M. El Guindy (Egypt) :**

*Translation* : I propose M. Perrot as Chairman of the Sub-Committee.

**The President :**

*Translation* : If you so desire, I am ready to arrange for these appointments now, but you might perhaps make your suggestions at the close of the present meeting. (*Assent.*)

#### 97. FIRST READING OF THE DRAFT CONVENTION : ARTICLES 1-7. CONTINUATION OF THE DISCUSSION.

*Article 1 (Continuation of the Discussion). Definitions of Morphine, Coca Leaf, Cocaine and Crude Cocaine.*

**The President :**

*Translation* : We have now to continue our discussion of the draft Convention. At the twenty-ninth meeting we closed the discussion, I believe, at the definition of morphine in Article 1.

The definition of morphine, coca leaf, cocaine and crude cocaine were read as follows :

*"Morphine.* — 'Morphine' means the principal alkaloid of opium having the chemical formula  $C_{17}H_{19}NO_3$ .

*"Coca Leaf.* — 'Coca leaf' means the leaf of *Erythroxylon, coca* (Lamarck) and the *Erythroxylon novogranatense* (Morris) *hieronymus* and their varieties of the family of erythroxylaceæ and the leaf of other species of this genus from which it may be found possible to extract cocaine either directly or by chemical transformation.

"Any other vegetable raw material which may serve for the preparation of cocaine will be considered as equivalent to coca leaves.

*"Cocaine.* — 'Cocaine' means methylbenzoyl lævo-ecgonine (alpha D.20° = — 16°4 in 20-per-cent solution of chloroform), of which the formula is  $C_{17}H_{21}NO_4$ .

*"Crude Cocaine.* — 'Crude cocaine' means any extract of the coca leaf which can be used directly or indirectly for the manufacture of cocaine."

**The President :**

*Translation* : The subject is now open for discussion. Does anyone wish to speak ?

M. van Wettum, delegate of the Netherlands, will address the Conference.

**M. van Wettum (Netherlands) :**

I want to ask for information about the second paragraph, regarding the definition

of "coca leaf". It seems to me that the second paragraph is rather vague. Also I want to ask, for my own information, why we do not deal with this question in the same way as under Article 10 we deal with any new narcotic drug.

**M. Perrot (France) :**

*Translation* : Sub-Committee F adopted this term because, at present, the coca leaf is the only known substance which yields cocaine ; but, just as caffeine is produced from plants which belong to a number of vegetable families of widely differing kinds, it is quite possible that the raw material which will yield cocaine may one day be discovered.

**M. van Wettum (Netherlands) :**

At what period will the vegetable raw material be considered as equivalent to coca leaves ? Will it be found in one or two countries and what international body will decide with regard to it ? All this seems to me to be rather vague. For instance, if we are ultimately able to make cocaine from chestnut leaves and if it is so made in one country, will the matter be decided according to the terms of the Convention or not ?

**M. Perrot (France) :**

*Translation* : In reply to M. van Wettum's first question, I would suggest from the date on which cocaine is extracted from any new vegetable substance. I think that is the view the Conference will take.

**M. van Wettum (Netherlands) :**

I still do not feel quite satisfied. There are many vegetable materials from which it may be possible to extract cocaine. It seems to me that an international body or some organisation of that kind must decide the question.

**M. Perrot (France) :**

*Translation* : As far as I can see, the only means of meeting M. van Wettum's views would be to add the word "industrial" before "preparation".

**M. van Wettum (Netherlands) :**

The only point I want to make clear is that, under the terms of the Convention, the question must be decided by some organisation. A decision on the part of one only is not sufficient. Why do we not deal with this matter in the same way as Article 10 ?

**M. Perrot (France) :**

*Translation* : I do not quite see M. van Wettum's objection. It does not seem to me that there is any difficulty. Cocaine either is or is not prepared from such-and-such a vegetable. In Article 10 we have referred to the Office international d'Hygiène publique because differences of opinion may arise, but this is not the case as regards cocaine. If a new plant is found to yield cocaine, no difficulty will arise, for it will come within the scope of this provision simply because it does produce cocaine.

**M. van Wettum (Netherlands) :**

May I give a concrete example ? Suppose that cocaine can be extracted from tobacco leaves. Will tobacco leaves be brought under the terms of the Convention ? That is the only point on which I ask for an explanation, as it seems to me to be rather vague.

**M. Perrot (France) :**

*Translation :* From a technical point of view they certainly would.

**The President :**

*Translation :* I do not think we can continue to discuss this point. Is M. van Wettum satisfied ?

**M. van Wettum (Netherlands) :**

I do not feel satisfied, but I must accept it.

**The President :**

*Translation :* The point will be noted in the record of the meeting.

**M. van Wettum (Netherlands) :**

Cannot we suppress altogether the last paragraph of the definition of coca leaves ? It is very clear that if somebody in the future finds a vegetable from which cocaine can be extracted, it will be brought under the Convention. Cocaine is already dealt with by the Convention.

I formally move therefore that we strike out this second paragraph.

**M. Perrot (France) :**

*Translation :* The President and the Rapporteur of the Sub-Committee do not see any objection to this proposal.

**The President :**

*Translation :* If the Conference agrees, the last three lines of the definition of coca leaves will be omitted. (*Agreed.*)

We shall now pass to the next three definitions.

*Definitions of Ecgonine, Diacetylmorphine and Indian Hemp.*

The definitions of ecgonine, diacetylmorphine and Indian hemp were read as follows :

*"Ecgonine.* — 'Ecgonine' means lævo-ecgonine (alpha D.20° = — 45°6 in 5-per cent solution of water), of which the formula is  $C_9H_{15}O_3NO_3 \cdot H_2O$  considered as raw material, and all the derivatives of lævo-ecgonine, which might serve industrially for its recovery.

*"Diacetylmorphine.* — 'Diacetylmorphine' means diacetylmorphine (diamorphine, heroin), having the formula  $C_{21}H_{23}NO_5$ .

*"Indian Hemp.* — 'Indian hemp' means the dried flowering or fruiting tops of the pistillate plant *Cannibis sativa L.* from which the resin has not been extracted, under whatever name they may be designated in commerce."

**M. van Wettum (Netherlands) :**

May I ask whether the words "considered as raw material" may be struck out of the definition of ecgonine ? I do not understand what they mean.

**M. Perrot (France) :**

*Translation :* That is impossible, I think, because ecgonine is not a narcotic and cannot as such come under the scope of the Convention. On the other hand, it is a raw material for the manufacture of cocaine.

**M. van Wettum (Netherlands) :**

I still cannot quite follow what has been said by the honourable delegate of France.

Ecgonine is considered as a raw material and cocaine is not considered as a raw material. Is there some difference ?

**M. Perrot (France) :**

*Translation :* Lævo-ecgonine alone, and not recto-ecgonine, yields cocaine.

**Sir Malcolm Delevingne (British Empire) :**

I am not sure that the French delegate has answered M. van Wettum's question. M. van Wettum has asked why the words "considered as raw material" appear in the definition of ecgonine and M. Perrot has replied that they are inserted because ecgonine is not itself a stupefiant, but is a raw material for the manufacture of a stupefiant.

Am I right in understanding M. Perrot in that sense ? If so, why is ecgonine inserted in Article 4 among the dangerous drugs, among the stupefiant ? On the recommendation of Sub-Committee F, we applied all the provisions relating to the control of stupefiant to ecgonine, so that there would appear to be a slight inconsistency in M. Perrot's explanation and I should be glad if he would explain further.

**M. Perrot (France) :**

*Translation :* In dealing with morphine, we must mention opium, because it is a material from which morphine is manufactured. We include opium in the Convention, because it is itself a narcotic and is also a raw material used for the production of other narcotics ; if we do not class ecgonine as a raw material, we could not bring it into the Convention at all. The whole cocaine industry is dealt with in Chapter III, and consequently I do not see how we could omit any mention of ecgonine.

**Sir Malcolm Delevingne (British Empire) :**

I agree as regards the necessity of including ecgonine. That is not the point that is in dispute. As far as Great Britain is concerned, we did that three years ago. The only question is whether the words "considered as raw material" are necessary in the text or not.

I am inclined, after hearing the explanation of M. Perrot, to agree with M. van Wettum that they are unnecessary. They seem to add nothing to the definition of ecgonine. In order to prevent any possibility of doubt, I suggest that it would be the better course to omit them. I therefore propose, if the Rapporteur sees no objection, to omit the words "considered as raw material".

**M. Perrot (France) :**

*Translation :* I see no objection to the omission of these words. Sub-Committee F merely inserted them to show the point of view from which it regarded ecgonine. I feel bound to say, in defence of the Sub-Committee's methods, that none of the experts would have thought of adding these words. As everyone is now clear on this point, there is no need to keep them in the Convention.

**The President :**

*Translation :* Since all the members of Sub-Committee F agree to the omission of the words "considered as raw material", I think the Conference might adopt this proposal. (*Adopted.*)

Have any members any other observations to make on ecgonine or Indian hemp ?

**M. Carrière** (Switzerland) :

*Translation* : I have a small observation to make on a point of drafting. The Drafting Committee, in drawing up the list of products, has not, I think, adopted a very logical sequence. The products are arranged somewhat unsystematically, and the list should, in my view, be drawn up as follows :

Raw opium, medicinal opium, opium, morphine, diacetylmorphine, crude cocaine, cocaine, ecgonine.

*Definition of Medicinal Opium.*

**The President :**

*Translation* : M. Perrot, delegate of France, will address the Conference.

**M. Perrot** (France) :

*Translation* : I will submit to you the definition of medicinal opium adopted by the Sub-Committee, which was held over at the twenty-ninth meeting. The text, slightly amended by the Sub-Committee at the instance of the Netherlands delegate, reads as follows :

“Medicinal opium shall be taken to mean raw opium which has undergone the processes necessary to render it fit for medicinal use, whether in powder form or granulated or otherwise, or mixed with neutral materials, provided its morphine content corresponds to the prescriptions of the pharmacopœia.”

This definition requires some explanation. The text of the Hague Convention has been changed because it was inaccurate and even reproduced some of the mistakes still existing in certain pharmacopœias. We took the view that, in an international convention, we need not trouble about the precise definitions in pharmacopœias, as the latter provide a definition of medicinal opium for each individual country. It was thought preferable to have a definition of medicinal opium which would be generally applicable and would take into account the prescriptions of recognised pharmacopœias.

For example, the proportion of morphine (10 per cent) mentioned in the Hague Convention of 1912 does not apply to the United States, where the normal proportion is 9.5 per cent. It was thus very difficult to fix a percentage of morphine in a general definition of medicinal opium for the purpose of a convention such as the present one.

It was necessary to define opium because if, for example, raw opium containing 6 per cent of morphine is mixed in suitable proportions with opium containing 17 per cent, a mixture containing 10 per cent could be obtained; this is opium which has been submitted to manipulations and thereby becomes a medicinal opium. Then again, if opium containing 12 per cent is added to “neutral materials” in order to reduce the proportion of morphine to 10 per cent, this is another manipulation which also produces medicinal opium.

All these forms of manipulation come under the definition we propose to-day, which is more logical than the previous one.

**The President :**

*Translation* : The Drafting Committee will note the various observations which have been made. The discussion on Chapter I is closed, and we now pass to Chapter II.

CHAPTER II : INTERNAL CONTROL OF RAW OPIUM AND COCA LEAVES.

*Article 2.*

The text of Article 2 was read as follows :

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

**The President :**

*Translation* : At our meeting the day before yesterday, we spoke of the “first reading” of Article 2, but what we were really discussing was a part of the report of Sub-Committee B which had been reserved, and Article 2 is only coming up for “first reading” to-day.

You will remember that, in the course of the discussion the day before yesterday, we accepted the American proposal with two modifications and an addition suggested as an addendum to the Egyptian proposal.

The discussion on Article 2 is now open, and I call upon M. Sjöstrand, delegate of Sweden, to speak.

**M. Sjöstrand** (Sweden) :

When a vote was taken at the twenty-ninth meeting upon the addition to the Egyptian proposal regarding Article 2, there were no fewer than fourteen abstentions. The whole of Article 2 was adopted with nine abstentions. I think the distinguished delegate for Japan interpreted rightly the feelings of many delegates when he expressed some doubt as to whether we were not weakening to some extent the obligations contained in the present Article 1 of the Hague Convention by accepting the addition. As you will remember, the addition allowed any Contracting Power to declare that it only accepted the American principle subject to certain limitations.

Of course, I do not say that it ever entered into the minds of the authors of the additional proposal to weaken the Hague Convention. That would, I believe, have been contrary to the mandate given by the League. But, by opening the door for reservations, it might be contended that we had shifted the ground and made it possible to slip away from the obligations contained in the present Article 1. It is true that, on the one hand, we have strengthened considerably the actual provisions by accepting the American principle, but, on the other hand, it has been made possible for any interested Power to declare a limited acceptance of this principle, without laying down the extent of such a limitation. It has therefore occurred to me that it could be expressly stated that such a declaration may not encroach upon the obligations contained in Article 1 of the Hague Convention, so that these obligations shall be upheld in the letter and in the spirit.

If such a proposal were accepted, I venture to say that we should at least have made some progress. It is true that we do not know exactly to what extent the Powers concerned will avail themselves of their right to declare a limited acceptance of the American principle. But their power of reserve will not be unlimited. They cannot go back upon their obligations in virtue of Article 1 of the Hague Convention. The door will be closed upon any retrograde

step, but the road will be open for any progressive measure. The Powers will be invited to comply as nearly as possible with the principle for which we are all working and, once undertaken, such an obligation will, we may hope, act as a stimulus for further progress.

The drafting of this amendment may not be quite perfect, but we can, of course, refer the proposal to the Drafting Committee, so that the whole article may be put into better shape. If there is any other proposal which serves the same purpose I shall, of course, be quite willing to take it into consideration.

I therefore beg to move the following amendment to Article 2 of the draft Convention :

“Such limitations shall not in any case render the obligations accepted under this article by the Contracting Party concerned less extensive than those prescribed by Article 1 of The Hague Convention of 1912.”

**The President :**

*Translation* : The discussion is open on Article 2 of the draft Convention.

Mr. Clayton, delegate of India, will address the Conference.

**M. Clayton (India) :**

On behalf of the Indian delegation, I desire to accept the amendment proposed by the Swedish delegation. I think it affords a very satisfactory solution of a question which has occupied this Conference, and also Sub-Committee B, for a very long time.

Two regimes were presented to Sub-Committee B. The first was the regime under which the producing countries have been living since the Hague Convention was signed ; the second, the new regime which the United States desired to put forward for adoption by the various producing countries. I understand that a large number of the consuming countries were very anxious that the United States point of view should be adopted. There were lengthy discussions on the point. One producing country was prepared to go as far as the United States regime, and I do not think any producing country desired to recede from its position under the Hague Convention.

I admit that our discussions and the results of the twenty-ninth meeting left the question of the regime under which each country would come in some uncertainty. I rejoice that that uncertainty has now been removed. It is now clear that countries can either remain under the regime of the Hague Convention, or they can advance (if they consider it an advance) to the regime proposed by the United States ; or, if they like, they can adopt any intermediate stage which they desire.

If this proposal is accepted, all parties in this Conference should, I think, be satisfied. Complete liberty is given to each producing country to make its choice, and we know the limits within which that choice may be made. I desire to second the adoption of this amendment.

**The President :**

*Translation* : M. El Guindy, delegate of Egypt, will address the Conference.

**M. El Guindy (Egypt) :**

*Translation* : When I supported the first

article of the United States suggestions, I understood that, under the terms of the article, the production of opium would not be stopped immediately the Convention came into force, but that a time-limit would be allowed. As, however, the amendment subsequently proposed completely invalidated this first article of the United States suggestions and practically meant that it would be suppressed, I consider that this article should be retained, with perhaps some time-limit, or definition fixing a time-limit, which the Conference could accept ; if not, I propose that the whole article be deleted and replaced by a new article which would be an improvement on the article in the Hague Convention.

**The President :**

*Translation* : I shall be glad if the first delegate of Egypt will place his proposals in writing. The discussion on the Swedish amendment to Article 2 will be continued.

Mr. Riddell, delegate of Canada, will address the Conference.

**Mr. Riddell (Canada) :**

I have much pleasure in supporting the amendment which has been moved by the Swedish delegate. In voting the other day in support of the amendment to the original American proposal, I did so thinking that certainly no limitation would be made that did not fully carry out the obligations under the Hague Convention, and the obligations of which were not quite as extensive as those assumed in the Hague Convention.

I voted in favour of it, but not because I believed, or that my country believed, that it is what we wanted. We have heard a lot about idealism. So far as the opium traffic is concerned, I consider that I represent one of the most idealistic countries. We make not one dollar from the production or manufacture of opium ; all we ask is the minimum for our medical and scientific requirements.

That being the case, I would like to have pressed for the maximum that we might have obtained, but one of the traditions of my country is that we always recognise the rights of others. Within our Confederation we recognise the rights of the different Provinces. My country has played a great part in the development of the British community of nations, laying down those fundamental principles of legislative autonomy, of equality and of unanimity, those principles which, after all, came from the British community of nations into the League of Nations, under whose auspices we meet this afternoon.

I felt, therefore, that the only thing that could be done was to support that amendment, notwithstanding that it implied all that the Swedish delegate has now summed up in his amendment.

After all, the Hague Convention has been our Magna Charta for protection from the menace of the drug traffic, and I would be the last one to want to do anything that would reduce, even in the slightest degree, its power and effect. I shall have much pleasure, therefore, in supporting the amendment when it is put to the vote.

**The President :**

*Translation*. M. Yovanovitch, delegate of the

Kingdom of the Serbs, Croats and Slovenes, will address the Conference.

**M. Yovanovitch** (Kingdom of the Serbs, Croats and Slovenes) :

*Translation* : I accept the amendment proposed by the Swedish delegation, and would add that I could not accept any other. We have been discussing this question for a long time, and after many difficulties have at length reached agreement. Do not let us now run the risk of destroying this agreement.

**The President** :

*Translation* : M. Dinichert, delegate of Switzerland, will address the Conference.

**M. Dinichert** (Switzerland) :

*Translation* : The remark just made by M. Yovanovitch gives me food for reflection. It appears to me that we are to-day exactly where we were two days ago, and that now, as then, we have to find a formula to express an engagement regarding which we are nearly all in agreement.

The day before yesterday we found a formula, to which the producing countries agreed — a condition which in my view is the essential and fundamental one. This fact should reassure M. Yovanovitch; and yet to-day the formula which we accepted the day before yesterday is found to be open to criticism, and you want to amend it once more.

What is the position ?

We have accepted in principle what we call Article 1 of the United States suggestions, and in this connection the producing countries, above all, have intimated that they must make a reservation. The purport of this reservation is as follows :

“Further, any Contracting Party may declare, at the time of its signature of, or accession to, the present Convention, the limitations subject to which it accepts this article as regards the production and distribution of raw opium.”

The reservation admitted as regards the production and distribution of raw opium was then found to be applicable even to Article 1 of the Hague Convention, which only makes provision for the control of the production and distribution of raw opium. This fact having been noted, a new reservation to the first reservation was made, thereby undoing what had been done.

We had found a formula acceptable to all the producing countries. That being so, I was quite ready to accept it, and if I make a fresh proposal now it is merely in an endeavour to find a simpler formula expressing the same idea. I suggest therefore that, in the reservation which was accepted two days ago, it should not be said that the Contracting Powers are able to make reservations as regards the production and distribution of raw opium (which is the subject of Article 1 of the Hague Convention itself) but only in regard to the “limitation of production for other than strictly medical and scientific purposes”, which is the only new factor introduced by Article 1 of the United States suggestions. That is the whole point.

For my own part, I repeat that I will accept any formula to which the producing countries will agree; I simply ask you to compare the two formulæ and adopt whichever is the simpler.

**The President** :

*Translation* : We have now a fresh proposal, submitted by M. Dinichert, to omit the words “the production and distribution of raw opium” from the fourth and fifth lines of the addition to the Egyptian proposal and to substitute for them the words “limitation of production for other than strictly medical and scientific purposes”.

In these circumstances, the Swedish proposal no longer holds.

This amendment is now open for discussion. M. Toivola, delegate of Finland, will address the Conference.

**M. Toivola** (Finland) :

Mr. President — I think you will agree with me when I say that we have certainly got into a mess with all these amendments, contra-amendments and super-amendments. We have the original text; we have the United States suggestions, and we have the amendments to those suggestions. We have another amendment to the amendment to those suggestions, and we have the new Swiss amendment. It is very difficult to know where we are.

I should think that the words spoken yesterday or the day before by the honourable delegate for Japan were quite right — that we really do not know whether we are weakening the Hague Convention or not. My view is that all these amendments are weakening the Hague Convention, and I agree with my Egyptian friend when he suggested that we should retain as our base the Hague Convention — that there should be no amendments, but that we should adopt only the article which already exists in that Convention.

Article 1 of the Hague Convention says :

“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.”

I do not think that any amendment we can adopt now would take us further than that, and I propose that we maintain that text.

**Mehmed Sureya Bey** (Turkey) :

*Translation* : I second M. Toivola's suggestion. We are all agreed as regards Article 1 of the Hague Convention, whereas reservations have been made in regard to Article 1 of the United States suggestions.

**The President** :

*Translation* : I think M. Toivola's proposal is similar to that submitted by the French delegation the other day.

I beg to inform the Conference that M. El Guindy, the Egyptian delegate, has just submitted the two following proposals :

“That the Conference should either :

“(1) Accept Article 1 of the United States suggestions as formulated by the Egyptian delegation, with the explanation that the necessary control would only be rigorously applied after the expiration of a time-limit to be fixed by the Conference; or

“(2) Delete the article altogether and substitute for it another to be drawn up by the Conference.”



I cannot, at the first reading of the draft Convention, submit to the Conference two proposals which are not clearly defined. This would be possible in Committee, but at a plenary meeting of the Conference proposals must be quite definite.

M. Kircher, delegate of France, will address the Conference.

**M. Kircher (France) :**

*Translation :* Yesterday, the Conference enthusiastically adopted Article 1 of the United States suggestions, which represents the utmost efforts humanity could make to bring about, thoroughly, progressively and finally, the abolition of opium. Then, perceiving immediately afterwards that, for political, economic, agrarian and social reasons, such measures could not be carried out by the producing countries, the Conference proceeded to pass an amendment which rendered entirely nugatory the very article it had just adopted, since, by the terms of the amendment, producing countries could reserve the right not to apply the first paragraph of Article 1 of the American suggestions which those very Powers had just adopted. Thus the Conference, unanimously recognising that the producing countries could not carry out what they had undertaken, took cognisance in advance of reservations which those countries would certainly not fail to make, and declared forthwith that these reservations would be accepted.

The upshot of all these contradictory decisions is a truly paradoxical position. On the one hand, the Conference agreed that we must abolish *hic et nunc* the production of all opium not required for medical or scientific purposes; on the other, it decided that the producing countries had the right to absolve themselves from this obligation. Finally, all agreed that these countries should not fulfil the obligation at all.

The position was paradoxical indeed, and, after 48 hours' reflection, a fresh amendment was submitted to us. Now, what is the net result of the Conference's decisions? That we have simply reverted to Article 1 of the Convention of 1912, namely, that "the Contracting Powers shall enact effective laws and regulations for the control of the production and distribution of raw opium". That was, for all practical purposes, the outcome of the whole of the day before yesterday's meeting.

Nay, more: we have gone even further and have greatly weakened Article 1. The limitations which will be imposed and which are accepted in advance by the Conference practically nullify the undertakings which the Powers signed some ten years ago.

Accordingly, the Swedish delegate proposes an amendment to the effect that the limitations accepted by the Conference in advance shall in no case render the obligations accepted by the producing countries less extensive.

Is it, I ask, worthy of a Conference such as this to embody such contradictory clauses in a document which will be broadcast throughout the world?

Would it not be better to adopt the Finnish delegate's proposal and revert to the text of the Hague Convention itself, or else, if we wish to fulfil the American ideal, which we all respect and share, could we not say that the Contracting Powers will strengthen the laws and

regulations which they have already agreed to issue in virtue of the Hague Convention in order to ensure the control of the production, distribution and export of raw opium? Either of these alternatives would, I am sure, be more suitable than that adopted the day before yesterday, even if amended as the Swedish delegation proposes. Such a solution could not satisfy any Conference which desired to accomplish something rational and practicable.

Our view is that we should either adopt the text of the Hague Convention, which I think would satisfy the producing countries, or, if we wish to go a step further towards the fulfilment of our ideal, to say:

"The Contracting Parties undertake to strengthen the laws and regulations which they have adopted in virtue of the Hague Convention of 1912 in order to ensure the control of the production, distribution and export of raw opium."

If we do this, we shall achieve something really worthy of this Conference. (*Loud applause.*)

**The President :**

*Translation :* M. El Guindy, delegate of Egypt, will address the Conference.

**M. El Guindy (Egypt) :**

*Translation :* This article was discussed first of all by the Sub-Committee, which could not agree either to approve or to reject it. Consequently, we have had to consider it again in plenary meeting and to endeavour to find a form of words which would make it acceptable, or to replace it by something else. It was for this reason that I made my proposal.

I now see that my suggestion, which appeared somewhat hazardous and perhaps not entirely in order, is quite feasible and has taken practical shape in the proposal put forward by the French delegate. This formula is, I think, one which we can accept.

**The President :**

*Translation :* I hope the Egyptian delegate understands my meaning. We can only discuss proposed amendments if they are sent in to the President in writing. The French delegate has done so, and accordingly I can submit his amendment for discussion; but I can hardly put before the Conference an amendment which has not been so submitted.

**M. Yovanovitch (Kingdom of the Serbs, Croats and Slovenes) :**

*Translation :* I accept the French delegate's proposal.

**M. Chodzko (Poland) :**

*Translation :* As the French delegate has clearly explained, the Conference now finds, after forty-eight hours' reflection, that it cannot accept the formula upon which we had agreed. On the other hand, we cannot delete Article 2 altogether; we must substitute something for it because, as we state elsewhere, its provisions are intended to supplement those of Chapter I of the Hague Convention.

I therefore think that the formula suggested by the French delegate is in every way suitable, and I congratulate him; it is one which I believe we can all accept. I refer to the second

proposal, beginning: "The Contracting Powers undertake to strengthen...".

I accept this second proposal as submitted by M. Kircher.

**The President :**

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

Mr. President — There seems to be a considerable amount of support for the proposal that has just been made by the French delegate, but I find that I am unable to share the favourable opinion which a number of delegates seem to entertain in regard to it.

If I understood it rightly, the French proposal was to substitute for the opening words of Article 1 of the Convention a phrase somewhat to this effect: "The Contracting Parties will undertake to strengthen their laws for the control of the production and distribution of raw opium".

What does Article 1 of the Hague Convention say? It says that the Contracting Parties shall enact effective laws or regulations for the control of the production and distribution of raw opium. Now, if the Signatory States have discharged their obligations under that article, they have already enacted effective laws. The French proposition can only mean that they undertake a further obligation to enact more effective laws. What does that mean? If laws are effective for the object for which they have been enacted, how can they be made more effective?

The word "effective" implies that the laws are sufficient to carry out the obligation which is imposed by Article 1 of the Hague Convention, and it seems to me that we should be reducing our proceedings to something of an absurdity if this Conference were to insert in the new Convention a provision to the effect that the Contracting Parties are to strengthen their laws or make them more effective.

I could understand such a proposition if we added, as the United States delegation proposed to add, a further object for the laws and regulations to be enacted under Article 1. The United States delegation proposed that the laws and regulations should be such as to limit the production to the amount necessary for medical and scientific purposes; but those words are not, as I understand, to be inserted in the clause proposed by the French delegation and the clause will remain, in all essentials, as it is at present in the Hague Convention with the addition of the word "strengthen". That seems to me, if I may say so with great respect, to be useless and, to borrow M. Kircher's own words, to be unworthy of this Conference.

I fancy that the whole Conference is agreed that we must maintain the existing provision in the Hague Convention. There is no question of going back upon that. That was the object, as I understand it, of the Swedish amendment. But at the meeting of the Sub-Committee which you appointed the other day, the producing countries agreed to go a little further. They agreed to go some way along the road towards the attainment of the ideal which was set before us in the suggestions of the American delegation. It was found, how-

ever, that all the producing countries could not go the whole way and it was therefore agreed that power should be reserved to any country to make such limitations in its acceptance of the article as it found to be necessary in the circumstances of its own case.

I respectfully suggest to the Conference that we should attempt to preserve what was gained the other day in the meeting of the Sub-Committee and I would put my suggestion in this concrete form — that we should begin by re-enacting Article 1 of the Hague Convention, as to which we are all agreed, and that, in the second place, we should provide that the control of the production and distribution to be undertaken in pursuance of Article 1 of the Hague Convention shall be such that there shall be no surplus available for purposes other than medical and scientific purposes, but that, as was agreed the other day in the Sub-Committee, any Contracting Party may declare at the time of its signature to what extent it accepts that further obligation.

In this way we should retain, in the first place, the full provisions of Article 1 of the Hague Convention and, in the second place, those countries which feel that they can go further — and there are a number of producing countries in that position — would accept the further obligation to restrict it in a greater or less degree to medical and scientific purposes. I do ask that what was gained the other day in the Sub-Committee should not be lost and that we should try to find some form of words which will combine both the preservation of Article 1 of the Hague Convention and the preservation of what was gained the other day in the Sub-Committee.

It is very difficult to discuss questions of this sort in a full meeting of the Conference; but I think that it would not be difficult, if the Conference would decide to refer the question to the Drafting Committee, for that Committee to arrive at something which would be generally acceptable. If the Conference so decided to refer the matter to the Drafting Committee to prepare a text, that Committee might, when considering this matter, call in for consultation those delegates who have taken a leading part in the discussion.

I can see no other way out of the difficulty. We have already six or seven amendments before us. To sort them out and take a vote upon them would be an extremely complicated matter. I hope that the Conference will not think that I am unreasonable in suggesting that this matter should be referred to the Drafting Committee for consideration on the lines that I have suggested.

**Mehmed Sureya Bey (Turkey) :**

*Translation :* I think the question before us is quite clear, and I second the French delegate's proposal.

**The President :**

*Translation :* I call upon M. Kircher, delegate of France, to speak.

**M. Kircher (France) :**

*Translation :* I should like to reply very briefly to Sir Malcolm Delevingne's observations. The British delegate is surprised that we should propose to strengthen measures which have not proved successful. I, in my

turn, am surprised at his remark. Surely, if the measures taken by the Governments since 1912 had been successful, we should not be here, since the obligations we entered into in 1912 included the suppression of production for all illicit purposes.

Yet in the three months we have spent at Geneva we have discovered that, despite the very evident goodwill of those countries which grow the opium poppy, the results anticipated in 1912 have not been attained.

As you are aware, there are some countries in which the opium poppy is grown on a large scale. Many countries are producers of opium, and the measures they have taken have not been successful; that is, unfortunately, a fact which we are obliged to recognise.

When, however, it is found that the measures taken for the last thirteen years have not had the results which were expected of them, those measures must be strengthened. That is the reason why my proposal appears to have been accepted in substance by the large majority of the Conference. Moreover, in making this proposal, we are inspired by a sense of dignity and of international justice, because we all recognise that these producing countries deserve our sympathy. That is a point which I feel I must emphasise.

The great country, with its 450 million inhabitants, which is our neighbour in Indo-China, is passing through a period of turmoil, which calls for all our compassion and sympathy. Unfortunately, we cannot at the moment insist upon her taking such measures as we would wish to bring about the immediate abolition of the use of opium. China cannot, if she would, take effective steps at the present time.

Other countries in the Near East, and in Europe, too, cultivate the poppy, and we cannot at a moment's notice deprive of their livelihood the peasants who cultivate it. The Governments concerned can nevertheless at any rate take steps, in pursuance of the Hague Convention, to bring nearer the end we all have in view, the ideal not only of Europe but of America and Asia also — the suppression of the use of opium.

Those Governments which have already taken steps should to-day undertake to go further. This, then — contrary to what Sir Malcolm Delevingne seems to think — would not be a retrocession, but an advance. We have no desire to weaken the Hague Convention; we wish to strengthen the principle upon which it is based and to advance further along the road towards the common goal. If we adopt the form of words which I have proposed, we shall at any rate be making progress.

The form of words which Sir Malcolm Delevingne proposes is — I hope he will forgive me for saying so — not very clear. I cannot quite see what is meant by the "surplus" of a production intended for other than medical or scientific purposes. This point raises anew the great problem of the quantities necessary for legitimate use.

How can we avoid this mix-up? The form of words we proposed, which is accepted in principle by the chief countries concerned, has the great advantage of being clear and precise.

Instead of referring this proposal to the Drafting Committee, which, in our opinion, cannot deal with it unless it is accepted in prin-

ciple and in its general outlines by the Conference, it would be better to take a vote and see whether the French delegation's views are shared by a sufficient majority. I repeat, the object of our proposal is to meet the views of the producing countries as well as those of the countries whose ideal is to see the cultivation of the opium poppy brought to an end.

**The President :**

*Translation :* I must apologise to the first delegate of the Irish Free State, whose name I have missed on my list. I call upon him to speak.

**Mr. Michael MacWhite (Irish Free State) :**

I want to tell you how deeply moved I am after listening to the discussion this afternoon. The other day, when I was the only one who voted against the addendum to the United States proposal (and I did so because I saw that, if it were adopted, it would tear in pieces the Convention of The Hague), I was as one crying in the wilderness. I am happy to see that, after forty-eight hours' reflection and two nights' sleep, the rest of my colleagues seem to have come round to my way of thinking. I am indeed deeply flattered. It is a sign that, after three months' discussion, we are beginning to see light. I confess I was pessimistic until this afternoon, but, after what I have now heard, I have hopes that this Conference will finish its work before the end of the Year of Grace 1925.

The other day we adopted the first part of the American proposal practically unanimously. I think the only difficulty we have now is with regard to the addendum which was also adopted on that day. I should like to suggest that we agree to delete the addendum, and that the American proposal should stand. I make that suggestion in order to clarify the discussion, which seems to have become somewhat mixed; the more we discuss, the deeper we seem to get in the mire.

At the same time, I do not make a formal proposal. I would agree that the proposals we have before us be referred to a Drafting Committee, because, if we continue discussing the matter here, we shall never arrive at a solution.

**The President :**

*Translation :* M. Dendramis, delegate of Greece, will address the Conference.

**M. Dendramis (Greece) :**

*Translation :* I accept the French proposal *in toto*, and I ask that it be put to the vote when the discussion is closed.

**The President :**

*Translation :* Mr. Clayton, delegate of India, will address the Conference.

**Mr. Clayton (India) :**

The Indian delegation is prepared to accept the French proposal. I am not quite sure about the wording of it in English, but we shall be able to see that when it returns from the Drafting Committee. So far as the principle is concerned, I see no reason why I should not give it my support.

**The President :**

*Translation :* I call upon M. Sjöstrand, delegate of Sweden, to speak.

**M. Sjöstrand (Sweden) :**

In order to simplify the question, which seems, perhaps, rather confused to some minds, I beg to announce that I am willing to agree with Sir Malcolm Delevingne, because I find, on close investigation, that his proposal is the same as mine.

I could not agree with the French proposal, because I think that, by accepting it, we should be sacrificing very valuable progress which we made the day before yesterday, when we introduced the American principles into our Convention. I think that decision, which was the result of three months' very serious work here, was a real gain. If we are going to sacrifice it now, I do not think we shall have made much progress.

I cannot see that the French proposal leads us very far, because it says we are to strengthen measures which are declared to be effective in the Hague Convention; in spite of that, we say we are going to fortify them. It is difficult to see what that means.

On the other hand, we have the American proposals clearly stated, and we say that we agree in principle with them; we will, however, allow certain Powers to make reservations, but their reservations must never go further than the limits already laid down in Article 1 of the Hague Convention. Consequently, by doing this, we have drawn up two limits within which the Powers can move. I think that this is a much better plan than the one provided in the French proposal.

**The President :**

*Translation :* Prince Arfa-ed-Dowleh, delegate of Persia, will address the Conference.

**Prince Arfa-ed-Dowleh (Persia) :**

*Translation :* I accept the French proposal provisionally, pending the Drafting Committee's decision on our memorandum.

**The President :**

*Translation :* Mr. Riddell, delegate of Canada, will address the Conference.

**Mr. Riddell (Canada) :**

I have listened with a great deal of interest to the discussion on the French proposal. I would like to be exceedingly generous, but I cannot see any gain whatsoever in that proposal. Personally, I would as soon accept the article of the Hague Convention as it stands, as I think it is stronger than the French amendment.

I do not care whether we take Sir Malcolm Delevingne's proposal or the Swedish proposal. They amount to the same thing, and that, as I see it, is that they accept the article of the Hague Convention, and in addition to that they set before us the American ideal proposal — if you like to call it so — the aim towards which we are working. Those two elements are combined. We at least get the benefit of the goal the Americans have set before us, and we reserve to the different producing countries the right to bring their legislation as near as they possibly can to the American proposal, so long as they do not restrict the meaning of the article in the Hague Convention.

**The President :**

*Translation :* M. Kircher, delegate of France, will address the Conference.

**M. Kircher (France) :**

*Translation :* The Swedish and Canadian delegates have just made the gratuitous statement that the adoption of the text of two days ago constitutes a definite advance, while the effect of the French proposal would be to retreat once more.

I am not accustomed to deal in words. I am a financier; and when I draw balances, I place the debit on one side and the credit on the other, and with your permission I will, now draw a balance-sheet of the article we adopted the day before yesterday.

It is undoubtedly an enormous gain to have embodied in the Convention the American proposal in its entirety. Let us put that down as a credit item of, say, a million dollars. But now I come to the second paragraph and find that the limitations which will be imposed by the producing countries, and which the Conference accepts in advance, completely nullify the effect of the first paragraph; accordingly I must enter them as a debit item, also amounting to one million dollars.

From the gain represented by the text adopted two days ago — a million dollars — we must deduct a million dollars, and the result is nil. The French proposal, on the other hand, constitutes a real gain over the previous position.

The measures taken by the producing countries since 1912 have not been effective — that we must regretfully admit. These countries, however, undertake to reinforce their obligations, and this too is an enormous gain, since it introduces a fresh obligation. If I now enter my proposed formula in the balance-sheet, I find I have on the credit side, not a million dollars, of course, but at any rate a definite sum, against which there is nothing on the debit side. Consequently, my balance-sheet will show a credit balance.

It is wrong, therefore, to say that by adopting the French proposal we shall be taking a step backward; I maintain, indeed, that we shall be making progress, because this proposal can safely be accepted both by the producing countries and by those which are not themselves concerned in the opium question.

What is the advantage of our proposal? That it will not give rise to any reservations — a fact which deserves consideration.

This proposal is worth considering because, as I have already said, it probably has, if not unanimous support, at any rate the support of a large majority of the Conference, and it will certainly be welcomed by all who care to examine our intentions from the standpoint of international equity. (*Applause.*)

**The President :**

*Translation :* Mehmed Sureya Bey, delegate of Turkey, will address the Conference.

**Mehmed Sureya Bey (Turkey) :**

*Translation :* Several delegates have explained to us this afternoon the American plan. The American proposals resemble, if I may say so, a vast building, in the erection of which we were all invited to collaborate. Mr. Porter found we were unable to do so, and left us.

It seems to me that, if we adopt Sir Malcolm Delevingne's proposal, we shall not be rectifying an existing text but adopting a new one. I repeat, therefore, that we cannot accept the British proposal; we support the French proposal.

**The President :**

*Translation :* M. Falcioni, delegate of Italy, will address the Conference.

**M. Falcioni (Italy) :**

*Translation :* Would the French delegation read us again the exact wording of its proposal? Previously, this proposal consisted of one part, which I could not accept, but now, if I understand aright, it contains a second part which I think, would make it possible for me to accept it.

The French proposal was read as follows :

"The High Contracting Parties undertake to strengthen the laws and regulations which they have enacted in conformity with Article 1 of the Hague Convention of 1912, or to enact effective laws and regulations, if they have not already done so, in order to ensure the control of the production, distribution and export of raw opium."

**The President :**

*Translation :* I call upon Mr. Shepherd, delegate of Australia, to speak.

**Mr. Shepherd (Australia) :**

I wish to support the proposal made by the honourable delegate of the British Empire. I must admit that I am very much confused as to what the exact position is now. I think the Conference is agreed that we want to retain the terms of the Hague Convention and we want to go as much further as it is possible to go. There are various methods of doing this. I am perfectly sure that the Drafting Committee could meet the general wishes of the Conference.

I am afraid I cannot see that the French text helps us very much, because we have in the Hague Convention the text to "*enact effective laws*" and we propose to add that we shall "*enact more effective laws*". I presume that, in five years' time, when the next Conference meets, it will alter the article to say that we shall "*enact most effective laws*". By such stages we make very little progress. I strongly support the proposal of the British delegation that we should try to get a combined draft of all the suggestions that have been put forward.

**M. Dendramis (Greece) :**

*Translation :* I still maintain my request that the French proposal be put to the vote, in order that we may place on record our agreement on the principles contained therein, and that it should only then be referred to the Drafting Committee.

**The President :**

*Translation :* To sum up the discussion : the first delegate of Sweden has withdrawn his proposal. The Finnish delegate accepts the French proposal, and accordingly his own no longer holds good. M. Dinichert has taken up again the idea expressed by the Swedish delegate, but in a different form, and I think he might accept the suggestion to refer the matter to the Drafting Committee.

**M. Dinichert (Switzerland) :**

*Translation :* For the sake of consistency my only course is to withdraw my amendment. I affirmed the day before yesterday, and I repeat to-day, that I cannot vote for such a far-reaching clause unless it is accepted by the producing countries. Their co-operation is absolutely essential for the realisation of the aim before us and, if we do not consider them, we shall make it impossible for them to accept the Convention.

My proposal contained nothing new, but had the merit, I think, of being clear and logical. I had reason to believe that the producing countries had accepted it two days ago, and I understood from what M. Yovanovitch said that they still accepted it; but now that a better form of words has been found, my proposal is no longer necessary.

**The President :**

*Translation :* The Greek delegate has suggested that the French proposal be put to the vote in order that we may place on record our agreement on the principles contained therein, and that it should then be referred to the Drafting Committee.

The French proposal is, I think, quite in order, and will of course be referred to the Drafting Committee in accordance with the rules of procedure.

We have also before us Sir Malcolm Delevingne's proposal to refer to the Drafting Committee *en bloc* all the proposals and suggestions which have been made, in order that the Committee may evolve a single formula embodying all the ideas expressed by the Conference.

**Sir Malcolm Delevingne (British Empire) :**

What I desire is to safeguard the results obtained the other day by the Sub-Committee.

**The President :**

*Translation :* I will take a vote first of all on the British proposal to refer the question to the Drafting Committee. We will then vote on the French proposal.

(*The French proposal was adopted by 17 votes. The British proposal obtained 9 votes.*)

The French proposal is referred to the Drafting Committee.

I now propose to adjourn the meeting for a quarter of an hour.

(*The meeting adjourned at 5.35 p.m. and was resumed at 6.5 p.m.*)

**The President :**

*Translation :* Before proceeding with our examination of the draft Convention, I should like to ascertain the opinion of the Conference on our present position. The other day we discussed Sub-Committee B's report concerning Article 1 of the United States suggestions and took a vote on a certain text. At this afternoon's meeting, you have adopted, at the first reading of the draft Convention, an entirely different text. As, however, I regard the vote taken the other day as a vote on a question of principle only, it appears to me that the vote we took when dealing with the final text *ipso facto* annuls the previous decision. I should like to hear the views of any members of the Conference who think that we ought to take

a vote annulling the decision taken the other day. For my part, I think there is a distinct difference between the two.

M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios (Spain) :**

*Translation* : Since no one else is speaking on this matter, I will give you my views. This I can do with complete impartiality as I did not vote on either occasion.

After to-day's discussion, in which constant reference has been made to the text previously adopted, I think we should adhere, at any rate in principle, to to-day's decision.

**The President :**

*Translation* : I take it, then, that we need not cancel the decision took the other day? (*Assent.*)

We will now continue the discussion of the draft Convention.

### Article 3.

The text of Article 3 was read as follows :

"Due regard being had to the differences in their commercial conditions, the Contracting Parties shall limit the number of towns, ports or other localities through which the export or import of raw opium or coca leaves shall be permitted."

**The President :**

*Translation* : Article 3 is open for discussion.

*No observations were made and Article 3 was adopted at the first reading.*

## CHAPTER III. — INTERNAL CONTROL OF MANUFACTURED DRUGS.

### Article 4.

The text of Article 4 was read as follows :

"The provisions of the present Chapter apply to the following substances :

"(a) Medicinal opium ;

"(b) Morphine, cocaine, diacetylmorphine, and their respective salts ;

"(c) Crude cocaine and ecgonine ;

"(d) All preparations (official and non-official, including the so-called anti-opium remedies) containing more than 0.2 per cent of morphine or more than 0.1 per cent of cocaine ;

"(e) All preparations containing diacetylmorphine ;

"(f) Any new derivatives of morphine or cocaine, any alkaloid of opium or the coca leaf, and any other narcotic drug to which the present Convention may be applied in accordance with Article 10."

**The President :**

*Translation* : Article 4 is open for discussion.

**M. van Wettum (Netherlands) :**

Under letter (c), should we not refer to lævo-ecgonine instead of to ecgonine only ?

**Sir Malcolm Delevingne (British Empire) :**

I think there is no need to add "lævo" because in the definition clause in Article 1, ecgonine has been defined as meaning lævo-ecgonine. (*Assent.*)

**The President :**

*Translation* : Is there any other remark ?  
M. Betances, delegate of the Dominican Republic, will address the Conference.

**M. Betances (Dominican Republic) :**

*Translation* : During the discussion of paragraph (f) of Article 4, by the Committee of Experts, Surgeon-General Blue, of the United States delegation, urged the omission of the word "new". At the time, neither I nor the majority of my colleagues realised the significance of this omission, but afterwards, when I examined more closely the import of this word in the paragraph, I found there was a very good reason for omitting it, while the omission would not in any way change the meaning of the paragraph ; on the contrary, it would strengthen it, render it more precise, and would not leave it open to misinterpretation, as might be the case if the word "new" were retained.

If we say "any new derivatives of morphine," certain derivatives of this product which are already known but have not hitherto been recognised as habit-forming might escape the terms of the Convention. Heroin, for example, was in use long before its narcotic properties were known, and the same is true of other narcotics.

As a doctor, and particularly as a research student, I would not go as far as to affirm that substances such as dionine or codeine do not cause dangerous addiction. Thus the word "new" is not necessary to render paragraph (f) clearer or more complete ; indeed, it might give rise to ambiguities. I therefore venture to request that the word "new", which does not alter the meaning or affect the drafting of the paragraph, be omitted.

**The President :**

*Translation* : The delegate of the Dominican Republic proposes that the word "new" in paragraph (f) of Article 4 be omitted.

M. Perrot, delegate of France, will address the Conference.

**M. Perrot (France) :**

*Translation* : Sub-Committee F took careful note of M. Betances' observations. We retained the word "new" because we thought that M. Betances' objection, although apparently well founded, was not really so, since, according to the wording, any "new" narcotic is automatically brought under the terms of the Convention. All derivatives of morphine and cocaine are mentioned by name in the Convention.

If a derivative which is already known should subsequently be found to have narcotic properties, it would as a matter of course come within the scope of the Convention. Later on, we say that any "new" product, whether known or unknown, is covered by the Convention as soon as it is recognised to be a narcotic. I think Article 10 fully meets M. Betances' requirements.

Perhaps M. Betances would like to raise this point when we discuss Article 10.

**M. Betances (Dominican Republic) :**

*Translation* : I venture to press once more for the omission of the word "new". I pro-



pose to substitute for the words "that any new derivative" the words "that any other derivative". We must be careful to avoid any ambiguity in an international convention, and if we change the words which are ambiguous, we are not thereby changing the paragraph itself in any way.

**The President :**

*Translation* : M. Perrot has asked whether M. Betances wishes to discuss this question now.

**M. de Betances (Dominican Republic) :**

*Translation* : I shall put forward my proposal again when we discuss Article 10, but I was anxious to bring it to your notice now.

**The President :**

*Translation* : Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

I support the proposal of the delegate of the Dominican Republic. I cannot follow the reasoning by which M. Perrot supports the text as it stands in the draft. If as a matter of fact the words which follow would cover any existing derivatives, why not make the point perfectly clear by leaving out the word "new"? There seems to be no object in retaining the word "new" if it is intended that it shall be possible to include in the Convention any existing derivative of morphine or cocaine which may be proved to have the same abusive properties as morphine and cocaine.

It also seems to me that, if the word "new" is retained, it is left open for someone to argue in the future that the word implies that it was not the intention of the Conference that it should be possible to include existing derivatives within the scope of the Convention. It could be argued that because "new" derivatives were mentioned, it was intended to imply that existing derivatives were to remain outside the scope of the Convention.

I therefore suggest that both Article 4 and Article 10, where the same phrase occurs, would be clearer if the word "new" were omitted. Article 10 and Article 4 hang together; the same phraseology is employed. I do not think it is sufficient merely to say that the matter can be discussed when we deal with Article 10, because the same question arises in both articles. I therefore desire to support the proposal of the representative of the Dominican Republic.

**The President :**

*Translation* : M. Carrière, delegate of Switzerland, will address the Conference.

**M. Carrière (Switzerland) :**

*Translation* : I support the view taken by the Rapporteur of Sub-Committee F. We drafted Article 10 in its present form because the derivatives of morphine and cocaine known at present, other than those mentioned in the Convention, do not possess harmful or dangerous properties, and there was therefore no need to refer to them here. The word "new" is, as it were, a kind of safety-valve.

I ask you, on behalf of Sub-Committee F, to agree to retain the word "new" in Articles 4 and 10.

**The President :**

*Translation* : M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios (Spain) :**

*Translation* : On behalf of the Spanish delegation, I should like to say that, from the technical point of view, we agree with M. Betances, whose proposal also has the support of Sir Malcolm Delevingne. We do not see any objection to the deletion of the word "new" and we think there is a certain danger in retaining it.

We are told that Sub-Committee F adopted this word because it considered that the other derivatives of morphine were already specifically mentioned in Article 4, but I understand that there are, for example, two other substances derived from morphine which are not mentioned. The note on eukodal and dicodide in Document C. H. 180 submitted by the Director of the Health Section states that "in the last few years two new derivatives of morphine which produce euphonia and can therefore be habit-forming have come into use. Hence they should be classified together with morphine and heroin".

These substances are not mentioned in Article 4, but they are already known, so that if we adopt the texts submitted to us, we cannot afterwards class them amongst the substances mentioned in Article 4 because they would not be new.

**M. El Guindy (Egypt) :**

*Translation* : I support the proposal of the delegate of the Dominican Republic. The word "new" may cause difficulties.

**The President :**

*Translation* : M. Carrière, delegate of Switzerland, will address the Conference.

**M. Carrière (Switzerland) :**

*Translation* : I am sorry to have to prolong the discussion, but I think we are bound to reply to the fresh objections which have been raised.

I still maintain that, as the article stands, it will be possible to include in the Convention under the term "any other narcotic drug" any narcotics derived from morphine and proved to be really dangerous, and no one, I think, would object to their inclusion.

The danger from that point of view is surely negligible, even supposing, as the Egyptian delegate thinks, that any danger really exists.

The substances just mentioned, eukodal and dicodide, are as yet little known, and M. Perrot himself, who is a specialist on this subject, admits that he is unfamiliar with them. Very little is as yet known regarding their properties. I had thought of these substances in connection with this article, but as they are so little known I considered there was no occasion, for the present, to make provision for them in the Convention, and we could bring them under its scope whenever they were definitely known to be dangerous. If, however, we omit the word "new", I foresee the possibility that this text, so amended, may be used to bring under the terms of the Convention substances to which it should not apply.

During the discussions of Sub-Committee F the question of codeine was raised, although

it is not a narcotic ; an attempt was made in certain quarters to oblige us to bring it under the terms of the Convention.

Accordingly, we retained the word "new" as it may prevent certain abuses, and I therefore ask the Conference to accept the text as it is at present drafted.

**The President :**

*Translation :* M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios (Spain) :**

*Translation :* With all due respect to the Chairman of Sub-Committee F, the reply which he has given to my remarks is really not very convincing.

He has shown us that substances exist which may be termed "semi-new". The substances I referred to must be known, since the League of Nations has published a document on them, but they are not well known. Are they to be considered as new or not? That is a concrete case.

Moreover, we are told that the list of narcotics in this paragraph is exhaustive. Could we not, then, simplify the question by omitting the first part of paragraph (f), and keeping only the latter part? The paragraph would then read as follows: "Any other narcotic drug to which the present Convention may be applied in accordance with Article 10."

**Mr. MacWhite (Irish Free State) :**

Mr. President, I wish to support the proposal made by the honourable delegate of the Dominican Republic, M. Betances. I bow to the great competence of the distinguished specialists we have here, but, at the same time, I feel that if we maintain the word "new" it will lead to a misunderstanding. For that reason I support the motion to strike it out.

**M. Perrot (France) :**

*Translation :* A number of members of Sub-Committee F whom I have consulted, or who have given me their opinion, are entirely in favour of the Spanish delegate's proposal to omit the first part of paragraph (f) and to leave only the end, beginning "any other narcotic..."

I think this would settle the question.

**The President :**

*Translation :* Does the honourable delegate of the Dominican Republic withdraw his amendment?

**M. Betances (Dominican Republic) :**

*Translation :* I thank the delegates who have supported me, and I second the Spanish delegate's proposal.

**The President :**

*Translation :* As the Rapporteur and the Chairman of the Sub-Committee accept the Spanish delegate's proposal, that is now the only one before us. May I regard it as adopted?

M. Dinichert, delegate of Switzerland, will address the Conference.

**M. Dinichert (Switzerland) :**

*Translation :* I should like to make a short statement in regard to paragraph (f) of Article 4,

not in connection with the new wording which has just been adopted, but only as regards the sentence providing that the Convention may be applied to any other narcotic drug.

I merely wish to confirm what the Swiss member of Sub-Committee F has already told the experts on the Conference, namely, that the Swiss delegation at first felt some misgivings on account of the wide scope of the article. We felt that it was in the nature of a leap in the dark, and might possibly lead to some arbitrary action.

What is a narcotic? Or, rather, what is not a narcotic? Ether, for example, and another substance for which we have a greater liking — alcohol — are undoubtedly narcotics, and as we are aware, if not by personal experience, at any rate from the experiences of others, the latter above all becomes habit-forming.

I hasten to add, however, that on reflection, and in view of the terms of the draft Article 10 which we also have before us, the Swiss delegation is prepared to accept the wording of paragraph (f) of Article 4.

If, however, the Conference decides to change the present tenor of Article 10, I should have to raise this point again.

*Article 4 was adopted at the first reading, with the omission proposed by the first delegate of Spain.*

*Article 5.*

The text of Article 5 was read as follows :

"The Contracting Parties shall enact effective laws or regulations to limit exclusively to medical and scientific purposes the manufacture, import, sale, distribution, export and use of the substances to which this Chapter applies. They shall co-operate with one another to prevent the use of the substances for any other purposes."

*The text of Article 5 was adopted at the first reading.*

*Article 6.*

The text of Article 6 was read as follows :

"The Contracting Parties shall control all persons manufacturing, importing, selling, distributing or exporting the substances to which this Chapter applies, as well as the buildings in which these persons carry on such industry or trade.

"With this object, the Contracting Parties shall :

"(a) Confine the manufacture of the said substances to those establishments and premises alone which have been licensed for the purpose, or obtain information respecting the establishments and premises in which these substances are manufactured and keep a register of them ;

"(b) Require that all persons engaged in the manufacture, import, sale, distribution, or export of the said substances shall obtain a licence or permit to engage in these operations ;

"(c) Require that such persons shall enter in their books the quantities manufactured, imports, exports, sales and all other distribution of the said substances. This requirement shall not necessarily apply either to supplies by medical practitioners to their patients or to sales by

duly authorised chemists on medical prescriptions, provided in each case that the medical prescriptions are filed and preserved by the medical practitioner or chemist."

**The President :**

*Translation :* Article 6 is open for discussion. M. van Wettum, delegate of the Netherlands, will address the Conference.

**M. van Wettum (Netherlands) :**

May I ask a question? Under paragraph (a) of Article 6, we read, "or obtain information respecting the establishments and premises in which these substances are manufactured". It seems to me that these words must be suppressed. My reason for this is the following. In Article 10, paragraph (b) of the Hague Convention it is required that manufacturers shall have a licence or permit or shall make a declaration to the competent authorities. I think therefore that we should leave out the words to which I have just referred.

**Sir Malcolm Delevingne (British Empire) :**

I am not quite sure that M. van Wettum has realised the implications of his proposal. If his amendment were adopted, paragraph (a) would read: "The Contracting Parties shall confine the manufacture of the said substances to those establishments and premises alone which have been licensed for the purpose".

**M. van Wettum (Netherlands) :**

"And keep a register of them."

**Sir Malcolm Delevingne (British Empire) :**

Yes, "and keep a register of them". But this Chapter applies to every preparation mentioned in paragraphs (d) and (e) of Article 4, and these preparations may be made in any chemist's shop in the country. It therefore seems to me that if we adopt the proposal made by M. van Wettum it will have the effect of requiring every chemist's premises throughout the country to be licensed by the Government. I do not know whether M. van Wettum intends that, and I would rather like to hear what he has to say on the point.

**M. van Wettum (Netherlands) :**

I do not quite understand what Sir Malcolm Delevingne means. Is it true that the phrase in (a), "or obtain information respecting the establishments and premises in which these substances are manufactured", corresponds to the phrase in (b) of Article 10 of the Hague Convention: "shall make to the competent authorities an official declaration"?

**Sir Malcolm Delevingne (British Empire) :**

I am not quite sure that I understand in my turn what M. van Wettum means. All that I wish to point out is that, if his proposal is accepted, the paragraph would mean that every chemist's shop in which any of the preparations mentioned in paragraphs (d) or (e) of Article 4 is made will require to be licensed by the Government. Is that a result which he desires?

Paragraph (b) of Article 6 of the draft Convention, which says that all persons engaged in the manufacture, etc., of the said substances

shall obtain a licence or permit, seems to me to stand on a different footing. All chemists are registered, I suppose, in most countries, and a general permit can be given, as has been done in Great Britain by Order, to all chemists placed on the official Chemists' Register; but I am not quite sure that it would be possible to do so in the case of the chemist's premises. I do not see that anything is gained by the omission of the words which M. van Wettum suggests.

**The President :**

*Translation :* M. Carrière, delegate of Switzerland, will address the Conference.

**M. Carrière (Switzerland) :**

*Translation :* I think this point should be made somewhat clearer. A chemist, in his capacity as such, and in virtue of the licence he has received from his Government, need not obtain the licence referred to in paragraph (b) of Article 6. Chemists do not need a special licence to practise pharmacy; they hold a diploma which entitles them to carry on their profession.

If a chemist does not accry on an ordinary pharmaceutical business, that is to say, does not merely make up medical prescriptions, but manufactures drugs on a wholesale or semi-wholesale scale, he is no longer a chemist, but an ordinary manufacturer, and as such requires a licence. The Swiss Narcotics Law makes this distinction; it exempts pharmaceutical chemists from the necessity of holding the licence provided for in paragraph (b). Indeed, I do not think we could ask chemists to apply for a second licence.

**The President :**

*Translation :* M. Perrot, delegate of France, will address the Conference.

**M. Perrot (France) :**

*Translation :* I agree with what Dr. Carrière has said, and I do not think the text is very clear. In highly developed countries where a chemist, in order to obtain a licence, has to hold diplomas obtained after long and arduous study, he is entitled to stock narcotics and manipulate them. Unless the present wording of the article is changed, chemists will require still another licence; if this is not what is meant, I should like the article to be referred to the Drafting Committee for re-drafting.

**The President :**

*Translation :* Has the Rapporteur anything to say regarding this last proposal?

**Sir Malcolm Delevingne (British Empire), Rapporteur :**

Has M. van Wettum withdrawn his original proposal? I ask that, because the point raised by M. Perrot is a different one, and perhaps we had better dispose of M. van Wettum's proposal first.

**M. van Wettum (Netherlands) :**

Under paragraph (b) I read :

"require that all persons engaged in the manufacture, import, sale, distribution or export of the said substances shall obtain a licence or permit to engage in these operations."

If that is so, it seems to me that the phrase "or obtain information respecting the establishments..." must be deleted, because in the beginning of paragraph (a) it says :

"confine the manufacture of the said substances to those establishments and premises alone which have been licensed for the purpose."

It seems to me, therefore, that no other words must be added. If, at the beginning of the article, manufacture is confined to those establishments which have been licensed, and if a licence is required from those persons, you must not add any other words.

I have not withdrawn my proposal.

**The President :**

*Translation* : M. Perrot, delegate of France, will address the Conference.

**M. Perrot (France) :**

*Translation* : The drafting of this article is certainly most remarkable. I find in paragraph (a) the words, "confine the manufacture of the said substances to those establishments and premises alone which have been licensed for the purpose". I do not see how you can authorise establishments or premises ; I presume that reference is made to the persons conducting the establishments or premises. This wording needs revision, and I again urge that the article be referred to the Drafting Committee.

Further, this article should also contain the following proviso : "Subject to the internal regulations concerning pharmacy." M. Carrière has just mentioned the Swiss Federal Law on Narcotics, for instance, which defines the conditions under which chemists may transport, sell, etc., medicines containing narcotics. The wording of the article ought to be much more precise.

**The President :**

*Translation* : I call upon Sir Malcolm Delevingne, delegate of the British Empire, to speak.

**Sir Malcolm Delevingne (British Empire), Rapporteur :**

The wording of paragraph (a) is the same as that in Article 10 of the Hague Convention. I am not aware that the wording of the Hague Convention in this matter has given rise to any difficulty, and I think it would be unwise, if I may venture to say so, to alter a wording which has been in force for a number of years and which has not given rise to any difficulty.

I do not know whether M. van Wettum desires to press his suggestion. I can hardly think he desires that every pharmacist's premises in the country should be licensed. Unless he attaches great importance to the point, I appeal to him to withdraw his amendment, in order that we may proceed with our work.

**M. Bourgois (France) :**

*Translation* : As Chairman of Sub-Committee E, I realise the difficulties of this subject, not merely as regards drafting but also as regards fundamental points, and I think it would be better for the Drafting Committee to re-consider the question.

**M. van Wettum (Netherlands) :**

I fully support what has been said by M. Bourgois, and I ask that the matter be referred to the Drafting Committee.

**The President :**

*Translation* : This part of the article will therefore be sent to the Drafting Committee. (*Agreed*).

Are there any other remarks on Article 6 ?

**M. Perrot (France) :**

*Translation* : There is an omission in Article 6 (c). After the words "...shall not necessarily apply either to supplies by medical practitioners to their patients..." the words "dentists and veterinary surgeons" should be added. The same applies as regards the last words of the sentence.

**M. Carrière (Switzerland) :**

*Translation* : The patients to whom the Convention is intended to refer, and whom we wish to protect, are not treated by veterinary surgeons. The text should therefore be somewhat altered.

**Sir Malcolm Delevingne (British Empire), Rapporteur :**

I have heard no arguments in support of this change. The existing provision in the Hague Convention applies only to medical prescriptions and sales by duly authorised chemists. It does not include either dentists or veterinary surgeons. I can see no hardship in requiring dentists and veterinary surgeons who supply these drugs to make the necessary entries in a register. As a matter of fact, I understand that a dentist very seldom supplies the drugs. He administers the drugs in the course of his practice, but I think it is very seldom that he actually supplies the drugs to a patient. Unless there is some strong reason for altering the Hague Convention, I would appeal to the mover of this amendment to withdraw it. At any rate, I think we ought to hear the reasons which can be advanced in support of the change.

**M. de Myttenaere (Belgium) :**

*Translation* : The text ought not to be elaborated unnecessarily ; the matter should be governed by the regulations of the individual countries, because the designation of dentist and veterinary surgeon is not the same in every country. I do not see any advantage in making this addition to the Convention.

**The President :**

*Translation* : Does M. Perrot still press his proposal ?

**M. Perrot (France) :**

*Translation* : In many countries veterinary surgeons are allowed to keep medicines and dispense them directly to their patients, and we must bear this in mind. Indeed, several of my colleagues have spoken to me on the subject of this wording.

**M. de Myttenaere (Belgium) :**

*Translation* : As it is difficult to draw a distinction, we might say "doctors and other duly authorised persons".

**M. Perrot (France) :**

*Translation :* I second M. de Myttenaere's proposal, as the clause should include midwives as well.

**Sir Malcolm Delevingne (British Empire), Rapporteur :**

M. de Myttenaere's proposal is far worse than M. Perrot's. I would much rather have M. Perrot's if I had to choose between them; it is at least limited to two classes of persons. M. de Myttenaere would extend it to any class of persons the Government chose to authorise. I would rather be in the frying pan with M. Perrot than fall into the fire with M. de Myttenaere.

I have not yet heard, however, any reasons for making the change in the Hague Convention. Why not adhere to the Hague Convention, unless there are strong reasons to the contrary?

**The President :**

*Translation :* We have now before us one proposal only, that of M. de Myttenaere.

**M. van Wettum (Netherlands) :**

I propose that we should not take a vote now but should think it over.

**The President :**

*Translation :* Do you desire to take a vote now or will you adjourn the question?

**M. de Myttenaere (Belgium) :**

*Translation :* There is no need to vote. The Drafting Committee can revise the end of the Article as well as the beginning.

**The President :**

*Translation :* The whole of Article 6, therefore, is referred to the Drafting Committee. (*Agreed.*)

#### *Article 7.*

The text of Article 7 was read as follows :

"The Contracting Parties shall take measures to prohibit, as regards their internal trade, the delivery to any unauthorised persons of the substances to which this Chapter applies."

*Article 7 was adopted at the first reading.*

*The Conference rose at 7.20 p.m.*

## THIRTY-SECOND MEETING

*Held at Geneva on Friday, February 13th, 1925, at 10.30 a.m.*

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98. FIRST READING OF THE DRAFT CONVENTION :  
ARTICLES 8-10 :  
Continuation of the Discussion.

President : M. Herluf ZAHLE.

98. FIRST READING OF THE DRAFT CONVENTION : ARTICLES 8-10 : CONTINUATION OF THE DISCUSSION.

#### *Article 8.*

**The President :**

*Translation :* We have now reached Article 8 in our first reading of the draft Convention.

The text of Article 8 was read as follows :

"In the event of the International Health Office, after consultation with the Health Committee of the League of Nations, deciding that any preparation containing any of the narcotic alkaloids referred to in the present Convention cannot give rise to the drug habit on account of the medicaments with which the said narcotics are compounded and which preclude the recovery of the said narcotics, the Health Committee shall inform the Council of the League of Nations of such decision. The Council will communicate the decision to the Contracting Parties, and thereupon the provisions of the present Convention will not be applicable to the preparation concerned."

**The President :**

*Translation :* I call upon M. Carrière, delegate of Switzerland, to address the Conference.

**M. Carrière (Switzerland) :**

*Translation :* I have an explanation to give as regards the form of this article. The Drafting Committee has misunderstood the proposals of Sub-Committee F and, with regard to the procedure to be followed, has made us say

the opposite of what we meant to say. This Article 8 says : "In the event of the International Health Office, after consultation with the Health Committee of the League of Nations..." whereas we had intended to say : "In the event of the International Health Office, when consulted by the Health Committee of the League of Nations..."

This is not a mere question of form, it is one of principle also, and for that reason I should like to give a short explanation regarding these two organisations. In Paris there is an Office international d'Hygiène publique, created by a special International Convention, and at Geneva the Health Committee of the League of Nations. At one time these two bodies were independent of each other. In order to avoid the inevitable disadvantages resulting from duplication, an arrangement was concluded whereby the Permanent Committee of the Office international d'Hygiène publique became the advisory body to the Health Organisation of the League of Nations. All the organisations of the League of Nations have an advisory body. The Permanent Committee of the Office international d'Hygiène publique has become that body as regards the Health Committee of the League of Nations.

Accordingly, it is clear that it is the Permanent Committee at Paris which must be consulted by the Health Committee of the League of Nations, and not the reverse.

As regards the drafting of the rest of the article, I have a few purely formal proposals to submit to the Drafting Committee, the text of which I shall hand to the Chairman.

As regards the substance of this article, its object is to facilitate, in some measure, the pharmacists' business and to spare them an excess of unnecessary regulations.

The pharmacopœia and pharmaceutical specialities include a number of preparations which contain narcotics, but in which these narcotics are combined with other substances

and cannot give rise to the drug habit. These narcotics, too, are combined in such a way that it is not possible to extract them from these products so that they can be used as such. For this reason, Sub-Committee F thought it well to submit these regulations to us, and I do not think they constitute a breach in the provisions of the Convention, while they will, to some extent, facilitate the business of pharmacy. I shall therefore ask you to be so good as to adopt this article.

**The President :**

*Translation :* Does anyone else wish to speak about Article 8 ?

Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

Mr. President, it is possible that, as Dr. Carrière says, the Drafting Committee has misunderstood the meaning of Sub-Committee F ; but I venture to say that that is not the fault of the Drafting Committee, because, at any rate in the English text, we have followed exactly the wording of the recommendation contained in the report of Sub-Committee F. If the members of the Conference will look at the English text of the report of Sub-Committee F, they will find that the recommendation reads as follows: "When the Office international d'Hygiène publique, after consultation with the Health Committee of the League of Nations, shall have declared" and so on, and in the French text the words are: "Lorsque l'Office international d'Hygiène publique avec le concours" and so on.

The question which Dr. Carrière raises is really, I think, a question not of form, but of substance. Is it the intention of the Sub-Committee that the Office international d'Hygiène publique at Paris shall only act when it is asked to do so by the Health Committee of the League of Nations ? On that point, of course, the Drafting Committee is not competent to express an opinion. I think, therefore, that it is a question for the Conference itself to decide whether we intend to limit the functions of the Office international in the way suggested by Dr. Carrière or whether we should leave it free to take up a question of this kind on its own motion.

There is one argument, perhaps, in favour of leaving the Office international free to take up a matter of this kind on its own motion ; the Office international d'Hygiène publique includes representatives of States which are not Members of the League of Nations, and it might be that one of those States might wish to bring up a question of the kind to which Article 8 refers, and the natural and the most convenient way for it to do so would be to bring it up at a meeting of the Office international. It is not for me to express any opinion on the point ; but I would like to hear what Dr. Carrière has to say about it.

**The President :**

*Translation :* M. Carrière, delegate of Switzerland, will address the Conference.

**M. Carrière (Switzerland) :**

*Translation :* To begin with, it is evident that, if the Drafting Committee had wished to preserve our text, it had only to utilise the

text which was proposed to it : "When the International Health Office, 'avec le concours' of the Health Committee of the League of Nations, shall have declared, etc..."

The Drafting Committee thought fit to give its own interpretation to this text, since it changed it and adopted the following : "In the event of the International Health Office, after consultation with the Health Committee of the League of Nations, deciding, etc..."

**Sir Malcolm Delevingne (British Empire) :**

The Drafting Committee had to follow the English text.

**M. Carrière (Switzerland) :**

*Translation :* I am not familiar with the English text, but I cannot imagine that it is very different from the French text. The French text says "avec le concours", which cannot possibly be understood as "après consultation". It was with a knowledge of the text submitted to it that the Drafting Committee thought it better to define and explain what Sub-Committee F meant by the "concours" of the Office international d'Hygiène publique, a "concours" which consists in having recourse to the advice of that office which has become the advisory organ to the Health Committee of the League of Nations.

It seems to me clear that the Office international d'Hygiène publique at Paris can only act as an advisory body. The Drafting Committee, having thought it expedient to make this point clear, I in my turn have thought it useful to give it the meaning which we intended it to have and which, I repeat, is the following : The International Health Office, fulfilling the duties assigned to it, will be the advisory organ on this question.

In reply to the question asked by Sir Malcolm Delevingne, I admit that the Office international d'Hygiène publique preserves, of course, complete independence, and if it one day wishes to raise the question on its own initiative, nobody can prevent it from doing so.

As we are concerned, however, with the application of a Convention, a matter which falls within the competence of the League of Nations, it is obvious that, when the Office international d'Hygiène publique deems it expedient to take such initiative, it will have to forward the results thereof to the Health Committee of the League of Nations, that is to say, to the body entrusted with the execution of this part of the Convention which we are preparing.

**The President :**

*Translation :* If nobody else desires to speak on Article 8, it will be adopted in principle and referred to the Drafting Committee.

**M. Carrière (Switzerland) :**

*Translation :* I should like to point out, Mr. President, that we are faced with a question of drafting and a question of principle. Do you not think that the Conference should pronounce on the question of principle ?

**The President :**

*Translation :* I do. Accordingly, I call upon those members of the Conference who would like to give their opinion on the question of principle to do so.



As no one wishes to speak, I declare Article 8 adopted and referred to the Drafting Committee.

*Article 8 was adopted at the first reading and referred to the Drafting Committee.*

#### Article 9.

The text of Article 9 was read as follows :

“Notwithstanding the provisions of Articles 5 and 6, any Contracting Party may authorise the supply to the public by chemists, at their own discretion, as medicines, for immediate use in urgent cases, of the following opiate officinal preparations : tincture of opium, Sydenham laudanum and Dover powder. The maximum dose, however, which may be supplied in such cases must not contain more than 25 centigrammes of officinal opium, and the chemist must enter in his books the quantities, as provided in Article 6.(c).”

#### The President :

*Translation* : The discussion on Article 9 is open.

M. Betances, delegate of the Dominican Republic, will address the Conference.

#### M. Betances (Dominican Republic) :

*Translation* : During the discussion of Subcommittee F's report the honourable delegate of the British Empire opposed this article with arguments that were conclusive. I entirely agree with him. The following are the reasons which have led me to oppose the proposal whereby chemists shall be permitted to sell to the public, without a medical prescription, certain medicaments containing opium.

In authorising a chemist to sell or prescribe to a customer laudanum or tincture of opium on the grounds that that customer is in pain of some kind, we are giving to the chemist the powers of a doctor, a procedure which is contrary to the laws of all countries. The chemist cannot know whether he is dealing with an opium addict who simulates pain in order to obtain a certain quantity of opium, or whether the customer is a man in real pain which can be assuaged by a dose of opium which he is allowed to supply. Such a decision is not always an easy one even for an experienced doctor to take. Moreover, I think it doubtful whether the pain caused by certain illnesses can be assuaged by the soothing medicine which it would be possible to sell in this way. I have known opium and ether addicts who managed to obtain small quantities of laudanum or ether from chemists on the grounds that no doctor was within instant call. These addicts saved up small quantities of the drug obtained in this way and consumed them later to satisfy their vicious inclination.

As regards Dover powder, this is no longer a medicine for urgent use, and it would be necessary to know the pathological cases in which it gives satisfactory results.

Although an authorisation to supply this preparation might not be abused by honest and conscientious chemists, I am convinced that others would seek to profit by this opportunity to deal in a traffic dangerous to the public.

In addition to the reasons I have just set forth, there is one which seems to me still more convincing. Article 9 should not figure in a Convention such as we are about to sign. The provisions of this article should, in the natural

course of events, be included in the regulations made by each country for the sale of narcotics and poisonous substances. In countries where it is sometimes difficult to obtain the services of a doctor at short notice, or where the regulations for the sale of these products as medicines are too severe and cause genuine hardship to the public, it is easy to modify the regulations in such a way as not to be in contradiction either with the letter or the spirit of our Convention or with the laws which govern the practice of medicine. As we know, most nations already have their own regulations on this matter, drawn up in conformity with previous Conventions, and framed to meet the particular needs of each country.

I will not emphasise the dangers which this article would entail if it were incorporated in our Convention. It would weaken the moral foundations of the Convention and detract from the humanitarian purpose it has in view. I repeat, the question dealt with in this article is a matter rather for regulation in each country, in so far, that is, as certain countries consider it to be of any real practical value. Accordingly, I must still refuse to give my adherence to this article, and I propose that it should be dropped.

#### The President :

*Translation* : M. Pinto-Escalier, delegate of Bolivia, will address the Conference.

#### M. Pinto-Escalier (Bolivia) :

*Translation* : I agree with what M. Betances has said. As a doctor, I do not think that there are sufficient reasons for authorising the chemist to supply, as medicines for urgent use, the preparations referred to in this article. I, for my part, also propose that this article should be dropped.

#### The President :

*Translation* : M. Carrière, delegate of Switzerland, will address the Conference.

#### M. Carrière (Switzerland) :

*Translation* : If I rightly understood the arguments used by the delegate of the Dominican Republic, M. Betances wishes Article 9 to be deleted. I think that M. Betances and M. Pinto-Escalier have exaggerated the importance of this article. There is no question of removing these products from the scope of the regulations provided for in the Convention. Clearly Sydenham laudanum and tincture of opium would remain subject to the provisions of the Convention and to the laws promulgated in virtue of that Convention.

All we have wished to do is to provide for a very simple case. Let us imagine some unfortunate man — and this is an accident which might happen to any of us — seized with colic in the street. He enters a chemist's shop, and asks for a few drops of laudanum, not having time to take other treatment. We do not want this unfortunate man to encounter an inhuman rigidity on the part of the chemist who, by a strict observance of the law, might say to him, “I cannot give you your 20 drops of laudanum. Go to a doctor in the neighbourhood and when you have your prescription, bring it to me and I will give you the laudanum you want.” That is the case against which we wish to provide.

The provision suggested in Article 9 would be in the nature of an exception and remain moreover purely optional. We say, "Any Contracting Party *may*" do this. Consequently, those parties which consider such a measure to be contrary to their laws, customs and usage are at liberty not to adopt it.

Finally, the question is a purely domestic one, which in our opinion is of quite secondary importance. A chemist will act in this matter on his own responsibility. He will, of course, be obliged to enter in his books the quantities of laudanum or tincture of opium thus dispensed. In this way it will be possible to check any abuse of the authorisation conferred upon him in virtue of this article.

**The President :**

*Translation* : M. Betances, delegate of the Dominican Republic, will address the Conference.

**M. Betances (Dominican Republic) :**

*Translation* : From what M. Carrière has just said, I think I must have expressed, myself badly. At the same time, I do seriously ask how a chemist can know whether the customer coming into his shop is in real pain. I am sure that even a doctor would find it difficult to say. The customer in question may be merely pretending, with the sole object of obtaining a certain quantity of opium, which he will easily be able to do if he goes from one chemist to another on the same pretext. I have myself known cases of opium addicts obtaining opium in this way. Accordingly, I am justified in my apprehensions as regards the dangers of Article 8.

**The President :**

*Translation* : M. de Myttenaere, delegate of Belgium, will address the Conference.

**M. de Myttenaere (Belgium) :**

*Translation* : I am sorry to have to take up the time of the Conference with more or less scientific considerations, but, as Dr. Carrière has very rightly said, they are less scientific than they appear. Dr. Carrière quoted to you the example of what might happen to any of us, namely, that we should suddenly be seized with pain in the street and be obliged to enter the first chemist's shop we could find. Some members of the Conference do not appear to take incidents of this nature quite sufficiently into account. They fear that a medicine which is indispensable in urgent cases will afford an opportunity for a dishonest chemist to evade the law. For my part, I believe the truth to be exactly the opposite, and yet I am in charge of the suppression of fraud in Belgium. The excessive severity of the laws only hits honest traders.

Surgeon-General Blue, delegate of the United States, who was so anxious to reduce to a minimum the production and distribution of narcotics, himself admitted, in his minority report, that it was necessary to authorise chemists to supply medicine in urgent cases, while awaiting the arrival of the doctor.

That is what I might call the medical reason for this article, but there is another far more important point.

When my French colleague, M. Perrot, and myself arrived here, we were astounded to see

the large number of exceptions to the Hague Convention provided for in various countries in regard to this or that medicine, whereas we ourselves had applied in the strictest possible way the legislation arising out of the Hague Convention.

Great Britain has a whole page of exceptions, and so has Germany. Further, I am even told by my colleague on Sub-Committee F that in Italy the distribution of laudanum is entirely free. I therefore came to the conclusion that it was absolutely necessary for a Committee of experts and an international Conference to have all these exceptions brought into line. If we wish to leave the different pharmacopœias free to call the various preparations by any given name, well and good, but, at least, let all the exceptions to the Hague Convention be the same.

Article 8 of the draft Convention provides that, in the event of the Office international d'Hygiène publique deciding that certain preparations containing narcotic alkaloids cannot give rise to the drug habit, the provisions of the present Convention shall not be applicable to these preparations. This shows clearly that our desire is to suppress fraud, not to encourage it. Our humanitarian aims have urged us to facilitate the obtaining of indispensable medicines by those who are in pain. We do not, however, go so far as to approve of the free sale of laudanum.

I will give you a concrete example as regards the facilities for obtaining pharmaceutical products. During one of my tours of inspection, a chemist said to me, "Inspector, I lost a customer yesterday. Not having the right to issue Dover powder without a prescription, I had to refuse an urgent request for 5 centigrammes of it, and this morning the man came to tell me that his father was dead, because I had been unwilling to supply him with the medicine which ordinarily gives relief. I was told by my customer that in future he would deal with another chemist."

I fully realise that in this case there is no relation between cause and effect, but the case serves to show the possible results of excessive restrictions. If they are too severe, they prove unfair to honest tradesmen. We have provided the means to relax them in certain urgent cases on the responsibility of the chemist. We do not make it obligatory to adopt this suggestion. In Article 9 we say : "Any Contracting Party *may* authorise" ; we do not say "*shall*".

Gentleman, I would lay stress on that point. This is not a question of the carrying out by a chemist of the duties of the doctor, any more than the question of encouraging fraud. Article 9 simply provides for the protection of the honest trader, and for rendering uniform the exceptions to the Opium Convention.

**The President :**

*Translation* : M. Betances, delegate of the Dominican Republic, will address the Conference.

**M. Betances (Dominican Republic) :**

*Translation* : M. de Myttenaere, as a learned pharmaceutical expert, has spoken from the chemist's point of view. I should like to speak as a doctor.

I note that our Belgian colleague has undertaken to defend this article, although in a

previous speech he spoke against the sale of heroin, which is nevertheless a medicine for urgent use. A patient may die from being unable to obtain heroin at a moment's notice. This is an unquestionable fact, but when M. de Myttenaere tells us that a man died because he could not obtain Dover powder, I can only say it is the first time that I have heard of such a thing.

Moreover, there are many diseases for which opium and opium products are definitely required. This is a question beyond the power of a chemist to decide. I appeal to the honourable members present who are doctors.

**The President :**

*Translation :* M. Perrot, delegate of France, will address the Conference.

**M. Perrot (France) :**

*Translation :* I may be forgiven for adding one word to this discussion, which is carrying us far from the point of view that ought to occupy our attention. I have no wish to become involved in this medico-pharmaceutical discussion. I want to state the point of view of the man in the street, as Dr. Carrière has done. The man in the street, when he is in pain, goes to a chemist and asks him for some substance which, in certain countries mentioned by M. de Myttenaere, the chemist is obliged to refuse.

In France, the regulations which we made in 1916 are so strict that they are now being revised. When I told my Government that I had accepted the proposal put forward by M. de Myttenaere, I was informed that I had gone beyond the regulations of my country.

We are now submitting to you a formula in the hope that it will avoid errors on the side of excessive severity, for there is always a scapegoat — either the chemist or the public itself.

I shall therefore ask you to give the question your favourable consideration. Whatever my friend, M. Betances, may think, the public runs no danger. For example, if a sick person with evil intentions asks his chemist two or three times for laudanum it will be refused him. In any case, there is no public danger, and that is the point I wish to make.

**The President :**

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

Mr. President, I desire to support the motion of the delegate of the Dominican Republic; that is, the motion to omit Article 9. I regret to find myself again opposed to my Belgian colleague, but, at any rate, I am happy on this occasion to feel that I am on the right side, that I am taking the side which he took yesterday morning in urging the Conference not to agree to the sale of dangerous preparations to the public except on a medical prescription. This is the point which is raised by this article, this proposal which has been submitted to us by Sub-Committee F: Are these preparations to be sold to the public otherwise than on a medical prescription?

I want first of all to say a word on the reference made by the Belgian delegate to certain

exceptions to the Hague Convention which he says are contained in the British regulations. It is quite true that there are certain exceptions, but there are no exceptions which would not fall within the scope of Article 8, which we have just adopted; that is to say, we have no exceptions for any preparations except those which, by the nature of the compound, are unsuitable for use, and do not lend themselves to use, by an addict. Among those preparations I may mention Dover powder, and I have no doubt that, when Article 8 comes to be put into force by the Office international d'Hygiène publique and the Health Committee of the League, Dover powder will be one of the exemptions which that Office will recommend, and, in this case, Article 9, so far as it refers to Dover powder, will become superfluous.

I heard with some surprise from the Belgian delegate that the sale of laudanum in Italy was entirely unrestricted. If that is so, I am sure we shall all await with interest the explanation which no doubt the Italian delegate will give us. We have always held in England, and I believe it has been held, at any rate, in the majority of countries, that laudanum is one of the preparations included among those in Article 14 of the Hague Convention as a preparation which contains more than 0.2 per cent of morphine.

Let us pass now to the substance of the proposal before us; this is not a matter, of course, on which I could claim to speak with any authority and I therefore felt it my duty to consult the medical authorities of the British Government.

I have received a very strong opinion from them that they are opposed to any sale of laudanum unless it is diluted below the limit of 0.2 per cent mentioned in the Hague Convention. They cannot conceive any emergency in which the administration by a chemist of laudanum containing morphine in excess of that limit of 0.2 per cent ought to precede consultation with a doctor. This is an opinion upon which I am bound to act, and I think that, coming from the medical authorities of Great Britain, it is an opinion which ought to carry some weight with the Conference.

The opinion of Surgeon-General Blue has been mentioned. This is what Surgeon-General Blue says in his minority report (I shall not quote the whole passage, but only the relevant sentences): "As it would be possible" — he means as it would be possible under the recommendation of Sub-Committee F — "for a person to obtain eight grains of opium" (he was referring to the original recommendation of Sub-Committee F that the quantity allowed to be administered by the chemists should be fifty centigrammes; that has now been reduced to twenty-five and so I presume "4" would be substituted for "8") "at a single purchase and by proceeding from one chemist's shop to another, the same individual might obtain enough opium in a single day to satisfy the demands of a dozen addicts..." That is a very strong expression of opinion. He goes on to say: "No doubt the restriction which the delegation" — that is, the United States delegation — "suggests might inconvenience the customer, but physicians will generally agree that 12 centigrammes of tincture of opium contain sufficient opium to relieve any acute case of illness. Opium is, of course, palliative, not curative, in its action, and it does positive harm in many cases of disease, apart from its tendency to create

addiction". I do not think that it is possible to quote Surgeon-General Blue in support of the recommendation we have before us, in Article 9.

The Belgian delegate has said to me in private conversation (I hope that he will not mind my referring to a private conversation) that the effect of this Article 9 will not really make very much difference, and that the usual dose which would be administered by a chemist in cases of urgency would not in fact exceed the limit of 0.2 per cent which is already allowed by the Hague Convention. If that is so (and he will correct me, of course, if I am quoting him wrongly), what is the necessity for this article at all? If the ordinary dose will not exceed the limit already allowed by Article 14 of the Hague Convention, a limit which is reproduced in the text of the new Convention, what is the necessity for this article?

The Hague Convention and the new Convention will allow the supply by the chemist, without a medical prescription, of doses which come within the exemption contained in Article 14 of the Hague Convention and in Article 4 of the present draft. But, as a matter of fact, the present article would allow the supply of a substance such as laudanum in strengths greatly in excess of the limit of 0.2 per cent. The usual dose might not contain more, but it would be open, under the wording of this article, for a chemist to supply to a member of the public a dose of laudanum which greatly exceeded the limit of strength allowed by the Hague Convention. This is an important effect which the Conference should bear in mind.

The delegate of the Dominican Republic laid stress on the danger which will be caused by the adoption of this article. He said — and I entirely agree with him — that it will be possible for an addict to go round to one chemist after another and obtain supplies of the preparations which would give him a sufficient quantity to indulge his addiction. That may not be a very likely thing to happen in a small community, but, certainly, in any large town where there are scores, or hundreds, of chemists, it is a very real danger. I know from my own experience of the administration of these laws in England that such cases are not imaginary but that they really do happen. The addict will go to any shifts in order to obtain the drugs he requires to satisfy his addiction, and it is quite certain that, if this article came into force, it would be one means by which the addict would attempt to obtain his supplies of the drugs.

It has been said that this is a national question and not an international question and that the article only leaves it to the discretion of each country to decide what it should do, taking into account its own circumstances, and does not impose an obligation. I do not think, however, that this has been quite the point of view from which we have been drawing up this Convention.

As I said yesterday, we certainly do not want to impose on all countries provisions which are only applicable to the circumstances of some countries. But this is an article which would alter an existing provision in the Hague Convention. The Hague Convention has been in force for four years. We have not heard, at least I have not heard, of any difficulties which have arisen under the administration of the provisions of the Hague Convention. We are asked, therefore,

as it seems to me, to lower the standard which was adopted in 1912 and to set a new standard which the world will naturally conceive itself entitled to follow.

In those circumstances, I ask the Conference, in the absence of any strong case in support of the article, to vote against it.

**The President :**

*Translation :* I call upon M. de Myttenaere, delegate of Belgium, to speak.

**M. de Myttenaere (Belgium) :**

*Translation :* I want to say that one cannot in justice compare my attitude yesterday with my attitude to-day. To-day we are asking for the supply of 25 milligrammes of morphine as a medicine for urgent use, and this request has nothing in common with the possibility of scattering throughout the world hundreds of thousands of phials containing 50 centigrammes of heroin.

**The President :**

*Translation :* I call upon M. Pernambuco, delegate of Brazil, to speak.

**M. Pernambuco (Brazil) :**

*Translation :* Allow me to quote to you a few facts in regard to this matter. One day a man went into a chemist's shop to soothe his pain with some medicine. The chemist gave him laudanum. Some time afterwards this man was taking 200 grammes of morphine a day. That man was de Quincey, the great English author.

Trousseau has recounted to us numerous examples of this sort. Some of his observations show that sick persons in pain, who start by absorbing very small quantities of laudanum, end by taking as much as 200 grammes per diem. He even records a doctor who took 80 grammes of laudanum a day, which proved most unfortunate for his practice since he ended by betraying the code of professional secrecy.

Women who unhesitatingly take laudanum to soothe their pain too easily accustom themselves to this substance and end by taking large quantities.

As for Dover powder, I do not think that it is really necessary to consider this as a medicine for urgent use. In my opinion, it is really very dangerous to give sick persons the opportunity of obtaining these opiates without a medical prescription, for it is merely putting them on the road to the drug habit.

As Sir Malcolm Delevingne has shown, a sick person can very easily go the round of the chemists' shops and collect substantial quantities. It has been observed in hospitals that drug addicts have profited by changes in the medical staff in order to obtain their favourite drug.

I am therefore in favour of the deletion of this article.

**The President :**

*Translation :* Dr. Fabris, delegate of Italy, will address the Conference.

**Dr. Fabris (Italy) :**

*Translation :* In Italy the sale of laudanum has been left free, for laudanum is regarded as a remedy for urgent use. So far, no disadvantages have accrued. Nevertheless, the Italian

delegation gladly accepts the restriction introduced in Sub-Committee F's report and in Article 9 of the Convention. The Italian Government will necessarily have to modify its regulations concerning laudanum.

**M. Perrot (France) :**

*Translation* : The Chairman of Sub-Committee F and myself, the author of the proposal, agree to withdraw it. If it is not put forward again, please regard it as withdrawn.

**M. Chodzko (Poland) :**

*Translation* : Since M. Perrot withdraws the whole of this article, there is no reason to continue the discussion. At the same time, I shall venture to make one remark. By withdrawing it we shall be leaving the chemists entirely free. Nor do I quite understand the attitude taken up by the opponents of this article and by the representatives of Sub-Committee F, who are proposing to withdraw it. What surprises me, in the attitude of the opponents of this Article, is that, when it was being discussed, they did not object to Article 4, which allows manufacturers full liberty to supply tons of morphine and cocaine solutions without any control under the terms of the Convention. I regret the withdrawal of Article 9 and, if the Conference will allow it, I shall bring it forward again.

**Mehmed Sureya Bey (Turkey) :**

*Translation* : We stand by this Article 9, for, in view of the geographical conditions of Turkey, where there are very few chemists and doctors, we are obliged to leave the sale of laudanum free.

**M. Carrière (Switzerland) :**

*Translation* : We are placed in a rather peculiar situation. As the delegate of Poland has brought forward Article 9 again, we seem to be formally called upon to discuss or vote on this article. Speaking as the delegate of Switzerland, I am in agreement with the proposal of the Polish delegate. In view of the discussions we have been having, I think it is unnecessary to prolong the debate and would ask whether it would not be better to proceed at once to the vote.

**The President :**

*Translation* : The Swiss delegate proposes that the discussion should be closed. I should like to have the opinion of the Conference.

M. Betances, delegate of the Dominican Republic, will address the Conference.

**M. Betances (Dominican Republic) :**

*Translation* : I should like to be allowed to add two words on this question.

The honourable delegate for Poland, in speaking of morphine, failed to remark that Article 4 was followed by Articles 5, 6 and 7. As regards the necessity of allowing chemists to give laudanum in certain cases, they might certainly just as well give a few drops of water. It would come to the same thing. I beg to read to you in this connection the opinion of a remarkable specialist, M. Pagador, who has published a very interesting book on opium addicts :

"Laudanum addicts, who are more numerous than one might suppose, pass through all the stages of intoxication — spasms,

nightmares, visual and auditory hallucinations, vomitings and a tendency to coma. Half-cured morphine addicts turn to laudanum, instead of morphine, during their periods of abstinence."

Owing to the characteristics of the drug habit, anyone, can obtain from a chemist the laudanum necessary for the indulgence of his vice. The door must be closed to this. Sick persons, instead of going to the chemist, can apply to the nearest public clinic, clinics such as already exist in many parts of certain towns. Laudanum and tincture of opium must be brought within the scope of Article 4, and their sale must be forbidden except upon a medical prescription.

**The President :**

*Translation* : The discussion is closed. The Sub-Committee having withdrawn its proposal as regards Article 9, the draft before you no longer contains this article. We have, however, the proposal of the first delegate for Poland to re-include this article in the draft. I will ask you to vote upon the re-inclusion of Article 9 in our draft Convention.

*The re-inclusion of Article 9 was adopted by 14 votes to 11.*

#### *Article 10.*

The text of Article 10 was read as follows :

"In the event of the International Health Office, after consultation with the Health Committee of the League of Nations, finding that any new derivative of morphine or cocaine, any alkaloid of opium or the coca leaf, or any other narcotic drug, to which the present Convention does not apply, is liable to similar abuse and productive of similar ill-effects as the substances covered by the Convention, the Health Committee shall inform the Council of the League accordingly and recommend that the provisions of the present Convention shall be applied to such substance.

"The Council of the League shall communicate the said recommendation to the Contracting Parties. Any Contracting Party which is prepared to accept the recommendation shall notify the Secretary-General of the League accordingly.

"As soon as ten of the Contracting Parties have notified the Secretary-General of their acceptance of the recommendation, the provisions of the present Convention shall apply, as between such Contracting Parties, to the substance in question."

**The President :**

*Translation* : Before opening the discussion on this article, I would repeat that the procedure applying to Article 8 will apply also to the first paragraph of Article 10.

I call upon M. El Guindy, delegate of Egypt, to speak.

**M. El Guindy (Egypt) :**

*Translation* : I request that the last paragraph of this Article should be deleted and the second paragraph modified as follows :

"The Council of the League of Nations shall communicate the said recommendation to the Contracting Parties. As soon as this communication is made, the provisions

of the present Convention shall come into force between the Contracting Parties as regards the substance concerned."

I ask for the deletion of the last paragraph because it does not seem to be necessary to request the adherence of ten Contracting Parties to the recommendation, after an opinion has been given by the Office international d'Hygiène publique, which opinion will already have been submitted to the Health Committee of the League of Nations, whose competence in the matter you all know. Such a procedure would have the appearance of challenging an opinion given by the technically competent institutions. Moreover, one article lays down that, the Contracting Powers themselves undertake to respect the decisions taken by the Health Committee of the League of Nations in agreement with the Office international d'Hygiène publique.

**The President :**

*Translation :* I call upon M. Carrière, delegate of Switzerland, to speak.

**M. Carrière (Switzerland) :**

*Translation :* It is agreed, then, that the procedure applying to Article 8 shall also apply to Article 10.

As to the question just raised by M. El Guindy, the Egyptian delegate, I should like to point out that he has just alluded to Article 8. He has shown that in Article 8 no provision was made for this complicated procedure. In point of fact Article 8 is totally different from Article 10. Article 8 extends the liberty of States, whereas Article 10 restricts it. The latter is an extension of the Convention, while Article 8 provides an exception to it. It seems to me reasonable that the procedure in the case of the exception should not be as strict or complicated as in the case of the extension, which is naturally a far more important matter.

As for the proposal itself, it was the outcome of necessity, in view of the importance of any extension of a provision in the Convention such as we are considering in the present case. This proposal was dictated by the desire not to impose this extension upon States until it was recognised as really indispensable.

It is obvious that the procedure which provides for the co-operation of the Office international d'Hygiène publique and the Health Committee of the League of Nations offers to States very adequate guarantees. We have, however, thought it necessary to give States, as such, the opportunity of pronouncing upon the decisions, or rather recommendations, emanating from the two bodies mentioned in the article. That is why we thought that the decision should first of all take the form of a recommendation. The latter would be submitted to States with the request that they would adopt it. We thought that it was desirable not to make such a recommendation obligatory, or, at any rate, not to regard it as having the force of law, until a certain number of States should have admitted its expediency. In the article at present before us we laid down the number of ten States. We may be asked, of course, why we propose ten rather than twelve or fifteen. It was our opinion that, without asking for a majority on this matter, the acceptance of

ten States would imply that the recommendation was of real value.

That is why I took the occasion yesterday to mention to you the apprehensions that may arise in certain quarters in respect of a matter so important as this, which will impose serious restrictions upon States, and the fears that, under cover of Article 4, we are seeking to impose upon States a recommendation which is not perhaps absolutely indispensable.

We therefore thought that, in a matter of such importance, namely, the extension of the Convention to new drugs, we could not at the outset decide that, once an opinion was expressed by the two bodies in question, this provision should become immediately obligatory, but that it was better to wait until a number of Governments should have examined it and applied it in their own countries. From that moment the provision would become obligatory for all those States which admitted it.

Moreover, I think we are speaking rather of theoretical than practical conditions, for, as soon as the Office international d'Hygiène publique and the Health Committee of the League of Nations, with all the guarantees that these two bodies offer, shall have decided that a new product should come within the scope of the Convention, it will not be ten States which will accept the recommendation, but in all probability the great majority of them. Consequently, by this provision we are coming near to what M. El Guindy wanted, namely, the statement of an immediate obligation.

I repeat that, in view of the importance of the question, States cannot be given too full a guarantee. That is why I am asking you to accept our proposal.

**The President :**

*Translation :* M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios (Spain) :**

*Translation :* Like everybody else, I am perfectly in agreement with the Chairman of Sub-Committee F as to the modification in form with regard to the Office international d'Hygiène publique and the Health Committee. I think that we shall also all agree in asking the Drafting Committee to draft the lines which follow in conformity with the decision which we have taken concerning paragraph (f) of Article 4. We must strike out of Article 10 what we have struck out of Article 4.

Further, I have submitted a proposal modifying the last paragraph of Article 10. I regard it as subsidiary to that submitted by the delegate of Egypt. If his is not accepted, I shall maintain my own, but for the moment I support the proposal of the honourable delegate of Egypt.

I think that two bodies with the authority of the Office international d'Hygiène publique and the Health Committee of the League of Nations offer the fullest guarantees to States, which would consider a declaration by these two bodies as binding. The Spanish delegation is quite prepared to accept as binding a decision by these bodies aiming at the inclusion of any other narcotic within the Convention.

**The President :**

*Translation :* M. Dinichert, delegate of Switzerland, will address the Conference.



**M. Dinichert** (Switzerland) :

*Translation* : I am wondering whether, as regards the proposal of the Egyptian delegate, which seems to me at first sight to have a rather wide meaning, we are quite within the limits of Article 11 of our Rules of Procedure. It seems to me an amendment of such wide scope that, without having it before them, it may be difficult for some of the delegations to discuss it with advantage. For my part, I should be glad if we could postpone the discussion of this amendment until we have been able to examine it.

**The President** :

*Translation* : As we are dealing with an amendment I can authorise its discussion, if I have received it in writing. At the same time, I quite appreciate the point made by the first delegate of Switzerland, and I think it would perhaps be desirable to distribute this text and to postpone the continuation of the discussion until this amendment is in the hands of all the delegations.

**M. von Eckardt** (Germany) :

*Translation* : I should have thought that we were all perfectly aware of the matter under discussion and that we could have voted on it this morning.

**M. Carrière** (Switzerland) :

*Translation* : We have all certainly understood the proposal by M. El Guindy, who asks that the decision of the Health Committee and the Office international d'Hygiène publique should be *ipso facto* obligatory. Misunderstanding is hardly possible. But this proposal completely changes the article, and for this reason it would be advisable that the delegations should have time, if not to examine it, at least to discuss it. For that reason I think it would be better to postpone or adjourn the debate.

**M. El Guindy** (Egypt) :

*Translation* : Would this discussion take place here or between delegations ?

**M. Carrière** (Switzerland) :

*Translation* : I only ask that each delegation should have the time to examine the proposal for itself.

**The President** :

*Translation* : I therefore propose to put this question aside until early this afternoon. (*Assent.*)

**M. Carrière** (Switzerland) :

*Translation* : Does this adjournment only apply to M. El Guindy's proposal ?

**The President** :

*Translation* : That will depend upon the Conference's decision. It is possible that the amendment proposed by the Spanish delegation will be brought forward again.

**M. Carrière** (Switzerland) :

*Translation* : I should like to obtain an opportunity for the Swiss delegation to revert to paragraph 1 of this article, according to the decision which will be taken on M. El Guindy's proposal.

**The President** :

*Translation* : I venture to suggest to the Spanish delegation that it should make its proposal known.

**M. de Palacios** (Spain) :

*Translation* : I quite agree. I also ask that it should be distributed as a subsidiary proposal at the same time as M. El Guindy's.

**The President** :

*Translation* : The Spanish proposal is to say in the last paragraph : "As soon as two of the Contracting Parties..."

*The Conference rose at 12.50 p.m.*

## THIRTY-THIRD MEETING

*Held at Geneva on Friday, February 13th, 1925, at 3 p.m.*

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99. FIRST READING OF THE DRAFT  
CONVENTION : ARTICLES 10-19 : CON-  
TINUATION OF THE DISCUSSION.

*Article 10 (Continuation of discussion).*

**The President** :

*Translation* : This morning we adjourned the discussion of Article 10 of the draft Convention. We will now continue the debate on

this article and particularly on the amendment proposed by the Egyptian delegation. There is also another amendment proposed by the Spanish delegation, but it has hitherto been reserved.

M. Dinichert, delegate of Switzerland, will address the Conference.

**M. Dinichert** (Switzerland) :

*Translation* : I would first of all like to thank you, Mr. President, for having acceded to my request this morning to give us time to read the Egyptian proposal and consider its exact implications. I think I was right in making this request, because, on examining the proposal, I find that it differs essentially from the recommendations of Sub-Committee F.

Yesterday, while Article 4, paragraph (f), was being discussed, I already had occasion to remark that it seemed to me that the innovation

introduced into the Hague Convention by these clauses had a special significance and that in very truth it opened the door to the unexpected. I could, perhaps, have added this further thought which is at the bottom of my mind, namely, that we Swiss like to have clear, precise and circumscribed clauses in our laws and conventions, because we desire to apply strictly these laws and conventions, and that we have little liking for clauses which, contrary to these principles, lay obligations upon us which are not clearly defined. I also pointed out that paragraph (f) was precisely a clause of this kind.

I have no wish to repeat myself, but I simply desire to say that, while we all know what a narcotic is, we do not know what substances are narcotics, as certain products and certain substances only really become narcotics when they lead to the formation of a habit, to the abuse which produces certain effects, and to the effects which lead to abuse. Nor do I want to go back on my acceptance in principle of this clause, despite my initial hesitation and apprehensions. I said, however, that it was only acceptable to us when taken in conjunction with the mechanism which has been carefully thought out by Sub-Committee F and embodied in the present Article 10.

What does this Article 10 say? It enlists the assistance of those two great international organisations — the Office international d'Hygiène publique and the Health Committee of the League of Nations. As we all know, these two bodies are composed of men eminently qualified and specially well suited to accomplish the task which we wish to entrust to them. Accordingly, the recommendations which they make will, we may be sure, have the greatest moral effect.

But, gentlemen, I am the first to recognise that, in practice, this moral influence may be so cogent as to constitute an almost binding obligation; there is, when we are dealing with an international Convention, an essential difference between a recommendation which is to be considered (and as a general rule to be adopted) and a legal obligation which a Conventional clause may impose on us. The difference is a fundamental one and in certain cases Governments are obliged to take note of and observe it. I hasten to add that if such a Government intends, in principle, to retain its liberty of action, the other Governments would be no less free, in view of this same principle of sovereignty, to take independent measures which, in a case like the present, would result in a situation analogous to that established by means of a reciprocal engagement.

We have now before us a proposal by the Egyptian delegate to replace the second paragraph of Article 10 by the following new provision:

“The Council of the League of Nations shall communicate the said recommendations (the recommendations of the two bodies in question) to the Contracting Parties. Immediately upon receipt of such notification, the provisions of the present Convention shall apply, as between such Contracting Parties, to the substance in question.”

This amounts to saying that what should be a recommendation becomes a legal obligation, and the essence of the article is thus transformed if

a recommendation is replaced by a legal obligation.

I do not wish unduly to trespass on your time. I ought, however, to tell my honourable friend from Egypt, whose sincerity of purpose I learned to appreciate during the time that we worked together in Sub-Committee B, that it is somewhat dangerous for that very work which we hope to achieve to disturb, by means of a somewhat hasty proposal, the balance of a structure which has been very carefully erected. And I must say, gentlemen, in order that I may retain that spirit of frankness and loyalty which I have so far preserved, that the adoption of the Egyptian proposal might seriously raise the question whether Switzerland could adhere to a Convention which contained such a provision.

**The President :**

*Translation :* M. van Wettum, delegate of the Netherlands, will address the Conference.

**M. van Wettum (Netherlands) :**

The contents of Article 10, which is now under discussion, are, in my opinion, most important, and by taking up the new principle, as regards the recommendations to be made concerning the extension of the Convention to cover new dangerous drugs, a step has been taken which I heartily welcome. The prudence and moderation shown by the majority of the members of Sub-Committee F in limiting the application of this new principle in such a way that its moral force is fully maintained, whilst, on the other hand, the sovereign rights of all Governments are safeguarded, make it possible for this valuable principle to be accepted, and should be appreciated and respected by all of us.

The Egyptian amendment, however, binds all Governments which will have signed this Convention to accept any future decision of the international organisations mentioned in Article 10. This means an unreserved surrender of sovereign rights, the consequences of which no one can at present foresee. Consequences of an administrative and technical nature and many others may at any time be involved for each country; the right of any individual Government, therefore, to decide whether or not it will at once or at a later date accept the recommendation of the said organisations, should be fully recognised.

As far as the Netherlands are concerned, I feel it my duty to declare at once that the addition of the Egyptian amendment would make the whole article unacceptable to our delegation. I am ready, however, to accept the amendment proposed by the first delegate of Spain, and I would have no objection to replacing the number of ten countries by two.

Finally, I should like to make an urgent appeal to my Egyptian colleague not to insist on his amendment, so as to make it possible for all of us unanimously to accept the valuable new principles embodied in Article 10 as it stands.

**The President :**

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

I am sorry that the British delegation is unable to accept the amendment proposed by

the Egyptian delegate. I share the views which have been expressed by the last two speakers, and I have very little to add to what they have said.

The effect of the amendment would be to give the Office international d'Hygiène publique the power of amending the Convention. It would make a decision of that Office a part of the terms of the Convention and binding on all the Governments which are signatory to the Convention. That seems to me to be a position which sovereign States must find themselves unable to accept. It seems to me impossible for a sovereign State to accept as binding on it some future decision of a body constituted like the Office international d'Hygiène publique, or like any other consultative body, for that matter, without its having been consulted and having concurred in the recommendation made.

We have to remember, too, that a decision of the Office international d'Hygiène publique might — at least, I presume it might — be taken by a majority only of the members which constitute the Office, so that it might happen that the views of a majority only of the members of the Office might become binding on all the States which are signatories to the Convention. The effect of such a proposal might well be to place a Government or Governments in an impossible position. A decision might be given which they were unable to carry out. An obligation might be placed upon them which they would have no means of discharging.

To take an extreme case : I do not suppose for a moment that the Office international d'Hygiène publique would make such a proposal, but suppose that the Office international d'Hygiène publique were to decide that the coca leaf should be included in Chapter III of our new draft Convention ; such a decision would place on the Government of a country in which the coca leaf was produced the responsibility of controlling its production and distribution so as to limit them solely to medical and scientific purposes. We know from what has been said here by the delegates of Bolivia and the Netherlands that such a situation would be quite impossible. I do not think that this Conference can contemplate the adoption of an article which would lead to such consequences.

In the third place, I am not aware of any precedent for making a decision of a consultative body of the League, such as the Office international d'Hygiène publique, binding on the Members of the League. It seems to me that the proposal of the Egyptian delegate would set an entirely new precedent, the consequences of which we cannot foresee but which might be most dangerous in the future. For all these reasons, I am afraid that we shall have to oppose the proposal before us.

May I just add that I regard this Article 10 as a most valuable addition to the Hague Convention. It provides, for the first time, machinery by which new drugs can be brought within the terms of the Convention, and it would be a great pity we lost this benefit. I should also like to say that I am quite sure that any unanimous recommendation of the Office international d'Hygiène publique would receive favourable consideration from all the Governments which are signatories to the Convention. I cannot imagine that any new recom-

mendation, at any rate of the Office international d'Hygiène publique, would be lightly rejected by any signatory Party.

**The President :**

*Translation* : There are no more speakers on my list. Does anyone else wish to speak on Article 10 ?

M. Carrière, delegate of Switzerland, will speak.

**M. Carrière (Switzerland) :**

*Translation* : I want to make a proposal in the event of M. El Guindy's motion being rejected. Must I submit this proposal now or wait until a vote has been taken on M. El Guindy's resolution ?

**The President :**

*Translation* : It would perhaps be better for you to wait ; we will first settle the Egyptian amendment. I cannot follow the usual procedure, since, according to the rules which we have hitherto observed, I ought first to take a vote on the article itself and then on the Egyptian amendment. But if I do this, I would not be able to take into consideration the Spanish amendment nor the one which has just been announced. For these reasons I will ask you to pronounce independently on the Egyptian amendment.

*On being put to the vote, the Egyptian amendment was rejected by 17 votes to 2.*

**The President :**

*Translation* : We must now take a vote on the amendment submitted by the Spanish delegation. This amendment consists in substituting the figure 2 for the figure 10 in the first line of the third paragraph.

Has M. Carrière's amendment any connection with the Spanish amendment ? If so, I will ask him to bring forward immediately.

**M. Carrière (Switzerland) :**

*Translation* : Yes, the amendment which I wish to propose is connected with the Spanish amendment. In the text submitted to you by Sub-Committee F, we mentioned the figure of ten Powers. The honourable Spanish delegate wishes us to be content with two Powers. As a matter of fact, neither the figure 10 nor the figure 2 has anything decisive in its favour. Accordingly, it would be better to have a more general provision, not fixing the number of Powers. I would like to submit the following amendment :

“The provisions of the present Convention shall be immediately applicable to the substance in question as far as the relations between States which have accepted the recommendation referred to in the above paragraphs are concerned.”

This wording might perhaps be slightly modified. We therefore have a general provision which, instead of speaking of two, four, six, sixteen Powers, confines itself to mentioning the Powers which accept the recommendation, without any other proviso.

**The President :**

*Translation* : M. Perrot, delegate of France, will address the Conference.

**M. Perrot (France) :**

*Translation :* As Rapporteur of Sub-Committee F I would like to say that, when we accepted the paragraph in question on the suggestion of the British delegation, the idea in our minds was to safeguard national sovereignty. In consequence, any text submitted by a member of the Conference which takes this principle into account will be acceptable to Sub-Committee F.

**The President :**

*Translation :* M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios (Spain) :**

*Translation :* As far as I can see, we have not two proposals before us but one proposal expressed in two different ways. It was because I wished to safeguard national sovereignty that I proposed to reduce to two the number of Contracting Parties which would have to notify the Secretary-General of their acceptance of the recommendation laying down that the provisions of the present Convention shall apply, as between the Contracting Parties, to the substance in question. As the paragraph stands, two, three, four and up to nine Contracting Parties wishing to accept a recommendation of the competent bodies might find themselves unable to do so because the proper number of ten had not been reached. This constitutes a limitation of the sovereign rights of States, and, consequently, I consider that Contracting Parties wishing to adopt the recommendation ought to be free to do so.

The amendment proposed by M. Carrière seems to me to be based on the same idea. It departs from the wording proposed by the Drafting Committee, but I consider that his text is more correct. I repeat therefore that we have not two proposals before us but one proposal worded in two different ways.

**Sir Malcolm Delevingne (British Empire) :**

I quite accept the suggestion which has been made by M. Carrière.

**The President :**

*Translation :* We only have one amendment to consider, then. I think that the Conference can now adopt Article 10 with the reservation that the paragraph in question should be revised by the Drafting Committee, which will have to find the best formula, taking into account the suggestions contained in the two amendments.

M. Carrière, delegate of Switzerland, will address the Conference.

**M. Carrière (Switzerland) :**

*Translation :* I am very sorry to take up the precious time of the Conference, but there is another point to which I wish to revert. I am encouraged to do so by the precedent which was created yesterday. After 48 hours had twice been given for reflection, we were told : "We have changed our minds and we want the decision taken two days ago to be reconsidered".

The point I would like to go back to affects both Article 4, paragraph (f), and Article 10.

Yesterday we accepted for paragraph (f) of Article 4 an extremely elastic formula, which makes no specification, and which has

taken the place of the text submitted to you by Sub-Committee F. After hardly 24 hours' reflection, I think it necessary, not now as a member of the Sub-Committee F but as the Swiss Federal Government's delegate, to revert, at least as far as I myself am concerned, to this point. I consider that the formula which we have adopted is too elastic.

I have already spoken of the apprehensions to which a formula of this kind might give rise in certain circles, and I gave you an example of these apprehensions. I reminded you that one of the delegations at this Conference would have liked to bring codein within the scope of the Convention. It was in thinking of this example that I became impressed by the fact that our formula was perhaps excessively elastic and might lead to certain abuses in its application.

Consequently, I would like to ask, on behalf of the Swiss delegation, that we should go back, if possible, to the text originally proposed by Sub-Committee F. If this is impossible — *i.e.*, if the Conference decides to maintain the wording which it has adopted for Article 4, and which, in my opinion, affects to some extent Article 10 — I wish to state that we consider this formula as not sufficiently definite to prevent certain abuses and that we cannot accept the introduction on any pretext of codein into the Convention, since it is not a narcotic.

Should the Conference be unwilling to revert to this point, I would like the formal declaration I have made on behalf of the Swiss delegation to be brought to the notice of the Conference.

**The President :**

*Translation :* I have no objection to such a procedure if the Conference wishes to return to this point. I must say, however, that I do not quite see the force of the Swiss delegate's reasoning. The other day we did not go back on a decision which had been taken at the first reading but only on a passage in a report. Here we should have to change a decision taken at the first reading, *i.e.*, during the most important part of our work.

**M. Carrière (Switzerland) :**

*Translation :* I withdraw my argument which is called in question by the President, but I maintain the substance of my remarks.

**M. de Myttenaere (Belgium) :**

*Translation :* I would like to remind M. Carrière that he himself submitted an amendment providing full guarantees in regard to the inclusion of new narcotics and that it is hardly for him to call in question the efficacy of his own proposal now that the Conference has adopted it.

**The President :**

*Translation :* M. El Guindy, delegate of Egypt, will address the Conference.

**M. El Guindy (Egypt) :**

*Translation :* Before the discussion on this article is closed, I would like to make a remark. I had hoped that the international Convention which we are preparing would be binding on all the members which signed it, but Article 10, as at present drafted, binds no one. I do not see why we should discuss the possibility of

States concluding arrangements amongst themselves. Obviously, we cannot prevent countries from concluding a Convention, as regards the restrictions which we have adopted, or even as regards more severe restrictions, on any narcotics which may be discovered in the future.

**The President :**

*Translation :* The debate is closed.

**M. Carrière (Switzerland) :**

*Translation :* Excuse me. I made a proposal that we should revert to a previous point. Notwithstanding the remarks which my good friend M. de Myttenaere has just addressed to me, I would like my proposal to be voted on, *i. e.*, that the Conference should decide whether it wishes to revert to this point or not. If it pronounces against the proposal, I will not press the point.

**The President :**

*Translation :* I will ask the Conference to pronounce upon the Swiss delegate's proposal to re-open the debate.

*The proposal was rejected.*

**M. Dinichert (Switzerland) :**

*Translation :* I was the only one to rise, not only because I was in favour of the proposal but because it was clearly my duty to support a proposal made by M. Carrière on behalf of the Swiss delegation.

I quite understand that the Conference does not want to re-open the discussion on paragraph (f) of Article 4, but I must recall the fact that, when this part of the Article was being discussed, I formally reserved the right to raise the question again if Article 10 were modified. In pursuance of a proposal by the Spanish delegate, you decided — which did not necessarily go without saying — that the first paragraph of Article 10 should be brought into line with Article 4, paragraph (f). I have therefore a formal right to discuss the first paragraph of Article 10, the debate on which is not closed.

Availing myself of this right, I wish to state, on behalf of the Swiss delegation, that it renounces its proposal for an amendment, but that it does so because it is satisfied that the distinguished members of the two organisations in question will only make recommendations which are based on the most conclusive evidence, and because, under these conditions, we can be certain in advance that their decisions will always represent, if not the unanimous opinion, at least the nearly unanimous opinion of those organisations.

**M. Perrot (France) :**

*Translation :* I wish to support the Swiss delegation's declaration, with which I am in entire agreement.

**The President :**

*Translation :* The debate is closed. Article 10 is adopted and referred to the Drafting Committee.

*Article 10 was adopted at the first reading and referred to the Drafting Committee.*

#### CHAPTER IV : INDIAN HEMP.

##### Article II.

**The President :**

*Translation :* The Sub-Committee which you constituted yesterday to examine this question

has not yet finished its work. I would therefore ask you to postpone the discussion of this chapter. I hope we shall be able to deal with it shortly. We will now go on to Chapter V.

#### CHAPTER V : CONTROL OF INTERNATIONAL TRADE.

##### Article 12.

The text of Article 12 was read as follows :

"Each Contracting Party shall require a separate import authorisation, stating the quantity to be imported, the name and address of the importer and the name and address of the exporter, to be obtained for each importation of any of the substances to which the present Convention applies.

"The import authorisation shall specify the period within which the importation must be effected and may allow the importation in more than one consignment."

**The President :**

*Translation :* The debate on Article 12 is open.

If no delegate wishes to speak, I declare Article 12 adopted.

**M. van Wettum (Netherlands) :**

Article 12 mentions a form of import certificate. I have not yet seen such a form. Is it the same as has been annexed to the report of Sub-Committee E ?

**Sir Malcolm Delevingne (British Empire), Rapporteur :**

I think M. van Wettum must be referring to Article 13. The form of import certificate referred to in Article 13 was intended to be the form of certificate annexed to the report of Sub-Committee E.

*Article 12 was adopted at the first reading and referred to the Drafting Committee.*

##### Article 13.

The text of Article 13 was read as follows :

"1. Each Contracting Party shall require a separate export authorisation to be obtained for each exportation of any of the substances to which the present Convention applies, stating the quantity to be exported, the name and address of the exporter and the name and address of the importer.

"2. The Contracting Party, before issuing such export authorisation, shall require an import certificate, issued by the Government of the importing country and certifying that the importation is approved, to be produced by the person applying for the export authorisation.

"Each Contracting Party agrees to adopt, so far as possible, the form of import certificate annexed to the present Convention.

"3. The export authorisation shall specify the period within which the exportation must be effected.

"4. A copy of the export authorisation shall accompany the consignment, and the Government issuing the export authorisation shall send a copy to the Government of the importing country.

"5. The Government of the importing country, when the importation has been

effected, or when the period fixed for the importation has expired, shall return the export authorisation, with an endorsement to that effect, to the Government of the exporting country. The endorsement shall specify the amount actually received.

"6. If a less quantity than that specified in the export authorisation is actually exported, the quantity actually exported shall be noted by the competent authorities on the export authorisation and on any official copy thereof.

"7. In the case of an application to export a consignment to any country for the purpose of being placed in a bonded warehouse in that country, a special certificate from the Government of that country, certifying that it has approved the introduction of the consignment for the said purpose, may be accepted by the Government of the exporting country in place of the import certificate provided for above. In such a case the export authorisation shall specify that the consignment is exported for the purpose of being placed in a bonded warehouse."

**The President :**

*Translation :* An amendment has been proposed by the Spanish delegation to insert the following sentence in this article wherever the Drafting Committee may deem it convenient :

"Every export authorisation must show the number, date and duration of the corresponding import authorisation, and must mention the authorities issuing the latter."

Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne** (British Empire), Rapporteur :

I am not quite sure whether the Government of the exporting country which gives the export authorisation will have the information which is mentioned in this amendment. If I understand the amendment rightly, it would require the Government of the exporting country to insert in the export authorisation the number and date of the import licence granted by the Government of the importing country and the period for which the import authorisation or licence was valid.

I am not sure, however, that, at the time when it grants the export licence, the exporting country would always have a copy of the import licence before it. There is no provision in our scheme for a copy of the import licence to be sent to the Government of the exporting country; all the importing country has to do is to send a copy of the import certificate, which is not necessarily the same thing as the import authorisation. I know that in some countries they are the same thing, but in most countries, I think, the import certificate is different from the import licence. The Government of the exporting country, therefore, would not always have the information which is mentioned in this amendment.

I am afraid, therefore, that I do not see my way, as far as I am concerned, to accept the amendment at the moment; but, if the Spanish delegate would be content, I should be glad to think over it, and if I could see my way to add anything to the text of Article 13 to meet his wishes, I should, of course, be glad to do so.

**The President :**

*Translation :* M. de Palacios delegate of Spain, will address the Conference.

**M. de Palacios** (Spain) :

*Translation :* I hope that, after reflection, the Rapporteur will accept, if not the letter of my amendment, at least its spirit. The second paragraph of Article 13 says :

"The Contracting Party, before issuing such export authorisation, shall require an import certificate, issued by the Government of the importing country and certifying that the importation is approved, to be produced by the person applying for the export authorisation."

All the data which I specified in my amendment would probably therefore be indicated to the Government which was asked to send the export certificate. This, however, is not the point to which I attach most importance; the important thing, in my opinion, is above all, that the import certificate should correspond to the export certificate. The import certificate may be made out for a given quantity of goods to be exported in one or several consignments. Hence I would like a sort of credit account to be established. Each export certificate should bear a special reference to the corresponding import certificate, otherwise it might be changed on the way or given out as corresponding to another import certificate. I think that in principle we are in agreement, as my amendment is merely intended to make good a slight omission in Article 13.

**The President :**

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne** (British Empire) :

I understand the meaning of the Spanish delegate's amendment now, and I am quite willing that the export authorisation should contain a reference to the import certificate issued by the Government of the importing country. I am not quite sure how that should be worded, but if the Spanish delegate would leave it to the Drafting Committee to settle, I will see that the matter is dealt with there.

**M. de Palacios** (Spain) :

*Translation :* I shall be very glad to accept your proposal.

**The President :**

*Translation :* If no one else wishes to speak on Article 13, it will be referred to the Drafting Committee to deal with on the lines just indicated.

*Article 13 was adopted at the first reading and referred to the Drafting Committee.*

*Article 14.*

The text of Article 14 was read as follows :

"For the purpose of ensuring the full application and enforcement of the provisions of the present Convention in free ports and free zones, the Contracting Parties undertake to apply in free ports and free zones situated within their territories the same laws and regulations, and to exercise therein the same supervision and control.



in respect of the substances covered by the said Convention, as in other parts of their territories.

"This Article does not, however, prevent any Contracting Party from applying, in respect of the said substances, more drastic provisions in its free ports and free zones than in other parts of its territories."

**The President :**

*Translation :* I call upon M. Dendramis, delegate of Greece, to speak.

**M. Dendramis (Greece):**

*Translation :* I wish to make a short statement regarding this article on behalf of my Government.

The Opium Conference, in all the texts which it has prepared, has necessarily been obliged to confine itself to general principles and has not been able to provide for the case, of which there are several examples, of harbours in which certain zones are set aside for the exclusive use of the international traffic of a State other than the State possessing territorial sovereignty.

It is evident that the Opium Convention can only be applied in these zones by collaboration between the territorial authorities and the authorities of the State having the use of the said harbour zone.

**M. Yovanovitch (Kingdom of the Serbs, Croats and Slovenes):**

*Translation :* On behalf of my Government, I associate myself with the declaration which M. Dendramis has just made.

**The President :**

*Translation :* The declarations of the Greek and Serb-Croat-Slovene delegates will be entered in the records.

M. Dinichert, delegate of Switzerland, will address the Conference.

**M. Dinichert (Switzerland):**

*Translation :* I have only one suggestion to make, which calls, perhaps, for some redrafting. In the first paragraph of Article 14 we read that "the Contracting Parties undertake to apply in free ports and free zones situated within their territories the same laws and regulations..."

In the second paragraph we read, "This article, however, does not prevent any Contracting Party from applying, in respect of the same substances, more drastic provisions in its free ports and free zones than in other parts of its territories."

It is difficult to see what more drastic provisions can be applied in a country than those contained in the laws and regulations of that country, and, on referring to the report of Sub-Committee E, I wondered whether the object of this second paragraph is not, in fact, to prohibit absolutely the introduction of these substances into the free ports. If this is the case, the Drafting Committee could no doubt find a wording which would meet the situation better.

**The President :**

*Translation :* Does the Rapporteur wish to make any remarks ?

**Sir Malcolm Delevingne (British Empire):**

The paragraph under discussion was inserted to meet the particular case of Italy. The point

is explained in the report of the Sub-Committee. Italy has announced its intention of prohibiting altogether the introduction of the substances covered by this Convention into its free ports. The actual drafting, however, can quite well be referred back to the Drafting Committee to consider. I should have thought at first sight that it was desirable to leave the text in the general form already adopted by the Drafting Committee so as to provide for a possible alternative to complete prohibition. But I am quite prepared to accept M. Dinichert's proposition that the Drafting Committee should reconsider the point.

**The President :**

*Translation :* Is M. Dinichert satisfied ?

**M. Dinichert (Switzerland):**

*Translation :* Quite.

*Article 14 was adopted at the first reading and referred to the Drafting Committee.*

#### *Article 15.*

The text of Article 15 was read as follows :

"1. No consignment of any of the substances covered by the present Convention which is exported from one country to another country shall be permitted to pass through the territory of a third country, whether or not it is removed from the ship or conveyance in which it is being conveyed, unless the copy of the export authorisation (or the diversion certificate, if such a certificate has been issued in pursuance of the following paragraph) which accompanies the consignment is produced to the competent authorities of that country.

"2. The competent authorities of any country through whose territory a consignment of any of the substances covered by the present Convention is permitted to pass shall take all due measures to prevent the diversion of the consignment to a destination other than that named in the copy of the export authorisation (or the diversion certificate) which accompanies it, unless the Government of that country has authorised that diversion by means of a special diversion certificate. A diversion certificate shall only be issued after the receipt of an import certificate, in accordance with Article 13, from the Government of the country to which it is proposed to divert the consignment, and shall contain the same particulars as are required by Article 13 to be stated in an export authorisation, together with the name of the country from which the consignment was originally exported ; and all the provisions of Article 13 which are applicable to an export authorisation shall be applicable equally to the diversion certificate.

"Further, the Government of the country authorising the diversion of the consignment shall detain the copy of the original export authorisation (or diversion certificate) which accompanied the consignment on arrival in its territory, and shall return it to the Government which issued it, at the same time notifying the name of the country to which the diversion has been authorised.

"3. In cases where the transport is being effected by air, the preceding provi-

sions of this Article shall not be applicable if the aircraft passes over the territory of the third country without landing. If the aircraft lands in the territory of the said country, the said provisions shall be applied so far as the circumstances permit.

"4. Paragraphs 1 to 3 of this Article are without prejudice to the provisions of any international agreement which limits the control which may be exercised by any of the Contracting Parties over the substances to which the present Convention applies when in direct transit.

"5. The provisions of this Article shall not apply to transport of the substances by post."

*Article 15 was adopted at the first reading, without discussion, and referred to the Drafting Committee.*

#### Article 16.

The text of Article 16 was read as follows :

"A consignment of any of the substances covered by the present Convention which is landed in the territory of any Contracting Party and placed in a bonded warehouse shall not be withdrawn from the bonded warehouse unless an import certificate, issued by the Government of the country of destination and certifying that the importation is approved, is produced to the authorities having jurisdiction over the bonded warehouse. A special authorisation shall be issued by the said authorities in respect of each consignment so withdrawn and shall take the place of the export authorisation for the purpose of Articles 13, 14, 15 above."

*Article 16 was adopted at the first reading, without discussion, and referred to the Drafting Committee.*

#### Article 17.

The text of Article 17 was read as follows :

"No consignment of the substances covered by the present Convention while passing in transit through the territories of any Contracting Party or whilst being stored there in a bonded warehouse may be subject to any process which would alter the nature of the substances in question or, without the permission of the competent authorities, the packing."

*Article 17 was adopted at the first reading, without discussion, and referred to the Drafting Committee.*

#### Article 18.

The text of Article 18 was read as follows :

"If any Contracting Party finds it impossible to apply any provision of this Chapter to trade with another country by reason of the fact that such country is not a party to the present Convention, such Contracting Party will only be bound to apply the provisions of this Chapter so far as the circumstances permit. It shall, however, take all measures within its power to secure that the objects of the present Chapter are fulfilled so far as circumstances permit, and, in particular, to prevent the country which is not a party

to the present Convention becoming a centre of the illicit traffic."

#### The President :

*Translation :* I call upon M. van Wettum, delegate of the Netherlands, to speak.

#### M. van Wettum (Netherlands) :

I am very sorry to say that I cannot agree with the last sentence of this article, as it lays a very heavy obligation on every nation which it will be difficult or impossible to fulfil. Moreover, this very task has been entrusted explicitly, in Article 26, to the Central Board, this article says that if any non-Contracting Party appears to become a centre of illicit traffic the Board will advise all Contracting Parties and recommend them not to export any narcotics to that country.

If we accept Article 26, as we should, it seems better for all nations to await the recommendation of the Board and not to start any measures of the kind described in Articles 24 and 26 on its own account before the Board has had the opportunity of examining the matter and of taking action.

It might also be pointed out that the obligations of Article 18 are much heavier than those of Article 26, which leaves the decision, whether or not a recommendation of the Board should be acted on, to the discretion of the Contracting Parties.

For all these reasons I propose to leave out the last sentence of Article 18.

#### The President :

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

#### Sir Malcolm Delevingne (British Empire) :

I am very sorry that M. van Wettum has felt obliged to raise this point, which we have discussed more than once in private. The object of the article is clear. We cannot expect, at any rate for some time, that all the countries of the world will become parties to this Convention. There may be certain countries which are standing outside the Convention and which are not prepared to adopt the system of import and export licences and import certificates.

The question then arises : What is to happen in the case of exports from a country which is a Party to the Convention to a country which is not a Party? No import certificate will be delivered by a country which is not a Party. Is the exporting country which is a Party to the Convention to export these drugs in any quantities which the importing country may request?

Sub-Committee E felt that we could not deal with such a position by any definite provision in the Convention itself, but that there was a moral obligation on the exporting country not to allow the export in excessive quantities, to countries which declined to furnish import certificates and to co-operate with the rest of the world in the system of international control and which are likely therefore to become centres of illicit traffic.

Now, while we could not put a definite provision in the Convention to deal with those cases, we thought it was desirable to embody in some form of words the view which I think was shared by every member of the Sub-Committee, and this last sentence, to which M. van Wettum objects, is the attempt of the

Drafting Committee to give effect to that idea.

I should be very sorry to see that sentence abandoned altogether. I think it lays down or embodies a principle which we all agreed, in the Sub-Committee at any rate, to accept, and which it seems to me valuable to leave on record.

If the wording is open to criticism, and I dare say it is, the Drafting Committee is quite prepared to reconsider it. I shall be glad, therefore, if M. van Wettum will allow us a further trial to see if we can produce something which will satisfy his exacting taste.

May I add one word? M. van Wettum referred to the fact that the Central Board would in future be able to control the exports in these cases. The Central Board will only be able to interfere after the damage has been done. The moral obligation to which we refer here is to help to prevent the damage ever being done. In other words, we shall be shutting the door before the horse is stolen.

**M. van Wettum (Netherlands):**

May I point out to Sir Malcolm Delevingne that in Article 26 the Board will take action "if the information at the disposal of the Board leads it to conclude that there is a danger of the country becoming a centre of the illicit traffic", so that at the moment there is no harm done. Why do we go further in Article 18 than in Articles 24 and 26?

**Sir Malcolm Delevingne (British Empire):**

I do not think we do, but I repeat my suggestion that the article should be referred back to the Drafting Committee.

**M. van Wettum (Netherlands):**

I accept.

**The President :**

*Translation :* This solution is all very well for the moment, but if M. van Wettum maintains his point of view the same discussion will come up again at the second reading.

**Sir Malcolm Delevingne (British Empire):**

Perhaps M. van Wettum will assist the Drafting Committee when it comes to consider this point.

**M. Sjöstrand (Sweden):**

May I call attention to the fact that Article 18 is intended to serve as a guide to the Contracting Parties and Article 26 is intended to serve as a guide to the Central Board? That summarises, I think, the difference between those two articles.

**M. van Wettum (Netherlands):**

Mr. President, the difference to me is that Article 18 is not acceptable to me, whereas Article 26 is acceptable. That is the great difference.

**M. Dinichert (Switzerland):**

*Translation :* M. Sjöstrand's last remark prompts me to say a word. I agree with M. van Wettum's objections, but I am confident that the very competent members of the Drafting Committee will find a solution.

I do not think, however, that the remarks of our Swedish colleague are likely to dispel M. van Wettum's apprehensions, but we need not consider here how the Board is going to work; it will work in whatever way it thinks

fit. What we have to consider is how our own Governments will exercise their influence on others. If Article 26 is accepted, we should still have serious misgivings regarding the new Article 18.

**M. Sjöstrand (Sweden):**

I made my remark because I understood M. van Wettum to say that Article 26 would serve more or less as a substitute for Article 18.

**The President :**

*Translation :* Are there any other remarks on Article 18?

If there are no other remarks, Article 18 will be referred to the Drafting Committee.

*Article 18 was adopted at the first reading and referred to the Drafting Committee.*

CHAPTER VI: PERMANENT CENTRAL BOARD.

*Article 19.*

The text of Article 19 was read as follows :

"A Permanent Central Board shall be appointed, within three months from the coming into force of the present Convention, by such of the following States as have at that time ratified the Convention — that is to say, the United States of America, the British Empire, France, Germany, Italy and Japan — together with those States which have non-permanent seats on the Council of the League. It shall consist of seven persons who, by their technical competence, impartiality and disinterestedness, are likely to command general confidence, chosen from a list on which each of the signatories of the Convention shall be entitled to place one name. The members shall be appointed for a term of three years, and they will be eligible for re-appointment.

"At meetings of the Board, four members shall form a quorum.

"The decisions of the Board relative to Articles 24 and 26 shall be taken by an absolute majority of the whole number of the Board.

"The Board shall settle its rules of procedure."

**The President :**

*Translation :* M. Chodzko, delegate of Poland, will address the Conference.

**M. Chodzko (Poland):**

*Translation :* I am glad that we have come at last to Article 19. In my opinion it is one of the most important articles in the new Convention, as it provides for the strict application of its provisions by a new body for which we have no precedent. We must therefore analyse the text of this article very closely, and in this connection I would like to make a few remarks.

In the first place, I would like to make a proposal, which perhaps will not meet with much opposition, regarding the name of this new body. The text of Article 19 calls it a Permanent Central Board. This designation is all very well, but it does not indicate the purpose of the Board. I therefore propose that we should add to the name the words "for the control of narcotics".

I would also like to make some further observations on this article, particularly regard-

ing the composition and definition of this Permanent Central Board. The latter, according to Article 19, will consist of persons who, by their technical competence, impartiality and disinterestedness, are likely to command general confidence. In my opinion this definition is much too vague.

What, for example, does the word "impartiality" mean in this connection? Are people "impartial" who share the American views or those of the majority in the Advisory Committee on the Traffic in Opium? Or are people impartial who have no definite opinion at all? I would like the exact meaning of the word "impartiality" to be defined.

Further, what does the word "disinterestedness" mean? Of what or of whom are the members of the Board to be independent? The article also says that these persons will be "chosen" from a list submitted by the signatory Powers. Each Government will therefore nominate one person. Will that person be independent of his Government? I do not think so.

In the Co-ordination Committee we were told that, in choosing the members of the Board, Governments must not be guided by their interests but by highest principles. But if a Government appoints a person to represent it, how can you expect this person not to defend the interests of his Government? In fact, it is his duty to do so. What, then, are we to think of the disinterestedness of this person? The definition of the term "independence" or "disinterestedness" is therefore quite as necessary as that of the term "impartiality".

To take an example: the forty Powers represented here will send forty names to the Council of the League from which it will have to choose seven. How is the Council to make the appointment? If no principle is laid down by us the Council of the League of Nations will find itself in a difficult position and, whatever its choice may be, I fear it may be criticised by many of the Members of the League. It must be admitted that this duty which Article 19 lays upon the Council of the League is no enviable one. Are we justified in putting the Council into this position? I do not think we ought to do so or to expose the prestige of the League of Nations to adverse criticism.

For these reasons I have already proposed in Sub-Committee B a "principle of selection". If I am not mistaken, Sub-Committee D also discussed the question. I suggested that a principle should be adopted which would save the Council from the dilemma of which I have just spoken. For this reason I propose an amendment to Article 19. Instead of saying, "It (the Central Board) shall consist of seven persons..." we should say, "It shall consist of eight persons, four appointed by countries which produce or manufacture narcotics and four by consuming countries."

What groups of States will the Council have to consider when it makes its choice? There are the producing countries, the manufacturing countries and the countries which are merely consumers. This last group of States has a great interest in the question. They derive no profit from the traffic in narcotics but suffer all the dangers and disadvantages. If these countries sign the Convention, they must be represented on the Central Board.

Of course, the producing countries and manu-

facturing countries must also be represented on the Board, but I think that the formula which I have proposed brings in all these three groups of countries.

There is one other point to which I wish to draw your attention.

Who will be the Chairman of the Board? Is he to be appointed by the Council outside the Board or will he be elected by the Board itself? I think this point ought also to be made clear.

As regards the term of office of the members of the Central Board, the period of three years is stipulated. But if the members of the Board are required to be "disinterested" they should be given a term of five years instead of three years.

Such is the substance of my proposal, which I will hand in to the President.

**The President :**

*Translation :* I suppose that, as a consequence of the Polish delegate's proposal, the quorum would be five members instead of four?

**M. Yovanovitch** (Kingdom of the Serbs, Croats and Slovenes):

*Translation :* Allow me to draw your attention to the fact that among the States which are going to nominate the Central Board there is no producing country. I think that it would be only right to add at least one representative of the producing States to these countries.

**The President :**

*Translation :* M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios** (Spain):

*Translation :* I think it would be advisable to read the amendments which I have had the honour to communicate to the Chair.

All that I have to say for the moment with regard to this article refers to the first paragraph. The Spanish delegation considers that this first paragraph should read as follows:

"A Permanent Central Board shall be appointed, within three months of the coming into force of the present Convention, by the Council of the League of Nations in agreement with the Governments of Germany and the United States of America."

This text is the one which the Spanish delegation prefers, but if serious objections are raised we will propose the following alternative:

"The Permanent Central Board shall be appointed, within three months of the coming into force of the present Convention, by the States represented on the Council of the League and by Germany and the United States of America."

**The President :**

*Translation :* Are there any other proposals regarding the constitution of this body?

**M. Dendramis** (Greece):

*Translation :* The Greek delegation is also of the opinion that the interests of the producing countries should be safeguarded, and I therefore wish to second the proposal put forward by the honourable Polish delegate.

**M. Yovanovitch** (Kingdom of the Serbs, Croats and Slovenes) :

*Translation* : If the Polish delegate's motion is adopted, I will withdraw my proposal, as the interests of the producing countries will be sufficiently safeguarded.

**The President** :

*Translation* : I propose that the meeting should be adjourned for twenty minutes in order to allow the delegates to confer on the discussion which has just taken place.

*(The meeting was adjourned at 5 p.m. and resumed at 5.30 p.m.)*

**The President** :

*Translation* : Before the discussion is reopened, I should like to make one remark. The report with which we are dealing has already been accepted in principle and referred to the Drafting Committee, but now various points have been raised with regard to this report. I venture to point out that the usual procedure is exactly the opposite; observations should be submitted first, then the report should be adopted and referred to the Drafting Committee.

I merely make the remark, as we cannot, of course, change anything now.

Does the Rapporteur wish to answer now the different proposals and suggestions made by the Polish, Serb-Croat-Slovene and Spanish delegates?

**M. van Eckardt** (Germany) :

*Translation* : Mr. President, I reserve the right to make a proposal also, which I will submit later.

**The President** :

*Translation* : I call upon Sir Malcolm Delevingne, delegate of the British Empire, to speak.

**Sir Malcolm Delevingne** (British Empire) :

The Conference, as I understand it, has three sets of amendments before it. First, there is the series of amendments proposed by the Polish delegate. Three of these amendments refer to minor matters and one to a matter of great importance. I will deal with the minor matters first.

The Polish delegate suggested that the title "Permanent Central Board for the Control of Narcotic Drugs" should be given to this Board which we are proposing to set up under Article 19. The Drafting Committee considered rather carefully how it should describe this Central Board and found it very difficult to suggest any title which exactly described the functions and scope of the Board. It therefore contented itself with the very short title which appears at the head of Chapter VI, "Permanent Central Board", and I think, on the whole, it is best to leave it at that.

The title suggested by the Polish delegate would not, I think, be an accurate description of the work and functions of the Board. The Board is not charged under this scheme with the general control of narcotic drugs — very far from it. Its powers are precisely defined in Article 24. Article 24 says that the functions of the Board shall be to watch continuously the course of the international trade, to call attention to any cases in which excessive quantities are being imported into any country

and in such cases to make recommendations to the Governments signatories to the Convention.

That is a limited power, which is very far from being a general control of narcotic drugs, and I think, therefore, that it would be misleading if we adopted the suggestion of the Polish delegate and called this Board the "Permanent Central Board for the Control of Narcotic Drugs". I think that it might cause some misapprehension in the minds of Governments and in the minds of those likely to be affected by the Convention if such a name were given to the Board. It would imply far stronger powers than those which we actually propose in the Convention. I would therefore suggest to the Conference that that amendment should not be accepted.

The Polish delegate also proposes to insert at the end of the first paragraph the words, "The Central Board shall elect its own President. We thought that was implied; the Central Board is given power to settle its rules of procedure. But I am quite prepared to accept the addition suggested by the Polish delegate.

Then he also suggests that the term of years for which the members of the Central Board are to be appointed should be five years and not three. There was some discussion on that point in the Sub-Committee. Some difference of opinion was expressed, and, if I remember rightly, the term of five years was originally adopted, but in deference to the objections of one or more delegates, the term of three years was substituted. But I am quite prepared to accept the term of five years if no objection is raised by the delegations in the Conference.

Now we come to the very important question which has been raised by the Polish delegate as to the constitution of the Central Board, and, in this connection, I must join with the President in his expression of regret that this question was not raised at the time when the report of Sub-Committee A came before the plenary Conference.

The question is one of substance which has a very important bearing on the work of the Central Board and the scheme of control which is contained in Chapter VI, and it ought to have been discussed fully at the plenary meeting when the Conference had before it the report of Sub-Committee A. No objection was raised at that time, however, and no reservations, if I remember rightly, were made on this point, and the Conference unanimously adopted the report of Sub-Committee A.

The proposal of the Polish delegate brings forward again a suggestion that was made in the report of Sub-Committee D to the effect that the Central Board should be composed of equal numbers of representatives of the consuming countries on the one side and the producing and the manufacturing countries on the other. The suggestion was considered at the meeting of the Co-ordination Committee, and the Chairman and the Rapporteur of Sub-Committee D withdrew the proposal of Sub-Committee D in favour of the proposal of Sub-Committee A. The proposal of Sub-Committee A therefore came before the Conference not only as the unanimous recommendation of Sub-Committee A but also as the unanimous recommendation of the Co-ordination Committee. It seems to me, therefore, a very serious thing to ask the Conference at this late hour to upset the recom-

mendation on this point which has so much support behind it.

The reasons why Sub-Committee A felt unable to accept the proposal for making the Board representative in equal parts of the consuming and the manufacturing and producing countries are set out in the Sub-Committee's report. I would like to read to the Conference what the Sub-Committee said:

"It is essential that the members of the Board should be absolutely impartial and independent on the one hand, and that, on the other, they should have an expert knowledge of the matters with which they will have to deal. Unless they possess both these qualifications they will not be able to command the general confidence both of the countries affected and of the world at large, on which the success of their work will depend.

"The Sub-Committee has accordingly proposed that the members of the Board shall be persons who, by their technical competence, impartiality and disinterestedness, are likely to command general confidence, and it has not seen its way to accept a suggestion that consuming, producing and manufacturing countries should be separately represented on the Board. It would, in its view, be fatal to the success of the scheme if the Board were to be representative of 'interests'.

"It recognises, however, the importance of preventing any suspicion that the Board is selected from a particular group of countries and of ensuring a wide field of candidates from which the electoral body can make its choice, and it has accordingly accepted the proposal that the selection shall be made from a list on which every signatory of the Convention would have the right to place one name. The Sub-Committee must emphasise the importance, however, of the signatory Governments, in the exercise of this right, taking the greatest care to put forward only the names of persons who possess the qualifications mentioned above."

The Polish delegate made some play with the words "impartiality" and "disinterestedness"; but I think that this Conference will take the view that the signification of those words is fairly well understood and that we need not quarrel with Sub-Committee A for selecting those particular words. I think that they ensure what we all desire, namely, that the Board should act in an absolutely impartial way and that it should not be under any suspicion of being the mouthpiece of particular interests but that it should maintain what is sometimes called an absolutely objective attitude. The proposal of the Committee was the result of very long discussions. I think that M. Bourgois will bear me out when I say that it was with the greatest difficulty and after prolonged sittings that we came to the unanimous result embodied in the proposal contained in Chapter VI.

I must say that I view with great fear any attempt to re-open the question now. On this particular question, the Ministers who represented the British Empire and, I think, France and the Netherlands also at our resumed sittings took a personal part in the settlement of this ques-

tion. Certainly, Viscount Cecil did. The compromise embodied in the text of the first paragraph of Article 19 is the result of that work. I think that to re-open the question now would land us in all the difficulties we had to face then and from which we only escaped with very great difficulty. I would therefore urge the Conference most strongly to leave the text of the Article as it stands.

If the text were to be changed in the manner the Polish delegate suggests the result would be a Board representative of particular interests, the interests of the manufacturing and producing countries on the one side and the interests of the consuming countries on the other, and the feeling which we have tried to create in the scheme we put before the Conference would not be secured — that is, the feeling that the Board would be absolutely impartial and do its work without consideration of anything but the actual merits of the case before it.

I see also a great practical difficulty in the suggestion which has been made by the Polish delegate. His amendment reads:

"The Board shall include eight persons, of whom four shall be designated by the producing and manufacturing countries and four by the consuming countries."

I ask myself: How are the consuming countries or the producing and manufacturing countries to nominate their four representatives?

Moreover, let me remind the Polish delegate that the consuming countries include practically all the countries of the world; they include the producing and manufacturing countries. How are all the countries of the world to appoint these four representatives on the Central Board? Are they to hold a conference every three or five years in order to proceed to an election, and what chance is there that if they did so they would ever arrive at a result which would be satisfactory to all or even to a large number of them? The difficulty as regards the machinery which this amendment would involve seems to me alone sufficient to make it impossible to accept it.

I make another criticism of less importance which occurs to me. The number proposed in the amendment is eight. The Board would have to elect a President. How is a decision ever to be taken unless the President has a casting vote? And the President will have to be chosen either from the one side or from the other. It seems to me that the proposed constitution of the Central Board would lead to endless difficulties. There would be two sets of interests balanced against one another, and I cannot imagine that a Board so constituted would really fulfil the objects which the Sub-Committee had in mind when it elaborated the scheme in this chapter.

I need say nothing more — perhaps I have said too much — about that proposal.

Two other proposals have been put before us. One was made by the delegate of the Kingdom of the Serbs, Croats and Slovenes. He criticised the composition of the Board as contained in Article 19 on the ground that it contained no representative of the producing countries. Well, the electoral body really consists, although it is a little disguised, of the Council of the League of Nations plus the United States of



America and Germany, and I think that we may take it — the Sub-Committee thought that we might take it — that such a body would be perfectly independent, would have regard to all the circumstances of the case and would choose a central Board which would be as independent and impartial as it is possible in human affairs to obtain.

If a representative of the producing countries were to be added, I find it very difficult to imagine how he would be selected. Is he to be a representative of the opium-producing countries or a representative of the coca-leaf-producing countries? Moreover, if that suggestion is considered favourable, there must be a representative of the manufacturing countries also.

Although it is true that the electoral body includes countries in which these manufactures are carried on, not all the manufacturing countries are represented. If we once get into that path we shall find ourselves up against very great difficulties. All things considered, I suggest that we should adhere to the recommendation of the Sub-Committee which was a result, as I said just now, of very long discussions and was finally its unanimous conclusion.

Then there was the suggestion of the delegate for Spain. He has presented us with an alternative. I gather that he did not lay very much stress on his first proposal that the nominations to the Central Board should be made by the Council of the League in agreement with the Governments of Germany and the United States. I am not quite sure what the words "in agreement with" would mean. I suppose that they would mean that the United States and Germany could veto any suggestion the Council of the League of Nations made.

I should prefer, if the Conference decided in favour of one or other of the Spanish proposals, to adopt the second. This proposal makes the States represented on the Council, together with the United States and Germany, one electoral body, which would discuss the matter and arrive at an agreement among themselves. The only reason why we did not adopt in the Sub-Committee the second suggestion made by the Spanish delegate was a political reason.

When this matter was before the Sub-Committee the United States delegation still formed part of the Conference, and that delegation thought that it would probably be easier to get this scheme ratified by the authorities in the United States if we avoided mentioning the Council of the League of Nations as such and put the proposal in the form in which the Sub-Committee has put it in this text. I do not know how far that consideration will weigh with the members of the Conference. We all desire, of course, that the United States should adhere eventually to this new Convention, and I think that we should avoid, if possible, creating anything which might make it difficult to secure that adherence.

**The President :**

*Translation :* M. Chodzko, delegate of Poland, will address the Conference.

**M. Chodzko (Poland) :**

*Translation :* You must excuse me if I trouble the Conference once more with questions which the President has so rightly called questions of principle, but my insistence is perhaps due to my inexperience of procedure in

international conferences. I must therefore beg for your indulgence. I am bound to point out, however, that in this very Conference, when a proposal had been adopted in plenary meeting, we have seen another very important resolution of principle, contrary to the first, adopted forty-eight hours afterwards.

Sir Malcolm Delevingne said that I wished to destroy the balance; I do not know whether this is an ungrateful or an agreeable task. In the case of Article 2 of our Convention, we have seen that the first French delegate, in order to preserve the balance, put forward a motion which we adopted, and two days later M. Kircher, also delegate of France, proposed a different motion. Did he, on that account, destroy the balance established under Article 2?

It seems to me that I have the right, at a first reading, which is not a Drafting Committee reading but a reading on the substance of the Convention, to propose amendments; the more so as I have received very precise instructions from my Government and as, in the memorandum which I sent to the Chairmen of the Sub-Committees, I emphasised the fact that it was the one condition on which my Government could accept the creation of the new body.

It therefore seems to me that I am within my rights if I draw your attention once more — at the eleventh hour, as Sir Malcolm Delevingne said — to the dangers which may threaten this Convention in future, if the consuming countries are not absolutely sure that their interests will be properly looked after.

Sir Malcolm Delevingne said that it would be almost impossible to make a choice among the consuming countries, and asked how consuming countries could be distinguished from producing countries, manufacturing countries, etc. In my own speech I said that, by consuming countries, I meant countries which were neither producing nor manufacturing. We all know which are the producing countries, and we also know which of them produce opium and which produce coca leaves. How will they be chosen? It seems to me that the Council, having before it forty names, twenty of which, for example, belong to consuming countries and twenty to producing countries, will have no difficulty in choosing three or four from each category. If, for example, a country producing coca leaves is not chosen at the first election, it may gain a place at the next one. As far as interests are concerned, I must emphasise once more the fact that if each Government submitted its list, this list would be influenced by that Government's interests.

Sir Malcolm Delevingne himself said that we had nothing to fear from the creation of this body, since all the interests involved were equitably represented on the Council which appoints it. Sir Malcolm Delevingne therefore admits the principle that his interests must be represented, and I am also of that opinion.

The point is an interesting, a delicate, and a dangerous one — for the interests of us all are equally at stake here — and I want to ask the members of the Conference to reflect before taking any decision. If my own or any similar proposal were rejected, I should be obliged to make every reservation with regard to Article 19.

**M. de Palacios (Spain) :**

*Translation :* I think it would be better not

to mix up the different proposals which have been made; we should settle the Polish before going on to the Spanish proposal, on which I will speak when the time comes.

**The President :**

*Translation :* Does any member of the Conference wish to express an opinion on the Polish proposals?

Since no one wishes to speak, we will take a decision regarding those proposals.

The Rapporteur has accepted two of the Polish delegate's four proposals, namely, that of adding the words "The Board shall elect its own Chairman" after the word "re-appointment," and that of substituting "term of five years" for "term of three years".

I presume the Rapporteur is speaking as representative of the Sub-Committee, and as no one has spoken against either of these two proposals, I regard them as adopted. (*Assent.*)

There remain two other proposals: that regarding the name of the Board and that regarding the constitution of that body.

I put to the vote the first of these two amendments, consisting in the addition of the words "for the control of narcotics" after the words "Central Board".

*This proposal was rejected by 9 votes to 6.*

I put the second amendment to the vote, namely:

"It (the Central Board) shall consist of eight persons: four appointed by countries which produce or manufacture narcotics and four by consuming countries."

*This amendment was rejected by 13 votes to 10.*

**M. Yovanovitch** (Kingdom of the Serbs, Croats and Slovenes):

*Translation :* If Article 19 stands as drafted, I must make every reservation on behalf of my Government. I shall be unable to accept it.

I reserve the right to put forward a proposal for the suppression of the Central Board and for entrusting its task to a section of the Secretariat of the League of Nations.

**The President :**

*Translation :* This reservation will be entered in the record of the meeting.

**Mehmed Sureya Bey** (Turkey):

*Translation :* I wish to make the same reservation as the honourable delegate of the Kingdom of the Serbs, Croats and Slovenes.

**The President :**

*Translation :* The debate on the Polish proposal is closed.

I declare the discussion on the two Spanish proposals open, and I call upon M. de Palacios, delegate of Spain, to speak.

**M. de Palacios** (Spain):

*Translation :* In Sub-Committee A, I made a reservation entitling me to raise this question in the plenary meeting. When the report was submitted to the Conference, I was unable, being unwell, to come and defend my Government's point of view in person, though I submitted it to the Chairman and Rapporteur.

The proposals submitted to you are alternative, but I greatly prefer the first. I am, however, prepared to accept the second in a spirit of compromise.

The Rapporteur said that he did not quite

understand the meaning of the first formula. Allow me to modify it slightly to make it clearer. It might read: "A permanent Central Board shall be appointed by the Council of the League of Nations and by Germany and the United States of America".

I take it that you now understand the meaning of the proposal which, with the authorisation of the Spanish Government, I have laid before you.

The Conference is dealing with a subject which has from the outset engaged the attention of the League of Nations. All the members of the League have been not only glad to have the assistance of countries not belonging to the League but have asked for it, and in their desire to give their work a universal character they have always been and still are disposed to give the countries which are not Members of the League the opportunity of taking part on the same footing as the countries which are Members in the organisations which we set up. But we should not make such a sacrifice as is represented by this repugnance to speak of the Council of the League.

One of the delegates pointed out in the Sub-Committee that we had a responsible organisation — the Council of the League — in which I consider in reality that all the Members are represented. Are we to forget the existence of the Council? Is the mention of that body likely to offend anyone? I do not see why it should. Notwithstanding the formula employed in Article 19 with a view to making us forget — if that were possible — the existence of the Council, we find in Article 20 the words "the Council of the League of Nations shall, in consultation with the Board, make..." And later "the Council shall also, in consultation with the Governments of any Contracting Parties who are not Members of the League, take..."

If I am not mistaken, these two phrases have been accepted in Sub-Committee A without any reservation by the delegations of countries which did not belong to the League of Nations. Further on, in Article 24, paragraph 3, we find that an appeal can be made to the Council when a Government is not prepared to act on a recommendation of the Central Board. No reservations were made regarding this appeal either. Lastly, in Article 36 we read: "The present Convention shall not come into force until it has been ratified by ten Powers, including seven of the States mentioned in Article 19, of whom at least two must be permanent Members of the Council of the League".

I do not know what is the attitude of the United States or of Germany with regard to Article 36. But I observe that this Convention, as is quite natural, is continually bringing in the Council of the League of Nations. Why should we employ this special formula which has been proposed and say: "A Permanent Central Board shall be appointed within three months from the coming into force of the present Convention by such of the following States as have at that time ratified the Convention — that is to say: Germany, the United States of America, the British Empire, France, Italy, and Japan — together with those States who have non-permanent seats on the Council of the League".

So now we are going to divide the Council

of the League of Nations into two parts! This is quite a new departure. Are not these countries — the British Empire, France, Italy and Japan — permanent Members of the Council of the League? We find ourselves in quite an unexpected situation. To appoint the Central Board, we set up a body in which the League is only represented by the non-permanent Members. I can see no point in making such a division between the Members of the Council in regard to a subject which is of common interest to the League. We must speak frankly and state the facts as they are. We must mention by name the Council of the League and the Governments of Germany and the United States of America. The Conference must consider the question and decide.

If it does not share my opinion, I am ready to accept the second alternative: "A Permanent Central Board shall be appointed within three months from the coming into force of the present Convention by the States represented on the Council of the League and by Germany and the United States of America". As a matter of fact, these are not my own words; you will find them in the report.

**The President :**

*Translation :* I call upon Sir Malcolm Delevingne, delegate of the British Empire, to speak.

**Sir Malcolm Delevingne (British Empire) :**

I have not very much to add to what I said just now. I quite admit the force of the argument adduced by the Spanish delegate from the references to the Council in other articles of our draft Convention. I can only say that the United States delegation laid considerable stress on the point in this article, but did not lay the same stress, or — if I remember rightly — any stress on the words in other articles. I cannot explain that fact; I can only say that it existed, and we drafted the article in this way in deference to the views expressed by the United States delegation, and, I might add, in deference to the views expressed also by other delegations on the Sub-Committee. As I say, it was a compromise between several conflicting views and unanimously accepted; I should think that that is a very strong argument for leaving the text as it stands.

But there is another argument which also seems to me very strongly in favour of retaining the present text. If the Conference will look at the text of the article it will see that it reads as follows: "A permanent Central Board shall be appointed, within three months from the coming into force of the present Convention, by such of the following States as have at that time ratified the Convention". That means that only those States that have ratified the Convention or have become parties to it at the time when the appointment is made are to take part in making the appointment.

If the amendment of the Spanish delegate were accepted, it might have the following result: When the date arrives for making the appointment, it might quite well be that a number of States on the Council — even the majority of them — might not have ratified the Convention, so that the effect of the Spanish proposal would be to allow a majority of States which had not ratified the Convention and which were not parties to it to take part in the appointment of a Central Board. Now that seemed to the

Sub-Committee to be undesirable. The Sub-Committee was of opinion that only those States should take part in the appointment of the Central Board which had ratified the Convention and become parties to it. Such an attitude seems to me to be very reasonable. Are the delegates in the Conference prepared to agree to the appointment of a Central Board for the carrying-out of the provisions of this chapter by a majority of States which are not parties to the Convention? I suggest that the best course is to adhere to the form of words which was very carefully worked out, as I said just now, after a long discussion by the Sub-Committee.

**M. Dendramis (Greece) :**

*Translation :* I make the same reservation as the delegate of the Kingdom of the Serbs, Croats and Slovenes in regard to the article which was adopted just now.

**M. El Guindy (Egypt) :**

*Translation :* I also make the same reservation, Mr. President.

**The President :**

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

May I make one correction in what I said just now? I said that it might be possible for the Central Board to be appointed by a majority of Powers which had not ratified the Convention.

That is a mistake. If the members of the Conference will look at Article 36, they will see that, as it reads now, the Board cannot come into force until seven of the States mentioned in Article 19 have ratified. That would mean that the majority of the twelve Powers which are mentioned in Article 19 must have ratified the Convention before the Central Board can be set up. But I still think that the argument holds, though not quite so strongly, that the Board might be appointed by a body of twelve States, five of whom might not have ratified the Convention or become parties to it.

**The President :**

*Translation :* M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios (Spain) :**

*Translation :* The question of ratification which has been raised by the Rapporteur is certainly a very interesting one, but I do not think it would be very difficult to find a formula providing quite a satisfactory solution. In any case, I think that the advantage of taking a proper view of the Council's attributions would amply compensate for the drawback that several of its members might not have ratified the Convention. Provision is made for that in my first proposal. On the other hand, if my second proposal is adopted, Sir Malcolm Delevingne's objection will no longer hold good.

As regards the attitude of the United States delegation, all I know is that at the ninth meeting of Sub-Committee A, on January 28th, an amendment was put forward by the British delegation. Viscount Cecil said that he thought Mr. Porter wished to submit another version of this amendment, providing that the Central Board should be appointed by the

States represented on the Council and by one delegate selected among the States not represented on the Council. Mr. Porter, in fact, then submitted a subordinate amendment the object of which was, he said, to ensure that the States not Members of the League should have due influence in the selection of the Board. He proposed, amongst other things, that the fifty-two Members of the League should appoint ten persons and that the four States not Members of the League should appoint one person.

The subordinate amendment gave rise to the formula which you will find in document O.D.C./S.C.A./5 (1)<sup>1</sup> and which reads as follows: "A Permanent Central Board shall be appointed by the States which are represented on the Council of the League of Nations together with one State chosen by those Contracting Parties which are not Members of the League, as their representative". It seems to me, therefore, that the second proposal which I submitted this

<sup>1</sup> Vide Minutes of Sub-Committee A, Annex 9.

morning tallies with the proposal made in Sub-Committee A by the United States delegation.

The Rapporteur told us that the report had been adopted unanimously by Sub-Committee A, but I would like to point out that he should have said "almost unanimously", as I made important reservations which I asked to have inserted in the report. I also remember that reservations were made by the representatives of Switzerland and the Netherlands. I do not know whether these reservations have been withdrawn.

**M. van Wettum** (Netherlands) :

They have not been withdrawn.

**The President :**

*Translation :* If the members of the Conference have no objection, I will postpone the vote on this question in view of the late hour.

As there is no objection, I propose that we should adjourn the meeting until to-morrow at 10.30 a.m.

*The Conference rose at 6.55 p.m.*

## THIRTY-FOURTH MEETING

*Held at Geneva, on Saturday, February 14th, 1925, at 10.30 a.m.*

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President : M. Herluf ZAHLE.

### 100. FIRST READING OF THE DRAFT CONVENTION : ARTICLE 11 : EXAMINATION OF THE REPORT OF THE SUB-COMMITTEE ON INDIAN HEMP.

**The President :**

*Translation :* The Sub-Committee which you appointed at the thirty-first meeting to discuss the question of Indian hemp has successfully completed its work, and has arrived at a result acceptable to all concerned. I propose that you should now hear the report of this Sub-Committee.

I call upon the Rapporteur, Prof. Perrot, the delegate of France, to speak.

**M. Perrot** (France), Rapporteur :

*Translation :* There is no need for me to make any further mention of the importance of including the question of Indian hemp in the agenda of the Conference. As it was the first time that this expression had been used, internationally speaking, we had to devote the closest attention to the study of a number of difficulties which arose. In particular, the honourable delegate for Egypt urged, with somewhat uncompromising insistence, if I may say so, that we

should indicate clearly the conditions governing the trade in Indian hemp and its preparations.

Further, there exist long-established customs with regard to the consumption of Indian hemp, whether it is smoked or consumed in other ways. We were faced with a problem as delicate as, and perhaps even more difficult to solve than, that of opium for smoking. Accordingly, we had to endeavour to evolve measures which would be sufficiently effective in the case of some countries and yet would not be impossible to carry out in certain others.

The following is the text upon which we have agreed.

In the first place, we have decided to insert in Article 4 — the old Article 14 of the American suggestions — the galenic preparations (that is to say, preparations intended for medical use) of Indian hemp which are specified by name as extracts or tinctures. The sentence will therefore run: "(g) to galenic preparations: extract and tincture of Indian hemp". Thus, this only covers preparations actually medicinal, and nothing else.

On the other hand, the Sub-Committee decided unanimously — for these decisions were taken unanimously — to insert the following text in Chapter IV.

"I. The provisions of Chapter V of the present Convention shall apply to Indian hemp. In addition, and subject to the other provisions of Chapter V, each Contracting Party undertakes :

"(a) In the case of the resin prepared from Indian hemp to prohibit export except to any importing country which may not have prohibited its use, and in such case shall require the production of a special import certificate issued by the importing country and certifying that the importation is approved for the purposes specified in the certificate, and guaranteeing that the goods will not be re-exported.

"(b) In the case of Indian hemp, each Contracting Party undertakes, before issuing the export authorisation referred to in Article 13 of the present Convention, to require the production of a special import certificate issued by the Government of the importing country, certifying that the importation is approved, and that the goods are required exclusively for medical or scientific purposes.

"II. The Contracting Parties shall exercise such effective control as to prevent the illicit traffic in Indian hemp, and especially in the resin."

We have just concluded our work; we shall consider the draft of this unanimously adopted solution once again.

I do not think that there will be any discussion for the moment. If anyone wants to make any remarks, he will be able to do so at the second reading.

**The President :**

*Translation :* The discussion on the Sub-Committee's report is open.

**Prince Damras (Siam) :**

*Translation :* As I have no instructions from my Government with regard to the question of Indian hemp, I shall be obliged, when signing the Convention, to make reservations on this point.

**The President :**

*Translation :* If there are no other reservations in addition to that just submitted by the Siamese delegate, I regard the Sub-Committee's proposal as accepted. Chapter IV, Article II of the draft Convention will therefore be sent to the Drafting Committee. (*Agreed.*)

## 101. FIRST READING OF THE DRAFT CONVENTION : ARTICLES 19, 28-39 : CONTINUATION OF THE DISCUSSION.

*Article 19 (Continuation of the discussion).*

**The President :**

*Translation :* At the close of our last meeting we were discussing Chapter VI, Article 19, of the draft Convention.

Several amendments have been proposed on questions of principle and of drafting. I expect that other amendments will be submitted in respect of the other articles of this chapter, for it is to some extent the pivot of our Convention. I therefore think it very important to know the opinions of the different delegations regarding the various points of this chapter.

I will therefore ask you, gentlemen, to be so good as to let me have before 1 o'clock to-day the different proposals that you think fit to submit with regard to Article 19 and the other articles in Chapter VI of the draft Convention now before you. I think it would be better not to discuss this chapter to-day so that we may have a little time to reflect upon all the proposals regarding it. I should like to have the discussion postponed until Monday morning.

There is another reason why I propose an adjournment. We have all found during discussion in the plenary Conference that proposals

have been submitted by the different delegations during this first reading of the draft Convention. If this is the case with articles the principles of which had already been more or less generally accepted in the reports, I fear all the more that numerous modifications will be suggested for the general provisions in the chapter which follows Chapter VI. These provisions are extremely difficult to draft, Your Drafting Committee is doing its utmost, but as the Conference had given it no directions, the work is not yet quite complete.

The interval between now and the next plenary meeting will allow your Drafting Committee to complete its work and to meet the wishes expressed by the members of the Conference.

If the Conference agrees, we will begin the general discussion of the articles included in Chapter VII.

There is reason to think that all the proposals submitted to me will be distributed this evening, so that you will have time to study them before recommencing the discussion of Chapter VI.

May I consider the above proposal as accepted by the Conference?

M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios (Spain) :**

*Translation :* For my part, I am in agreement with the recommendations just made to us. I should like, however, to put my case. With regard to some of the articles in Chapter VI, I shall perhaps submit proposals of amendment, but that will depend upon the explanations given to us by the Rapporteur in the course of the discussion. It is difficult to draft an amendment before knowing the exact meaning of the article, and it was my intention to ask the Rapporteur for certain explanations and then to draft my amendment in accordance with his reply. That is the reservation which I desire to make. I may mention that I am referring to Article 26.

**The President :**

*Translation :* I propose this programme of work, of course, only within the limits of what is possible. At the same time, I beg the Spanish delegate to consider how difficult it is for the Rapporteur to be constantly making statements about these rather complicated matters without knowing the amendment or the desire that inspires the amendment. I will therefore ask the Spanish delegation to submit its amendment, even if it were necessary to withdraw it afterwards.

**M. de Palacios (Spain) :**

*Translation :* I will do what I can to comply with the wish expressed by the President.

## CHAPTER VII : GENERAL PROVISIONS.

*Article 28.*

The text of Article 28 was read as follows :

"Each of the Contracting Parties agrees that breaches of its laws or regulations by which the provisions of the present Convention are enforced shall be punishable by adequate penalties, including, in appropriate cases, the confiscation of the substances concerned."

**The President :**

*Translation :* The discussion on Article 28 is open.

M. El Guindy, delegate of Egypt, will address the Conference.

**M. El Guindy (Egypt) :**

*Translation :* At the wish of my Government, I have already had the honour of making a proposal to you with regard to the penal measures to be inserted in the Convention. I asked that the penalties for breaches of the provisions of this Convention should be made uniform for all countries and that they should in no case be less than those imposed in the case of a "délit"; in some countries these breaches are only punishable as "contraventions", a penalty which is certainly too light.

**The President :**

*Translation :* Do any other delegates wish to speak on this article ?

No one desires to speak.

Does the Rapporteur wish to say anything on this point ?

**Sir Malcolm Delevingne (British Empire) :**

I think that the difficulty in the way of the suggestion made by the Egyptian delegate is that the conception (*délit*), if I may so call it, is not universal. For example, we have no equivalent in the criminal law of Great Britain, and I imagine the same is the case with other countries. That alone, I think, would make it impossible to put the suggestion of the Egyptian delegate into a form of words which could be accepted by all countries, because the "délit" is not universal, and the only form of words in which we could put it would not be universal either.

We had a considerable discussion on this article in the Drafting Committee and also in Sub-Committee E, and it was generally agreed that we should not go farther than the proposal that we have made in the present text of the article. The very point which the Egyptian delegate has raised was raised by some delegations, and it was decided that it would be extremely difficult, if not impossible, to incorporate the idea in the text. I hope, in view of this explanation, that the Egyptian delegate will not press his point.

**The President :**

*Translation :* If there is no opinion to the contrary, I take it that the Conference is agreed to refer this article as it stands to the Drafting Committee.

**M. van Wettum (Netherlands) :**

Mr. President, I beg your pardon for a moment. It is impossible to understand the proposition as made by the Egyptian delegate — does it concern a "délit" or a "contravention" ? I do not understand the word. It depends entirely on the procedure in each country. We cannot accept the Egyptian proposal.

*Article 28 was adopted at the first reading and referred to the Drafting Committee.*

*Article 29.*

The text of Article 29 was read as follows :

"The Contracting Parties will examine in the most favourable spirit the possibility

of taking legislative measures to render punishable illegitimate transactions which are carried out in another country by a person residing within their territories."

**The President :**

*Translation :* M. Dinichert, delegate of Switzerland, will address the Conference.

**M. Dinichert (Switzerland) :**

*Translation :* The terms of this article indicate that we are dealing not so much with a conventional stipulation so-called as with a readiness on the part of the Governments to study the question. Moreover, this article touches the fundamental principles governing the penal code in the different countries. Certain countries, among which is Switzerland, do not provide in their penal system for the punishment in their country of an offence (*délit*) committed wholly abroad, in any case, if committed by a foreigner. If the national of a country is concerned, he could be prosecuted in that country, as you know, and if the case in question came within the scope of an extradition treaty, the foreigner concerned could be extradited.

Consequently, if we accepted this provision, it would be fated to remain a dead letter for a considerable time in a fairly large number of countries, because we could not persuade Parliament to modify one of the fundamental principles of the penal system for the sake of this clause.

You will remember that, in Switzerland, we have, as regards offences against the present Convention, a provision which goes as far as possible, since it says that anyone who, without authority, shall have manufactured, prepared, imported or exported, bought, possessed, retained, sold or even given or offered to sell or give the products mentioned shall be liable to imprisonment for a year or to a fine not exceeding 20,000 francs. That is to say, in Switzerland there is no criminal offence (*délit*) or attempted criminal offence which remains unpunished, provided that it was committed within the country. It would, however, be impossible to prosecute for an offence of which no trace could be found in the country. That is why I proposed that the provision in question, instead of being included in the Convention itself, should be sent out to the Governments in the form of a recommendation or "vœu".

I would like to add the following consideration, which seems to me of importance. If we leave this clause in the Convention, it will be submitted with the other articles for the approval of Parliament. There are Parliaments in which a provision of this kind might give rise to real difficulties. I do not think that it is wise to raise difficulties regarding the ultimate ratification of our Convention for the sake of a clause which, when all is said and done, constitutes only a recommendation. By formulating my proposal, I have tried to act in the interests of the prompt ratification of the Convention.

**The President :**

*Translation :* Am I right in interpreting M. Dinichert's proposal to mean that this recommendation should be inserted in the Final Act ?

**M. Dinichert (Switzerland) :**

*Translation :* I agree that this provision could be inserted in the Final Act in the form of



a recommendation or "vœu" to be addressed to the Governments. The text will then not have to be ratified.

**The President :**

*Translation :* The Conference has now before it an amendment put forward by the Swiss delegation asking for the deletion of Article 29 from the Convention and its inclusion in the Final Act as a recommendation to Governments. The discussion of this amendment is open.

Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

This article refers to a very important matter, and I hope that the Conference will consider it very carefully. The article has been inserted in order to give effect to a suggestion which was made by the Opium Advisory Committee at its session of last August. I had better read the recommendation of the Opium Advisory Committee in full, because it sets out more clearly than the article does what the intention is :

"The Conference makes the following recommendation: That each Government should forbid any person within its jurisdiction from procuring or assisting the commission, in any place outside its jurisdiction, of any offence against the laws in force in such place for controlling or regulating the manufacture, sale, use, export or import of any of the substances covered by the Convention."

I am not quite sure that I understood M. Dinichert's objection; but perhaps it will help to remove any misunderstanding in the minds of members of the Conference if I give a concrete instance of the kind of case that this recommendation was intended to meet. It is a case drawn from my own experience in the administration of these laws in Great Britain. A case occurred the year before last in which a person residing in London and having an office in London organised on a large scale the export of these drugs to the Far East. It was impossible for him to procure the drugs in England. He arranged by correspondence and through agents for the purchase of these drugs in some other countries and for the export of the drugs from those countries direct to the Far East. There was no actual export and no actual purchase of these drugs in Great Britain itself. He simply carried on the correspondence from Great Britain. He made payments by cheque or in other ways from Great Britain; but the actual purchase and export of the drugs to the Far East was effected from the other countries. That is the kind of case which this article is intended to meet.

M. Dinichert said, or seemed to suppose, that this article had reference only to offences outside the jurisdiction of the State; but I would point out to him that, though it is true that part of the offence is committed outside that jurisdiction, there is a definite act or a series of acts which are committed within it. The person in question was procuring or assisting, by acts committed within the jurisdiction of the British Government, the commission of an offence outside that jurisdiction. That is the sort of procuring or assisting committed within the jurisdiction of a country which it is intended to punish under the terms of this article.

We have made provision in the British law for such cases very much on the lines of the recommendation of the Advisory Committee, and, in fact, it was, in view of the British experience that the Advisory Committee made its recommendation. We have found it an extremely valuable weapon for dealing with the contraband trade. As we all know, the contraband trade is carried on mainly by large syndicates or organisations having their headquarters in one or more places and carrying on their operations over a very wide area outside the jurisdiction.

Unless the Governments can hit that kind of operation, the campaign against the contraband trade is almost certain to fail. It may be possible to catch, now and again, the small smuggler, the man who brings in a small quantity of drugs on his person, but it is not possible successfully to cope with the large operations, which are the real source of the evil, without some provision of this kind.

M. Dinichert has called attention to the fact that there is no obligation on the Governments to give effect to this recommendation. That is perfectly true. When we discussed the matter in the Advisory Committee, and again when we discussed it in the First Opium Conference, attention was called to the fact that at present there might be constitutional difficulties in certain countries in the way of carrying it out, and that is a reason why we have put it in this modified form.

Many of us would have wished to see the provision put in a much more categorical and definite form, but, in view of those constitutional difficulties, it was felt that we could not go further than was actually done in this case. It seems to me that the fact that there is no definite obligation to carry out the recommendation is no reason why we should not insert the article in the Convention. The article does at least require the Governments to give their most favourable consideration to the possibility of inserting such a provision in their national legislation, and I would strongly urge the Conference for that reason to retain the article as it stands in the Convention.

I would only add, in conclusion, that the First Opium Conference has adopted the same article and inserted it in the Convention which was signed the day before yesterday. It would be a little unfortunate if this Conference were to put this proposal on a lower plane (for it would be a lower plane) by inserting it as a "vœu" in the Final Act. I hope M. Dinichert will not press his objections but will allow the article to stand. It is an article to which very many of us attach great importance, and, although we may not have obtained as much as we might wish, we would rather retain what we have than allow the article to be relegated to the comparative obscurity of the Final Act.

**The President :**

*Translation :* I call upon M. Dinichert, delegate of Switzerland, to speak.

**M. Dinichert (Switzerland) :**

*Translation :* This question is evidently so complex that it is necessary to explain clearly what we mean to say and do. Sir Malcolm Delevingne asks me not to press my objection.

I shall certainly not press it if the misunderstanding is cleared up; I shall only press it if there is still any doubt on the matter.

It is true that the Advisory Committee itself has made a recommendation to us in the terms that have just been read to you and in which it is said that each Government should forbid any person within its jurisdiction from procuring or assisting the commission, in any place outside its jurisdiction, of any offence against the laws in force in such place.

If I understand this proposal rightly in the form in which it is now submitted to us and after Sir Malcolm Delevingne's explanations, we might, for example, have to deal with the following case. An individual living in Great Britain commits an offence against the British laws on drugs, and commits the entire offence in Great Britain. He flies the country and takes refuge in Switzerland. We should be compelled to prosecute, according to the text of the recommendation itself. The States would have to undertake to prosecute the perpetrators of offences committed wholly abroad.

Sir Malcolm Delevingne furnishes us with an interesting example, namely, that of a person resident in England and effecting commercial transactions by correspondence. Suppose that that person were in correspondence with someone in Switzerland and that the latter had committed some act in Switzerland, as, for example, purchasing or exporting a prohibited substance. In this case the situation is totally different. If the offender were punished in England, it would be because British law provided for the punishment of this procuring or assisting in the commission of an offence. If the honourable delegate of the British Empire asks us to punish the person in Switzerland, I can tell him at once that in this case our law evidently allows us to do so, since the act committed in Switzerland is covered by our domestic legislation.

The question is therefore as follows: Are we to punish in country A a person who has committed an offence in country B only against the law of country B? I maintain that that would be impossible for us and for other countries, because it would be contrary to one of the general principles of penal law in many countries, under which it is not possible for a country to prosecute in the case of an offence committed wholly against the laws of another country.

If, on the other hand, it is a case of two offences to some extent linked up, of an offence committed mainly in one country but with the aid of accomplices in another, my objection disappears.

Accordingly, I beg to state that the form of the recommendation, the actual text of Article 29, and the practical example which has just been quoted to us do not seem to me at all to tally with one another. If, on the other hand, a draft of this Article 29 is submitted to us, whereby Governments are invited to promulgate laws which make it possible to prosecute, when the main offence has been committed in a third country, for some act or other committed by accomplices in their own territory, I have no further objection of any kind to make. But that is not what I understood, for the text proposed does not say it. I will ask the Drafting Committee to see whether it cannot introduce this new idea into its draft. My objection will then, no doubt, be met.

**The President :**

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

I am much obliged to M. Dinichert for his further explanation, which makes it quite clear that there is no difference of opinion between us. There was no intention whatever of proposing that, in such a case as he mentioned, namely, that of a person committing an offence in England against English law and then taking refuge in Switzerland, the Swiss Government should be asked to proceed against the refugee for the crime committed in Great Britain.

I think M. Dinichert has correctly described, in the last part of his remarks, what the intention was, and I am sure the Drafting Committee would be prepared to express more clearly that intention.

**M. Dinichert (Switzerland) :**

*Translation :* In these circumstances, not only do we not request that such a provision should be removed from the Convention, but we strongly urge its inclusion. This explanation, however, was needed. It was necessary to take account of what we could do. We are in favour of the utmost possible extension of the penal laws in order to cover not only the commission of the actual offence but also the procuring or assistance in the commission of that offence, in the widest sense of the term.

**The President :**

*Translation :* I think that the Conference is in favour of referring Article 29 to the Drafting Committee, with the request that it will make a more exact draft, taking into consideration the remarks made by the delegate of Switzerland.

*Article 29 was approved at the first reading and referred to the Drafting Committee.*

#### *Article 30.*

The text of Article 30 was read as follows :

“The Contracting Parties shall communicate to one another, through the Secretary-General of the League of Nations, their existing laws and regulations respecting the matters referred to in the present Convention, so far as this has not already been done, as well as those promulgated in order to give effect to the said Convention.”

**The President :**

*Translation :* The discussion on Article 30 is open. M. van Wettum, delegate of the Netherlands, will address the Conference.

**M. van Wettum (Netherlands) :**

I do not know whether I am in order or not, but I only wish to ask a question. Article 20 of the Hague Convention reads as follows :

“The Contracting Powers shall examine the possibility of enacting laws or regulations making it a penal offence to be in illegal possession of raw opium, prepared opium, morphine, cocaine, and their respective salts, unless laws or regulations on the subject are already in existence.”

The only question I wish to ask is whether it would be preferable to insert a stipulation of that kind in the new Convention.

a recommendation or "vœu" to be addressed to the Governments. The text will then not have to be ratified.

**The President :**

*Translation :* The Conference has now before it an amendment put forward by the Swiss delegation asking for the deletion of Article 29 from the Convention and its inclusion in the Final Act as a recommendation to Governments. The discussion of this amendment is open.

Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference:

**Sir Malcolm Delevingne (British Empire) :**

This article refers to a very important matter, and I hope that the Conference will consider it very carefully. The article has been inserted in order to give effect to a suggestion which was made by the Opium Advisory Committee at its session of last August. I had better read the recommendation of the Opium Advisory Committee in full, because it sets out more clearly than the article does what the intention is :

"The Conference makes the following recommendation: That each Government should forbid any person within its jurisdiction from procuring or assisting the commission, in any place outside its jurisdiction, of any offence against the laws in force in such place for controlling or regulating the manufacture, sale, use, export or import of any of the substances covered by the Convention."

I am not quite sure that I understood M. Dinichert's objection; but perhaps it will help to remove any misunderstanding in the minds of members of the Conference if I give a concrete instance of the kind of case that this recommendation was intended to meet. It is a case drawn from my own experience in the administration of these laws in Great Britain. A case occurred the year before last in which a person residing in London and having an office in London organised on a large scale the export of these drugs to the Far East. It was impossible for him to procure the drugs in England. He arranged by correspondence and through agents for the purchase of these drugs in some other countries and for the export of the drugs from those countries direct to the Far East. There was no actual export and no actual purchase of these drugs in Great Britain itself. He simply carried on the correspondence from Great Britain. He made payments by cheque or in other ways from Great Britain; but the actual purchase and export of the drugs to the Far East was effected from the other countries. That is the kind of case which this article is intended to meet.

M. Dinichert said, or seemed to suppose, that this article had reference only to offences outside the jurisdiction of the State; but I would point out to him that, though it is true that part of the offence is committed outside that jurisdiction, there is a definite act or a series of acts which are committed within it. The person in question was procuring or assisting, by acts committed within the jurisdiction of the British Government, the commission of an offence outside that jurisdiction. That is the sort of procuring or assisting committed within the jurisdiction of a country which it is intended to punish under the terms of this article.

We have made provision in the British law for such cases very much on the lines of the recommendation of the Advisory Committee, and, in fact, it was, in view of the British experience that the Advisory Committee made its recommendation. We have found it an extremely valuable weapon for dealing with the contraband trade. As we all know, the contraband trade is carried on mainly by large syndicates or organisations having their headquarters in one or more places and carrying on their operations over a very wide area outside the jurisdiction.

Unless the Governments can hit that kind of operation, the campaign against the contraband trade is almost certain to fail. It may be possible to catch, now and again, the small smuggler, the man who brings in a small quantity of drugs on his person, but it is not possible successfully to cope with the large operations, which are the real source of the evil, without some provision of this kind.

M. Dinichert has called attention to the fact that there is no obligation on the Governments to give effect to this recommendation. That is perfectly true. When we discussed the matter in the Advisory Committee, and again when we discussed it in the First Opium Conference, attention was called to the fact that at present there might be constitutional difficulties in certain countries in the way of carrying it out, and that is a reason why we have put it in this modified form.

Many of us would have wished to see the provision put in a much more categorical and definite form, but, in view of those constitutional difficulties, it was felt that we could not go further than was actually done in this case. It seems to me that the fact that there is no definite obligation to carry out the recommendation is no reason why we should not insert the article in the Convention. The article does at least require the Governments to give their most favourable consideration to the possibility of inserting such a provision in their national legislation, and I would strongly urge the Conference for that reason to retain the article as it stands in the Convention.

I would only add, in conclusion, that the First Opium Conference has adopted the same article and inserted it in the Convention which was signed the day before yesterday. It would be a little unfortunate if this Conference were to put this proposal on a lower plane (for it would be a lower plane) by inserting it as a "vœu" in the Final Act. I hope M. Dinichert will not press his objections but will allow the article to stand. It is an article to which very many of us attach great importance, and, although we may not have obtained as much as we might wish, we would rather retain what we have than allow the article to be relegated to the comparative obscurity of the Final Act.

**The President :**

*Translation :* I call upon M. Dinichert, delegate of Switzerland, to speak.

**M. Dinichert (Switzerland) :**

*Translation :* This question is evidently so complex that it is necessary to explain clearly what we mean to say and do. Sir Malcolm Delevingne asks me not to press my objection.

I shall certainly not press it if the misunderstanding is cleared up; I shall only press it if there is still any doubt on the matter.

It is true that the Advisory Committee itself has made a recommendation to us in the terms that have just been read to you and in which it is said that each Government should forbid any person within its jurisdiction from procuring or assisting the commission, in any place outside its jurisdiction, of any offence against the laws in force in such place.

If I understand this proposal rightly in the form in which it is now submitted to us and after Sir Malcolm Delevingne's explanations, we might, for example, have to deal with the following case. An individual living in Great Britain commits an offence against the British laws on drugs, and commits the entire offence in Great Britain. He flies the country and takes refuge in Switzerland. We should be compelled to prosecute, according to the text of the recommendation itself. The States would have to undertake to prosecute the perpetrators of offences committed wholly abroad.

Sir Malcolm Delevingne furnishes us with an interesting example, namely, that of a person resident in England and effecting commercial transactions by correspondence. Suppose that that person were in correspondence with someone in Switzerland and that the latter had committed some act in Switzerland, as, for example, purchasing or exporting a prohibited substance. In this case the situation is totally different. If the offender were punished in England, it would be because British law provided for the punishment of this procuring or assisting in the commission of an offence. If the honourable delegate of the British Empire asks us to punish the person in Switzerland, I can tell him at once that in this case our law evidently allows us to do so, since the act committed in Switzerland is covered by our domestic legislation.

The question is therefore as follows: Are we to punish in country A a person who has committed an offence in country B only against the law of country B? I maintain that that would be impossible for us and for other countries, because it would be contrary to one of the general principles of penal law in many countries, under which it is not possible for a country to prosecute in the case of an offence committed wholly against the laws of another country.

If, on the other hand, it is a case of two offences to some extent linked up, of an offence committed mainly in one country but with the aid of accomplices in another, my objection disappears.

Accordingly, I beg to state that the form of the recommendation, the actual text of Article 29, and the practical example which has just been quoted to us do not seem to me at all to tally with one another. If, on the other hand, a draft of this Article 29 is submitted to us, whereby Governments are invited to promulgate laws which make it possible to prosecute, when the main offence has been committed in a third country, for some act or other committed by accomplices in their own territory, I have no further objection of any kind to make. But that is not what I understood, for the text proposed does not say it. I will ask the Drafting Committee to see whether it cannot introduce this new idea into its draft. My objection will then, no doubt, be met.

**The President :**

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

I am much obliged to M. Dinichert for his further explanation, which makes it quite clear that there is no difference of opinion between us. There was no intention whatever of proposing that, in such a case as he mentioned, namely, that of a person committing an offence in England against English law and then taking refuge in Switzerland, the Swiss Government should be asked to proceed against the refugee for the crime committed in Great Britain.

It hink M. Dinichert has correctly described, in the last part of his remarks, what the intention was, and I am sure the Drafting Committee would be prepared to express more clearly that intention.

**M. Dinichert (Switzerland) :**

*Translation :* In these circumstances, not only do we not request that such a provision should be removed from the Convention, but we strongly urge its inclusion. This explanation, however, was needed. It was necessary to take account of what we could do. We are in favour of the utmost possible extension of the penal laws in order to cover not only the commission of the actual offence but also the procuring or assistance in the commission of that offence, in the widest sense of the term.

**The President :**

*Translation :* I think that the Conference is in favour of referring Article 29 to the Drafting Committee, with the request that it will make a more exact draft, taking into consideration the remarks made by the delegate of Switzerland.

*Article 29 was approved at the first reading and referred to the Drafting Committee.*

*Article 30.*

The text of Article 30 was read as follows :

"The Contracting Parties shall communicate to one another, through the Secretary-General of the League of Nations, their existing laws and regulations respecting the matters referred to in the present Convention, so far as this has not already been done, as well as those promulgated in order to give effect to the said Convention."

**The President :**

*Translation :* The discussion on Article 30 is open. M. van Wettum, delegate of the Netherlands, will address the Conference.

**M. van Wettum (Netherlands) :**

I do not know whether I am in order or not, but I only wish to ask a question. Article 20 of the Hague Convention reads as follows :

"The Contracting Powers shall examine the possibility of enacting laws or regulations making it a penal offence to be in illegal possession of raw opium, prepared opium, morphine, cocaine, and their respective salts, unless laws or regulations on the subject are already in existence."

The only question I wish to ask is whether it would be preferable to insert a stipulation of that kind in the new Convention.

**The President :**

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

I think M. van Wettum has put his finger on an omission in the text of the new Convention. If he will refer to Article 7 of the new text, he will see that we have re-enacted the provision in the Hague Convention, which says that "the Contracting Parties shall take measures to prohibit the delivery to any unauthorised persons of the substances to which this chapter applies". But we have not added a provision to deal with the possession of those substances by unauthorised persons.

I think that under the legislation of most countries it is already an offence for an unauthorised person to be in possession of those substances, and, unless any delegation in the Conference sees an objection, I should think we might strengthen the existing provision in Article 20 of the Hague Convention to which M. van Wettum has alluded, and add to Article 7 of our new text some words which would have the effect of prohibiting not only the delivery to unauthorised persons of the substances, but also the possession by unauthorised persons of those substances. If the Conference is of that opinion, the Drafting Committee can prepare a text.

**The President :**

*Translation :* Does M. van Wettum accept this addition ?

**M. van Wettum (Netherlands) :**

*Translation :* Certainly.

*Article 30 was adopted at the first reading and referred to the Drafting Committee.*

*Article 31.*

The text of Article 31 was read as follows :

"The present Convention replaces, as between the Contracting Parties, the provisions of Chapters I, III and V of the Convention signed at The Hague on January 23rd, 1912, which provisions remain in force as between the Contracting Parties and any States Parties to the said Convention which are not Parties to the present Convention."

*Article 31 was adopted at the first reading, without discussion, and referred to the Drafting Committee.*

*Article 32.*

The text of Article 32 was read as follows :

" Any dispute which may arise as to the interpretation or application of the present Convention which is not settled directly between the Parties themselves shall be brought before the Permanent Court of International Justice, unless, under a special agreement or a general arbitration provision, steps are taken for the settlement of the dispute by arbitration or some other means.

"Proceedings are opened in the manner laid down in Article 40 of the Statute of the Permanent Court of International Justice.

"In order to settle such disputes, however, in a friendly way as far as possible, the Contracting Parties may, before resorting to any judicial proceedings, submit such disputes for an opinion to such technical body as the Council of the League of Nations may appoint for this purpose.

"The decision of the Parties to the dispute to submit it, for the purpose of securing a settlement by conciliation, to the technical body appointed by the Council, or to resort to arbitration, shall be communicated to all the Contracting Parties, and the latter shall be entitled to intervene in the proceedings.

"The Parties undertake to submit to the Permanent Court of International Justice any point of international law or question as to the interpretation of the present Convention which may arise during the conciliation or arbitration proceedings, and the determination of which by the Court, the arbitral tribunal or tribunal body, on the application of one of the Parties, may hold to be necessary for the settlement of the dispute."

**The President :**

*Translation :* Mr. Malkin, Legal Adviser to the British Delegation, will address the Conference.

**Mr. Malkin (Legal Adviser to the British delegation) :**

If the Conference will allow me, I will explain why I rise to speak on this article. It was arranged by the Drafting Committee that, as it had no Rapporteur, any question of a particularly juridical character which arose should be dealt with by me acting on behalf of the Committee. As this article contains a certain number of provisions which are to some extent new, I think it is right that I should give the Conference a very brief explanation of the reasons which led the Drafting Committee to suggest those provisions to the Conference.

Of course, it is necessary in this Convention to have some provision for dealing with any question as to the interpretation of the Convention which may arise between the Contracting Parties. A similar provision is inserted in all Conventions of this nature. The article which is proposed to the Conference is based on the corresponding article in the Barcelona Statute on the Freedom of Communications and Transit. The first two paragraphs of the article are taken textually from that Convention, but the last three paragraphs are somewhat different, and I think that perhaps a very short explanation of those three paragraphs might be of assistance.

The third paragraph resembles a provision in the Barcelona article, but is not identical with it. Under the Barcelona article, there was an absolute obligation on all the Contracting Parties, before submitting such disputes as to the interpretation of the Convention either to the Permanent Court or to some arbitral tribunal, to send such disputes for an opinion to a technical body appointed by the League of Nations.

Since the Barcelona Convention was adopted, other Conferences, dealing with technical matters, have been held under the auspices of the League.

In some of those Conferences the opinion was expressed that, while it was, no doubt, extremely desirable that it should be possible for the Parties to any dispute which might arise under such Convention to have the opportunity of submitting such disputes for the opinion of the body mentioned it was not desirable that there should be an absolute obligation to do so in every case.

That view prevailed in certain Conferences, and the Drafting Committee felt that the same view would probably be taken by the members of the present Conference. This third paragraph, therefore, has been worded in such a way as to give the Parties to any such dispute the opportunity of submitting the question to the technical body appointed by the League, if they so desire, but that there should be no absolute obligation on them to do so if, in the particular circumstances of the case, they should not think such a course desirable. The Drafting Committee thought that this was the best solution of that particular problem.

The last two paragraphs of the article are quite new, and the reason suggested for their insertion is this. It is obvious that any dispute arising between any two of the Contracting Parties as to the interpretation of a particular provision in this Convention is of interest to all the other Parties to the Convention, because the interpretation which is given to any article of the Convention affects not only the Parties to the dispute regarding that particular article, but the other Parties, who may in the future find themselves involved in another dispute as to the interpretation of the same article.

Now, if a dispute of that nature is referred under this article to the Permanent Court of International Justice, a provision will apply which appears in the Statute of the Permanent Court. It is Article 63, which is in the following terms :

“Whenever the construction of a Convention to which States other than those concerned in the case are Parties is in question, the Registrar shall notify all such States forthwith. Every State so notified has the right to intervene in the proceedings ; but if it uses this right, the construction given by the judgment will be equally binding upon it.”

The Conference will therefore see that, if a dispute arises as to the interpretation of this Convention, and that dispute is submitted to the Permanent Court, there is already in existence a provision which would allow any other Contracting Party which was interested in the interpretation of the provision in question to appear before the Permanent Court and state its views. That provision does not, however, apply in the case where the dispute is dealt with not by the Court but either by arbitration or possibly by reference to a technical body. The Drafting Committee thought it was right to give to the Contracting Parties the same right to intervene and express their views if the matter is dealt with by arbitration or by a technical body as they would have if the dispute went to the Permanent Court of International Justice. That provision, as I say, is new, but the Drafting Committee thinks it is a reasonable one and commends it to the

consideration of the Conference.

#### The President :

*Translation* : Does anyone else wish to speak on this article ?

M. Dinichert, delegate of Switzerland, will address the Conference.

#### M. Dinichert (Switzerland) :

*Translation* : I think that the whole Conference is aware of the importance of provisions of this nature in all Conventions, and the fact that few members of the Conference appear to wish to speak on the matter entirely confirms me in my first opinion that those who prepared this text have deserved well of the Conference, since it seems that the principles set forth in it are unanimously approved. Accordingly, my remarks will not apply to the principle or framework of the article, which I approve, but to a number of questions which might almost be called questions of drafting. All the same, I think I ought to mention them in order that the Drafting Committee may be supplied with all the necessary material for their final draft.

First of all, I would point out that the third paragraph says that the Contracting Parties may have recourse to a technical body for its opinion. But the following paragraph makes mention of the decision of the Parties to the dispute to submit it, for the purpose of securing a settlement by conciliation, to the technical body appointed by the Council. That is not quite the same thing.

You may say that this is rather a subtle distinction, but to ask for an opinion from a technical body and to embark upon a procedure of conciliation are not at all the same thing. The essential difference between the two procedures is this. We can simply undertake to submit the question at issue for an advisory opinion, especially as we are left free to decide in each particular case ; but when it is a question of conciliation, I desire that we should remain true to the principle that in every procedure of conciliation the Parties have the right to be represented.

If the intention was to institute a real procedure for conciliation, it would be necessary to lay down that Parties not represented on the technical body should have the right to be so represented during the conciliation procedure. I think, however, that the idea of the originators and drafters of this proposal was to make arrangements for an advisory opinion ; this being so, it is necessary that the wording of paragraph 4 should be harmonised with that of paragraph 5, which speaks of conciliation.

If I make judicial or arbitral proceedings dependent upon a previous and optional procedure, whether in the nature of conciliation or of an advisory opinion, the Conference will perhaps agree with me as to the need of fixing roughly the question of time-limits. I would therefore like to add to the third paragraph, with reference to the advisory opinion, a text something like this :

“The opinion shall be given within six months from the day on which the dispute has been submitted to the body in question, unless the period is prolonged by mutual agreement between the parties to the



dispute. The body itself shall fix the period within which the Parties must decide whether they will accept the opinion."

If the preliminary procedure is adopted, the time-limit, within which this opinion will be given, must be known, and if this opinion is given — an opinion which the Parties have the right to accept or not accept — the body must fix the period within which the Parties must give a decision, in order that there may be, in advance, some kind of agreement between them with regard to the moment when it can be said that the preliminary procedure has failed, and that the procedure binding upon both Parties at the request of one or the other, namely, the arbitral or judicial proceedings, ought to be instituted.

Those are the two additions which I think it expedient to make.

I have one other detail to submit with regard to paragraph 4. This paragraph says :

"The decision of the Parties to the dispute to submit it, for the purpose of securing a settlement by conciliation, to the technical body appointed by the Council, or to resort to arbitration, shall be communicated to all the Contracting Parties..."

I should like it to be stated by whom this communication should be made, whether simultaneously by the two Parties in dispute, or by the technical body or by the Council.

Unless we are clear upon this point, we run the risk of this communication being made from several quarters. In that case no great harm will be done, but we also risk its being made by nobody, and in that case the harm will be more serious.

Those are the few remarks which seemed to me to be called for in order that it may not be necessary to make them when the Drafting Committee has taken the trouble to submit the text in question to a first revision; the substance of the article, I repeat, entirely satisfies me.

**The President :**

*Translation* : M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios (Spain) :**

*Translation* : Article 32 deals with a question which has naturally arisen during the different Conferences held under the auspices of the League of Nations. The question was settled satisfactorily enough by the Barcelona Statute on Freedom of Transit.

In the course of later Conferences, however, this solution has been modified and improved, and I think it would be better to adopt the plan approved by the Conference on Customs Formalities. The draft Convention that we are now discussing contains several articles borrowed from that Convention. We might employ the same method with regard to the settlement of disputes between States, for the procedure adopted by the Conference on Customs Formalities seems to me the most perfect and most logical from a technical point of view. The following is the text of Article 22 adopted by the Conference on Customs Formalities.

"Should a dispute arise between two or more Contracting States as to the interpretation or application of the provisions of

the present Convention, and should such dispute not be settled either directly between the Parties or by the employment of any other means of reaching agreement, the Parties to the dispute may, before resorting to any arbitral or judicial procedure, submit the dispute, with a view to an amicable settlement, to such technical body as the Council of the League of Nations may appoint for this purpose. This body will give an advisory opinion after hearing the parties and effecting a meeting between them if necessary.

"The advisory opinion given by the said body will not be binding upon the Parties to the dispute unless it is accepted by all of them, and they are free either after resort to such procedure or in lieu thereof to have recourse to any arbitral or judicial procedure which they may select, including reference to the Permanent Court of International Justice, as regards any matters which are within the competence of that Court under its Statute.

"If a dispute of the nature referred to in the first paragraph of this article should arise with regard to the interpretation or application of paragraphs 2 or 3 of Article 4, or Article 7, of the present Convention, the Parties shall, at the request of any of them, refer the matter to the decision of the Permanent Court of International Justice, whether or not there has previously been recourse to the procedure prescribed in the first paragraph of this article.

"The adoption of the procedure before the body referred to above or the opinion given by it will in no case involve the suspension of the measures complained of; the same will apply in the event of proceedings being taken before the Permanent Court of International Justice, unless the Court decides otherwise under Article 41 of the Statute."

Thus we see that Article 22 of the Customs Convention systematically sets forth the different methods of settling disputes. First, there are direct negotiations or an amicable settlement, and, if these methods fail, the parties may have recourse, before resorting to any compulsory arbitral or judicial procedure, to such technical body as the Council of the League of Nations may appoint for this purpose, and this body will give an advisory opinion. It is only when these different methods of finding a solution shall have failed that the dispute is brought before the Permanent Court of International Justice.

The procedure laid down in Article 22 is excellent. In my opinion we ought to adopt it, of course with a few slight alterations. The text in front of us speaks, in the first paragraph, of recourse to the Permanent Court of International Justice in the event of no direct agreement between the States, unless, under a special agreement or a general arbitration provision, steps are taken for the settlement of the dispute by arbitration or by some other means. For the sake of clearness, I think it would be more logical not to mention the intervention of the Permanent Court of Justice until the end of the article, that is to say, after the other methods of procedure have been exhausted.

The first paragraph mentions the Permanent

Court of Justice, and the third paragraph says :

"In order to settle such disputes, however, in a friendly way as far as possible, the Contracting Parties may, before resorting to any judicial proceedings, submit such disputes for an opinion to such technical body as the Council of the League of Nations may appoint for this purpose."

If this advisory opinion is to precede the intervention of the Permanent Court of Justice, why not make mention of it first? I quite understand that the Drafting Committee has been mainly concerned with submitting to us a complete text of the Convention, but I think that the Conference might agree to the alteration that I have ventured to propose.

**The President :**

*Translation :* I will ask Mr. Malkin to be so good as to reply to the suggestions which have just been put forward.

**Mr. Malkin** (Legal Adviser to the British delegation) :

Perhaps I might just reply briefly to the two speeches dealing with this point. If I may respectfully say so, I think that all the suggestions that were made by M. Dinichert are extremely valuable. I am sure that the Drafting Committee will consider the best way in which effect may be given to them.

With regard to the suggestion of M. de Palacios, may I say that I am very glad to see that M. Palacios has not forgotten the work of the Protocol Committee of the Customs Conference, on which I had the honour to collaborate with him rather more than a year ago.

Perhaps I might just explain why this article does not entirely follow the form which was adopted at that Conference. M. de Palacios will remember that in the Customs Conference certain difficulties arose, which happily do not seem likely to arise here, as to the competence of the Permanent Court of International Justice. There were very strong objections taken in that Conference to any proposal which seemed to involve the idea that the Permanent Court of International Justice ought to deal with disputes under that Convention. I never quite understood those objections; but they were made. The article in the form adopted at that Conference was the result of those objections.

In the absence of any such difficulty here, I should have thought that it was better to adopt normally the principle that, in the case of disputes as to the interpretation of a treaty, the Permanent Court of International Justice is the right body to which to go, subject to the rights of the Parties, if they have an arbitration agreement or a special arrangement between themselves, to go anywhere else. It was only for that reason that the Customs precedent was not followed.

I am sure that the Drafting Committee will consider the suggestions made by M. de Palacios and will see to what extent it can give effect to them. The last paragraph of Article 22 of the Customs Conference Convention would not in any case be appropriate to our present Convention and I do not understand why its insertion is proposed.

**M. Bourgois** (France) :

*Translation :* I suggest that M. Dinichert

might be present at the meeting of the Drafting Committee when the new draft of his proposal is being discussed.

**The President :**

*Translation :* It will be a great pleasure for the members of the Drafting Committee to have M. Dinichert with them, but I do not know whether he will share that pleasure, for we shall have to work this afternoon and perhaps to-morrow as well. Perhaps we can, after this meeting, agree upon an hour to suit M. Dinichert.

**M. de Palacios** (Spain) :

*Translation :* The memories of the Customs Conference which have just been evoked by the British delegate are perfectly accurate. The difficulties which confronted that Conference have not so far arisen at the Opium Conference. I did not propose the insertion of the article of the Customs Convention as it stands, but I suggested that it should be somewhat modified in order to reinforce the obligatory nature of recourse to the Permanent Court of International Justice and in order that the different procedures to which the parties to the dispute may resort should be presented in logical order — first, a friendly settlement, then the advisory opinion of the technical body, arbitration, and, lastly, the Permanent Court of International Justice.

**The President :**

*Translation :* I think that we may refer this article to the Drafting Committee, which will take account of M. Dinichert's observations and M. de Palacios' proposals.

*Article 32 was approved at the first reading and referred to the Drafting Committee.*

#### *Article 33.*

The text of Article 33 was read as follows :

"The present Convention, of which the French and English texts are both authentic, shall bear to-day's date; and shall be open for signature until the thirtieth day of September, one thousand nine hundred and twenty-five, by any State represented at the Conference at which the present Convention was drawn up, by any Member of the League of Nations, and by any State to which the Council of the League of Nations shall have communicated a copy of the Convention for this purpose."

*Article 33 was adopted at the first reading, without discussion, and referred to the Drafting Committee.*

#### *Article 34.*

The text of Article 34 was read as follows :

"The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations, who shall notify their receipt to the Members of the League which are signatories of the Convention and to the other signatory States."

*Article 34 was adopted at the first reading, without discussion, and referred to the Drafting Committee.*

Article 35.

The text of Article 35 was read as follows :

"After the thirtieth day of September, one thousand nine hundred and twenty-five, the present Convention may be acceded to by any State represented at the Conference referred to in Article 33 which has not signed the Convention, by any Member of the League of Nations, or by any State to which the Council of the League of Nations shall have communicated a copy of the Convention for this purpose.

"Accession shall be effected by an instrument communicated to the Secretary-General of the League of Nations to be deposited in the archives of the Secretariat. The Secretary-General shall at once notify such deposit to all the Members of the League of Nations signatories of the Convention and to the other signatory States."

*Article 35 was adopted at the first reading, without discussion, and referred to the Drafting Committee.*

Article 36.

The text of Article 36 was read as follows :

"The present Convention shall not come into force until it has been ratified by ten Powers, including seven of the States mentioned in Article 19, of whom at least two must be permanent Members of the Council of the League. The date of its coming into force shall be the ninetieth day after the receipt by the Secretary-General of the League of Nations of the last of the necessary ratifications. Thereafter the present Convention will take effect in the case of each Party ninety days after the receipt of its ratification or of the notification of its accession.

"In compliance with the provisions of Article 18 of the Covenant of the League of Nations, the Secretary-General will register the present Convention upon the day of its coming into force."

**Sir Malcolm Delevingne** (British Empire) :

As Article 36 is very closely connected with Article 19, which has been reserved for further discussion, I think perhaps it would be advisable to postpone consideration of this article.

**The President :**

*Translation :* I was going to make the same proposal myself. If the Conference agrees, Article 36 will be reserved together with Article 19 and Chapter VI. (*Assent.*)

Article 37.

The text of Article 37 was read as follows :

"A special record shall be kept by the Secretary-General of the League of Nations showing which of the Parties have signed, ratified, acceded to or denounced the present Convention. This record shall be open to the Contracting Parties and the Members of the League at all times ; it shall be published as often as possible, in accordance with the directions of the Council."

*Article 37 was adopted at the first reading, without discussion, and referred to the Drafting Committee.*

Article 38.

The text of Article 38 was read as follows :

"The present Convention may be denounced by an instrument in writing addressed to the Secretary-General of the League of Nations. The denunciation shall become effective one year after the date of the receipt of the instrument of denunciation by the Secretary-General, and shall operate only in respect of the Contracting Party which makes it.

"The Secretary-General of the League of Nations shall notify the receipt of any such denunciations to all Members of the League of Nations signatories of or adherents to the Convention and to the other signatory or adherent States."

*Article 38 was adopted at the first reading, without discussion, and referred to the Drafting Committee.*

Article 39.

The text of Article 39 was read as follows :

"Any State signing or acceding to the present Convention may declare, at the moment either of its signature, ratification or accession, that its acceptance of the present Convention does not include any or all of its colonies, overseas possessions, protectorates, or overseas territories under its sovereignty or authority, or in respect of which it has accepted a mandate on behalf of the League of Nations, and may subsequently accede, in conformity with the provisions of Article 35, on behalf of any such colony, overseas possession, protectorate or territory excluded by such declaration.

"Denunciation may also be made separately in respect of any such colony, overseas possession, protectorate or territory, and the provisions of Article 38 shall apply to any such denunciation.

"In faith whereof the above-named Plenipotentiaries have signed the present Convention.

"Done at Geneva, the            day of February, one thousand nine hundred and twenty-five, in a single copy, which will remain deposited in the archives of the Secretariat of the League of Nations ; certified copies will be transmitted to all the States represented at the Conference."

**The President :**

*Translation :* This is the final article of the Convention, with the usual colonial clause.

**M. Sugimura** (Japan) :

*Translation :* A Protocol drafted by the Drafting Committee will be added to this article. With the addition of the Protocol, the Japanese delegation is prepared to accept this article.

*Article 39 was adopted at the first reading and referred to the Drafting Committee.*

**M. Sugimura** (Japan) :

*Translation :* The provisions of Chapter VI do not include Article 15 of the Statute on the Freedom of Transit, which reads as follows :

"It is understood that this Statute must not be interpreted as regulating in any way rights and obligations *inter se*

of territories forming part or placed under the protection of the same sovereign State, whether or not these territories are individually Members of the League of Nations."

That omission is not an oversight. It is intentional, but I should like to make this statement in order to obtain the formal confirmation of the Conference.

**The President :**

*Translation :* Note will be taken of this statement.

**M. de Palacios (Spain) :**

*Translation :* Everybody considers the Covenant to be superior to any other Convention, but, juridically, that question is open to argument. The Covenant is a Convention; we are about to sign another Convention of later date. It would be well to include an article stating that the present provisions in no way affect the Covenant of the League of Nations.

**The President :**

*Translation :* Mr. Malkin, Legal Adviser to the British delegation, will address the Conference.

**Mr. Malkin (Legal Adviser to the British delegation) :**

I merely rise to confirm the statement made by my friend M. Sugimura, that the omission of the article which figures in the Barcelona Convention is intentional. M. Sugimura knows as well as I do the reasons why that article is necessary in certain conventions.

The reason why it is not inserted here is that certain provisions in this Convention — such as those dealing with export authorisation, import certificates and so on — are (at any rate, in the view of my Government, and, no doubt, in the view of the other Governments of the British Empire) to be applied to export between Great Britain and Canada, for example. If the article to which M. Sugimura referred were inserted, it would have precisely the opposite effect.

With regard to the remarks made by M. de Palacios, the idea that, in a Convention dealing with dangerous drugs, we could modify the Covenant of the League strikes me as a little surprising. I venture to think no such statement as he has suggested is really necessary.

**M. Sugimura (Japan) :**

*Translation :* The Japanese delegation thanks Mr. Malkin for his clear and straightforward statement.

**M. de Palacios (Spain) :**

*Translation :* I reserve the right to return to this question in connection with Article 26a.

**The President :**

*Translation :* Except for Chapter VI, which has been set aside for discussion on Monday morning, we have now concluded the first reading of the draft Convention.

The Drafting Committee will meet in order to establish a text which will satisfy the views of the Conference.

## 102. RELATION BETWEEN THE TRAFFIC IN OPIUM AND TRAFFIC IN ARMS AND MUNITIONS : DRAFT RESOLUTION SUBMITTED BY THE FINNISH DELEGATION : CONTINUATION OF THE DISCUSSION.

**The President :**

*Translation :* The Conference has before it a revised text of the original draft resolution submitted by the delegate of Finland and considered at the twenty-eighth meeting of the Conference. I understand that the earlier text is withdrawn.

The revised text of this draft resolution reads as follows :

"Whereas the Second Opium Conference believes that the recrudescence of the growth of the poppy is one of the most serious elements of the world's drug problem ;

"Whereas that recrudescence is largely due to certain unfortunate political conditions now prevailing ;

"Whereas these unfortunate political conditions are in their turn partly due to the unlicensed traffic in arms ;

"Whereas the League of Nations has convened an International Conference on the Traffic in Arms and Munitions, to be held in Geneva on May 4th next :

"Be it resolved :

"That the Second Opium Conference suggests to the Council of the League the advisability of drawing the particular attention of the forthcoming Conference on the Traffic in Arms and Munitions to the importance of the question of the unlicensed importation of arms in relation to the drug problem."

The second proposal is from the Australian delegate. As it is very closely connected with the Finnish proposal, I think it as well that they should be discussed together.

It reads as follows :

"The Conference takes note of the resolution submitted by the delegate of Finland but considers that it raises a question outside the functions of this Conference.

"The Conference therefore feels unable to express a definite opinion on the merits of the question but thinks it of sufficient importance to draw the attention of the Council of the League of Nations to the suggestions contained therein."

I will ask the author of the first proposal, M. Toivola, to speak.

**M. Toivola (Finland) :**

I must first of all say two words in order to correct some misunderstanding which seems to prevail on the part of some members of the Conference. It has been said that there might be some other delegation behind my proposition. I must in the strongest terms state that the Finnish delegation, in my person, is the only author of that proposition.

When this proposition was put before the Conference for the first time last Tuesday, my honourable colleague, the delegate of Japan asked me to reconsider it. I have responded to that friendly appeal and have re-drafted the text so as to avoid most, if not all, of the objections

raised by my Japanese colleague. If you look at the revised text, you will find that the most important part of it is the last paragraph, which reads :

"Be it resolved :

"That the Second Opium Conference suggests to the Council of the League the advisability of drawing the particular attention of the forthcoming Conference on the Traffic in Arms and Munitions to the importance of the question of the unlicensed importation of arms in relation to the drug problem."

The only question which, to my mind, is raised is this: Is there any relation between the unlicensed importation of arms and the drug problem? I will not go into any details, but I have to show what were the reasons which led me to put these two questions together and to find a relation between them. The Conference has heard many times that the political conditions in a certain country and the cultivation of the poppy are in some way related. There has been much evidence of the fact that certain military Governors compel the people to grow the poppy in order that they may pay for the arms which are necessary for the continuation of warlike movements.

Where are those arms coming from? If they are imported into China in a legal way, then no relation between the unlicensed importation of arms and the drug problem exists. If, on the contrary, these arms are smuggled in one way or the other from one country to another, then certainly the relation exists there, and the unlicensed traffic in arms helps the elements which wish to continue to fight.

I do not know whether I am logical or not, but, in my opinion, the total suppression of this illegal arms traffic would have a certain effect on the military operations in that country. The total suppression of that unlicensed traffic would perhaps have the effect that the people who have so far been buying arms would see no possibility of using the money which they now get from the poppy for that purpose. If they do not need the money for that purpose, I have a slight hope that they would not compel the peasants to grow the poppy to the same extent. I do not know whether my colleagues agree, but, in my opinion, it would be a very fortunate thing if something could be done for the suppression of that illegal act.

Of course, I admit that the question is not in the competence of this Conference. We are powerless in this case. We cannot take any direct steps in order to reach the end which might make it easier to suppress the growth of the poppy. But as another Conference is meeting shortly which is generally competent to deal with the suppression of the illegal traffic in arms, I really cannot see that any harm would be done if this Conference drew the attention of the Council of the League of Nations and the attention of that Conference to the importance of the question of the prevention of the unlicensed importation of arms in relation to the drug problem.

I was perhaps too innocent when I drafted my proposition. My intention was in no way to open a big discussion on this question. I thought, very innocently, that my proposition might be accepted without any controversy at all by this Conference. My sincerest hope

now is that no big discussion will be opened, but that we should dispose of this question very quickly. I should hope that the proposal made by the Australian delegation would serve as a basis for the disposal of this question.

**The President :**

*Translation :* In my capacity as President, I must try and clear up this question. The delegate for Finland asks that we should take the proposal of the Australian delegate as a basis for discussion. The latter asks the Conference to take note of a resolution, although of the opinion that it raises a question outside the competence of this Conference. That is a little difficult for me, but it will clearly suffice to draw the attention of the Council to the suggestions contained in the proposal.

Furthermore, the proposal of the Finnish delegate has been presented to our Conference. Is the Finnish proposal accepted by the Conference or not?

If it is, there is no proposal to which we can draw the attention of the Council, and this is the substance of the proposal by the Australian delegate, which itself says that that resolution raises a question outside the functions of this Conference.

I would ask the author of the second proposal to be so good as to give us guidance and explain to us these rather obscure points.

**Mr. Shepherd (Australia) :**

Mr. President, I should like to explain, in the first instance, that the whole object in moving my motion was to avoid a discussion on a subject which might be considered rather dangerous for this Conference to deal with. I think that would be fairly generally admitted. The Finnish delegate has explained to us that he has more or less achieved his object by having drawn attention to this particular subject. I am sure that we are very much indebted to the honourable delegate for Finland for the efforts he has hitherto made to bring this Conference to a successful conclusion. I think also we are indebted to him for having drawn attention to this particular subject.

He has more or less admitted himself that the subject-matter of his resolution does not particularly concern this Conference, but it does particularly concern another Conference which will take place very shortly. In these circumstances, I thought that it was inadvisable to embark on a general discussion of this subject, which I think would probably lead to several days' extension of the time which has already been much prolonged. I have already mentioned that it raises a somewhat dangerous subject. We have managed so far in this Conference to get along without mentioning the subject-matter of the resolution and I was hopeful that we should be able to finish our discussions without introducing it. That was my sole object in bringing forward the motion which stands in my name.

I understand that there is some slight objection to the second paragraph of the resolution. I would have no objection to suppressing the last part of that paragraph if, by so doing, we should avoid a long discussion, of which I am very much afraid. The second paragraph would then read: "The Conference therefore feels unable to express a definite opinion on the merits of the question."

I do not see how the Conference can help taking note of this resolution, because it has already taken note of it by the mere acceptance of it. Therefore, we must take some action on it, and the action I propose would be that we merely take note of the resolution and consider it outside our functions. I do not want to use the word "competence". We cannot take a definite decision on it to be embodied in the Convention, and we can do no more than take note of it and regret that we can go no further. If it would meet the general wishes of the Conference, I would have no objection to amending my motion in the manner I have already indicated, but I only do so with the object of avoiding a long discussion.

**The President :**

*Translation :* I do not quite agree with the author of the second proposal, for the submission of a proposal to the Conference is not the same thing as the taking note by the Conference of such proposal. This formal act is more or less equivalent to approving the contents of a proposal without wishing to enter into details. If a proposal is not accepted, note is not taken of it. In this particular case, the procedure is extremely difficult. No one has asked to speak, and so, if I put the Finnish proposal to the vote and it is accepted, the Australian proposal would *ipso facto* lapse; if the Finnish proposal is rejected, the text of the Australian proposal would have to be changed.

Does anyone else wish to speak on the Finnish proposal?

**M. Sugimura (Japan) :**

*Translation :* I strongly urge the distinguished delegate for Finland to withdraw his proposal, which has fallen almost like a bomb-shell upon the work of the Conference. His suggestion has a very wide political significance,

to which M. Toivola has doubtless not given quite the necessary attention.

Despite my great regard for the honourable delegate for Finland, I think it is particularly undesirable that the Conference should concern itself with an extremely delicate political problem just when our work is on the point of reaching a successful conclusion after protracted and laborious deliberations.

If once the debate was embarked upon, I could not draw back, but should be forced to go on to the end and define the problem in clear terms, and discussion would then inevitably extend to questions quite outside the scope of our Conference. Therefore, I venture to repeat the request to my friend, M. Toivola, to reconsider the expediency of his proposal.

**M. von Eckardt (Germany) :**

*Translation :* I associate myself with the request of the honourable delegate for Japan. I beg the Finnish delegate to make this sacrifice and withdraw his proposal. I think that the whole Conference, without exception, will be very grateful to him.

**M. Toivola (Finland) :**

I am entirely in the hands of the Conference. I am not, of course, seeking any private ends. Considerations of *amour-propre* are not the considerations influencing me. I would only draw the attention of the members to the fact that it is now lunch-time, and fortification of mind and body might help me in taking my final decision.

**The President :**

*Translation :* In these circumstances, we cannot continue the discussion, if there is to be a discussion, of this proposal.

*The Conference rose at 1.10 p.m.*

## THIRTY-FIFTH MEETING

*Held at Geneva on Monday, February 16th, 1925, at 10.30 a.m.*

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- 103. RELATION BETWEEN THE TRAFFIC IN OPIUM AND THE TRAFFIC IN ARMS AND MUNITIONS : DRAFT RESOLUTION PROPOSED BY THE FINNISH DELEGATION : CONTINUATION OF THE DISCUSSION.

**The President :**

*Translation :* We will continue our discussion of the Finnish proposal which was adjourned at the close of the last meeting.  
I call upon Sir Malcolm Delevingne, delegate of the British Empire, to speak.



**Sir Malcolm Delevingne** (British Empire) :

I have no desire to prolong the debate on this resolution but, as silence on my part may be misinterpreted, I wish to say a few words.

In the first place, I have to thank M. Toivola for what he said the other day as to the authorship of this resolution. I hear it has been circulated in the Conference that the British delegation is the real author of this resolution. M. Toivola has already denied that, and I wish to confirm what he has said. Why anybody has thought it worth while to circulate rumours of this kind I cannot imagine, but at any rate the rumour is without any foundation whatever. I think it only fair to the British delegation to make that denial in a perfectly clear and emphatic manner.

Although the British delegation was quite unaware that this resolution was going to be moved, it is right to say that the British Government has a good deal of sympathy with the object which M. Toivola has in view. If I understand the resolution rightly, there is no suggestion of any accusation of default on the part of any Power; it is simply intended — if I understand it rightly — to call attention to the fact that the drug situation in China is dependent to a very large extent on the unfortunate military situation in that country, and that, from that point of view, the question of the smuggling of arms is an important one. If I understand the resolution rightly, it is not intended to suggest that the smuggling of arms is the cause, the principal cause, or even an important cause, of the military situation in China, but that the effect of the smuggling of arms on the drug situation in China is a consideration which it is desirable to bear in mind.

I think we must all agree with the first part of that proposition, that the drug situation in China, the production of opium in China, is very largely, if not entirely, dependent on the unfortunate military situation. That is a point which has been insisted on time after time both in this Conference and in the First Conference. I believe there can be no question as to the facts. In the very eloquent speech made by M. Daladier the other day, he gave particulars of the manner in which the military authorities in certain provinces of China are forcing the peasants to cultivate the poppy. I think there can be no question as to that part of the proposal.

The other part of the proposal — the relation between the military situation and the smuggling of arms — is, of course, a much more obscure question, and one which is not within the competence of this Conference; the Conference cannot go into it, nor have we any information here as to the extent to which that smuggling prevails or the measure of assistance which it gives to these military operations.

I think, however, that it must be a matter of common knowledge — at any rate, it is certainly within the knowledge of the British Government — that, to a certain extent, at any rate — I cannot say to what extent: it may be on a small scale or it may be on a more important scale — the smuggling of arms does exist. In the course of our investigations into the smuggling of drugs into the Far East, we have found on more than one occasion that the same syndicates, the same gangs, of persons who are organising the smuggling of drugs are also

engaged in the smuggling of arms. On more than one occasion we have made seizures of arms which have been smuggled out to the Far East by private syndicates.

I do not say that that is a fact which would justify us in asserting that the smuggling of arms has any important bearing on the military situation in China, but it does indicate that smuggling of arms is going on, and it is a matter which is worth examination and consideration on the part of the authorities whose business it is to consider the general question of the private traffic in arms and the illicit traffic in arms. To that extent, I think, there is some ground for assuming that the illicit traffic in arms does to a certain extent (to what extent we cannot say) assist in keeping alive the unfortunate military situation in China.

I do not want to go further than that. I think it is well to let the matter stand there. It is no doubt perfectly true, as has been said, I think, by certain delegations — at any rate, I know the view is entertained by certain delegations — that the Conference has not the information before it on which to base any definite opinion, and that it is impossible for this Conference to go into the question. I entirely agree with that view. We have neither the information to enable us to go into the question, nor have we the information which would justify us in expressing any opinion.

I do say, however, that enough and more than enough is known to justify us in saying that a *prima-facie* case is made out for the consideration and examination by those authorities whose business it is to deal with this question. That implies — and I wish to emphasise the point — no accusation whatever against any Power at all. It is certainly not for us in this Conference either to bring or even to hint at any such accusation, and I do not think that this is the intention of the proposal.

That is all I wish to say as to the merits of the resolution. As I have said, the object of the resolution is one with which the British Government has very great sympathy. As Lord Cecil said the other day, the British Government, in common with other Governments, has taken very stringent measures to prevent the illicit importation of arms into China by its subjects. That is a measure which all civilised Governments, I believe, support, and it is obviously a matter the importance of which, on the face of it, we cannot exaggerate.

Now, I wish to make a suggestion to M. Toivola. I suggest to him that there is no necessity for him to proceed with this resolution. There is no necessity for a formal resolution on the subject at all. There is not even any necessity, I think, for suggesting that we should send the record of this discussion to the Council. The matter has been discussed here; the point has been raised and I think it most desirable that the motion should now be allowed to drop. On a subject of this kind, regarding which there may be strong differences of opinion, I think it is most desirable to avoid anything like controversy, controversy which would entirely ruin the purpose of the resolution. If M. Toivola will allow me to say so, I think his wisest course would be to withdraw the resolution without further discussion, being quite content with the fact that it has been raised, and to allow the Conference to proceed with its next business.

If such a motion were in order, I would suggest that the Conference should simply pass to its next business, just taking note, as it will take note in the Verbatim Record of its proceedings, that this matter has been raised.

**The President :**

*Translation :* M. Toivola, delegate of Finland, will address the Conference.

**M. Toivola (Finland) :**

*Translation :* I have to thank the British delegate for what he said regarding my motives. I have never had the intention of accusing anybody. I only brought before the Conference a question which, in my opinion, was worthy of attention. I am very glad that a great many of my colleagues have some sympathy with my proposal. I will only say that, in bringing up this proposal, I acted in good faith, and I have conscientiously carried out the instructions which I had from my Government.

Having said that, I think that the object of my resolution has been obtained, as Sir Malcolm Delevingne has said, and I withdraw it.

**The President :**

*Translation :* M. Sugimura, delegate of Japan, will address the Conference.

**M. Sugimura (Japan) :**

*Translation :* The Japanese delegation appreciates the Finnish delegate's good-will and his judicious action in withdrawing his motion. Sir Malcolm Delevingne stated that the British delegation was in sympathy with the aim of the proposal. He mentioned several facts, and his statements, added to those of the Finnish delegate, give the impression that the Conference is inclined to doubt the sincerity of the Japanese delegation's motives in the motion it submitted last Saturday, although that motion was designed simply to avert the dangers to which the Finnish declaration might give rise. I now feel it my duty to convince the Conference of the Japanese delegation's sincerity and to clear away any possible misunderstanding.

A great deal of misapprehension appears still to exist in Europe as to the real meaning of the Chinese question, and accordingly I should like to say a few words on the subject. As we all know, China is a great nation whose old civilisation has latterly gained renewed strength from the scientific knowledge of the Western world. As regards, in particular, the problem of arms and ammunition, China possesses a number of arsenals, many of which are hardly less important than those of the leading European Powers. She also possesses immense resources of iron and coal. She must not be classed with other States which are less advanced and which have been subjected, since the conclusion of the Treaty of St. Germain, to special regulations concerning the traffic in arms and ammunition. To suggest placing China on the same footing as these countries would be an insult, and would, moreover, be particularly rash, because public opinion in China is following our present work with but little sympathy.

It would be most unwise to introduce fresh complications, in view of the powerful forces now let loose in China, and I must say that I think the Finnish delegate's good intentions would be misinterpreted and strongly disapproved of in China.

Nor would it be wise to speak of the unfortunate political state of the country, for suffering nations, like sick persons, are loath to have their weakness proclaimed to the world at large. Convalescents are particularly sensitive and require to be understood and humoured. Despite her magnificent qualities, China has her share of human weakness, like every other nation, and, now that she has withdrawn from the Conference, we must not harp upon the question of the increased cultivation of the poppy in China. To do so would be a political error and an act of discourtesy to which a friend of China, such as Japan, could not be a party.

My Finnish colleague knows, of course, that a Convention exists between the United States, Great Britain, France, Japan and the other great Powers, the object of which is not to control but to stop the importation of arms and ammunition into China. For years this Convention has been most scrupulously observed by all the contracting parties. The Chinese Maritime Customs Authorities, under foreign control, keep a close watch on smuggling. The diplomatic corps at Peking and the consular authorities in all the big towns exchange information and keep in constant touch with one another. Behind them are the responsible Governments of the great Powers, whose loyalty and fidelity, in respect of the engagements which they have undertaken, we have no right to suspect.

This Convention has been strictly and loyally observed by all the Governments concerned, more especially during the civil war which has happily just come to an end, and we may congratulate ourselves on a policy of non-intervention which has put a stop to the traffic in arms and ammunition intended for China. The Finnish proposal casts doubt on the good faith of the Powers concerned and thereby touches their honour. When the parties to the Convention for the suppression of the export of arms to China categorically declare that they have fulfilled their obligations, our Conference can hardly presume to pass a resolution which would be equivalent to a vote of want of confidence.

Peace and stability in the Far East depend upon mutual confidence between the great Powers concerned. Yet a Conference which has met under the pacific auspices of the League seems now about to disturb this confidence and to shake the very foundations of mutual understanding by making serious charges which are at the same time extremely vague. I beg to state that, in my opinion, such a course is entirely incompatible both with our object and with the spirit by which we should be governed.

The Japanese delegation regrets, therefore, that it is unable to concur in the opinions hitherto advanced in favour of the Finnish proposal or in the sympathetic views expressed by certain delegations.

**The President :**

*Translation :* M. Toivola, delegate of Finland, will address the Conference.

**M. Toivola (Finland) :**

*Translation :* I beg to thank the Japanese delegate for his kind remarks. There has been a misunderstanding which I should like to clear

up at once. I had no intention, in submitting my proposal, of placing China on the same footing as certain other countries as regards the traffic in arms and the question of control. I simply wished to state, and did state in my first speech, when I submitted our proposal, that I had endeavoured to find a way of helping China. Speaking of convalescents, I simply meant that if the condition of a sick person involves danger to those surrounding him, certain measures must be taken. Similarly, in international affairs, if the sickness of one nation is a menace to others, certain measures can be taken without necessarily impugning the honour of other Powers.

**M. Sugimura (Japan) :**

*Translation :* On behalf of our absent Chinese colleague, I beg to thank the Finnish delegate.

**The President :**

*Translation :* The Finnish proposal is withdrawn and the discussion is closed.

We now have to deal with the Australian delegate's proposal on the same subject. Mr. Shepherd, who is ill, has written to inform me that he is prepared to withdraw his proposal if the Conference passes a resolution covering his requirements. As this is the case, I am authorised by the proposer of this second motion to withdraw it. The proposal is therefore withdrawn.

#### 104. EXAMINATION OF THE DRAFT PROTOCOL : TEXT AS REVISED BY THE DRAFTING COMMITTEE.

**The President :**

*Translation :* We will now pass to the third item on the agenda, namely, the examination of the draft Protocol.

There is no substantial difference between the text submitted to you to-day and the one you have already examined. The first two articles have been combined for the sake of clearness.

The revised text of the draft Protocol was read as follows:

"The undersigned, representatives of certain States signatory to the Convention relating to Dangerous Drugs signed this day, duly authorised to that effect ;

"Taking note of the Protocol signed the eleventh day of February, one thousand nine hundred and twenty-five, by the representatives of the States signatory of the Agreement signed on the same day relating to the Use of Prepared Opium :

"Hereby agree as follows :

"I.

"The States signatory to the present Protocol, recognising that under Chapter I of the Hague Convention the duty rests upon them of establishing such a control over the production, distribution and exportation of raw opium as would prevent the illicit traffic, agree to take such measures as may be required to prevent completely, within five years from the present date, the smuggling of opium from constituting a serious obstacle to the effective suppres-

sion of the use of prepared opium in those territories where such use is temporarily authorised.

"II.

"The question whether the undertaking 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 Council of the League of Nations, whose decision shall be final.

"III.

"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. Articles 33 and 35 of the Convention are applicable to the present Protocol."

**The President :**

*Translation :* Discussion on the draft Protocol is open.

M. Chodzko, delegate of Poland, will address the Conference,

**M. Chodzko (Poland) :**

*Translation :* The draft Protocol contains the words : "The undersigned, representatives of certain States signatory to the Convention..." Will this Convention be signed by the representatives of all the States represented here ?

**The President :**

*Translation :* The producing countries, in particular, would be invited to sign it, but I think the Protocol is open for signature to all the States represented here.

Does anyone wish to speak on the Protocol ?

M. Yovanovitch, delegate of the Kingdom of the Serbs, Croats and Slovenes, will speak.

**M. Yovanovitch (Kingdom of the Serbs, Croats and Slovenes) :**

*Translation :* I propose that the words "whose decision shall be final" at the end of Article II be replaced by the words "the party in question shall have the right to appeal to the Council of the League against the Commission's decision".

**The President :**

*Translation :* I would ask M. Yovanovitch to submit his amendment in writing.

Does anyone wish to speak on the Protocol in general or on this amendment in particular ?

Sir Malcolm Delevingne will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

I think that the amendment which has been moved by the delegate of the Kingdom of the Serbs, Croats and Slovenes will create a difficulty. Article II of this Protocol corresponds almost word for word with Article III of the Protocol adopted by the First Conference. Article III of the Protocol adopted by the First Conference reads as follows:

"A Commission to be appointed at the proper time by the Council of the League of Nations shall decide when the effective execution of the measures mentioned in the preceding article to be taken by the poppy-growing countries has reached the stage referred to in that article. The decision of the Commission shall be final."

It will be remembered by the Conference that these two Protocols were intended to be complementary. The Powers that signed the Protocol adopted by the First Conference undertook to carry out within a period of fifteen years the complete suppression of the use of opium for smoking, that period of fifteen years to start from the time when the poppy-growing countries shall have taken such measures as to prevent the exportation of raw material from their territories constituting a serious obstacle to the reduction of consumption in the countries where the use of prepared opium is temporarily authorised.

If the amendment proposed by the delegate of the Kingdom of the Serbs, Croats and Slovenes were accepted, it would make the two Protocols inconsistent with one another, and I think that, on that ground alone, it would be extremely inconvenient, if not impossible, to alter the second Protocol at this stage. On the merits of the case also, it seems to me, that the amendment is unnecessary. After all, what the Commission has to decide under Article II of the Protocol now before the Conference is whether the opium-producing countries have taken such measures as to prevent the smuggling of opium from their territories constituting a serious obstacle to the countries in which the use of prepared opium is temporarily authorised. That is a question of fact. That is a question which, it was thought, could best be determined by a Commission of Enquiry appointed to go into the facts on the spot. If the Commission reports that such measures have been executed, well and good. No further question can arise. If the Commission reports that they have not been executed, that the serious obstacle referred to has not been removed, it seems to me there can be no ground for appeal.

In the first place, the Council of the League would not be in a better position to determine what the facts were than the Committee of Enquiry which it had appointed to investigate the facts. In the second place, it is quite obvious, I think, that the countries which have signed the first Protocol could not be expected to act on any decision other than a decision arrived at on a complete knowledge of the facts. I understood that both the Conferences were agreed that the decision would have to be taken by an independent Commission of Enquiry, such as has been proposed in both Protocols. I would ask the delegate of the Kingdom of the Serbs, Croats and Slovenes, therefore, not to press his proposal, which would certainly land us in very great difficulty.

**M. Yovanovitch** (Kingdom of the Serbs, Croats and Slovenes) :

*Translation* : I am quite ready to take into consideration Sir Malcolm Delevingne's objections. I propose therefore that the words "whose decision shall be final" be deleted and withdraw my proposal for the addition of the words "The party in question".

**The President** :

*Translation* : We have before us another proposed amendment : the deletion of the words "whose decision shall be final".

**M. Yovanovitch** (Kingdom of the Serbs, Croats and Slovenes) :

*Translation* : This is not inconsistent with the Protocol.

**M. Kircher** (France) :

*Translation* : I think the Serb-Croat-Slovene delegate's proposal meets the views of everyone. The important point is that the date from which the period starts should not be delayed. If the latter part of the sentence is deleted, that is to say, if the producing countries are not allowed to appeal to the Council, this does not affect our obligations as consuming countries. The period of fifteen years cannot be delayed. I think the proposed amendment meets the views of both consuming and producing countries.

**Sir Malcolm Delevingne** (British Empire) :

I have no objection to the omission of the words, as suggested by the delegate of the Kingdom of the Serbs, Croats and Slovenes.

**The President** :

*Translation* : Does anyone else desire to speak on the draft Protocol ?

M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios** (Spain) :

*Translation* : I should be glad of further details, for information only, as my country is not, I believe, included among the Powers which are to sign the Protocol.

As you are aware, in law, retroactivity is the exception rather than the rule. According to Article III, 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". We must certainly reckon a year before the Convention is ratified. Article I, however, states that the Powers "agree to take such measures as may be required to prevent completely, within five years from the present date..."

Will the application of the Protocol have retroactive effect ? Will the interval between the signature of the Protocol and its entry into force be counted as part of the period of five years ?

**The President** :

*Translation* : M. Kircher, delegate of France, will address the Conference.

**M. Kircher** (France) :

*Translation* : As regards the text, the Spanish delegate's observation is perfectly correct. There is an apparent inconsistency between Article I and Article III, since in Article I the engagements date from to-day and in Article III from the date of ratification.

In reality, however, there is no inconsistency, for the undertakings concerning the measures to be taken by the States date from to-day, but if the States sign the Convention six months hence they will only have a period of four years and six months. The purpose of Article I was to define the date as from which the undertakings of the consuming and producing countries, respectively, start, in order not to delay indefinitely the period of fifteen years within which we have undertaken to bring about suppression. There is, therefore, no real inconsistency between the articles.

I repeat, the producing countries can sign when they will ; if they are late in signing, they will not have the whole of the period of five years in which to take the necessary measures.

We have endeavoured to bring the two Protocols into line with one another. We must not interfere with this arrangement, which will, I believe, meet with general approval.

**M. de Palacios (Spain) :**

*Translation :* I beg to thank M. Kircher for his reply. I am glad that, as a result of my question, his interpretative statement will be included in the record of the meeting, as it may prevent difficulties in the future.

**The President :**

*Translation :* I understand that the Conference accepts the Serb-Croat-Slovene delegate's second proposal, and that Article II will conclude with the words "by the Council of the League of Nations". (*Agreed.*) It is not necessary to take a formal vote, and I think that I may regard the Protocol as definitely adopted by the Conference on a first reading.

*The Protocol was adopted at the first reading.*

#### 105. EXAMINATION OF THE DRAFT FINAL ACT.

**The President :**

*Translation :* The draft Final Act is open for discussion. You will note that, at the beginning of this Act, the sixth resolution of the 1923 Assembly has been inserted in full, including the second part : this does not come quite within the mandate of the Conference but it was thought desirable all the same to insert it.

Then follow the nomination of the President and Secretary and certain particulars concerning the Conference which I do not think will occasion any difficulty.

*The opening paragraphs of the Final Act were adopted at the first reading.*

*Articles I, II and III.*

The text of Articles I, II and III was read as follows :

I.

"The Conference recognises that to enable the Convention relating to Dangerous Drugs signed this day to produce its full effect it is essential that it should be applied as widely as possible in the colonies, possessions, protectorates and territories mentioned in Article 39 of the Convention. The Conference accordingly expresses the earnest hope that the Governments concerned will take the necessary steps to that end with as little delay as possible, and that the number of such colonies, possessions, protectorates or territories excluded from the operation of the Convention may be reduced to a minimum.

II.

"The Conference recommends that each Government should consider the possibility of forbidding the conveyance in any ship sailing under its flag of any consignment of the substances covered by the present Convention :

"1. Unless an export authorisation has been issued in respect of such consign-

ment in accordance with the provisions of the Convention, and the consignment is accompanied by an official copy of such authorisation, or of any diversion certificate which may be issued.

"2. To any destination other than the destination mentioned in the export authorisation or diversion certificate.

III.

"The Conference recommends that all States should co-operate as closely as possible with one another in the suppression of the illicit traffic, and that they should authorise the competent authorities charged with the administration of the law on the subject to communicate directly with the corresponding authorities in other countries."

*Articles I, II and III were adopted at the first reading, without discussion, and referred to the Drafting Committee.*

*Article IV.*

The text of Article IV was read as follows :

"The Conference draws attention to the advisability in certain cases of requiring dealers who are licensed by the Government to trade in the substances covered by the Convention to deposit or give sureties for a sum of money to serve as a guarantee against their engaging in the illicit traffic."

**The President :**

*Translation :* M. Chodzko, delegate of Poland, will address the Conference.

**M. Chodzko (Poland) :**

*Translation :* I do not think the drafting of this article is quite in accordance with the unanimous decision taken by the Conference, and I have ventured to submit a note on the matter. You will perhaps be good enough, Mr. President, to transmit it to the Drafting Committee, and to request the latter to re-draft the article, taking into account my observations on it.

**The President :**

*Translation :* I understand that the first Polish delegate does not wish for a discussion of the article at present.

The Drafting Committee was instructed to draw up a text embodying the opinions expressed in the Conference. It discussed this paragraph at some length, as certain difficulties arose. I have now received another proposed draft, which I will submit to the Drafting Committee.

**M. El Guindy (Egypt) :**

*Translation :* Should not Indian hemp be added to the resolution on the first page of the draft Final Act ?

**The President :**

*Translation :* That is impossible, as it is an Assembly resolution. The question of Indian hemp was brought before the Conference in a different manner, though with the same right.

*Article IV was adopted at the first reading and referred to the Drafting Committee.*

Article V.

The text of Article V was read as follows :

"The Conference asks the Council of the League of Nations to consider the possibility of giving effect to the suggestion which has been made in the course of its proceedings that a commission should be appointed to visit certain opium-producing countries, which desire it, for the purpose of making a careful study of the difficulties connected with the limitation of the production of opium in those countries and advising as to the measures which could be taken to make it possible to limit the production of opium in those countries to the quantities required for medical and scientific purposes.

"In faith whereof the Delegates have signed the present Act.

"Done at Geneva, the \_\_\_\_\_ day of one thousand nine hundred and twenty-five, in a single copy, which shall be deposited in the archives of the Secretariat of the League of Nations, and of which authenticated copies shall be delivered to all States represented at the Conference."

**The President :**

*Translation* : I call upon M. Dendramis, delegate of Greece, to speak.

**M. Dendramis (Greece) :**

*Translation* : Article V speaks of a Commission of Enquiry which the producing countries desire to have set up. I would point out that I expressed no desire that such a Commission should visit my country for the purpose of holding an enquiry. It was the United States delegation which expressed the desire, and we agreed, in order to meet its views.

**The President :**

*Translation* : Does the Greek delegate wish the article to be modified, or does he simply wish his remark to be noted in the record of the meeting ?

**M. Dendramis (Greece) :**

*Translation* : I wish my statement to be mentioned in the record of the meeting. With the exception of Persia, none of the producing countries has expressed a desire that a Commission of Enquiry should visit their territory.

**M. Yovanovitch (Kingdom of the Serbs, Croats and Slovenes) :**

*Translation* : I must submit the same observation. The suggestion came from the United States delegation and we accepted it, but the producing countries expressed no desire in the matter.

**The President :**

*Translation* : M. Bourgois, delegate of France, will address the Conference.

**M. Bourgois (France) :**

*Translation* : Since the United States delegation alone made the suggestion, and since, as is stated in the report, it made reservations on the matter, it would be best to drop the proposal, except perhaps in the case of Persia, which did express a desire for the appointment of a Commission.

**The President :**

*Translation* : Prince Arfa-ed-Dowleh, delegate of Persia, will address the Conference.

**Prince Arfa-ed-Dowleh (Persia) :**

*Translation* : Persia never expressed a desire that a Commission of Enquiry should be sent to its territory. The proposal came from the United States delegation. Persia submitted a memorandum requesting the Conference to consider the question. This memorandum was referred to Sub-Committee B, and, when it was being discussed, the United States delegation made a proposal which it begged me to accept. I had some difficulty in inducing my Government to do so, but we did not at any time express a wish for the Commission to be appointed.

The beginning of Article V reads : " To consider the possibility of giving effect to the suggestion". The United States proposal does not mention "the possibility of giving effect to the suggestion"; its purpose was to request the Conference to recommend that the Council should take the Persian memorandum into consideration. This memorandum suggested that a Commission might be sent to Persia to study on the spot the best means of limiting poppy-growing. I cannot accept the text before us.

**The President :**

*Translation* : Mehmed Sureya Bey, delegate of Turkey, will address the Conference.

**Mehmed Sureya Bey (Turkey) :**

*Translation* : When Article 1 of the American suggestions was being examined, all the producing countries pointed out the economic, political and other difficulties which would stand in the way of sending a Commission of Enquiry to visit their country. Mrs. Hamilton Wright, on behalf of the United States delegation, proposed that a Commission of Enquiry should be sent to investigate these difficulties and to endeavour to find a way of remedying them by means of international co-operation.

All the delegations agreed to this proposal and asked the opinion of their Governments. If we accept the first Article of the Hague Convention, the question of a Commission of Enquiry does not arise; but if we accept the first Article of the American suggestions, the question has to be taken into consideration.

**M. Bourgois (France) :**

*Translation* : The Drafting Committee has to meet again, and as a misunderstanding has arisen as regards the present draft Article V I propose that it be referred back to this Committee. In view of the explanations just given, I think it should be easy to decide upon a satisfactory text.

**M. Yovanovitch (Kingdom of the Serbs, Croats and Slovenes) :**

*Translation* : From what has just been said, it appears that the producing countries did not ask for Commissions of Enquiry to be appointed. I propose, therefore, that Article V be deleted.

**The President :**

*Translation* : In defence of the Drafting Committee, I must point out that the Conference requested it to draft a recommendation, in



We have endeavoured to bring the two Protocols into line with one another. We must not interfere with this arrangement, which will, I believe, meet with general approval.

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*Translation :* I understand that the Conference accepts the Serb-Croat-Slovene delegate's second proposal, and that Article II will conclude with the words "by the Council of the League of Nations". (*Agreed.*) It is not necessary to take a formal vote, and I think that I may regard the Protocol as definitely adopted by the Conference on a first reading.

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*Translation :* The draft Final Act is open for discussion. You will note that, at the beginning of this Act, the sixth resolution of the 1923 Assembly has been inserted in full, including the second part : this does not come quite within the mandate of the Conference but it was thought desirable all the same to insert it.

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ment in accordance with the provisions of the Convention, and the consignment is accompanied by an official copy of such authorisation, or of any diversion certificate which may be issued.

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*Translation :* I do not think the drafting of this article is quite in accordance with the unanimous decision taken by the Conference, and I have ventured to submit a note on the matter. You will perhaps be good enough, Mr. President, to transmit it to the Drafting Committee, and to request the latter to re-draft the article, taking into account my observations on it.

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"The Conference asks the Council of the League of Nations to consider the possibility of giving effect to the suggestion which has been made in the course of its proceedings that a commission should be appointed to visit certain opium-producing countries, which desire it, for the purpose of making a careful study of the difficulties connected with the limitation of the production of opium in those countries and advising as to the measures which could be taken to make it possible to limit the production of opium in those countries to the quantities required for medical and scientific purposes.

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"Done at Geneva, the                      day of one thousand nine hundred and twenty-five, in a single copy, which shall be deposited in the archives of the Secretariat of the League of Nations, and of which authenticated copies shall be delivered to all States represented at the Conference."

**The President :**

*Translation :* I call upon M. Dendramis, delegate of Greece, to speak.

**M. Dendramis (Greece) :**

*Translation :* Article V speaks of a Commission of Enquiry which the producing countries desire to have set up. I would point out that I expressed no desire that such a Commission should visit my country for the purpose of holding an enquiry. It was the United States delegation which expressed the desire, and we agreed, in order to meet its views.

**The President :**

*Translation :* Does the Greek delegate wish the article to be modified, or does he simply wish his remark to be noted in the record of the meeting ?

**M. Dendramis (Greece) :**

*Translation :* I wish my statement to be mentioned in the record of the meeting. With the exception of Persia, none of the producing countries has expressed a desire that a Commission of Enquiry should visit their territory.

**M. Yovanovitch (Kingdom of the Serbs, Croats and Slovenes) :**

*Translation :* I must submit the same observation. The suggestion came from the United States delegation and we accepted it, but the producing countries expressed no desire in the matter.

**The President :**

*Translation :* M. Bourgois, delegate of France, will address the Conference.

**M. Bourgois (France) :**

*Translation :* Since the United States delegation alone made the suggestion, and since, as is stated in the report, it made reservations on the matter, it would be best to drop the proposal, except perhaps in the case of Persia, which did express a desire for the appointment of a Commission.

**The President :**

*Translation :* Prince Arfa-ed-Dowleh, delegate of Persia, will address the Conference.

**Prince Arfa-ed-Dowleh (Persia) :**

*Translation :* Persia never expressed a desire that a Commission of Enquiry should be sent to its territory. The proposal came from the United States delegation. Persia submitted a memorandum requesting the Conference to consider the question. This memorandum was referred to Sub-Committee B, and, when it was being discussed, the United States delegation made a proposal which it begged me to accept. I had some difficulty in inducing my Government to do so, but we did not at any time express a wish for the Commission to be appointed.

The beginning of Article V reads : " To consider the possibility of giving effect to the suggestion". The United States proposal does not mention "the possibility of giving effect to the suggestion"; its purpose was to request the Conference to recommend that the Council should take the Persian memorandum into consideration. This memorandum suggested that a Commission might be sent to Persia to study on the spot the best means of limiting poppy-growing. I cannot accept the text before us.

**The President :**

*Translation :* Mehmed Sureya Bey, delegate of Turkey, will address the Conference.

**Mehmed Sureya Bey (Turkey) :**

*Translation :* When Article I of the American suggestions was being examined, all the producing countries pointed out the economic, political and other difficulties which would stand in the way of sending a Commission of Enquiry to visit their country. Mrs. Hamilton Wright, on behalf of the United States delegation, proposed that a Commission of Enquiry should be sent to investigate these difficulties and to endeavour to find a way of remedying them by means of international co-operation.

All the delegations agreed to this proposal and asked the opinion of their Governments. If we accept the first Article of the Hague Convention, the question of a Commission of Enquiry does not arise; but if we accept the first Article of the American suggestions, the question has to be taken into consideration.

**M. Bourgois (France) :**

*Translation :* The Drafting Committee has to meet again, and as a misunderstanding has arisen as regards the present draft Article V I propose that it be referred back to this Committee. In view of the explanations just given, I think it should be easy to decide upon a satisfactory text.

**M. Yovanovitch (Kingdom of the Serbs, Croats and Slovenes) :**

*Translation :* From what has just been said, it appears that the producing countries did not ask for Commissions of Enquiry to be appointed. I propose, therefore, that Article V be deleted.

**The President :**

*Translation :* In defence of the Drafting Committee, I must point out that the Conference requested it to draft a recommendation, in

accordance with Lord Cecil's interpretation, which was accepted by the Conference.

**Mehmed Sureya Bey (Turkey) :**

*Translation* : In that case, I propose the following wording: "...to visit certain countries which may desire it".

**M. Chodzko (Poland) :**

*Translation* : We must take care that there is no mistake when this article is read for the second time. I venture to propose that one of the representatives of the producing countries should be invited to attend the Drafting Committee when the final draft of Article V is prepared. That is, in my opinion, the only means of obtaining a satisfactory wording.

**M. Bourgois (France) :**

*Translation* : From what has just been said, it seems that no one desires any text at all. I support the proposal put forward by the delegate of the Kingdom of the Serbs, Croats and Slovenes — that Article V be deleted. We accepted it in principle upon the first reading, because we thought the producing countries had expressed a desire that Commissions of Enquiry should be appointed. There has been a complete misunderstanding.

**Prince Arfa-ed-Dowleh (Persia) :**

*Translation* : I propose that Article V of the Final Act should be referred back to the Drafting Committee, and that it should be drafted as follows: "The Conference asks the Council of the League of Nations to consider the suggestion submitted by the United States delegation..."

I suggest, further, that the proposals submitted by other delegations, that the producing countries should be represented on the Drafting Committee, be referred to the Drafting Committee.

**M. Bourgois (France) :**

*Translation* : I beg to support the Persian delegate's proposal. I venture to point out, however, that the United States suggestion has lapsed, as the United States delegation had submitted reservations in connection with it.

**Prince Arfa-ed-Dowleh (Persia) :**

*Translation* : No, the United States delegation did not submit any reservations.

**The President :**

*Translation* : The United States delegation requested that the paragraphs now under discussion should be further examined. This was not done. I pointed this out to the Sub-Committee dealing with the matter, and requested the Rapporteur to give me the opinion of members of the Sub-Committee on the point. The resolution in question was based on the opinion given by the Rapporteur.

**M. Bourgois (France) :**

*Translation* : In that case, it would not be quite correct to state that our resolution was drafted at the suggestion of the United States delegation. The Council ought to know that the United States suggestion was subject to reservations, but that these reservations were never submitted. That puts the matter in quite a different light for the Council.

**The President :**

*Translation* : That was why the Drafting Committee decided not to insert this in the text it was drafting. The position seems to me to be rather complicated. Does M. Yovanovitch wish his proposal, which was supported by M. Bourgois, to stand?

**M. Yovanovitch (Kingdom of the Serbs, Croats and Slovenes) :**

*Translation* : Yes.

**Mehmed Sureya Bey (Turkey) :**

*Translation* : I beg to state, on behalf of my Government, that we were willing to accept Article I of the United States proposals.

**M. El Guindy (Egypt) :**

*Translation* : We have already decided, on the proposal of the Persian delegation, to transmit to the Council of the League a recommendation that it should examine the requests formulated in the Persian memorandum and should endeavour to give effect to them. As the United States proposals were not conclusively dealt with by the Conference, I now propose that Article V be amended as follows:

"The Conference asks the Council of the League of Nations to consider the possibility of giving effect to the requests formulated by the Persian delegation in its memorandum, for the purpose of limiting the production of opium in Persia to the quantities required for medical and scientific purposes, and of advising as to..."

**The President :**

*Translation* : M. Dinichert, delegate of Switzerland, will address the Conference :

**M. Dinichert (Switzerland) :**

*Translation* : I desire to speak on this question simply as a member, I dare to say as a very devoted member, of Sub-Committee B, and not as Swiss delegate. I think the matter requires some elucidation.

Shortly after its formation, Sub-Committee B dealt with the proposal contained in Article I of the United States suggestions which, as you know, refers to the limitation of the production of raw materials. This gave rise to certain observations which the representatives of the producing countries embodied in memoranda that are most instructive. The general view expressed was that only after investigations had been carried out on the spot would it be possible to decide what conditions were necessary for the limitation of raw materials. In agreement, therefore, with the United States delegation and the producing countries, it was considered that a Commission of Enquiry might be sent to the producing countries, in order to determine within what periods and under what conditions it would be possible to bring about the limitation of raw materials.

When Sub-Committee B's second report, which contained this draft motion, was submitted to the Conference, the latter first of all accepted it. Why? Because it had decided to adopt the principles laid down in Article I of the United States proposal. Forty-eight hours later, however, it revoked its decision, and adopted the existing Article I of the Hague Convention, subject to a textual amendment.

If Sub-Committee B had begun by agreeing upon the maintenance of Article 1 of the Hague Convention, and had set aside the suggestion of the United States delegation, this idea of a Commission of Enquiry would clearly never have been raised.

We can now decide either to recommend the despatch of a Commission of Enquiry or not to recommend it. We can ask the producing countries whether, in view of the fresh undertaking entered into, or rather the confirmation of an already existing undertaking, such a Commission of Enquiry would still serve any purpose. If they reply in the negative, we can easily settle the question by dropping the proposal. If, on the contrary, they consider that a Commission of Enquiry would nevertheless be of use to them, they will perhaps tell us what they think it could do in their country. The Conference will no doubt adopt their views on the matter. I think that in any case the Conference can only act in agreement with the producing countries.

**M. Bourgois (France) :**

*Translation :* I beg to support the Egyptian delegate's proposal.

**Prince Arfa-ed-Dowleh (Persia) :**

*Translation :* I also desire to support the Egyptian proposal.

**The President :**

*Translation :* The Egyptian delegation's proposal is as follows :

"The Conference asks the Council of the League of Nations to consider the possibility of giving effect to the request formulated by the Persian delegation in its memorandum, for the purpose of limiting the production of opium in Persia to the quantities required for medical and scientific purposes, and of advising as to..."

We therefore have before us three different proposals.

**M. Yovanovitch (Kingdom of the Serbs, Croats and Slovenes) :**

*Translation :* I beg to withdraw my proposal.

**The President :**

*Translation :* We now have only the Egyptian delegation's proposal, which is supported by several delegations, and the Polish delegation's proposal, that Article V be referred back to the Drafting Committee. This can only be done by the desire of the Conference. Personally, I feel that I should have some difficulty in explaining to the Drafting Committee what is meant. The Egyptian proposal asks that effect should be given to the requests formulated in the Persian memorandum. That is a new point. At the moment, the Conference is still dealing with the question of substance and not with that of form. I do not see how I can simply refer the question to the Drafting Committee without fuller explanations from the Conference.

**M. Dendramis (Greece) :**

*Translation :* I wish to revert to the proposal of the delegation of the Kingdom of the Serbs, Croats and Slovenes. We might perhaps vote on it first, and then on the text submitted by the Egyptian delegate.

**The President :**

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

Mr. President, I confess that I am completely bewildered by the discussion that has taken place, and I imagine that some of the other delegations must feel in the same position.

A discussion took place the other day in the Conference on the report of Sub-Committee B. That report, as the Conference will remember, was inconclusive. It gave no definite recommendation, for the simple reason that certain reservations were made which prevented it from doing so.

I think I am right in saying that the general sense of the Conference was that some recommendation should be adopted which would give the Council the opportunity of examining the question in concert with the Governments of the countries affected and arranging with them, if they so desired, but only if they so desired, for an enquiry into the difficulties which exist at the present time in limiting the production and distribution of raw opium to medical and scientific purposes.

The Drafting Committee has done its best to embody in the form of this resolution or *vœu* what was understood to be the general sense of the Conference. I must say that in my opinion it is desirable to retain this *vœu* more or less in the form in which it has been put by the Drafting Committee.

The Drafting Committee intended to make it clear — but perhaps it has not used the best form of words — that such an enquiry could only be made in the case of any country if the Government of that country so desired and by arrangement with the Government of that country. It would leave each Government entirely free to accept an enquiry or to reject it.

We have heard this morning from one or two delegates — certainly one, the delegate of Turkey — that they desired an enquiry if the Council of the League of Nations were willing to grant it and that they would collaborate in the most loyal manner possible. That is an expression of opinion on the part of the delegate of Turkey which I for one think this Conference can hardly put aside.

I therefore suggest that the Conference should accept in principle the text of the recommendation as it has been drawn up by the Drafting Committee but with some alteration of words to make it quite clear that the enquiry would only take place if the Government of the country desired it and by arrangement with that Government. If I may say so, I rather liked the proposition of the delegate of the Kingdom of the Serbs, Croats and Slovenes, who proposed to alter the words "which desire it" to "if they desire it". If the recommendation were modified to read in that way it would, I think, leave every Government perfectly free to accept or not to accept an enquiry as it considered best and to arrange with the Council the conditions under which the enquiry would be made. It would read something like this :

"The Conference asks the Council of the League of Nations to consider the possibility of giving effect to the suggestion which has been made in the course of its proceedings that a Commission should be

appointed to visit such opium-producing countries as desire it."

If you like, some other words could be added, such as: "and by arrangement with the Government of the country"—words which the Drafting Committee could quite easily settle. I imagine that a *vœu* in that form would not meet with objection from any Government, because the matter would be left entirely in its discretion to accept—and, if it accepted, to settle the details with the Council—or not to accept, if it thought it better.

I do not see how the Drafting Committee can improve on this recommendation unless it has the most distinct instructions from the Conference as to what is intended. I would suggest to the Conference therefore that in order to save time and get on with the very important business that lies before us we should agree to some modification of the *vœu* on the lines I have mentioned, which correspond with the second proposition of the delegate of the Kingdom of the Serbs, Croats and Slovenes and which it seems to me ought not to raise difficulties or objections on the part of any delegate here.

**M. Bourgois (France) :**

*Translation :* I am prepared to accept Sir Malcolm Delevingne's proposal as a compromise.

**M. Yovanovitch (Kingdom of the Serbs, Croats and Slovenes) :**

*Translation :* I also accept Sir Malcolm Delevingne's proposal.

**The President :**

*Translation :* Mr. Riddell, delegate of Canada, will address the Conference.

**M. Riddell (Canada) :**

I quite see that in Article V it is necessary to make it clear that the Commission would only go to those countries that wished it. I hardly see how satisfaction could be given to the Persian memorandum were it not preceded by some kind of enquiry such as is implied in Article V. I think nothing but good could come from such a Commission. It would be a great gain to almost any country to be visited by such experts. As an agriculturist, I feel it would be too bad if we were to suppress this article altogether. I have much pleasure, therefore, in supporting it, subject to the amendments that have been suggested.

**M. Dendramis (Greece) :**

*Translation :* I beg to withdraw my proposal and to support Sir Malcolm Delevingne's motion.

**The President :**

*Translation :* We now have before us only two proposals: M. Chodzko's proposal referring the question to the Drafting Committee, with Sir Malcolm Delevingne's observations, which were agreed to by several delegations, and the Egyptian delegation's proposal. Does the Egyptian delegate wish his proposal to stand?

**M. El Guindy (Egypt) :**

*Translation :* Since Sir Malcolm Delevingne proposes that Article V should be maintained and the Persian requirements will thus be met, I beg to withdraw my proposal.

**The President :**

*Translation :* We have before us a single proposal which represents the general view of the Conference; it is that Article V be referred back to the Drafting Committee to be examined with special reference to Sir Malcolm Delevingne's remarks. I venture to invite the first Persian delegate to be present when the Drafting Committee is discussing this question.

Does anyone else wish to speak on the Final Act?

**M. de Palacios (Spain) :**

*Translation :* The Final Act was distributed this morning. We have accepted the recommendations contained in it as they were explained in the course of our discussion. I think, however, that it would be advisable to reserve the right to submit further recommendations arising out of the second reading of the draft Convention.

I am told that one of the articles adopted at the first reading will be discussed again at the second. If this is not so, I shall probably submit a draft recommendation to the Conference.

The matter in question would, of course, not be one referred to in the recommendations contained in the Final Act and would not be at variance with them.

**The President :**

*Translation :* I understand from the last speaker's remarks that the Spanish delegation reserves the right to submit a further recommendation. I would suggest that this should be done at the first reading of the draft rather than at the second.

The Final Act is adopted, subject to this reservation, and referred to the Drafting Committee, which will examine also the two questions specially referred to it.

*The Final Act was adopted at the first reading and referred to the Drafting Committee.*

## 106. FIRST READING OF THE DRAFT CONVENTION : ARTICLE 19 : CONTINUATION OF THE DISCUSSION.

**The President :**

*Translation :* We will resume the discussion on Article 19 and the articles connected with it. I beg to remind you that as regards Article 19, the Conference accepted two proposals submitted by the Polish delegate; the first was that the words "the Central Board shall elect its President" should be added, and the second that the mandate should be for five instead of three years.

M. von Eckardt, delegate of Germany, will address the Conference.

**M. von Eckardt (Germany) :**

*Translation :* I hope you will pardon me if I revert once more to the proposal of the Polish delegate, who rightly considers, if I am not mistaken, that the number of experts on the Central Board should be increased and that this body should be representative of the chief producing, manufacturing and consuming countries.

With the support of the majority of the Confe-

rence, the Rapporteur of Sub-Committee A, recalling the allusion to human weakness which was made by the French Minister for the Colonies, said that the persons selected must be disinterested and impartial — an ideal which might not be attained if they belonged to the two groups mentioned.

The intention is to leave the choice of experts to the hazards of an election. The results of the election would not be a matter of concern to all the delegations, but they certainly would be to some, and more especially to the German delegation.

As one of the chief manufacturing countries, Germany can only sign the Convention if provision is made for the presence of a German expert on the Central Board.

As Article 19 makes the right to vote contingent upon previous ratification of the Convention, Germany will not be able to exercise this right on the occasion of the first election of members of the Central Board. If a German expert were elected, the above-mentioned reservation would not be maintained<sup>1</sup>.

**The President :**

*Translation :* M. Falcioni, delegate of Italy, will address the Conference.

**M. Falcioni (Italy) :**

*Translation :* Mr. President, ladies and gentlemen, I venture to remind you of the policy that the Italian delegation has followed from the beginning.

As representatives of a country which, apart from general and humanitarian interests, has no concern whatsoever in the matter with which we are dealing, we have always maintained an attitude of reserve and have supported every effort designed to conciliate the divergent and sometimes opposite points of view which have manifested themselves in the course of our work.

As regards the question of the Central Board, I may say that if the Italian delegation had followed its natural inclination and the general line of conduct laid down by its Government, it would have expressed serious doubts and would have felt it its duty to make equally serious reservations. It decided, however, not to persist in this policy but to support all conciliatory efforts directed towards an understanding.

We therefore voted with the British delegation, at the meeting on Friday, in favour of the British motion. We could not but note, however, that the opposition to the proposal to modify the constitution of the Central Board, and the decisions reached, far from eliminating the difficulties, merely increased them, because the very idea of the Central Board has thereby become increasingly unpopular.

I repeat that if the Italian delegation regarded the matter solely from its own point of view, it would certainly hesitate before agreeing to the proposed institution. Recognising, however, that it is an essential feature of the system as contemplated, the Italian delegation is prepared to waive its objections to the setting-up of the Central Board provided that the Board is so constituted as to meet, as far as possible, the views of the Conference as a whole.

<sup>1</sup> *Reserve :* The validity of the signature and ratification of this Convention are subject to the condition that a German expert will be appointed as a member of the Central Board.

I now venture, therefore, after having voted with the British delegation at the meeting on Friday, to ask Sir Malcolm Delevingne, the Rapporteur, whether he could not make certain concessions to meet the views of the Polish delegation. The Polish amendment would not make any appreciable difference to the character of the Central Board as originally contemplated.

I think it would be possible to adhere to the principle that the Central Board should always be composed of experts and at the same time to increase the number to eight. The experts selected should be persons who, without being directly representative of the countries to which they belong, would be conversant with the special conditions, and they should be chosen from among nationals of producing and consuming countries.

I submit this as a general suggestion and hope that it may be taken as a basis for discussion or embodied in an amendment.

I now desire to state clearly my views as to the method suggested for the selection of members of the Board. The Italian delegation could not accept, as it stands, the method laid down in the present text of Article 19. Apart from other considerations, the text in question would make it impossible, once for all, to obtain the help of the United States in the work of international co-operation which is our object.

I think it preferable that the members of the Central Board should be nominated by the Council of the League, which could and should take into account not only the considerations contained in the Polish proposal but also other factors of a general and political character, and which would have power, in the event of United States co-operation, to include a national of the United States on the Central Board.

As this is a general discussion, I may remark that I shall have certain modifications to suggest concerning Article 20, and I reserve the right to do so at the proper time.

In conclusion, I would emphasise the necessity of taking into account the legitimate considerations which have been raised in the course of our discussions. I appeal to all those who are anxious for the setting-up of the Central Board.

**The President :**

*Translation :* In accordance with our procedure, I would ask the Italian delegate to submit his suggestion concerning Article 20 in writing.

Mr. Clayton, delegate of India, will address the Conference.

**M. Clayton (India) :**

It was with considerable dismay that I listened last Friday to the reservations made by the delegations of producing countries as the result of the vote on the second amendment proposed by the delegate for Poland. This dismay was all the greater as the reasons for the attitude taken up by them were not fully stated in the course of the debate.

My dismay has been increased this morning by the reservations made on behalf of Germany. I may say that since our last meeting I have studied Chapter VI with some care, and it seems to me that these reservations are based on a misapprehension. There seems to me some misunderstanding as to the duties of the Central Board. Some delegations appear to regard it as an administrative body which



may take some executive action prejudicial to the interests of some of the States concerned in the traffic of drugs and opium.

Now, personally, I can find no justification whatever for this view in the draft Convention before us. In the first place, I would like to point out that the principle of the submission of the most complete statistics by all States concerned in the traffic has been admitted in every Sub-Committee. That principle has nowhere been disputed, and I take it that whatever happens to the Central Board, these statistics will be retained.

Now, if they are sent in, they must undoubtedly be published, and, if published, they will be available for every journalist in the world and for every anti-opium or anti-drug association in the world to comment upon them. Therefore, whether there be a Board or not, there will be publicity for the statistics, and there will be comments, informed and uninformed, prejudiced and unprejudiced, and all the States concerned must be prepared to find themselves the target of criticism.

Let us now return to the Board. Its duty, according to Article 24 (1), is continuously to watch the course of the international trade. This means little more than that the Board will have the mass of statistics furnished to it collated by its staff, and, after examination, endeavour to present the general course of the international traffic in as clear a manner as possible in its annual report. This report goes to the Council of the League under Article 27.

Now this annual survey will undoubtedly be of great value, and, being prepared by a body of men specially fitted and selected for the purpose, it will do much to prevent the flow of prejudiced or uninformed criticism which, in the absence of such a report, would very likely appear from other quarters. The material for the report will be furnished in the statistics, and the comments thereon sent in by the various signatory Governments, and I cannot imagine that this report is likely to contain anything objectionable to any country.

It will be said that the Board has other powers. So it has. But if it has other powers, it will become obvious at once, if the matter is looked at in the right way, that these powers are more likely to afford opportunity to States, whose actions have given rise to misunderstandings, to clear up those misunderstandings rather than to create international unpleasantness.

In the first place, let us imagine that the survey of the world's position by the Board leads it to be uncertain as to the real facts in a given country. The statistics and statements submitted by that country do not dispel that uncertainty. Well, what happens? The Board puts down this point for discussion at the next meeting — and it is to be hoped that the Board will meet in private — and the country in question will be asked to send a representative to that meeting. That is in accordance with Article 24 (6). The matter will then be fully discussed in private between the Board and the country concerned, and, in nine cases out of ten, the matter will end there and all difficulties will be satisfactorily solved. The report at the end of the year will explain the solution of the difficulty encountered, and a great deal of public criticism, very objectionable no doubt to the country whose action is in question, will

be avoided. I cannot imagine what any country can see to object to in all this.

Let us, again, assume that a satisfactory solution is not arrived at and that the Board formulates serious criticisms which it does not regard as fully met by the explanations of the country in question. In almost every case, these criticisms will relate to some defect in the administrative system of the country which permitted the incidents under discussion to arise. Normally the incident will probably terminate as follows. The justice of the criticism will be recognised by the country concerned, an assurance will be given that the administrative machinery will be overhauled so as to prevent a recurrence of the incident, and the proceedings will terminate. All this would take place in private, and no public comment would be occasioned thereby. Again, I see no reason for any country to object.

Supposing, however, a conflict of opinion between the Board and any country does persist, then the country can appeal to the Council of the League against the decision of the Board. That is, the Board will not merely send its own version of the facts to the Council but with that version will go the full explanations of the country in default, in the form of an appeal, and until the Council has pronounced on the appeal, no recommendations as regards the withdrawal of permission to import can apparently be circulated to the other signatories. Even then, the countries with which the country alleged to be in default deals need not accept the recommendation unless they like.

Frankly, it does not seem to me that, hedged about as it is with all these restrictions, this power of recommendation is in the least likely ever to be used in practice, except against a State which is definitely and deliberately breaking its obligations under the Convention, and recognised to be so doing by the public opinion of the world, and I imagine there is not a State represented here which is likely to find itself in that position.

The Board therefore simply provides a machinery for producing an annual review of the international position and for settling any difficulties and misconceptions that may arise from the statistics sent in. There will be little or no opportunity in its work for the clash of opposing interests. What is therefore required is that its members should be sufficiently versed in opium and drug matters to be able to make correct deductions from the statistics presented to them and to be able to understand the explanations presented to them by the States which are asked to send representatives for any cause to attend their meetings.

I see no reason why the selecting Powers mentioned in Article 19 should not be perfectly capable of choosing men suitable for this purpose. In fact, personally, I hardly see the need of a panel of possible candidates to be chosen, one by each of the Contracting Parties.

As no action can be taken which in any way affects any Contracting Party without that Party being represented at the meeting of the Board, I cannot see why any State should be concerned to be represented on the Board itself. The Board has to be chosen somehow, and I think the method proposed in the article, if not the best, is at least as good a method as any other. Personally I accept the method for my own delegation.

I sympathise with those State which feel alarmed, but I think that a little consideration will show that their alarm is not really justified by the facts of the case and that really there cannot be any possibility of their interests being in danger.

I trust, therefore, that the recommendations of the Sub-Committee will be allowed to stand.

**M. Chodzko (Poland) :**

*Translation :* I beg warmly to thank the Italian delegate for his kind reference to the proposals I had the honour to submit last Friday. His suggestions are extremely valuable and, with the President's permission, I would ask him to submit them in writing this afternoon.

I do not share the views of the Indian delegate, whose eloquent speech was designed to prove that the Central Board would serve no useful purpose. I most earnestly hope that this body will be set up and that it will meet with universal confidence. I therefore beg to urge the adoption of my proposal.

**The President :**

*Translation :* I would ask the Italian delegate to be good enough to submit his proposal.

**M. Falcioni (Italy) :**

*Translation :* I will read my proposal, which will be distributed this afternoon. It is as follows :

"The Central Board shall consist of eight members who, by their technical competence, impartiality and disinterestedness, command general confidence.

"The members of the Central Board shall be chosen by the Council of the League of Nations. The United States of America and Germany shall be invited each to nominate one person on the Electoral Body.

"In choosing the members of the Central Board, the Electoral Body shall take into consideration the necessity of including on the Central Board, in just proportion, persons possessing a knowledge of the drug situation, both in the producing and manufacturing countries on the one hand and in the consuming countries on the other hand.

"The members of the Central Board shall not hold any office which puts them in a position of direct dependence on their Governments."

**Mr. Clayton (India) :**

As a point of personal explanation, I desire to say that M. Chodzko has completely misinterpreted the effect of my speech and that instead of thinking that the Central Board is undesirable I think that it is a most desirable body for the carrying-out of the purposes of the Convention.

**M. Pinto-Escalier (Bolivia) :**

*Translation :* The Indian delegate expressed his surprise at the reservations made by the producing countries as regards the organisation of the Central Board. As Bolivia is a producing country, I beg to state that my delegation made no such reservation.

*The Conference rose at 1.20 p.m.*

## THIRTY-SIXTH MEETING

*Held at Geneva on Monday, February 16th, 1925, at 3.30 p.m.*

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107. FIRST READING OF THE DRAFT CONVENTION : ARTICLES 19-27 : CONTINUATION OF THE DISCUSSION.

President : M. Herluf ZAHLE.

107. FIRST READING OF THE DRAFT CONVENTION : ARTICLES 19-27 : CONTINUATION OF THE DISCUSSION.

*Article 19 (Continuation of the discussion).*

**The President :**

*Translation :* We will continue the discussion of Article 19. As you are aware, several amendments have been submitted. After considering these various amendments, I think that it would be advisable to begin our discussion by taking the last proposal dealing with this article, which was made here by the first delegate of Italy, and is as follows :

"The Central Board shall consist of eight members who, by their technical competence, impartiality and disinterestedness, command general confidence.

"The members of the Central Board shall be chosen by the Council of the League of Nations. The United States of America and Germany shall be invited each to nominate one person on the Electoral Body.

"In choosing the members of the Central Board, the Electoral Body shall take into consideration the necessity of including on the Central Board, in just proportion, persons possessing a knowledge of the drug situation, both in the producing and manufacturing countries on the one hand and in the consuming countries on the other hand.

"The members of the Central Board shall not hold any office which puts them in a position of direct dependence on their Governments."

I understand the Italian proposal to mean that the last lines of the previous draft of Article 19 should be added to the above text ?

**M. Falcioni (Italy) :**

*Translation :* That is so.

**The President :**

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

I am sure we must all be grateful to the first delegate of Italy for having made this attempt — an attempt which I hope will be successful — to bridge the gulf which appeared likely, at the end of last week, to divide the Conference into two sections.

So far as I personally am concerned, and I think so far as those who supported the scheme of Sub-Committee A are concerned, we see no objection to the adoption of the proposal of the Italian delegate, which I think ought to meet the views of both parties. It provides for a Board which would have a complete acquaintance with the situation in all the different groups of countries, and at the same time a Board which should be independent, impartial and likely to command the general confidence of all countries.

There may be some slight modifications in wording which the Drafting Committee may like to consider, but those will be merely a matter of drafting. I have great pleasure, therefore, in supporting the adoption of the Italian proposal.

**The President :**

*Translation :* M. Yovanovitch, delegate of the Kingdom of the Serbs, Croats and Slovenes, will address the Conference.

**M. Yovanovitch (Kingdom of the Serbs, Croats and Slovenes) :**

*Translation :* I do not quite understand the last sentence but one. Does it imply that the members of the Board must necessarily belong to producing countries? Otherwise, we should have before us only a new edition of Article 19 given in the draft Convention.

**The President :**

*Translation :* M. Falcioni, delegate of Italy, will address the Conference.

**M. Falcioni (Italy) :**

*Translation :* Since Sir Malcolm Delevingne has just told us that it would be advisable to leave all these questions to the Drafting Committee, I think that that Committee should be asked to consider whether it would amend my text in the way suggested by M. Yovanovitch,

**The President :**

*Translation :* I call upon M. Sugimura, delegate of Japan, to speak.

**M. Sugimura (Japan) :**

*Translation :* The Japanese delegation congratulates the distinguished delegate of Italy on having prepared a draft which satisfies everyone. I am quite prepared to accept it subject to certain slight changes in wording. Light has at last reached us, and that from the fair land of Italy!

**The President :**

*Translation :* M. Chodzko, delegate of Poland, will address the Conference.

**M. Chodzko (Poland) :**

*Translation :* I think it my duty to make the following statement :

Although the wording of Article 19 proposed by the Italian delegation is not as precise as that which I had the honour to submit to you, I am prepared, in a spirit of concession and to prevent the failure of this Conference — a failure which might seriously affect the League of Nations, whose prestige and prosperity should be our first care — to accept the Italian proposal in the name of the Polish Government, and, should it be accepted by the Conference, I will withdraw the reservations that I made during last Friday's meeting.

**The President :**

*Translation :* M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios (Spain) :**

*Translation :* I should also like to express my satisfaction with the Italian proposal. I think that the solution which is recommended is very satisfactory and I thank the Italian delegate for having taken account of the suggestion which I had the honour to make at last Friday's meeting. In fact, we find the following sentence in the Italian proposal : "The members of the Central Board shall be chosen by the Council of the League of Nations". This wording meets my wishes.

**The President :**

*Translation :* M. Dinichert, delegate of Switzerland, will address the Conference.

**M. Dinichert (Switzerland) :**

*Translation :* I should like to ask the Italian delegate to explain one point. In his opinion, must the States which are to constitute the electoral body have ratified the Convention or is this not the case? This is not clear.

**The President :**

*Translation :* M. Falcioni, delegate of Italy, will address the Conference.

**M. Falcioni (Italy) :**

*Translation :* I think that it will be necessary to sign the Convention in order to be represented on the Central Board. We have said, however, that the members of the Central Board should be chosen by the Council of the League of Nations, and we added that the United States and Germany would be asked to propose a candidate to the Electoral Body.

Once the United States have been invited by the League of Nations to be represented on the Central Board, we all hope that the United States Government will consent to sign the Convention.

**The President :**

*Translation :* M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios (Spain) :**

*Translation :* I do not want to take up any definite position with regard to the question raised by the delegate of Switzerland. I should like, however, to remind the Conference of a precedent. When the election of the members of the Permanent Court of International Justice took place, ratification by Members of the League of Nations was not a neces-

sary qualification for taking part in the voting. This precedent might be useful to us.

At first sight it would appear natural that, to be entitled to rights arising out of a convention, it is necessary first to have signed and ratified it. Rights imply obligations. But in certain cases, as in this one, it may be advisable not to draw too hard-and-fast a line. This very morning we heard a reservation made to the effect that the ratification of a certain Power would only be given when the constitution of the Central Board was known. Should one of the States which, under the Italian proposal, are to be invited to nominate a representative on the Electoral Body accept that invitation, is it not dangerous to insist on previous ratification of the Convention by that State? I do not see the use of making such restrictions. We are in a position in which it is better to be vague than to be exact. In my opinion, it would be preferable to leave things as they are.

**The President :**

*Translation :* Mr. Riddell, delegate of Canada, will address the Conference.

**M. Riddell (Canada) :**

I think we are greatly indebted to the distinguished delegate of Italy for getting us out of a rather difficult position. I think his resolution is very much to the point. It has been said that the resolution might enter more into detail, but I think, as the previous speaker has said, that vagueness is probably one of its chief assets. At this stage of its consideration, I think it is quite sufficiently detailed and defined. On behalf of my Government, I shall have the greatest pleasure in supporting this proposal if it is put to the vote.

**The President :**

*Translation :* M. El Guindy, delegate of Egypt, will address the Conference.

**M. El Guindy (Egypt) :**

*Translation :* During last Friday's meeting, at the request of the President, I made certain comments on Article 19. These comments have been circulated under the name of "Proposals". I should like to make it quite clear that I made comments and not proposals.

I said that, under the old text, the States which are not Members of the League of Nations were kept somewhat at a distance. Countries in Asia, Europe and North and South America were represented, but Africa was not.

According to the Italian proposal, I see that the task of choosing the members of the Central Board is to be entrusted to the Council of the League of Nations. I have every confidence in the wisdom of the Council and I have no doubt that its choice will satisfy everybody. Under these circumstances, I withdraw the comments that I have made.

**The President :**

*Translation :* I call upon M. Falcioni, delegate of Italy, to speak.

**M. Falcioni (Italy) :**

*Translation :* I should like to repeat what I said this morning. When making my proposal, I had taken into consideration particularly the absolute confidence which we all have in the Council of the League of Nations.

Yes, we all trust the League of Nations, and I hope that the whole of my proposal will be accepted. It will be the task of the Drafting Committee to make certain alterations in form — alterations which will not change the substance of my proposal.

**The President :**

*Translation :* No one else has asked to speak. The Conference has had before it an amendment to the Spanish proposal. This amendment falls to the ground, and the same applies to the Portuguese proposal and the proposal of the Swiss delegation.

The suggestion of the Egyptian delegation has just been withdrawn. The observations of M. El Guindy will be entered in the record of this meeting.

The Conference has still before it the Italian proposal, to which no real opposition has been made, though it has been agreed that certain slight drafting alterations will have to be made by the Drafting Committee.

Subject to this reservation, I think that the proposal can be referred to the Drafting Committee.

I would ask the first delegate of the Kingdom of the Serbs, Croats and Slovenes to be so good as to attend the meeting of the Drafting Committee when it discusses the final wording of Article 19.

**M. von Eckardt (Germany) :**

*Translation :* I cannot vote for the Italian proposal, for the reasons which I had the honour to explain this morning.

**The President :**

*Translation :* The statement made by the German delegation will be included in the record of the meeting.

*Article 19 was approved at the first reading and referred to the Drafting Committee.*

*Article 20.*

The text of Article 20 was read as follows:

"The Council of the League of Nations shall, in consultation with the Board, make the necessary arrangements for the organisation and working of the Board, with the object of assuring the full technical independence of the Board in carrying out its duties under the present Convention, while providing for the control of the staff in administrative matters by the Secretary-General.

"The Council shall also, in consultation with the Governments of any Contracting Parties which are not Members of the League, take the necessary measures to allocate the expenses of the Board among the Contracting Parties.

"The Secretary-General shall appoint the secretary and staff of the Board on the nomination of the Board and subject to the approval of the Council."

**The President :**

*Translation :* The Portuguese delegation has brought forward a proposal with regard to Article 20 to the effect that it would be desirable to fix beforehand some basis for the allocation of expenses, as, for instance, the population of each country or some other

clearly defined basis. The discussion is now open. I should like to point out to you that the Portuguese proposal is not, strictly speaking, an amendment — it is only a suggestion.

M. Yovanovitch, delegate of the Kingdom of the Serbs, Croats and Slovenes, will address the Conference.

**M. Yovanovitch** (Kingdom of the Serbs, Croats and Slovenes) :

*Translation* : I should like to know on what basis the expenses of the Committee will be allocated. This is one of the most important questions for us.

**The President** :

*Translation* : Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne** (British Empire), Rapporteur :

As Rapporteur, perhaps I should explain to the Conference that the Sub-Committee deliberately avoided dealing with this question, which is one of some difficulty. We thought it best to leave it to the Council of the League of Nations to settle the matter in consultation with the interested countries.

The Conference will see that it is proposed, under Article 20, to place the expenses on the Contracting Parties — that is, the signatory States — and it is impossible to forecast which the signatory States will be. I suggest, therefore, that it must be left to the Council, which will represent a large number of the signatory States which are Members of the League, in consultation with those States which are not Members of the League, to decide what proportion of the expenses should be borne by each country.

The Council, I suggest, is in a far better position than we are to decide the matter, and I recommend the Conference to leave it where Sub-Committee A left it and not to attempt to deal with it here. If we did attempt to deal with it here, I think we should find ourselves involved in a very long and difficult discussion, which, I am sure, at this stage of the proceedings, is not desired by any of us.

**The President** :

*Translation* : M. Rodriguez, delegate of Portugal, will address the Conference.

**M. Rodriguez** (Portugal) :

*Translation* : Sir, taking advantage of your invitation to the Conference on Friday last, I ventured to submit a few suggestions ; one of them has been rejected. We are now discussing the second ; and I thought it better, in order to avoid surprises later on — for surprises are always disagreeable — to mention certain principles according to which the distribution of expenditure would be made. I see, however, from what Sir Malcolm Delevingne has told us, that the subject has already been thoroughly examined, and, in view of the well-known impartiality of the Council, to which the allocation of expenditure is to be entrusted, I withdraw my proposal.

**M. Yovanovitch** (Kingdom of the Serbs, Croats and Slovenes) :

*Translation* : I beg to ask the Conference to

agree to a recommendation being made to the Council that it should allow countries which are not represented on it to be so represented when the expenditure is being allocated. It seems to me that that would be quite fair.

**The President** :

*Translation* : M. Falcioni, delegate of Italy, will address the Conference.

**M. Falcioni** (Italy) :

*Translation* : As a result of the declaration which I had the honour to make in respect of Article 19, and in conformity with that declaration, I think it would be advisable to add to Article 20 a sentence such as this : "The secretariat of the Central Board shall form an integral part of the Secretariat of the League of Nations". This sentence might be placed after the words "under the present Convention". This is an addition which is not only advisable but necessary.

**The President** :

*Translation* : I call upon Sir Malcolm Delevingne, delegate of the British Empire, to speak.

**Sir Malcolm Delevingne** (British Empire) :

I hope that the Italian delegate will not press his suggestion. The wording of this article was very carefully settled in consultation with the Secretary-General himself. Sir Eric Drummond is perfectly satisfied with the wording as it stands. It gives him the administrative control of the staff, while leaving the staff, in regard to the technical work, free to act under the orders and control of the Board. The solution, I think, is a satisfactory one, and I suggest that we accept it without attempting now to modify the words.

**M. Falcioni** (Italy) :

*Translation* : I will not press my suggestion since Sir Malcolm Delevingne asks me not to do so. It seems to me that we cannot vote on Article 20 without bringing it into agreement with Article 19. That was why I desired to lay down that the secretariat of the Central Board should form an integral part of the Secretariat of the League of Nations. I prefer, however, to meet the wishes of Sir Malcolm Delevingne.

**Sir Malcolm Delevingne** (British Empire) :

I am greatly obliged to the delegate of Italy.

**The President** :

*Translation* : I would like to ask the delegate of the Kingdom of the Serbs, Croats and Slovenes whether his proposal constitutes a formal recommendation, and, if so, I would beg him to submit it to me in writing. Or would he think it sufficient if the ideas expressed by him were mentioned in the record of the meeting ?

**M. Yovanovitch** (Kingdom of the Serbs, Croats and Slovenes) :

*Translation* : I am satisfied if they are mentioned in the record of the meeting.

*Article 20 was approved at the first reading and referred to the Drafting Committee.*

*Article 21.*

The text of Article 21 was read as follows :

"The Contracting Parties agree to send in annually before December 31st to the Permanent Central Board set up under Article 19 estimates of the quantities of each of the substances covered by the Convention to be imported into their territory for internal consumption during the following year for medical, scientific and other purposes.

"These estimates are not to be regarded as binding on the Government concerned, but will be for the purpose of serving as a guide to the Central Board in the discharge of its duties.

"Should circumstances render necessary an increase in these quantities in any country in the course of the year, such country may send revised figures to the Central Board."

**The President :**

*Translation :* We have received a proposal from the Swiss delegation with regard to the third paragraph of this article. The proposal is as follows :

"Should circumstances make it necessary for any country, in the course of the year, to modify its estimates, the country in question shall communicate the revised figures to the Central Board."

I declare the discussion on Article 21 and the amendment submitted by the Swiss delegation to be open.

M. Dinichert, delegate of Switzerland, will address the Conference.

**M. Dinichert (Switzerland) :**

*Translation :* I should simply like to make it clear — a point which the members of the Conference must certainly have realised — that we are not, strictly speaking, dealing with a new proposal but with a question of drafting. This proposal we take the liberty of submitting to the Drafting Committee, together with a few others. The meaning of the paragraph we are proposing to you is the same as that of the article which has already been submitted, but we consider that the wording is better.

**The President :**

*Translation :* M. Chodzko, delegate of Poland, will address the Conference.

**M. Chodzko (Poland) :**

*Translation :* We raised the question of codeine because we thought that, if an exact estimate of the quantities provided for in the Convention was to be made, it must be recognised that the question of codeine ought to be taken into consideration. In fact, the manufacture of codeine requires a larger quantity of raw material than that provided for in Article 21. I think that this point is covered by Article 22, paragraph 1 (b), which says : "The amount of such substances used for the production of other derivatives . . . shall be separately stated". If this is the case, I shall make no objection to Article 20.

**The President :**

*Translation :* M. Perrot, delegate of France, will address the Conference.

**M. Perrot (France) :**

*Translation :* In Sub-Committee F we decided to include codeine and other non-narcotic substances in the statistics for the use of morphine. Morphine being in this case a raw material, we cannot bring codeine into the article on narcotic drugs, but we have asked Sub-Committee F to provide that the quantity of codeine prepared in factories should be included in the statistics along with the amounts of other non-narcotic substances.

**The President :**

*Translation :* Do any other members wish to speak on Article 21? Since no one wishes to speak, Article 21 will be referred to the Drafting Committee.

*Article 21 was adopted at the first reading and referred to the Drafting Committee.*

*Article 22.*

The text of Article 22 was read as follows :

"1. The Contracting Parties agree to send annually to the Central Board, in a manner to be prescribed by the Board, within three (in the case of paragraph (c), five) months after the end of the year, as complete and accurate statistics as possible relative to the preceding year, showing :

"(a) The production of raw opium and coca leaves ;

"(b) Manufacture of the substances covered by Chapter III of the present Convention and the raw material used for such manufacture. The amount of such substances used for the production of other derivatives not covered by the Convention shall be separately stated ;

"(c) Stocks of the substances covered by Chapters II and III of the present Convention in the hands of wholesalers or held by the Government for consumption in the country for other than Government purposes ;

"(d) Consumption, other than for Government purposes, of the substances covered by Chapters II and III of the present Convention ;

"(e) The amounts of each of the substances covered by the present Convention which have been confiscated on account of illicit import or export ; the manner in which the confiscated substances have been disposed of shall be stated, together with such other information in regard to such confiscation and disposal as may be prescribed by the regulations of the Board.

"The statistics referred to in paragraphs (a) to (e) above shall be communicated by the Central Board to the Contracting Parties.

"2. The Contracting Parties agree to forward to the Central Board, in a manner to be prescribed by the Board, within four weeks after the end of each period of three months, the statistics of their imports from and exports to each country of each of the substances covered by the present Convention during the preceding three months. These statistics will, in such cases as may be prescribed by the Board, be



sent by telegram, except when the quantities fall below a minimum amount which shall be fixed in the case of each substance by the Board.

"3. In furnishing the statistics in pursuance of this article, the Governments shall state separately the amounts imported or purchased for Government purposes, in order to enable the amounts required in the country for general medical and scientific purposes to be ascertained. It shall not be within the competence of the Central Board to question or to express any opinion on the amounts imported or purchased for Government purposes or the use thereof.

"4. For the purposes of this article, substances which are held, imported or purchased by the Government for eventual sale are not regarded as held, imported or purchased for Government purposes."

**The President :**

*Translation :* In respect of Article 22, we have a proposal from the Swiss delegation which might be referred to the Drafting Committee, as it does not seem to involve any question of principle.

The text of the Swiss proposal is as follows :

"The Contracting Parties agree to send to the Central Board, in a manner to be prescribed by the Board, within three (in the case of paragraph (c), five) months after the end of the year, as complete and accurate statistics as possible relative to the preceding year, showing :

"(a) The production of raw opium and coca leaves ;

"(b) The manufacture of the substances covered by Chapter III of the present Convention and the raw material used for such manufacture ; the quantities of raw materials used in the production of other derivatives not covered by the Convention shall be separately stated.

"Place at the end of Article 22 the paragraph or sub-section worded as follows : 'The statistics referred to in paragraphs (a), (b), (c), (d) and (e) shall be communicated by the Central Board to the Contracting Parties', and word it thus :

"'The statistics referred to in sub-sections 1, 2, and 3 shall be communicated by the Central Board to the Contracting Parties'."

Further, we have a proposal from the Egyptian delegation to replace the words "after the end of each period of three months" in paragraph 2 by the words "after the end of each half-year".

Article 22, together with the two amendments, is open for discussion.

M. El Guindy, delegate of Egypt, will address the Conference.

**M. El Guindy (Egypt) :**

*Translation :* I submitted the above amendment because I found, during conversations with several of our colleagues, that many of them thought it would be difficult to supply

figures quarterly. The difficulty lies not in the statistics themselves but in the question of the staff which would be necessary to prepare the statistics. I believe, moreover, that the result would be the same if we only compiled the statistics every six months.

**The President :**

*Translation :* M. Kircher, delegate of France, will address the Conference.

**M. Kircher (France) :**

*Translation :* Under Article 22, all the Contracting Powers are obliged to supply quarterly statistics of their imports and exports of all the substances covered by the Convention. The Egyptian delegate has just brought up a question which has already been considered at length in the Sub-Committees, namely, that of the periods which should elapse between the rendering of these statistics. We are of opinion that to supply these statistics quarterly is a very heavy task and altogether out of proportion to the results that can be hoped from it. We therefore support the proposal made by the Egyptian delegation that the Powers should only be obliged to supply these statistics every six months. We even think that annual statistics would be quite sufficient.

As I said the other day, we must not be satisfied with words. We must consider from a practical point of view what will be the consequence of the measures contained in the International Convention. With this object, and in order to show clearly what the consequences of our decisions would be, I have made a small calculation which I beg to lay before you.

For fifteen years I have been the head of the Customs and Excise in Indo-China, and I have been compiling statistics during the same period. I know how much work this task involves, and I am also acquainted with the value of the information that may be derived from such statistics. If you will allow me, we will consider the work that all the Powers in the world would have to undertake as the result of having to supply quarterly statistics of their imports and exports, and we will also consider what results the Board would be able to derive from such statistics.

We shall then see whether the results obtained will be commensurate with the labour expended. The substances that we shall have to include in our statistics are the following : medicinal opium, morphine, cocaine, diacetylmorphine, morphine salts, cocaine salts, diacetylmorphine salts, raw cocaine, ecgonine, medicinal preparations containing morphine, medicinal preparations containing cocaine and medicinal preparations containing diacetylmorphine. Yesterday we added two new substances : Indian hemp and certain resins. In my calculations I did not take these two substances into account ; if we add them to the twelve which I have just enumerated, we get fourteen substances. But to make my calculations easier I will only base them on twelve.

Under the terms of one of the paragraphs of Article 22, the States must divide the figures they supply into two categories : (1) the quantities needed in the country for the whole requirements of medicine ; and (2) the quantities imported or purchased for Government purposes. We have therefore not twelve products to consider but

twenty-four, since each of these twelve is to be divided into two : one for State purposes and the other for the requirements of the public. Moreover, we are obliged to supply these figures both in respect of imports and of exports.

In respect of imports, we have to give figures for all countries of the world, and the same for exports, for we may import from any part of the world and also export to any part of the world. If we take into account the fact that there are about sixty nations and about seventy-five colonies, we shall have to put down one hundred and thirty-five countries in respect of imports and exports — altogether two hundred and seventy sets of figures. If I multiply this figure of 270 by the 24 substances with which we have to deal, I find that every three months I shall have to supply you with 6,480 items of information.

If we go a little further and examine the work of the Board, we find that, when it has received the 6,480 items for every country of the world, it will have a total of 388,800 quarterly returns, including, first, the name of the substance; secondly, the nature of the consignment — *i.e.* whether import or export; thirdly, the country receiving or exporting the consignment; and, fourthly, the figures for the trade in these substances. That means 388,800 entries to examine. Such would be the work of the Board, and really it is stupendous. I know that among these 388,800 sets of figures there will be some where the return will be "nil". But the work for the Board would be there all the same.

We have been asked to send in this information by telegram. That would be a little dangerous. 388,800 items to be sent by telegram every three months! All the telegraph lines and even the wireless services would not be sufficient.

What would be the practical result of the enormous work of examining these figures which would fall on this Office? What is the object in view? It is to enable the Board to locate any danger immediately and to intervene as soon as possible. Under the terms of Article 24, a great deal of time must elapse before any action can be taken. The statistics must be received, analysed and studied, and a decision taken. When the eight sages who are going to constitute the Board have carefully examined the matter, and when they have decided that in such-and-such a State there is excessive production, when they have taken a decision and written to the country in question to ask for explanations, when the country has given those explanations — which will take some time, because no time-limit is laid down for its reply — then the Board will examine the reply. And during all that time the traffic will go on. I have made a little calculation which I will not read to you, but I estimate that the work of the Board will only be completed eleven or twelve months after the expiration of the three-months period.

I do not think that it is necessary to impose such a large amount of work on the Board and on the whole world in order to arrive at so belated a result. I think that it would be reasonable only to ask for statistics from the whole world every six months, and only to impose every six months on the Board the work of analysis of the 388,800 items with which we are going to supply them.

#### The President :

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

#### Sir Malcolm Delevingne (British Empire) :

This amendment takes me completely by surprise. It strikes at the very root of the scheme contained in Chapter VI. That scheme was the result of long discussions which began as far back as February or March of last year, which were continued through the summer and were finally resumed in Sub-Committee A of this Conference. Scheme after scheme was brought forward and considered, and, in deference to the strong objections taken by certain countries, abandoned. Finally, in Sub-Committee A the scheme which is now before the Conference was worked out by agreement between all the parties concerned and submitted to the plenary Conference as a unanimous document.

Schemes for the limitation of manufacture, schemes for control of imports and exports, were successively abandoned, and we have come down to a scheme for watching, for supervising, the course of international trade in these substances, and for nothing more.

When the scheme was first brought forward, it was suggested that these statistics of imports and exports should be made monthly. A long discussion took place in Sub-Committee A on that point. The representatives of one or two delegations, including the representative of France, desired to make them annual. That could not be accepted by — I think I am right in saying — the majority of the delegations represented on the Sub-Committee. Finally, a compromise was effected, and accepted by the French delegate, that the statistics should be rendered quarterly. It is with extreme surprise that I listened to the speech of M. Kircher, because in effect it advocates the abandonment of the compromise which was reached and which was accepted, as we all understood, by the French delegation.

Why do we lay so much stress on these statistics being rendered quarterly? The point is this : the sole purpose for which this Board is to be created is to watch the course of the international traffic, to see where these drugs are going; in cases where excessive quantities are being sent to a particular country or a particular place and that country or place is likely to become a centre of illicit traffic, the Board should be able to take action, first by enquiry from the country concerned, and then, if the explanations are unsatisfactory, by making a recommendation to the exporting countries to stop their exports.

I think the Conference will agree with me that the Board can only discharge that duty if it receives these statistics of imports and exports at fairly frequent intervals. It is of little use for the Central Board to receive these statistics only twice a year. By that time the whole of the damage may have been done; large quantities of the drugs may have been imported to a particular place, and the Board will only hear of it six, five or four months after the import has been effected. It will then be powerless to take any action which will be of real value.

It is true that, even with quarterly statistics, there may be some delay. We have had to

make that concession in order to secure the consent of the countries which desired a longer period. But, if there may be some delay with quarterly statistics, the delay which would take place with six-monthly statistics would be very much greater. M. Kircher dwelt on the delay that would necessarily elapse, but does he improve the situation by extending the period over which statistics are to be furnished? It makes that situation, on the contrary, very much worse.

I do not want to say very much regarding the figures — the rather fanciful figures, if I may say so — that M. Kircher has submitted to the Conference. M. Kircher claims to have had experience with statistics. I might make the same claim. I know that the picture which M. Kircher has drawn of the probable results of this scheme is painted in very violent colours. I cannot imagine that Indo-China would have 388,800 separate items to report every quarter to the Central Board. I am quite sure Great Britain will not, and if Great Britain will not I do not think it is likely that Indo-China will.

If we examine M. Kircher's train of argument closely, it really amounts to this: that the Central Board, on any showing, will be quite useless, and, as it will be quite useless, why not give the countries concerned as little trouble as possible? That is a possible view, but, if you believe that, why vote for the Central Board at all? If there is to be a Central Board, if it is to be entrusted with the task of watching the course of the international traffic, if it is to be put in a position in which it can really discharge its duties and keep its finger, as it were, on the pulse of this trade, it must be furnished with the materials to enable it to do so. It must have those materials at as frequent intervals as possible. If the materials are only given to it months after an event has taken place, there might as well be no Central Board at all.

I appeal most strongly to the Conference to maintain the compromise which was worked out with much trouble and after long discussions in Sub-Committee A, which was submitted by Sub-Committee A to this Conference with unanimity, and which we believe (though it does not fulfil the expectations which were entertained at the time this Conference was summoned) does provide a seed from which valuable work may grow. (*Applause.*)

**The President :**

*Translation :* M. de Myttenaere, delegate of Belgium, will address the Conference.

**M. de Myttenaere (Belgium) :**

*Translation :* I agree with what Sir Malcolm Delevingne has just said. As far as the Egyptian proposal is concerned, I beg to remark that the collection of statistics of exports and imports cannot give rise to any difficulty.

In Belgium we use the following system, which has proved satisfactory: we give persons authorised to traffic in drugs a stock of forms. When requesting authority to import or export, the trader sends us the necessary number of forms. Two forms, as a rule, are sufficient; one goes into our files and the other is handed to the person concerned. When the moment comes to prepare statistics, we should take, on the one hand, the import forms and, on the other, the export forms, and

in half a day the statistics could be ready.

Our system is therefore a very practical one.

If anyone wished to handle the figures as M. Kircher does, they could be made to say a good many things that will never be realised in practice. I propose to the Conference that we should begin with quarterly statistics. If we find that the work is impossible, we could always decide that they should be supplied every six months.

**The President :**

*Translation :* M. Kircher, delegate of France, will address the Conference.

**M. Kircher (France) :**

*Translation :* I intervened in this question for the very reason that I desire the Central Board to be a serious body, doing useful work; otherwise, I should not have gone back to a question which was considered by a Sub-Committee which did me the honour of asking me to give it information as to the manner in which we prepared our statistics, the time required for such work and the time required to send statistics from the Far East to Geneva.

I do not wish it to be said that the Central Board is a mountain giving birth to a mouse, and I maintain that, when making the criticism that I just now laid before the Conference, I was acting in the best interests of the Central Board. What we are really concerned with is the results which we shall obtain. Will they actually be commensurate with the enormous labour which we are going to demand from the whole world and from the Central Board? I do not think so. No argument has been brought forward to show that they will.

The work involved in supplying statistics to the Central Board is more complicated than the Belgian delegate thinks, for I should need more than half a day to prepare the statistics for Indo-China, and I know the enormous labour required by the preparation of statistics of imports and exports through Customs offices.

I should like to correct a small mistake made by Sir Malcolm Delevingne. Every country would have to supply 6,480 items of information and naturally each of the British colonies would have to supply as many. This mass of paper does not appear to me likely to give the results we are seeking.

I am not raising a question of principle — far from it. I am asking this Conference to consider whether it is really necessary to impose such a large amount of work in order to achieve so meagre a result. We must see to it that the Board does not make itself ridiculous throughout the world by inviting a comparison between the work it will perform and the enormous labour which these statistics will require and the enormous sums they will cost. Should the Conference decide in favour of three months, we will supply quarterly statistics. I am of opinion, however, that half-yearly statistics would give us everything we can reasonably require from the Board.

**The President :**

*Translation :* As no one else has asked to speak, we will take a vote.

Those in favour of retaining the clause as it stands in the draft will please rise.

(*Eleven delegations voted in favour of retaining the clause.*)

Those in favour of the Egyptian delegation's amendment will please rise.

(Nine delegations supported the Egyptian proposal.)

**The President :**

*Translation :* It is decided by eleven votes to nine that the text of the present draft shall be retained.

M. El Guindy, delegate of Egypt, will address the Conference.

**M. El Guindy (Egypt) :**

*Translation :* This draft Convention was drawn up before the question of Indian hemp came before the Conference. I would beg to point out that in Article 22 (a) we have : "The production of raw opium and coca leaves". I propose we should add the words "and Indian hemp".

**The President :**

*Translation :* Have any members of the Conference any remarks to make on the addition which the Egyptian delegate has just proposed ?

Mr. Walton, delegate of India, will address the Conference.

**Mr. Walton (India) :**

The difficulty about that proposal is that the substance in question is prepared from a plant which grows wild, and there would therefore be extreme difficulty in obtaining the statistics required. I would not see so much objection to an amendment of the following character : "(a) The production of raw opium and coca leaves and the cultivation of indian hemp".

I do not know if that would be agreeable to the honourable delegate of Egypt, but the Indian delegation really sees some difficulty in the actual wording of the amendment proposed by him.

**M. El Guindy (Egypt) :**

*Translation :* I do not think that Indian hemp is a plant which grows wild to any greater extent than the coca leaf.

**The President :**

*Translation :* M. Perrot, delegate of France, will address the Conference.

**M. Perrot (France) :**

*Translation :* I have some remarks of a technical nature to make with regard to this question. I do not think that Indian hemp can be put on the same footing as coca leaves and raw opium. Coca leaves, whether in a wild state or cultivated, are well known, very clearly defined and only used for one purpose : the manufacture of cocaine. Indian hemp is a plant which may be more or less harmful. But hemp is cultivated all over the world for various purposes, and the delegate of Egypt, whom I strongly supported in this question of Indian hemp — he must admit that — will perhaps allow me to say that I really do not see how it would be possible to get statistics for this plant from India and Central Asia, which are the only regions in which it is produced. If he can suggest any solution of this problem, I should be very happy to examine it with him, but I do not see how it would be possible to amplify paragraph (a) in the way he proposes.

**The President :**

*Translation :* We will take a vote on the Egyptian amendment. Would those in favour please rise.

(Two delegations voted in favour.)

The Egyptian amendment was therefore rejected.

**M. El Guindy (Egypt) :**

*Translation :* I am really surprised that we have imposed restrictions on Indian hemp and that we are not including it in the statistics like the other substances.

**The President :**

*Translation :* Are there any other remarks on Article 22 ?

M. Bourgois, delegate of France, will address the Conference.

**M. Bourgois (France) :**

*Translation :* The last sentence of paragraph (e) reads as follows :

"The manner in which the confiscated substances have been disposed of shall be stated, together with such other information in regard to such confiscation and disposal as may be prescribed by the regulations of the Board."

It should, I think, be worded in a less drastic manner. I should like the sentence to read as follows :

"The manner in which the confiscated substances have been disposed of and all other information"...

**The President :**

*Translation :* I think this should be referred to the Drafting Committee.

**M. Bourgois (France) :**

*Translation :* I agree.

I have one other remark to make on Article 22 in respect of the last sentence of paragraph 2. I should like the sentence "except when the quantities fall below a minimum amount which shall be fixed in the case of each substance by the Board", to be worded in a more elastic manner and to be referred to the Drafting Committee for that purpose. We cannot, for instance, so far as the South Sea Islands are concerned, send telegrams in respect of every amount, large or small; we might do so for very large quantities, but I should like the wording of this paragraph to give us a little more latitude.

**The President :**

*Translation :* M. Dinichert, delegate of Switzerland, will address the Conference.

**M. Dinichert (Switzerland) :**

*Translation :* In order to settle our proposal, I note the fact that it is quite understood that the following sentence will appear at the end of Article 22 : "The statistics referred to under Nos. 1, 2 and 3 shall be communicated by the Central Board to the Contracting Parties".

**The President :**

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

make that concession in order to secure the consent of the countries which desired a longer period. But, if there may be some delay with quarterly statistics, the delay which would take place with six-monthly statistics would be very much greater. M. Kircher dwelt on the delay that would necessarily elapse, but does he improve the situation by extending the period over which statistics are to be furnished? It makes that situation, on the contrary, very much worse.

I do not want to say very much regarding the figures — the rather fanciful figures, if I may say so — that M. Kircher has submitted to the Conference. M. Kircher claims to have had experience with statistics. I might make the same claim. I know that the picture which M. Kircher has drawn of the probable results of this scheme is painted in very violent colours. I cannot imagine that Indo-China would have 388,800 separate items to report every quarter to the Central Board. I am quite sure Great Britain will not, and if Great Britain will not I do not think it is likely that Indo-China will.

If we examine M. Kircher's train of argument closely, it really amounts to this: that the Central Board, on any showing, will be quite useless, and, as it will be quite useless, why not give the countries concerned as little trouble as possible? That is a possible view, but, if you believe that, why vote for the Central Board at all? If there is to be a Central Board, if it is to be entrusted with the task of watching the course of the international traffic, if it is to be put in a position in which it can really discharge its duties and keep its finger, as it were, on the pulse of this trade, it must be furnished with the materials to enable it to do so. It must have those materials at as frequent intervals as possible. If the materials are only given to it months after an event has taken place, there might as well be no Central Board at all.

I appeal most strongly to the Conference to maintain the compromise which was worked out with much trouble and after long discussions in Sub-Committee A, which was submitted by Sub-Committee A to this Conference with unanimity, and which we believe (though it does not fulfil the expectations which were entertained at the time this Conference was summoned) does provide a seed from which valuable work may grow. (*Applause.*)

**The President :**

*Translation :* M. de Myttenaere, delegate of Belgium, will address the Conference.

**M. de Myttenaere (Belgium) :**

*Translation :* I agree with what Sir Malcolm Delevingne has just said. As far as the Egyptian proposal is concerned, I beg to remark that the collection of statistics of exports and imports cannot give rise to any difficulty.

In Belgium we use the following system, which has proved satisfactory: we give persons authorised to traffic in drugs a stock of forms. When requesting authority to import or export, the trader sends us the necessary number of forms. Two forms, as a rule, are sufficient; one goes into our files and the other is handed to the person concerned. When the moment comes to prepare statistics, we should take, on the one hand, the import forms and, on the other, the export forms, and

in half a day the statistics could be ready. Our system is therefore a very practical one.

If anyone wished to handle the figures as M. Kircher does, they could be made to say a good many things that will never be realised in practice. I propose to the Conference that we should begin with quarterly statistics. If we find that the work is impossible, we could always decide that they should be supplied every six months.

**The President :**

*Translation :* M. Kircher, delegate of France, will address the Conference.

**M. Kircher (France) :**

*Translation :* I intervened in this question for the very reason that I desire the Central Board to be a serious body, doing useful work; otherwise, I should not have gone back to a question which was considered by a Sub-Committee which did me the honour of asking me to give it information as to the manner in which we prepared our statistics, the time required for such work and the time required to send statistics from the Far East to Geneva.

I do not wish it to be said that the Central Board is a mountain giving birth to a mouse, and I maintain that, when making the criticism that I just now laid before the Conference, I was acting in the best interests of the Central Board. What we are really concerned with is the results which we shall obtain. Will they actually be commensurate with the enormous labour which we are going to demand from the whole world and from the Central Board? I do not think so. No argument has been brought forward to show that they will.

The work involved in supplying statistics to the Central Board is more complicated than the Belgian delegate thinks, for I should need more than half a day to prepare the statistics for Indo-China, and I know the enormous labour required by the preparation of statistics of imports and exports through Customs offices.

I should like to correct a small mistake made by Sir Malcolm Delevingne. Every country would have to supply 6,480 items of information and naturally each of the British colonies would have to supply as many. This mass of paper does not appear to me likely to give the results we are seeking.

I am not raising a question of principle — far from it. I am asking this Conference to consider whether it is really necessary to impose such a large amount of work in order to achieve so meagre a result. We must see to it that the Board does not make itself ridiculous throughout the world by inviting a comparison between the work it will perform and the enormous labour which these statistics will require and the enormous sums they will cost. Should the Conference decide in favour of three months, we will supply quarterly statistics. I am of opinion, however, that half-yearly statistics would give us everything we can reasonably require from the Board.

**The President :**

*Translation :* As no one else has asked to speak, we will take a vote.

Those in favour of retaining the clause as it stands in the draft will please rise.

(*Eleven delegations voted in favour of retaining the clause.*)

Those in favour of the Egyptian delegation's amendment will please rise.

(Nine delegations supported the Egyptian proposal.)

**The President :**

*Translation :* It is decided by eleven votes to nine that the text of the present draft shall be retained.

M. El Guindy, delegate of Egypt, will address the Conference.

**M. El Guindy (Egypt) :**

*Translation :* This draft Convention was drawn up before the question of Indian hemp came before the Conference. I would beg to point out that in Article 22 (a) we have : "The production of raw opium and coca leaves". I propose we should add the words "and Indian hemp".

**The President :**

*Translation :* Have any members of the Conference any remarks to make on the addition which the Egyptian delegate has just proposed ?

Mr. Walton, delegate of India, will address the Conference.

**Mr. Walton (India) :**

The difficulty about that proposal is that the substance in question is prepared from a plant which grows wild, and there would therefore be extreme difficulty in obtaining the statistics required. I would not see so much objection to an amendment of the following character : "(a) The production of raw opium and coca leaves and the cultivation of indian hemp".

I do not know if that would be agreeable to the honourable delegate of Egypt, but the Indian delegation really sees some difficulty in the actual wording of the amendment proposed by him.

**M. El Guindy (Egypt) :**

*Translation :* I do not think that Indian hemp is a plant which grows wild to any greater extent than the coca leaf.

**The President :**

*Translation :* M. Perrot, delegate of France, will address the Conference.

**M. Perrot (France) :**

*Translation :* I have some remarks of a technical nature to make with regard to this question. I do not think that Indian hemp can be put on the same footing as coca leaves and raw opium. Coca leaves, whether in a wild state or cultivated, are well known, very clearly defined and only used for one purpose : the manufacture of cocaine. Indian hemp is a plant which may be more or less harmful. But hemp is cultivated all over the world for various purposes, and the delegate of Egypt, whom I strongly supported in this question of Indian hemp — he must admit that — will perhaps allow me to say that I really do not see how it would be possible to get statistics for this plant from India and Central Asia, which are the only regions in which it is produced. If he can suggest any solution of this problem, I should be very happy to examine it with him, but I do not see how it would be possible to amplify paragraph (a) in the way he proposes.

**The President :**

*Translation :* We will take a vote on the Egyptian amendment. Would those in favour please rise.

(Two delegations voted in favour.)

The Egyptian amendment was therefore rejected.

**M. El Guindy (Egypt) :**

*Translation :* I am really surprised that we have imposed restrictions on Indian hemp and that we are not including it in the statistics like the other substances.

**The President :**

*Translation :* Are there any other remarks on Article 22 ?

M. Bourgois, delegate of France, will address the Conference.

**M. Bourgois (France) :**

*Translation :* The last sentence of paragraph (e) reads as follows :

"The manner in which the confiscated substances have been disposed of shall be stated, together with such other information in regard to such confiscation and disposal as may be prescribed by the regulations of the Board."

It should, I think, be worded in a less drastic manner. I should like the sentence to read as follows :

"The manner in which the confiscated substances have been disposed of and all other information"...

**The President :**

*Translation :* I think this should be referred to the Drafting Committee.

**M. Bourgois (France) :**

*Translation :* I agree.

I have one other remark to make on Article 22 in respect of the last sentence of paragraph 2. I should like the sentence "except when the quantities fall below a minimum amount which shall be fixed in the case of each substance by the Board", to be worded in a more elastic manner and to be referred to the Drafting Committee for that purpose. We cannot, for instance, so far as the South Sea Islands are concerned, send telegrams in respect of every amount, large or small ; we might do so for very large quantities, but I should like the wording of this paragraph to give us a little more latitude.

**The President :**

*Translation :* M. Dinichert, delegate of Switzerland, will address the Conference.

**M. Dinichert (Switzerland) :**

*Translation :* In order to settle our proposal, I note the fact that it is quite understood that the following sentence will appear at the end of Article 22 : "The statistics referred to under Nos. 1, 2 and 3 shall be communicated by the Central Board to the Contracting Parties".

**The President :**

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.



**Sir Malcolm Delevingne (British Empire) :**

I see no objection to the proposal of the Swiss delegation that the sentence in question should be placed at the end of the article ; but I think that we should be quite clear as to what is in the mind of the Swiss delegation in making this proposal.

It was not intended by the Sub-Committee that these quarterly statistics should be communicated immediately to all the Contracting Parties. On the contrary, a very strong opinion was expressed — in particular, by the delegation of Japan — that these quarterly statistics might contain very valuable information which ought not to be divulged to the prejudice of the countries that furnished the statistics. I think that we have inserted in this chapter a special provision to that effect.

If the intention of the Swiss amendment is to make those statistics immediately available to all the Contracting Parties, I think the Conference ought not to accept it ; but if the intention is merely that the statistics of import and export should, in due time, when any danger of their being used to the prejudice of the countries furnishing them has disappeared, be made available, then I see no objection to it. The Central Board would, I think, in the ordinary course, in their annual report, furnish information as to the exports and imports during the preceding year.

I should like to be quite clear about that ; if it was what M. Dinichert intended, I think the Drafting Committee could quite well accept his proposal.

**The President :**

*Translation :* M. Dinichert, delegate of Switzerland, will address the Conference.

**M. Dinichert (Switzerland) :**

*Translation :* I must admit that I am greatly surprised by the objections which I have just heard. We thought that the idea of the scheme was that the statistics — whatever be their nature — supplied to the Central Board should be communicated to the Governments. Naturally, a distinction may be made between these statistics — that is to say, that some may be regarded as being of a more or less confidential nature so far as the Government are concerned. I am disagreeably surprised by the speech I have just heard, which raised a number of objections that I had not foreseen.

Should these quarterly statistics be of such a nature that, if brought to the notice of Governments, or if actually published, they reveal economic and commercial relations which it might be advisable to conceal, an entirely new question is raised. This is the first time that I have heard it stated that these quarterly statistics, as compared with half-yearly or yearly statistics, would be liable to give special information with regard to commercial relations. I would ask Sir Malcolm Delevingne to tell me how he thinks the Governments will supply these statistics, if they are to be supplied, in such a way as not to infringe the secrecy which each Government is entitled to observe with regard to such relations. This has never been considered. If it should be so, the Conference is faced with the question whether we are in a position to assume such an obligation on behalf of our Governments. As regards the confidential character of the statistics, I think

we should be given more definite information, if we are to supply them in such a way that they cannot be published.

Our idea was the following : We desire to be in a position to carry out as fully as possible the obligations which we are assuming and will assume under Article 24. I am of the opinion that when we receive the reports of the Central Board with regard to the action which the Board may think fit to take in respect of this or that country, and when the Board invites us to participate in what one may call — to use rather a strong term — a blockade or boycott, we shall require these statistics. When I am requested to give explanations, is the basis of the information which has led the Central Board to make that request to be withheld from me ?

I have no hesitation in saying that, if I had no access to the statistics supplied to the Board by the Governments, I should not be in a position to fulfil the undertaking provided for in Article 24. I, in my turn, would beg Sir Malcolm Delevingne to reconsider the reasons he has given for not communicating the information. This point makes it necessary to reconsider what we had hitherto intended to establish.

**The President :**

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

I think that perhaps there is a little misunderstanding between us. I did not suggest that in those circumstances the Board would not be able to publish the information that was necessary to enable the Governments to take a decision in a particular case.

All that I meant to say was this: These quarterly statistics of imports and exports will show the course of trading between one country and another. It might be that if they were published immediately by the Central Board they would furnish useful information either for speculators — a point on which, I think, the French delegation has laid considerable stress — or to competitors in the same line of business in other countries. That we do not want.

I quite agree with M. Dinichert, however, that, should a case arise in which the Board would have to act under Article 24 and to make a recommendation, it is necessary that the information should be made public. In fact, Article 24 provides for a report to be made by the Board and distributed to all the Governments, and that report will, of course, contain the information necessary to enable the Governments to arrive at a decision.

The primary purpose of these quarterly statistics is to enable the course of the international traffic to be followed. Except in cases which might arise under Article 24, it is not necessary that those statistics should be immediately communicated to the Governments concerned ; but, should a case arise under Article 24, then I entirely agree with M. Dinichert that the full information will have to be communicated in the report of the Central Board so that the Governments concerned might be in a position to take a proper decision ; that, I think, is sufficiently provided for by the text of Article 24.

If M. Dinichert will look at Article 27 he will find the provision which was inserted by the Sub-Committee to meet the point raised by the French and Japanese delegations, and I think that that text does not go further than is reasonably necessary. I do not think that there is really any difference of opinion between us. Perhaps in those circumstances he will not press his point.

**The President :**

*Translation :* M. Dinichert, delegate of Switzerland, will address the Conference.

**M. Dinichert (Switzerland) :**

*Translation :* I shall only make a few more brief remarks now, since, when we have the second reading, we shall have an opportunity of once more taking up this subject after having carefully considered the observations which have been made to-day.

Under Article 27, it is understood that the Board shall take all necessary measures to prevent the information at its disposal from being published or brought to the knowledge of speculators who might make an improper use of it. Now, I was referring only to communications of a confidential nature, to be made to Governments, as I expressly said, to enable them to comply fully with the obligations which they are assuming. We may, perhaps, have an opportunity of considering this question when we discuss the articles which follow.

To return, however, to an idea which I expressed just now, I would like to tell Sir Malcolm Delevingne frankly that I see a real danger in requiring Governments to supply regularly statistics which, from a commercial point of view, would certainly be of a confidential nature. Should such be the case, the Central Board would have to assume a very heavy responsibility in respect of the statistics supplied to it. Here and now I make the most explicit reservation regarding the carrying-out of this undertaking by my Government, should the statistics required from us be of a confidential nature and should it be possible for them thus to pass into the possession of persons not entitled to receive them. If I am to supply statistics which the Conference regards as confidential, I make the most formal reservations possible, I repeat, with regard to continuing to carry out that undertaking the moment it is seen to be attended with the disadvantages referred to.

I desire that this very explicit declaration should be noted in the record of the meeting.

**The President :**

*Translation :* M. Sugimura, delegate of Japan, will address the Conference.

**M. Sugimura (Japan) :**

*Translation :* We are really agreed in principle. You are in a favourable position in the centre of Europe. It is quite easy for you to take cognisance of these statistics. Our position is a different one. If, however, there are no abuses, it does not matter. I ask for guarantees only in the case of abuses. So long as there are none we are quite prepared to put up with the disadvantage of distance.

Should there be any improper practices, we are quite agreed that they should be suppressed.

**M. Dinichert (Switzerland) :**

*Translation :* I am most grateful to M. Sugimura for having given me such whole-hearted support.

**The President :**

*Translation :* M. Dinichert said that he intended to raise this question on the second reading. Should he desire once more to take up the question of principle, I would ask him, if possible, to do so now — that is to say, on the first reading.

**M. Dinichert (Switzerland) :**

*Translation :* I am glad, Sir, to be able to give you satisfaction. So long as my very explicit declarations meet with no opposition, I shall regard the matter as closed.

*Article 22 was adopted at the first reading and referred to the Drafting Committee.*

#### *Article 23.*

The text of Article 23 was read as follows :

“In order to complete the information of the Board as to the disposal of the world’s supply of raw opium, the Governments of the countries where the use of prepared opium is temporarily authorised shall, in a manner to be prescribed by the Board, in addition to the statistics provided for in Article 22, forward annually to the Board, within three months after the end of the year, as complete and accurate statistics as possible relative to the preceding year showing :

“(1) The manufacture of prepared opium and the raw material used for such manufacture ;

“(2) The consumption of prepared opium.

“It is understood that it shall not be within the competence of the Board to question or to express any opinion upon these statistics, and that the provisions of Article 24 are not applicable to the matters dealt with in this article, except in cases where the Board may find that illicit international transactions are taking place on an appreciable scale.”

**The President :**

*Translation :* Does anyone wish to speak on Article 23 ?

Since no one wishes to speak, I declare Article 23 adopted.

*Article 23 was adopted at the first reading, without discussion, and referred to the Drafting Committee.*

#### *Article 24.*

The text of Article 24 was read as follows :

“1. The Central Board shall continuously watch the course of the international trade. If the information at its disposal leads the Board to conclude that excessive quantities of any substance covered by the present Convention are accumulating in any country, the Board shall have the right to ask, through the Secretary-General of the League, for explanations from the country in question.

"2. If no explanation is given within a reasonable time or the explanation is unsatisfactory, the Central Board shall have the right to call the attention of the Governments of all the Contracting Parties and of the Council of the League of Nations to the matter, and to recommend that no further exports of the substances covered by the present Convention or any of them shall be made to the country concerned until the Board reports that it is satisfied as to the situation in that country in regard to the said substances. The Board shall at the same time notify the Government of the country concerned of the action taken by it. The country, and any country which exports the substances in question to it, shall be entitled to appeal to the Council of the League against any decision of the Board under this paragraph.

"3. If any Government is not prepared to act on the recommendation of the Central Board, it shall immediately inform the Board, explaining, if possible, why it is not prepared to do so.

"4. The Central Board shall have the right to publish a report on the matter and communicate it to the Council, which shall thereupon forward it to the Governments of all the Contracting Parties.

"5. If in any case the decision of the Central Board is not unanimous, the views of the minority shall also be stated.

"6. Any country shall be entitled to be represented at a meeting of the Central Board, at which a question under this Article directly interesting it is considered."

**The President :**

*Translation :* The Spanish delegation proposes that paragraphs 3 and 4 of this Article should be deleted.

The same delegation also proposes another amendment to the wording of paragraph 9, which reads as follows :

"Any contracting party which is not represented on the Central Board shall be invited to send a representative to sit on the Board when a question specially interesting it is brought before the Board."

I call upon M. de Palacios, delegate of Spain, to speak.

**M. Palacios (Spain) :**

*Translation :* I think that, when bringing forward my two amendments, I might be allowed to ask one question of the Rapporteur with regard to the following passage at the end of paragraph 2 of this article: "shall be entitled to appeal to the Council of the League".

I should like to know whether this appeal has a suspensory effect — that is to say, whether the recommendation and the action taken by the Board remain in suspense so long as the Council of the League of Nations has not come to a decision on the matter.

**The President :**

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

I do not think the point really arises. The decision of the Board is, after all, not a binding decision of a court of law but merely a recommendation. I do not quite see how you can suspend a recommendation. The recommendation would be made to all the Governments concerned, with the necessary information, and it rests with the Governments concerned to decide whether they will act upon it or not.

Should the country concerned appeal to the Council of the League, that is a matter which the other Governments can take into account or not, as they please. If it were a very flagrant case of the accumulation of stocks for, apparently, illicit purposes, I imagine most Governments would decide to act on the recommendation pending a decision by the Council to the contrary, but it is entirely for each Government to decide for itself.

I may point out that if it were laid down in the article that the recommendation was to be regarded as suspended during the appeal to the Council, a very long delay might take place — a delay of, possibly, weeks or even months — during which further consignments of these drugs might be sent to the country in question.

It seems to me very important, therefore, to leave the matter as it stands. The Board will make its recommendation, and the recommendation will be communicated to the Governments with the facts on which it is based. It will rest with each Government to decide whether it will take action on the recommendation or not. Should there be an appeal to the Council, that will be a fact which each Government is entitled to take into consideration; but it should not, I think, be binding on the Governments to suspend action on the recommendation of the Board should they not desire to do so.

I can hardly think that this is the intention of the Spanish delegate, but it seems to me that it would be better to leave the text as it is, because, as I said at the beginning, this is a purely voluntary matter for each Government to act in whatever way it thinks best, in the light of the circumstances revealed by the action of the Board.

**The President :**

*Translation :* M. Bourgois, delegate of France, will address the Conference.

**M. Bourgois (France) :**

*Translation :* I myself actually intended to propose a small amendment to this passage. I think that the difficulty comes from the fact that words "entitled to appeal" do not quite meet the case. I should prefer to replace them by "shall be entitled to bring the question before the Council".

I would suggest that, in the previous sentence, instead of saying "the action taken by it", we should say "the recommendation that it has made".

**Sir Malcolm Delevingne (British Empire) :**

I am quite prepared to accept these two modifications.

**The President :**

*Translation :* M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios (Spain) :**

*Translation* : I thank the Rapporteur for his reply to my question.

Since States are free to take action or not on the recommendation of the Central Board, and since they will take into account the fact that the question has been brought before the Council, it would be advisable to say that, when a State brings the question before the Council, all the signatory States will be advised of the fact.

**The President :**

*Translation* : Is that a new amendment ?

**M. de Palacios (Spain) :**

*Translation* : It is an idea suggested by the discussion. The Drafting Committee might take up that suggestion.

**Sir Malcolm Delevingne (British Empire) :**

I think it had better be considered by the Drafting Committee.

**M. de Palacios (Spain) :**

*Translation* : These are the explanations that I think I can give with regard to the first amendment I have submitted, namely, that paragraphs 3 and 4 should be deleted.

Originally, paragraph 2 was drafted without the last idea that is raised in the present wording. No appeal to the Council was provided for, so that it was only a question of a recommendation made by the Central Board. At that moment, I found the paragraph which follows quite natural, namely: "If any Government is not prepared to act on the recommendation of the Central Board, it shall immediately inform the Board, explaining, if possible, why it is not prepared to do so".

That was an appeal to the Board itself. Once an appeal to the Council is provided for, I do not see the use of retaining this paragraph. I do not understand why a State appealing to the Council should simultaneously give explanations to the Central Board.

One of our honourable colleagues was so good as to explain to me that the position was not what I had thought, and that it was not intended to delete paragraph 3. He told me that paragraph 3 referred to an appeal to the Central Board when a Government, having accepted a recommendation, was not prepared to carry it out. I think that is a somewhat curious situation; but, should the Conference admit that such a situation is possible, I will not object to retaining paragraph 3, provided that the wording of the text clearly lays down that this refers to a case in which a State does not take action on a recommendation that it has adopted.

**M. Bourgois (France) :**

*Translation* : I agree with the delegate for Spain. The wording is very obscure, and its vagueness comes from the very fact that paragraph 2 was altered in order to add the appeal to the Council. Paragraph 3 is not easy to understand.

**The President :**

*Translation* : M. van Wettum, delegate of the Netherlands, will address the Conference.

**M. van Wettum (Netherlands) :**

It seems to me that paragraphs 2 and 3 refer to different points. Paragraph 2 provides

for the case of a country which does not agree with the recommendation of the Board; it may then refer the question to the Council. Paragraph 3 provides for the case of a country which, although not objecting to a recommendation of the Board, is not prepared to act on that recommendation.

It will avoid all obscurity and meet the point raised by the delegate of Spain if, in paragraph 3, after the words "if any Government" we inserted the words "though accepting the recommendation as such". Then it would read: "If any Government, though accepting the recommendation as such, is not prepared to act on the recommendation of the Central Board", etc.

**M. Bourgois (France) :**

*Translation* : I continue to share the opinion of the Spanish delegate. This is a very curious position for a Government. The question is still obscure, and I should be very glad to see it referred to the Drafting Committee. M. de Palacios and M. van Wettum might attend the meeting at which the final wording is discussed.

**M. van Wettum (Netherlands) :**

The question before us is one of principle. I could not accept the article without that paragraph.

**The President :**

*Translation* : Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

I think the Conference is in a little danger of losing itself in subtleties. It is possible —, in fact, it is probable — that the wording is not as clear as it might be, but the position is not quite so obscure as I think it has been represented by one or two of the delegates who have spoken.

A recommendation is made by the Board and sent to the Governments. A Government may decide to act upon it, and then no further question arises. On the other hand, a Government may think the recommendation is wrong. In that case it can follow one of two courses: it can either bring the matter before the Council and ask the Council to go into the question further, or it can, as an alternative, without referring it back to the Council, simply take a decision itself that it will not act upon the recommendation.

I cannot understand the position of a Government — to take the case which M. van Wettum has imagined — which accepts a recommendation and declines to act upon it. The two things seem to me to be quite inconsistent one with the other. If the Government accepts the recommendation, of course it acts upon it. It is only when it does not accept the recommendation that it refuses to act upon it.

I hope the explanation which I have given will make the point clear. A Government which objects to a recommendation made by the Board, which thinks it wrong, or perhaps not universally wrong but not applicable to its own case, can either bring the matter to the notice of the Council or, on its own motion, it can decide that it will not act upon it. In the latter case, paragraph 3 of this article requires that Government to inform the Central Board of

its decision not to act upon the recommendation, and, if possible, to explain its reasons. The wording of these two articles can be revised by the Drafting Committee to make the position quite clear, but I, like M. van Wettum, regard paragraph 3 as very valuable, and I should be very sorry to see it suppressed.

**The President :**

*Translation :* M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios (Spain) :**

*Translation :* I see that M. Bourgois and Sir Malcolm Delevingne agree with my views as regards the position of a Government which, having accepted a recommendation, is not disposed to carry it out. But if a delegation is of opinion that such a situation may arise, the Conference should take a decision on the question. If the Conference recognises the possibility of such a situation, I will agree to paragraph 3 as amended by the Netherlands delegation, but if the Conference does not accept the possibility of such a situation I do not see the use of paragraph 3.

Sir Malcolm Delevingne has just told us that, when the Central Board makes a recommendation and the Government accepts it, the matter is finished. But if the Government does not accept it and appeals to the Council, the matter is also settled. If, however, the question is brought before the Council, I do not see why the Government should continue negotiations with the Central Board. That is the point.

If we desire to leave the two alternatives, the wording should be clear, and we should say "that any State shall be entitled to appeal to the Council of the League of Nations against any decision of the Board under this article, or simply to inform the Central Board and to supply, if possible, the reasons for which it does not consider that it is able to take such action". That is to say, that we lay down clearly the alternative methods that may be followed.

**Sir Malcolm Delevingne (British Empire) :**

What I said was that if the Government does not accept the recommendation it has two alternative courses : it can either take the matter before the Council or, on its own motion, it can refuse to act upon the recommendation.

**M. van Wettum (Netherlands) :**

It seems to me that Sir Malcolm Delevingne has not explained the case dealt with in paragraph 2. There are not two alternative courses. It is possible that a recommendation may be made which a country cannot accept because it sees that the recommendation would do no real good. Under paragraph 3, however, a recommendation may be made which is all right, but which, for political reasons or others which perhaps cannot be explained to the Council, could not be put into effect by the country concerned. This is quite a different case. To meet that case the words "if possible" have been added. That addition was made on my suggestion.

**M. Bourgois (France) :**

*Translation :* I understood paragraph 3 to have the meaning given it by Sir Malcolm

Delevingne and also by the delegate of Spain. I see that some of our number have a third possibility in mind. I think, therefore, that we might word this paragraph more clearly by taking account of the third possibility. Our two colleagues might attend the Drafting Committee, and we should then be in a position to submit a clear text to the Conference, which could decide on it.

**The President :**

*Translation :* Does the Rapporteur desire to give his opinion ?

**Sir Malcolm Delevingne (British Empire) :**

I think the matter ought to be referred to the Drafting Committee to make the sense clear.

**The President :**

*Translation :* We will now take the other amendment proposed by the Spanish delegate with regard to the wording of paragraph 6.

M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios (Spain) :**

*Translation :* The amendment to paragraph 6 which I have submitted is one of drafting only ; it is, however, of some importance, since it follows the very wording of the Covenant. When a similar case arises in the Council, the Covenant says :

"Any Member of the League not represented on the Council shall be invited to send a representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League."

The draft Convention says that in such cases :

"Any country shall be entitled to be represented at a meeting of the Central Board at which a question under this article directly interesting it is considered."

At first sight, this seems to mean the same thing. Nevertheless, the wording which I propose agrees with that of the Covenant and gives a better guarantee to countries which are not represented on the Central Board, for, according to my proposal, the Central Board must invite these countries, when a question which particularly interests them is being considered.

In the wording which we have before us, this representation is optional, and the State concerned can even decide not to avail itself of this opportunity ; there is no obligation on the part of the Central Board to notify the country interested. I desire that the guarantee should be a more effective one, and, since we have the Covenant as a precedent, I urge that my new wording be adopted.

**Sir Malcolm Delevingne (British Empire) :**

If, as I understand it, the proposal of the Spanish delegation is to substitute the word "invited" for "entitled", I have no objection at all, subject to the views of the Drafting Committee.

**The President :**

*Translation :* Article 24 is adopted subject to the reservation.

*Article 24 was adopted at the first reading and referred to the Drafting Committee.*

*Article 25.*

The text of Article 25 was read as follows :

"It shall be the friendly right of any of the Contracting Parties to draw the attention of the Board to any matter which appears to it to require investigation, provided that this Article shall not be construed as in any way extending the powers of the Board."

**The President :**

*Translation :* Does anyone wish to speak on this article ?

If no one wishes to speak, I declare the article adopted.

*Article 25 was adopted at the first reading, without discussion, and referred to the Drafting Committee.*

*Article 26.*

The text of Article 26 was read as follows :

"In the case of a country which is not a party to the present Convention, the Central Board may take the same measures as are specified in Article 24, if the information at the disposal of the Board leads it to conclude that there is a danger of the country becoming a centre of the illicit traffic ; in that case the Board shall take the action indicated in the said Article as regards notification to the country concerned. Such country shall be entitled to be represented at the meeting of the Central Board at which the question is considered."

**The President :**

*Translation :* The Spanish delegation has proposed an amendment to Article 26.

**M. Bourgeois (France) :**

*Translation :* The amendment which I wanted to submit is perhaps the same as that which the delegate of Spain is about to propose. I desire to replace the words "intended to be represented" by the words "shall be invited".

**The President :**

*Translation :* This is the same amendment as that proposed by M. Palacios.

**M. Bourgeois (France) :**

*Translation :* In that case, I withdraw my amendment.

**The President :**

*Translation :* M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios (Spain) :**

*Translation :* The amendment which we are now going to deal with consists of two paragraphs and reads as follows.

"Such country shall be invited to send a representative to be present at the meetings of the Central Board during which this question is examined.

"Such country or any other State exporting to it any of the substances in question shall have the right to appeal to the Council of the League against any decision taken by the Board under this article."

The first is connected with that which we have just considered when dealing with Article 24, paragraph 6. The question affects those countries which are not Parties to the present Convention. I think that those countries should be invited when a question concerning them

is dealt with by the Central Board. It is the recognised practice to invite countries which are not Members of the Council but which are interested in a question, when that question is dealt with by the Council.

I also think that, once we provide for the possibility of the Central Board making a recommendation concerning a country which is not a signatory of the Convention, that country should not only be invited when a question of interest to it is being dealt with by the Board but it should also be given the right to take the question before the Council if necessary.

**Sir Malcolm Delevingne (British Empire) :**

I have no objection to that.

**The President :**

*Translation :* If that is so, Article 26 is adopted as amended by the Spanish delegation.

*Article 26 was approved at the first reading and referred to the Drafting Committee.*

*Article 26 (a).*

**The President :**

*Translation :* Before opening the discussion on Article 27 I would bring to your notice another amendment proposed by the Spanish delegate.

I call upon M. de Palacios, delegate of Spain, to address the Conference.

**M. de Palacios (Spain) :**

*Translation :* The article which I propose for insertion in the Convention reads as follows :

"The right of appeal to the Council of the League as laid down in Articles 24 and 26 shall not prevent the parties exercising, if necessary, their right under the second paragraph of Article 11 of the Covenant of the League of Nations."

Naturally, it would be necessary to alter the wording of the beginning of this article, since the right of appeal means the right to take a question before the Council of the League of Nations. The Covenant says :

"It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends."

All Members of the League possess, and are entitled to exercise, the right of drawing the attention of the Assembly or the Council to any matter. When we have once laid down here the right to bring a question before the Council, doubts may arise as to the possibility of exercising the right of appeal already provided. The attention of the Council may be drawn in a friendly manner to a state of things calculated to disturb good understanding between the parties. This question may be raised in a general way, as was the case the other day, namely, when a member of the British delegation replied to me that it was obvious that the Covenant continued to have its full effect and that nothing in this Convention could in any way alter its provisions.

I then reserved the right to bring this up again. This is why I think it would be advisable to insert this Article 26 (a). Should, however, the Drafting Committee consider it superfluous, I shall not press the matter, on



condition that a declaration by the Rapporteur or the Chairman of the Drafting Committee is included in the records of the Conference.

**The President :**

*Translation :* Does the Rapporteur of the Sub-Committee desire to say anything in regard to the Spanish proposal?

**Sir Malcolm Delevingne (British Empire) :**

The question is one which I confess I have not considered very deeply; but I cannot imagine that any provision we insert in this Convention can possibly affect the terms of the Covenant of the League of Nations. No doubt the Drafting Committee will be willing to look into the matter further in consultation with the legal experts of the Secretariat, and perhaps we may be able to give such an explanation at the second reading as will satisfy the Spanish delegate.

**M. de Palacios (Spain) :**

*Translation :* I agree.

#### Article 27.

The text of Article 27 was read as follows :

"The Central Board shall present an annual report on its work to the Council of the League. This report shall be published and communicated to all the Contracting Parties.

"The Central Board shall take all necessary measures to ensure that the estimates, statistics, information and explanations which it receives under Articles 21, 22, 23, 24, 25 or 26 of the present Convention shall not be made public in such a manner as to facilitate the operations of speculators or injure the legitimate commerce of any Contracting Party."

*Article 27 was adopted at the first reading without discussion and referred to the Drafting Committee.*

*The Conference rose at 6.25 p.m.*

## THIRTY-SEVENTH MEETING

*Held at Geneva on Wednesday, February 18th, 1925, at 3 p.m.*

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President : M. Herluf ZAHLE.

### 108. FINAL READING OF THE DRAFT PROTOCOL.

**The President :**

*Translation :* We will now proceed to the second reading — and I hope the last — of the draft Convention and the drafts of the Protocol and Final Act.

Does anyone wish to speak on the draft Protocol? If not, it is adopted. It will be printed in its final form and submitted to you for signature.

*The draft Protocol was adopted.*

### 109. FINAL READING OF THE DRAFT FINAL ACT.

**The President :**

*Translation :* The discussion is open on the draft Final Act.

I will submit the resolutions to you in turn.

*Resolutions I, II, III, IV and V were adopted.*

An amendment concerning the expenses of the Central Board has been distributed to you. According to this proposal, a sixth resolution should be inserted in the Final Act, and the second paragraph of Article 20 of the Convention should be omitted.

The text of the proposed new resolution reads as follows :

"The Conference requests the Council of the League of Nations to decide to include in the expenses of the Secretariat the expenses of the Central Board and its administrative services.

"It is understood that those Contracting Parties which are not Members of the League will bear their share of the expenses in accordance with a scale to be drawn up by agreement with the Council."

As the British delegation has proposed this amendment, I call upon the first delegate of the British Empire to state the reasons for which his delegation has desired, at the last moment, to insert this amendment, which, I think, is a very valuable one.

**Sir Malcolm Delevingne (British Empire) :**

Mr. President. — It has been remarked by several delegations that the second paragraph of Article 20 of the draft Convention would be somewhat difficult to apply. This paragraph reads as follows :

"The Council shall also, in consultation with the Governments of any Contracting Parties which are not Members of the League, take the necessary measures to allocate the expenses of the Board among the Contracting Parties."

The effect of this paragraph would be that the Council would have to distribute the expenses of the Central Board among those States which from time to time became signatories

of this new Convention. It has been pointed out that the list of States which will be signatories to this new Convention will vary from time to time as the signatures come in, and this will make it extremely difficult for the Council to effect any sort of *pro-rata* distribution of the expenses of the Central Board.

It has been suggested that, in order to remove that difficulty, the expenses should be borne by the general budget of the League, together with contributions from those States which may be signatories to the Convention but are not Members of the League.

There are numerous precedents for this procedure and the principle is in fact already laid down in Article 24 of the Covenant of the League. It is worth referring to Article 24 in this connection. It says :

"There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.....

"The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League."

It is proposed, in the amendment which I have the honour to submit and which has been drawn up in consultation with several delegations and with the authorities of the Secretariat, to adopt that principle and to ask the Council of the League to place the expenses of the Central Board on the general budget of the League, those States which may be signatories to the Convention but are not Members of the League contributing a fair share towards the expenses.

It is not possible for this Conference, by any article in the Convention itself, to impose a charge on the budget of the League, and therefore it is proposed to insert a new resolution in the Final Act.

I understand that the proposal is approved and is regarded as satisfactory by the authorities of the Secretariat. It is understood that no difficulty is likely to arise, either with the Council or the Assembly, and I therefore submit the proposal to the Conference as the simplest and most convenient method of dealing with the matter.

**The President :**

*Translation :* The amendment is adopted by the Conference, and the second paragraph of Article 20 of the Convention will accordingly be suppressed. It is impossible to say as yet whether this new text will become the sixth recommendation, because before the meeting opened I received two new proposals which will be distributed in a moment. As soon as the members of the Conference have seen these proposals, they will be brought up for discussion.

You will see that, after Resolution No V, there is a blank space left for a declaration to be filled in by the Persian delegate. This declaration will also be distributed shortly.

A declaration will also be made, at the time of signing, by the Siamese delegation regarding

the reservations on the question of Indian hemp which it made at a previous meeting.

The resolutions before you are adopted, and we will revert shortly to the two proposals I have just mentioned.

I have also received an amendment to a very important article in the draft Convention. This amendment will be distributed to you in a moment.

## 110. FINAL READING OF THE DRAFT CONVENTION.

**The President :**

*Translation :* I propose that we begin the discussion with Chapter VII of the Convention. (*Agreed.*)

### CHAPTER VII.

#### Articles 28-39.

**The President :**

*Translation :* I must draw your attention to the fact that the French text of the second paragraph of Article 38 does not tally with the English text.

**M. Sugimura (Japan) :**

*Translation :* The English text is the correct one.

**The President :**

*Translation :* The two texts will be made to agree.

*Articles 28-39 were adopted, subject to the alteration to be made in the French text of Article 38<sup>1</sup>.*

### CHAPTER VI.

#### Article 19.

The text of Article 19 was read as follows :

"A Permanent Central Board shall be appointed, within three months from the coming into force of the present Convention.

"The Central Board shall consist of eight persons who, by their technical competence, impartiality and disinterestedness, will command general confidence.

"The members of the Central Board shall be appointed by the Council of the League of Nations.

"The United States of America and Germany shall be invited each to nominate one person to participate in these appointments.

"In making the appointments, consideration shall be given to the importance of including on the Central Board, in equitable proportion, persons possessing a knowledge of the drug situation, both in the producing and manufacturing countries on the one hand and in the consuming countries on the other hand, and connected with such countries.

"The members of the Central Board shall not hold any office which puts them in a position of direct dependence on their Governments.

<sup>1</sup> The text of these articles as submitted to the Conference for the final reading was the same as that included in the Convention as approved (see Annex 30), with the exception of the French text of the second paragraph of Article 38, which originally read as follows :

" Le Secrétaire général de la Société des Nations portera à la connaissance de chacun des Membres de la Société des Nations parties à la Convention, et des autres Etats qui y sont parties, toute dénonciation reçue par lui. "

"The members shall be appointed for a term of five years, and they will be eligible for re-appointment.

"The Central Board shall elect its own President and shall settle its rules of procedure.

"At meetings of the Board, four members shall form a quorum.

"The decisions of the Board relative to Articles 24 and 26 shall be taken by an absolute majority of the whole number of the Board."

**The President :**

*Translation :* M. Falcioni, delegate of Italy, will address the Conference.

**M. Falcioni (Italy) :**

*Translation :* At the first reading of Articles 19 and 20, I had occasion to put before you the Italian delegation's point of view with regard to the Central Board. Several of my proposals have been accepted — in particular, the proposal that the Central Board should be appointed by the Council of the League.

There is, however, one point to which the Italian delegation has already drawn the Conference's attention, namely, that the Secretariat of the Central Board should be regarded as an integral part of the Secretariat of the League. The Conference has decided not to adopt our proposal, and the Italian delegation has not pressed the point in order to avoid hindering the progress of our work.

In view of the instructions I have received from my Government, however, I am bound to state that I accept the text of the present Convention subject to a reservation on the point I have mentioned.

I am glad that the British delegation has proposed, and the Conference adopted, the amendment regarding the expenses of the Central Board.

**The President :**

*Translation :* The Italian delegate's reservation will be noted in the record of the present meeting.

M. Dinichert, delegate of Switzerland, will address the Conference.

**M. Dinichert (Switzerland) :**

*Translation :* I do not propose to reopen the discussion on Article 19, but I should like to propose a wording for paragraphs 4 and 5 which appears to me to be better as far as the French version is concerned. I propose that the following text should be substituted for paragraph 5 :

"In making these appointments, the electoral body shall see that the vacant seats are equitably distributed among persons possessing a thorough knowledge of the drug situation and connected on the one hand with producing and manufacturing countries and on the other with consuming countries."

Paragraph 6 should read :

"The members of the Central Board shall not hold any office which renders them dependent on their Governments."

**M. Pernambuco (Brazil) :**

*Translation :* The text says that four members shall form a quorum, but, in view of the

decision to increase the number of members from seven to eight, I had understood that the quorum would be five.

**The President :**

*Translation :* This question was discussed at some length in the Drafting Committee.

Experience having shown that it is often difficult for all the members of a Committee, even if it is a small one, to attend a meeting, we finally decided that it was better to keep the quorum at four members. The work of the Board will thereby be rendered easier.

**M. de Palacios (Spain) :**

*Translation :* The last paragraph of Article 19 reads :

"The decisions of the Board relative to Article 24 and 26 shall be taken by an absolute majority of the whole number of the Board."

It would be better, therefore, to have a quorum of five, otherwise certain meetings might be inconclusive.

**The President :**

*Translation :* We discussed this question also, and came to the conclusion that there was no inconsistency between the two paragraphs. It is provided that four members will be sufficient for the ordinary work of the Central Board, as it will be difficult to secure the presence of more. But in the case of important decisions, a general rule must be observed, that is to say, an absolute majority must be obtained. For these reasons, we decided to keep the text as it is.

Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

Mr. President — I hope that the delegate of Switzerland will not press his amendment. The wording of paragraph 5 was very carefully settled by the Italian delegate with a view to striking a fair balance between the two opposing views in the Conference, the view, on the one side, that the members of the Central Board should be representative of the consuming, producing and manufacturing countries, and the view, on the other side, that the members of the Central Board should be entirely independent of any interests whatever but should be chosen solely for their technical qualifications and their impartiality.

We all thought that the Italian delegate had been very happily inspired in drawing up the text that he submitted to us last week, and, on both sides, we were all able to accept his proposal. The Drafting Committee, in preparing the text which is before the Conference now, adhered strictly to the substance of the Italian delegate's proposal. We did not feel ourselves entitled, nor did we think it desirable, to make any modifications of substance in the text. The modifications we have made are purely drafting modifications, with one exception : in order to give rather greater satisfaction to the producing countries, as represented by the delegate of the Kingdom of the Serbs, Croats and Slovenes, we added the words which appear at the end of the paragraph, "and connected with such countries". That was a concession which personally I was very loath to

make, but, in order to secure the support of the whole Conference for our Convention, I decided, so far as I was concerned, to accept it.

The proposal which the Swiss delegate now makes seems to me to introduce a fresh idea, to alter the balance of the Italian proposal and to make it, if I may say so for myself, much less acceptable.

It seems to me, also, to be open to objection for another reason. If I understand his words rightly, it would confine the Central Board to persons who had knowledge of the conditions in the consuming, producing, and manufacturing countries, and who were connected with such countries. It seems to me quite possible, and in fact very likely, that the Council may desire to place on the Board persons with other kinds of experience; for instance, persons distinguished for their scientific knowledge, for their medical knowledge and possibly for their statistical knowledge and experience. It would be a pity, I think, so to alter the wording as to exclude any person whom the Council might consider, by reason of his technical competence and his standing, to be a desirable addition to the Board.

I would therefore make an appeal to the Swiss delegate not to press his proposal. The whole Conference, if I may judge from the debate last week, is satisfied with the compromise that was reached. If we open the debate again we cannot be sure, at this late hour, what the final result will be. I think the Conference will agree with me that it is best to adhere to the form of wording accepted unanimously last week, and which has been faithfully preserved by the Drafting Committee.

**The President :**

*Translation :* I have not yet received the Swiss delegate's amendment. If it is to be discussed, I should like to have it in writing.

**M. Dinichert (Switzerland) :**

*Translation :* My amendment is ready and in writing, but I think there is a misunderstanding, for I believe that there is scarcely a word in my amendment which is not in the text before us, and *vice versa*. I do not wish to press the matter, but I venture very respectfully to point out that the paragraph as it stands is almost unintelligible in French, and I simply wished to make it clearer.

**The President :**

*Translation :* If I am not mistaken, two amendments have been proposed by the Swiss delegate, one to paragraph 5 and the other to paragraph 6.

**M. Dinichert (Switzerland) :**

*Translation :* The amendment to paragraph 6 is of trifling importance. I had simply proposed to substitute the words "which renders them dependent on their Governments" for the words "which puts them in a position of direct dependence on their Governments".

**The President :**

*Translation :* As far as I can see, the only change is to leave out the word "direct".

**M. Dinichert (Switzerland) :**

*Translation :* I will not press this point,

as it is a matter of drafting and is of little importance.

**The President :**

*Translation :* I should like to call your attention to the first line of Article 19. It seems to me preferable to say "Un Comité central permanent sera nommé dans les trois mois qui suivront l'entrée en vigueur de la présente Convention" rather than "qui suivront la mise en vigueur". (*Agreed.*)

*Article 19, as amended, was adopted.*

*Article 20.*

The text of Article 20 was read as follows :

"The Council of the League of Nations shall, in consultation with the Board, make the necessary arrangements for the organisation and working of the Board, with the object of assuring the full technical independence of the Board in carrying out its duties under the present Convention, while providing for the control of the staff in administrative matters by the Secretary-General.

"The Council shall also, in consultation with the Governments of any Contracting Parties which are not Members of the League, take the necessary measures to allocate the expenses of the Board among the Contracting Parties.

"The Secretary-General shall appoint the secretary and staff of the Board on the nomination of the Board and subject to the approval of the Council."

**The President :**

*Translation :* The second paragraph of this article will be omitted and a resolution which will appear in the Final Act will be substituted.

*Article 20, as amended, was adopted.*

*Article 21.*

The text of Article 21 was read as follows :

"The Contracting Parties agree to send in annually before December 31st, to the Permanent Central Board set up under Article 19, estimates of the quantities of each of the substances covered by the Convention to be imported into their territory for internal consumption during the following year for medical, scientific and other purposes.

"These estimates are not to be regarded as binding on the Government concerned, but will be for the purpose of serving as a guide to the Central Board in the discharge of its duties.

"Should circumstances make it necessary for any country, in the course of the year, to modify its estimates, the country in question shall communicate the revised figures to the Central Board."

**The President :**

*Translation :* M. Chodzko, delegate of Poland, will address the Conference.

**M. Chodzko (Poland) :**

*Translation :* I should like to ask for an explanation on one point. The first paragraph of Article 21 reads: "for internal consumption during the following year for medical, scientific and other purposes". I should like to know what the word "other" means.

**The President :**

*Translation :* If I remember aright, this word was the result of a proposal made by the United States delegation in sub-committee. I cannot reply directly to the question which the Polish delegate has just asked, but I have no doubt Sir Malcolm Delevingne can do so.

**Sir Malcolm Delevingne (British Empire) :**

The addition of these words "and other purposes" was proposed by the United States delegation and pressed by them rather strongly. If I remember rightly, none of the other members of the Sub-Committee considered that they were necessary and we were not quite sure what their exact effect would be. I suppose Mr. Neville, the United States delegate on the Sub-Committee, had in mind, in particular, the amount of raw opium which would be required to be imported into those countries in the Far East where the use of opium for smoking is still temporarily authorised.

The Sub-Committee generally was of opinion that, so far as that matter was concerned, the words were not really necessary, because the functions of the Central Board will not extend to the importation of opium for smoking purposes. As the point was pressed by the United States delegate, however, the Sub-Committee accepted the words. I have no strong view about their retention, one way or the other. If the delegate for Poland thinks it would be better to leave them out, I should be quite prepared, for my part, to accept the suggestion.

**M. Chodzko (Poland) :**

*Translation :* I thank Sir Malcolm Delevingne, but I do not wish to make any proposal regarding the omission of this word.

**The President :**

*Translation :* The word "other" will therefore stand.

*Article 21 was adopted.*

*Article 22.*

The text of Article 22 was read as follows :

"1. The Contracting Parties agree to send annually to the Central Board, in a manner to be prescribed by the Board, within three (in the case of paragraph (c), five) months after the end of the year, as complete and accurate statistics as possible relative to the preceding year, showing :

"(a) Production of raw opium and coca leaves ;

"(b) Manufacture of the substances covered by Chapter III of the present Convention and the raw material used for such manufacture. The amount of such substances used for the production of other derivatives not covered by the Convention shall be separately stated ;

"(c) Stocks of the substances covered by Chapters II and III of the present Convention in the hands of wholesalers or held by the Government for consumption in the country for other than Government purposes ;

"(d) Consumption, other than for Government purposes, of the substances

covered by Chapters II and III of the present Convention ;

"(e) Amounts of each of the substances covered by the present Convention which have been confiscated on account of illicit import or export ; the manner in which the confiscated substances have been disposed of shall be stated, together with such other information as may be useful in regard to such confiscation and disposal.

"The statistics referred to in paragraphs (a) to (e) above shall be communicated by the Central Board to the Contracting Parties.

"2. The Contracting Parties agree to forward to the Central Board, in a manner to be prescribed by the Board, within four weeks after the end of each period of three months, the statistics of their imports from and exports to each country of each of the substances covered by the present Convention during the preceding three months. These statistics will, in such cases as may be prescribed by the Board, be sent by telegram, except when the quantities fall below a minimum amount which shall be fixed in the case of each substance by the Board.

"3. In furnishing the statistics in pursuance of this article, the Governments shall state separately the amounts imported or purchased for Government purposes, in order to enable the amounts required in the country for general medical and scientific purposes to be ascertained. It shall not be within the competence of the Central Board to question or to express any opinion on the amounts imported or purchased for Government purposes or the use thereof.

"4. For the purposes of this article, substances which are held, imported or purchased by the Government for eventual sale are not regarded as held, imported or purchased for Government purposes."

**The President :**

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

I think perhaps it would be well to make a small alteration in paragraph (b) to correspond with an alteration which the Drafting Committee has made in paragraph (a) of Article 6.

The question was raised in the Drafting Committee as to the meaning of the word "manufacture" ("fabrication" in the French), and it was agreed that the word had reference only to the primary substances, such as crude cocaine and ecgonine, morphine, diacetylmorphine and cocaine, and any other narcotic drugs which might hereafter be added to the Convention, but the word did not apply to the compounding of preparations containing those drugs.

In order to avoid any misunderstanding, the Drafting Committee altered the text of Article 6 so as to read : "Confine the manufacture of the substances . . . . . referred to in Article 4 (b), (c) and (g)".

I suggest that for clearness we should amend paragraph (b) of Article 22 so as to read : "Manufacture of the substances covered by Article 4 (b), (c) and (g), Chapter III of the present Convention....."

**The President :**

*Translation :* This is merely a question of drafting. Does anyone else wish to speak on Article 22 ?

**M. van Wettum (Netherlands) :**

I think there is a small alteration which might be made in paragraph (b). We speak about "such manufacture" and also "the production of other derivatives". Should not the word "production" be altered to "manufacture" ?

**The President :**

*Translation :* I think M. van Wettum is quite right.

**M. Dinichert (Switzerland) :**

*Translation :* In the first place I should like to suggest that in the first paragraph of this article the word "prescribed" should be replaced by the word "indicated". The word "prescribed" seems to me to be out of place, since the Board will merely give "indications" to the Governments.

Passing on to paragraph (b), I suggest that, instead of the words "manufacture of the substances covered by Chapter III", it might be better to say "the amount of raw material used". The former wording might cause confusion, so I thought it would be well to mention the point.

While I am speaking I should also recall the fact that two days ago the Swiss delegation proposed to transfer the words "the statistics referred to ..... shall be communicated..." from the middle of the article to the end.

You agreed with me on that occasion that this was a matter of drafting, and the question was referred to the Drafting Committee. I notice, however, that the Drafting Committee has kept it in the same place as before, and I should like to ask that Committee to give its reasons for so doing.

**The President :**

*Translation :* I can reply to M. Dinichert's last remark. We discussed this point at length and the impression of the Drafting Committee was that, after the discussion in the plenary meeting, you did not desire to press your amendment. The result of the discussion here was, I believe, that you withdrew your proposal. We were perhaps mistaken, but we thought we were acting according to your wishes, judging by what you said in the plenary meeting.

**M. Dinichert (Switzerland) :**

*Translation :* I am sorry this misunderstanding has arisen. I said that at the second reading I would not revert to the question of the advisability of the statistics, but I did not withdraw my proposal.

In fact, I understood M. Sugimura to say that he would support it before the Drafting Committee, and I therefore felt quite satisfied.

**The President :**

*Translation :* I will ask Sir Malcolm Delevingne to reply to the Swiss delegate's two questions.

**Sir Malcolm Delevingne (British Empire) :**

As regards the first of the two points raised by the Swiss delegate, the reason why the Drafting Committee allowed the text to stand as it was in the first draft was this : These words in paragraph (b) were added to give satisfaction to a wish expressed by the United States delegation that the statistics to be furnished by the Governments should show the quantity of the manufactured drugs which were used for transformation into other derivatives. The best case to cite as an example is the use of morphine for transformation into codeine.

Codeine is not one of the drugs covered by the Convention, and the statistics which we asked for in Article 22 do not therefore include, as a matter of course, the amount of codeine manufactured and used. But it was thought desirable by the United States and also by other delegations that the statistics should show the amount of morphine which was used for transformation into codeine, because in that way the Central Board would get a more complete picture of the use of the substances to which this Convention applies. That is the reason why we used the word "substances", which refers to the manufactured drugs and not to the raw material from which the manufactured drugs are in the first instance made.

The quantity of raw material used in the first instance in the production of morphine which is afterwards transformed into codeine would, of course, be included in the general statistics of the raw material used, and in any case it will always be possible to obtain, by a simple calculation, the average amount of raw opium which is required for the final production of codeine. I hope that this explanation will satisfy the Swiss delegate.

As regards the second point, I think I have nothing to add to what the President has said. I was certainly under the impression that the Swiss delegate, at the close of the discussion the other day, gave us to understand that he did not intend to press the point, but he made a formal reservation that, in case these statistics were found to be used for purposes other than those for which they were furnished by the Governments, his Government would hold itself free to discontinue furnishing them to the Central Board. In these circumstances, the Drafting Committee thought it unnecessary to make any change, because in the position in which the sentence is, its effect appeared to the Drafting Committee to be perfectly clear.

As regards the position of M. Sugimura, of course, I am not in a position to say anything, and I should prefer to leave to M. Sugimura himself the task of explaining it.

**The President :**

*Translation :* M. Dinichert, delegate of Switzerland, will address the Conference.

**M. Dinichert (Switzerland) :**

*Translation :* I do not want to abuse M. Sugimura's courtesy and cause him to enter into a discussion which at this stage cannot have any great interest.

Moreover, from what has been said, I gather that, if the amendment had been submitted to



the Drafting Committee, the situation would still be the same and the Drafting Committee would have decided to keep the text as it is.

I notice therefore two points :

1. The statistics which it is intended to ask the Governments to supply will contain information which — in the opinion of those who give it — cannot even be communicated confidentially to the Governments.

2. As the Governments will be ignorant of these statistics, which constitute the basis — the pivot, as another speaker put it — of the Central Board's activities, they will be unable to follow and appreciate the Board's work at its full value.

In view of these two considerations, I must reserve the Swiss Government's right to examine the whole question again with a view to considering whether it can sign the Convention without making a reservation on the question.

**The President :**

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

May I say one word? The Drafting Committee, of course, had no right to make any alteration of substance in the text of the Convention. Its functions are limited to putting into proper form the decisions of the Conference. As the Conference took no decision on the amendment of M. Dinichert the other day, and as the Drafting Committee understood that the amendment was withdrawn, it only remained for it to consider the best form in which the article should be cast. If, of course, the Conference had taken a decision, it would have been the business of the Drafting Committee to give effect to it. I do not think, therefore, that the impression should be given that the Drafting Committee itself had any view on the question of substance at all. Its work was limited to the question of form.

With regard to the last part of M. Dinichert's remarks, I think there must be some little misunderstanding. The statistics which are not covered by the sentence under consideration are the quarterly statistics of imports and exports. Sub-Committee A, when it drew up the scheme, thought that it was not desirable that those statistics should be immediately communicated to the Governments, for the simple reason that the statistics, if they became public, might give information as to the course of trade in a particular country, the markets which a particular country was engaged in developing, or in which it was selling its goods, information which might be useful to the competitors of the merchants in that country. For this reason, Sub-Committee A thought it better not to include the quarterly statistics of imports and exports in this sentence.

If such information were to be made public at once, and to act to the prejudice of the traders in any particular country, such a result would naturally go a long way towards destroying the general confidence in the work and powers of the Board. The information will appear later on in the annual report which the Board makes after the close of the calendar year; and, as I explained the other day to M. Dinichert, it will also be necessary, of course, in the event

of the Board having to make a recommendation under Article 26 with regard to a particular country, to give the information on which it bases its decision.

I understand that, in his view, full information will be necessary in order to enable the Governments to decide whether they will accept the recommendation of the Board or not. I am entirely in agreement with him. Such information must be given, but that is not inconsistent, I think, with the text of the article as the Drafting Committee has left it in the draft Convention before you.

**M. Dinichert (Switzerland) :**

*Translation :* I thank Sir Malcolm Delevingne for his explanation, which will be of great interest to my Government. Moreover, I do not think we need continue this discussion now.

**The President :**

*Translation :* In compliance with M. Dinichert's proposal, we might replace the word "prescribed" by "indicated" in Article 22, and the word "production" by "manufacture" in the third line of sub-paragraph (b) of the same article. (*Agreed.*)

*Article 22, as amended, was adopted.*

*Article 23.*

The text of Article 23 was read as follows :

"In order to complete the information of the Board as to the disposal of the world's supply of raw opium, the Governments of the countries where the use of prepared opium is temporarily authorised shall, in a manner to be prescribed by the Board, in addition to the statistics provided for in Article 22, forward annually to the Board, within three months after the end of the year, as complete and accurate statistics as possible relative to the preceding year, showing :

"(1) The manufacture of prepared opium, and the raw material used for such manufacture ;

"(2) The consumption of prepared opium.

"It is understood that it shall not be within the competence of the Board to question or to express any opinion upon these statistics, and that the provisions of Article 24 are not applicable to the matters dealt with in this article, except in cases where the Board may find that illicit international transactions are taking place on an appreciable scale."

**The President :**

*Translation :* I apologise for reverting to the wording of this article, but my attention is drawn to the words "...le Comité central n'aura aucun pouvoir d'ouvrir une discussion". The English text says "...it will not be within the competence of the Board to question or..." These two texts do not quite coincide. I think the French text ought to be brought into line with the English, which meets the views of the Conference better. (*Agreed.*)

*Article 23, subject to the above modification, was adopted.*

Article 24.

The text of Article 24 was read as follows :

"1. The Central Board shall continuously watch the course of the international trade. If the information at its disposal leads the Board to conclude that excessive quantities of any substance covered by the present Convention are accumulating in any country, the Board shall have the right to ask, through the Secretary-General of the League, for explanations from the country in question.

"2. If no explanation is given within a reasonable time or the explanation is unsatisfactory, the Central Board shall have the right to call the attention of the Governments of all the Contracting Parties and of the Council of the League of Nations to the matter, and to recommend that no further exports of the substances covered by the present Convention or any of them shall be made to the country concerned until the Board reports that it is satisfied as to the situation in that country in regard to the said substances. The Board shall at the same time notify the Government of the country concerned of the recommendation made by it.

"3. The country concerned shall be entitled to bring the matter before the Council of the League ;

"4. The Government of any exporting country which is not prepared to act on the recommendation of the Central Board shall also be entitled to bring the matter before the Council of the League.

"If it does not do so, it shall immediately inform the Board that it is not prepared to act on the recommendation, explaining, if possible, why it is not prepared to do so.

"5. The Central Board shall have the right to publish a report on the matter and communicate it to the Council, which shall thereupon forward it to the Governments of all the Contracting Parties.

"6. If in any case the decision of the Central Board is not unanimous, the views of the minority shall also be stated.

"7. Any country shall be invited to be represented at a meeting of the Central Board at which a question directly interesting it is considered."

**The President :**

*Translation :* In paragraph 7 of this article the words "tout pays pourra être invité" should read "tout pays sera invité", to tally with the English. (*Assent.*)

M. Sugimura, delegate of Japan, will address the Conference.

**M. Sugimura (Japan) :**

*Translation :* It seems to me that the words "risque ainsi de devenir un centre de trafic illicite" ("that there is a danger of that country becoming a centre of the illicit traffic"), which appear in the French text of the first paragraph of Article 24, have been forgotten in the English text.

**The President :**

*Translation :* M. Sugimura is quite right. The words omitted will be inserted.

*Article 24, as amended, was adopted.*

Article 25.

The text of Article 25, was read as follows :

"It shall be the friendly right of any of the Contracting Parties to draw the attention of the Board to any matter which appears to it to require investigation, provided that this article shall not be construed as in any way extending the powers of the Board."

**The President :**

*Translation :* The French text of this article says "...appeler l'attention du Comité sur toute question qui leur paraîtra nécessiter une étude," while the English text says "...to draw the attention of the Board to any matter which appears to it to require investigation". The expression to "require investigation" is stronger than the expression "nécessiter une étude".

**M. Perrot (France) :**

*Translation :* It is the same thing.

**The President :**

*Translation :* If the French delegate thinks it is the same thing, I withdraw my remark.

**M. Perrot (France) :**

*Translation :* Perhaps, after all, the word "enquête" would be more correct.

**M. van Wettum (Netherlands) :**

In the English the word is "investigation". M. Bourgois asked the Committee to adopt the translation "étude" and the English delegate agreed that the meaning of the English word "investigation" was the same as that of "étude".

**M. Bourgois (France) :**

*Translation :* After further reflection, I prefer the word "examen", which should satisfy everyone.

**M. van Wettum (Netherlands) :**

I agree.

*Article 25, as amended, was adopted.*

Article 26.

The text of Article 26 was read as follows :

"In the case of a country which is not a party to the present Convention, the Central Board may take the same measures as are specified in Article 24, if the information at the disposal of the Board leads it to conclude that there is a danger of the country becoming a centre of the illicit traffic ; in that case the Board shall take the action indicated in the said Article as regards notification to the country concerned.

"Paragraphs 3, 4 and 7 of Article 24 shall apply in any such case."

*Article 26 was adopted.*

Article 26 bis.

**M. de Palacios (Spain) :**

*Translation :* The other day I had the honour to make a proposal regarding Article 26 bis,

but I said I would withdraw it if the Chairman of the Drafting Committee stated at a plenary meeting of the Conference that it was unnecessary.

**The President :**

*Translation :* I consulted the Legal Section of the Secretariat, and it assured me that, in its opinion, this clause was unnecessary. I accepted this opinion, which, indeed, I already held, but I have little authority in the matter and I hope that M. de Palacios will defer to the judgment of the Legal Section.

**M. de Palacios (Spain) :**

*Translation :* I feel I must rectify what has just been said. The authority of the President is not small ; it is very great. On the other hand, the view expressed by the President and the Legal Section of the Secretariat is the same as my own and I, therefore, very readily accept it. My idea in presenting my proposal was simply to call forth a declaration such as the one we have just heard — a declaration which will be inserted in the record of this meeting so as to avoid all misunderstanding in the future.

#### *Article 27.*

The text of Article 27 was read as follows :

"The Central Board shall present an annual report on its work to the Council of the League. This report shall be published and communicated to all the Contracting Parties.

"The Central Board shall take all necessary measures to ensure that the estimates, statistics, information and explanations which it receives under Articles 21, 22, 23, 24, 25 or 26 of the present Convention shall not be made public in such a manner as to facilitate the operations of speculators or injure the legitimate commerce of any Contracting Party."

*Article 27 was adopted.*

#### *Article 19.*

**M. Dinichert (Switzerland) :**

*Translation :* I should like to know the position as regards my amendment to the fifth paragraph of Article 19. I do not think any definite decision was taken.

**The President :**

*Translation :* Do you mean the whole amendment to the fifth paragraph ?

**M. Dinichert (Switzerland) :**

*Translation :* Yes. I have already withdrawn the amendment to the sixth paragraph.

**The President :**

*Translation :* If you press this amendment, which has not yet been distributed, we shall have to take a vote on it. The first part of it seems to me to improve the wording, and I personally should like to see it inserted.

**M. Chodzko (Poland) :**

*Translation :* If the Conference decides to take a vote, can the amendment be distributed to us first ?

**The President :**

*Translation :* If this amendment is to stand, I will have it distributed. In the meantime I will reserve the point.

It has been suggested that I should read out this amendment in order to save time. Do you agree ? (*Agreed.*)

The following amendment by M. Dinichert was read :

"In making these appointments, the electoral body shall see that the vacant seats are equitably distributed among persons possessing a thorough knowledge of the drug situation and connected on the one hand with producing and manufacturing countries and on the other with consuming countries."

**M. Falcioni (Italy) :**

*Translation :* If possible, I should like to know the view which the Rapporteur of the Committee takes with regard to this amendment.

**The President :**

*Translation :* Will Sir Malcolm Delevingne reply to the Italian delegate ?

**Sir Malcolm Delevingne (British Empire) :**

Mr. President — I think that the Swiss amendment does change the substance of the paragraph. M. Dinichert informs me that he has no desire to make any alteration whatever in the substance of the paragraph and only wishes to improve the French version of the article. In that case, it ought not to be difficult to come to an agreement on the matter and I am willing to do anything to facilitate that. I do desire most strongly, however, to maintain the text in the exact sense in which it was proposed by the Italian delegate, which, as I said just now, seemed to us to strike a fair balance between opposing views ; provided that the exact sense of the Italian proposal is maintained, I have nothing to say in regard to the French text.

**M. Chodzko (Poland) :**

*Translation :* This is a very important article. In order to avoid a third reading, and to obviate all possibility of a misunderstanding, I propose that the final text be drawn up immediately, and that the Conference adjourn for a quarter of an hour for this purpose.

(*The meeting adjourned at 5 p.m. and resumed at 5.25 p.m.*)

### **111. FINAL READING OF THE DRAFT FINAL ACT: CONTINUATION OF THE DISCUSSION.**

**The President :**

*Translation :* We reserved the last part of the Final Act on account of the Spanish delegation's proposals.

The discussion is open on the first of these two proposals, which reads as follows :

"The Conference recommends that the Contracting Parties shall not avail themselves of the right accorded under Article 9 of the new Convention, unless special circumstances, of which they shall be free

to judge, render it necessary, and that any action shall be confined to a strict minimum."

M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios (Spain) :**

*Translation :* You will remember that there was a long discussion on Article 9 of the draft Convention and opinion was so divided that this article was only approved by thirteen votes to eleven. The Conference was thus by no means unanimous. The Spanish delegation voted against the article, and M. Betances proposed that it should be deleted altogether.

As we considered that the principal aim of the new Convention was to strengthen the Hague Convention of 1912, in which no authorisation similar to that contained in Article 9 was granted, we took the view that this article would mean a retrogression. Indeed, its effect is to authorise chemists to supply drugs which previously they had been forbidden to supply without a medical prescription.

We are ready to abide by the vote of the Conference, but we consider that, in order to achieve our purpose, which is to strengthen the Hague Convention, we ought to recommend the Contracting Powers not to avail themselves of the right accorded under Article 9, unless special circumstances, of which they shall be free to judge, render it necessary.

I hope that all the delegations will be able to accept this proposal; it does not affect what was decided regarding Article 9, and it is intended to give effect to that desire which we all feel to strengthen the Hague Convention.

**The President :**

*Translation :* M. de Myttenaere, delegate of Belgium, will address the Conference.

**M. de Myttenaere (Belgium) :**

*Translation :* I should like to ask M. de Palacios not to press his proposal.

The article has been so worded as to avoid imposing obligations on any Government. Moreover, the Spanish delegate has already said that his Government will not avail itself of the right accorded to it.

It seems a somewhat hazardous and indeed illogical course for the Conference to authorise the Powers to do something and then to ask them not to make use of that authorisation. If we give an authorisation, we must leave all parties free to avail themselves of it, but we cannot say, "We will allow you to do this if you like, but please do not do it".

**M. Pinto-Escalier (Bolivia) :**

*Translation :* The Bolivian delegation, which voted against Article 9, fully agrees with the recommendation proposed by the Spanish delegation.

**M. Chodzko (Poland) :**

*Translation :* For the same reasons as that given by the Belgian delegate, I cannot support the Spanish delegation's proposal, especially as its wording fundamentally changes the meaning of Article 9, which only referred to "urgent cases". For these reasons, I cannot support the Spanish proposal.

**M. Sugimura (Japan) :**

*Translation :* On the question of principle, I agree with M. de Palacios, and the regulations in force in my country are as strict as those in Spain. But I think that what it meant has been made quite clear by the debate, and I beg the Spanish delegate not to press his amendment.

**The President :**

*Translation :* I put the Spanish proposal to the vote.

*(The Spanish proposal was rejected, three delegations only voting in favour.)*

**The President :**

*Translation :* We pass now to the second recommendation proposed by the Spanish delegation. It reads as follows :

"The Conference recommends that the Council of the League of Nations shall invite the Health Committee to consider immediately whether it would be expedient to consult the Office international d'Hygiène publique regarding the products mentioned in Articles 8 and 10, in order that, if so, a decision concerning preparations which cannot give rise to the drug habit and a recommendation concerning all other drugs which might come under the provisions of the Convention may be notified immediately upon the entry into force of the said Convention."

M. de Palacios, delegate of Spain, will address the Conference.

**M. de Palacios (Spain) :**

*Translation :* As you know, Article 4 of the draft Convention specifies the substances to which Chapter III is to apply, while Articles 8 and 10 indicate how certain preparations will be exempted from the provisions of the Convention and how recommendations will be made to the Contracting Parties to apply the Convention to narcotics which are not yet included in it and which might prove to be liable to abuse.

This procedure must of necessity be somewhat slow. I consider that we should not await the coming into force of the Convention to set the machinery for this purpose in motion. There is no reason why we should not request the Council to recommend the Health Committee of the League of Nations to consider immediately the possibility of consulting the Office international d'Hygiène publique regarding the products mentioned in Articles 8 and 10, in order to prepare, if necessary, lists of such products which could be notified to the Contracting Parties at the time when the Convention will come into force.

**The President :**

*Translation :* I put the Spanish proposal to the vote.

*(The Spanish proposal was adopted by 10 votes to 1.)*

**The President :**

*Translation :* The text which has just been adopted will be inserted as Resolution VI in the Final Act.

The British proposal regarding the expenses of the Central Board will also be inserted in the Final Act as Resolution VII.

**M. Sugimura (Japan) :**

*Translation :* I should like to draw attention to a small point in the wording of the British recommendation. I propose that we should say "the Conference asks that the Council" instead of "the Conference recommends that the Council".

**M. Perrot (France) :**

*Translation :* There are one or two points in the French text which might be worded differently. I will send my suggestions to the Drafting Committee.

*Subject to final revision by the Drafting Committee the Final Act was adopted.*

#### **112. DECLARATION BY THE PERSIAN DELEGATION TO BE INSERTED IN THE FINAL ACT.**

**The President :**

*Translation :* As you will remember, the Persian delegation intends to make a declaration at the time of signing. This declaration reads as follows :

"The Persian Delegate, acting on instructions from his Government, declares that he signs the Convention *ad referendum* and subject to the League of Nations acceding to Persia's request as set forth in its memorandum."

*The declaration was noted.*

#### **113. DECLARATION BY THE SIAMESE DELEGATION TO BE INSERTED IN THE FINAL ACT.**

**The President :**

*Translation :* We also have a declaration by the Siamese delegation, which reads as follows :

"In signing the Convention and the Final Act, I wish to declare that, having no instructions on the subject of Indian hemp, which was not originally on the agenda of the Conference, I am obliged to make reservation of Chapter III in regard to galenical preparations of Indian hemp and of Chapters IV and V, solely in regard to Indian hemp."

*The declaration was noted.*

#### **114. FINAL READING OF THE DRAFT CONVENTION: CONTINUATION OF THE DISCUSSION.**

*Article 19.*

**The President :**

*Translation :* We have now to examine the wording proposed by the French delegation for the French text of Article 19 (*no change in English text*). The amendment reads as follows:

"En procédant à ces nominations, on prendra en considération l'importance qu'il y a à faire figurer dans le Comité central, en proportion équitable, des personnes ayant une connaissance de la question des stupéfiants, dans les pays producteurs et manufacturiers d'une part, et dans les pays consommateurs, d'autre part, et appartenant à ces pays."

I presume that the Conference is willing to accept this text? (*Adopted.*)

#### **CHAPTER V.**

##### *Article 12.*

The text of Article 12 was read as follows :

"Each Contracting Party shall require a separate import authorisation to be obtained for each importation of any of the substances to which the present Convention applies. Such authorisation shall state the quantity to be imported, the name and address of the importer and the name and address of the exporter.

"The import authorisation shall specify the period within which the importation must be effected and may allow the importation in more than one consignment."

*Article 12 was adopted.*

##### *Article 13.*

The text of Article 13 was read as follows :

"1. Each Contracting Party shall require a separate export authorisation to be obtained for each exportation of any of the substances to which the present Convention applies. Such authorisation shall state the quantity to be exported, the name and address of the exporter and the name and address of the importer.

"2. The Contracting Party, before issuing such export authorisation, shall require an import certificate, issued by the Government of the importing country and certifying that the importation is approved, to be produced by the person or establishment applying for the export authorisation.

"Each Contracting Party agrees to adopt, so far as possible, the form of import certificate annexed to the present Convention.

"3. The export authorisation shall specify the period within which the exportation must be effected, and shall state the number and date of the import certificate and the authority by whom it has been issued.

"4. A copy of the export authorisation shall accompany the consignment, and the Government issuing the export authorisation shall send a copy to the Government of the importing country.

"5. The Government of the importing country, when the importation has been effected, or when the period fixed for the importation has expired, shall return the export authorisation, with an endorsement to that effect, to the Government of the exporting country. The endorsement shall specify the amount actually imported.

"6. If a less quantity than that specified in the export authorisation is actually exported, the quantity actually exported shall be noted by the competent authorities on the export authorisation and on any official copy thereof.

"7. In the case of an application to export a consignment to any country for the purpose of being placed in a bonded warehouse in that country, a special certificate from the Government of that

country, certifying that it has approved the introduction of the consignment for the said purpose, may be accepted by the Government of the exporting country in place of the import certificate provided for above. In such a case, the export authorisation shall specify that the consignment is exported for the purpose of being placed in a bonded warehouse."

**M. de Palacios (Spain) :**

*Translation :* In conformity with a proposal put forward by myself and adopted by the Conference, this article says that the authorisation shall state the number of the import certificate. But, as far as I can see, the model form does not provide any space for this number.

**Sir Malcolm Delevingne (British Empire) :**

I agree.

**The President :**

*Translation :* Where ought this number to be put on the document in question ?

**M. de Palacios (Spain) :**

*Translation :* In the left-hand corner.

**M. van Wettum (Netherlands) :**

In the last paragraph the English text is not quite in conformity with the French text. In the French text it is "l'autorité compétente" and in the English text it is "Government".

**Sir Malcolm Delevingne (British Empire) :**

Throughout these provisions we have referred to the Government. I suggest that the same phrase should be used in the French text.

**The President :**

*Translation :* Very well ; we will put "gouvernement" for "autorité compétente" in section 7 of the French text.

*Article 13, as amended, was adopted.*

#### *Article 14.*

The text of Article 14 was read as follows :

"For the purpose of ensuring the full application and enforcement of the provisions of the present Convention in free ports and free zones, the Contracting Parties undertake to apply in free ports and free zones situated within their territories the same laws and regulations, and to exercise therein the same supervision and control, in respect of the substances covered by the said Convention, as in other parts of their territories.

"This article does not, however, prevent any Contracting Party from applying, in respect of the said substances, more drastic provisions in its free ports and free zones than in other parts of its territories."

**M. Bourgois (France) :**

*Translation :* Some doubt has arisen in regard to the third line of Article 14. It has been asked whether this passage referred particularly to the import certificate, especially as in Article 16 mention is made of bonded warehouses. I think it would be as well to make it clear that this passage in Article 14 applies to import certificates. I should like this point to be mentioned in the record of the meeting.

**Sir Malcolm Delevingne (British Empire) :**

The intention of Article 14 was that the whole system of export licences and import licences and import certificates and, in fact, the whole regime was to be applied to consignments of these substances brought into or taken out of the free ports or free zones.

*Article 14 was adopted.*

#### *Article 15.*

The text of Article 15 was read as follows :

"1. No consignment of any of the substances covered by the present Convention which is exported from one country to another country shall be permitted to pass through a third country, whether or not it is removed from the ship or conveyance in which it is being conveyed, unless the copy of the export authorisation (or the diversion certificate, if such a certificate has been issued in pursuance of the following paragraph) which accompanies the consignment is produced to the competent authorities of that country.

"2. The competent authorities of any country through which a consignment of any of the substances covered by the present Convention is permitted to pass shall take all due measures to prevent the diversion of the consignment to a destination other than that named in the copy of the export authorisation (or the diversion certificate) which accompanies it, unless the Government of that country has authorised that diversion by means of a special diversion certificate. A diversion certificate shall only be issued after the receipt of an import certificate, in accordance with Article 13, from the Government of the country to which it is proposed to divert the consignment, and shall contain the same particulars as are required by Article 13 to be stated in an export authorisation, together with the name of the country from which the consignment was originally exported. All the provisions of Article 13 which are applicable to an export authorisation shall be applicable equally to the diversion certificate.

"Further, the Government of the country authorising the diversion of the consignment shall detain the copy of the original export authorisation (or diversion certificate) which accompanied the consignment on arrival in its territory, and shall return it to the Government which issued it, at the same time notifying the name of the country to which the diversion has been authorised.

"3. In cases where the transport is being effected by air, the preceding provisions of this article shall not be applicable if the aircraft passes over the territory of the third country without landing. If the aircraft lands in the territory of the said country, the said provisions shall be applied so far as the circumstances permit.

"4. Paragraphs 1 to 3 of this article are without prejudice to the provisions of any international agreement which limits the control which may be exercised by any of the Contracting Parties over the



substances to which the present Convention applies when in direct transit.

"5. The provisions of this article shall not apply to transport of the substances by post."

**M. El Guindy (Egypt) :**

*Translation :* At the beginning of Article 15 we have the words "remove from the ship or conveyance" ("véhicule"). In some countries these "conveyances" are animals — camels, donkeys, etc. Would it not therefore be better to say "or other means of transport" ?

**M. Perrot (France) :**

*Translation :* I hasten to reassure my Egyptian colleague : the word in French would include camels, donkeys, or anything which carries goods.

*Article 15 was adopted without modification.*

*Articles 16, 17 and 18.*

The text of Articles 16, 17 and 18 was read as follows :

*Article 16.*

"A consignment of any of the substances covered by the present Convention which is landed in the territory of any Contracting Party and placed in a bonded warehouse shall not be withdrawn from the bonded warehouse unless an import certificate, issued by the Government of the country of destination and certifying that the importation is approved, is produced to the authorities having jurisdiction over the bonded warehouse. A special authorisation shall be issued by the said authorities in respect of each consignment so withdrawn and shall take the place of the export authorisation for the purpose of Articles 13, 14 and 15 above.

*Article 17.*

"No consignment of the substances covered by the present Convention while passing in transit through the territories of any Contracting Party or whilst being stored there in a bonded warehouse may be subjected to any process which would alter the nature of the substances in question or, without the permission of the competent authorities, the packing.

*Article 18.*

"If any Contracting Party finds it impossible to apply any provision of this chapter to trade with another country by reason of the fact that such country is not a party to the present Convention, such Contracting Party will only be bound to apply the provisions of this chapter so far as the circumstances permit."

*Articles 16, 17 and 18 were adopted.*

#### CHAPTER IV. — INDIAN HEMP.

*Article II.*

The text of Article II was read as follows :

"I. In addition to the provisions of Chapter V of the present Convention, which shall apply to Indian hemp and the resin prepared from it, the Contracting Parties undertake :

"(a) To prohibit the export of the resin prepared from Indian hemp to countries which have prohibited its use, and, in cases where export is permitted, to require the production of a special import certificate issued by the importing country stating that the importation is approved for the purposes specified in the certificate and that the resin will not be re-exported ;

"(b) Before issuing an export authorisation under Article 13 of the present Convention, in respect of Indian hemp, to require the production of a special import certificate issued by the Government of the importing country and stating that the importation is approved and is required exclusively for medical or scientific purposes.

"2. The Contracting Parties shall exercise such effective control as to prevent the illicit international traffic in Indian hemp and especially in the resin."

**M. El Guindy (Egypt) :**

*Translation :* In agreement with Professor Perrot and several other of my colleagues, I propose that in paragraph (a), which says that the exportation of the resin prepared from Indian hemp will be prohibited, we should specifically state that this passage refers to hashish, etc.

**M. Perrot (France) :**

*Translation :* I agree. The exact wording should be :

".....of the resin obtained from Indian hemp and the ordinary preparations known under various names, such as hashish, esrar, chira, diamba, etc."

**The President :**

*Translation :* Has anyone any observations to make on this amendment ?

**Mr. Walton (India) :**

It refers to the preparations from resin ; so, perhaps, to make that clear, the words "preparations from the resin" should be substituted.

**M. Perrot (France) :**

*Translation :* These are the chief preparations. The resin is not the only thing to be considered.

**Sir Malcolm Delevingne (British Empire) :**

Does the Indian delegate accept the extension of paragraph (a) to preparations of Indian hemp ? It would seem to be inconsistent with paragraph (b). I understood the amendment of the Egyptian delegate to refer to preparations of the resin and, if that is so, I understand that the Indian delegate sees no objection. But, in order that the Convention may be quite clear, we must know whether the words "its usual preparations" mean preparations of the resin or preparations of the Indian hemp.

**M. Perrot (France) :**

*Translation :* I think we are going back to a question which has already been decided. Sub-Committee F was definitely in favour of prohibiting altogether the export of pure resin. The Indian delegate having drawn attention to the special situation of his country, we agreed

to say that resin could be exported in certain cases. But there are also the preparations of Indian hemp, the best known being hashish, which is called "esrar" in Turkey, "chira" in Tunis, and so on, and which is made either from the leaves or from the pure resin; these preparations can be brought under the Convention without raising any serious objections on the part of the Indian delegate, as the present uses to which these substances are put can be made subject to certain reservations. I therefore think that Sir Malcolm Delevingne's apprehensions are groundless.

**The President :**

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

I am afraid M. Perrot has not quite understood what I said. We have to be quite clear what we are dealing with in this paragraph. On the recommendation of Sub-Committee F, we have dealt with Indian hemp in three ways. We have included certain preparations of Indian hemp in Chapter III, Article 4. We have dealt in Article 11, paragraph (a), with the resin. We have dealt in paragraph (b) of Article 11 with Indian hemp as defined in the first article of the Convention. If we insert in paragraph (a) of Article 11 a reference to preparations of Indian hemp, it seems to me we are introducing a confusion with the other provisions to which I have referred.

Preparations of Indian hemp would cover the preparations referred to in Article 4, and the Governments would be at a loss to know which provisions apply in certain cases.

I am merely concerned from the point of view of the clearness of our draft. We must know exactly what the provisions mean. I was under the impression that the intention was to deal in paragraph (a) of Article 11 with the resin, which is the most dangerous product — we are all agreed about that — and to control its exportation in the strictest possible manner. I understand that this is also the view of the French delegation, which, as well as the Indian delegation, is interested in this matter. If we add to paragraph (a) "all preparations of Indian hemp", I am not at all clear where we are, and I would ask for further explanation from the members of Sub-Committee F who are interested in the matter.

**M. El Guindy (Egypt) :**

*Translation :* The products referred to before were derivatives of the resin, while what we now want is a definition of Indian hemp.

**M. Perrot (France) :**

*Translation :* This is one of the difficulties encountered by the Drafting Committee when dealing with technical points. Sub-Committee F said : "ordinary preparations of which resin forms the base". If this expression had been retained, we should not be discussing the point now. Why not go back to this wording ?

We cannot say "preparations of pure resin" because the resin is not always pure. But it is inadmissible that, in a definition of Indian hemp, we should make no mention of the

preparations derived from it. I therefore propose the introduction of the words I have just mentioned.

**Mr. Walton (India) :**

I quite agree with the phrase proposed by M. Perrot.

**The President :**

*Translation :* These words will be inserted in Article 11.

**M. van Wettum (Netherlands) :**

In the third line of paragraph (a) we should say : "the Government of the importing country" instead of "the importing country", in conformity with the text of the other articles.

In paragraph (b) in the French text, it should be "usages médicaux ou scientifiques" instead of "fins médicales ou scientifiques".

**Mr. Walton (India) :**

In No. 2 of Article 11, in order to make the English conform with the French, and for the sake of precision, we should say : "The Contracting Parties shall exercise an effective control of such a nature . . .".

*Article 11 was adopted with the small modifications just proposed.*

CHAPTER III.

Article 4.

The text of Article 4 was read as follows :

"The provisions of the present chapter apply to the following substances :

- "(a) Medicinal opium ;
- "(b) Crude cocaine and ecgonine ;
- "(c) Morphine, diacetylmorphine, cocaine and their respective salts ;
- "(d) All preparations (officinal and non-officinal, including the so-called anti-opium remedies) containing more than 0.2 per cent of morphine or more than 0.1 per cent of cocaine ;
- "(e) All preparations containing diacetylmorphine ;
- "(f) Galenical preparations (extract and tincture) of Indian hemp ;
- "(g) Any other narcotic drug to which the present Convention may be applied in accordance with Article 10."

**The President :**

*Translation :* M. Bourgois, delegate of France, will address the Conference.

**M. Bourgois (France) :**

*Translation :* I do not want to reopen discussion on a point which has been settled, but I should like a vote to be taken on the following amendment :. In Article 4, paragraph (e), after the word "containing" add the words "more than one thousandth part of diacetylmorphine". The sentence would then read : "all preparations containing more than one-thousandth part of diacetylmorphine". I imagine that no medical or scientific arguments can be adduced against my amendment. In these infinitesimal doses there can be no question of smuggling or drug addiction.

**M. de Myttenaere (Belgium) :**

*Translation :* I should like to ask M. Bourgois to reconsider his proposal. One thousandth part is 0.1 per cent. This is going back on our previous decision and I hope M. Bourgois will not press this amendment. The actual intention was to arrange a consultation of the medical profession on the necessity of using heroin, and this can only be done if heroin is unobtainable without a doctor's prescription.

I therefore beg M. Bourgois once more not to press his amendment.

**The President :**

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

**Sir Malcolm Delevingne (British Empire) :**

When this question was discussed at the first reading, I said that, if a case were made out in favour of the change, I should accept it, but, as I was not satisfied, either from the report of Sub-Committee F or from the debate which took place in the Conference, that the change had been justified by any evidence, I voted against the proposal.

During this second and final reading of the draft, however, I think we have observed an unwritten rule not to raise again questions of real substance, and I think, therefore, M. Bourgois might consider the question of withdrawing his proposal. If we raise questions of substance on one article, questions of substance may also be raised on other articles. I think, on the whole, we should accept the decision taken by the Conference after a full debate on the first reading, and I do not propose to support the amendment.

**M. Bourgois (France) :**

*Translation :* If I withdraw my proposal it will not be for the reason given by the Belgian delegate. He spoke of quantity, but I am now proposing a quantity ten times smaller than that which I first proposed.

As regards the point of order raised by Sir Malcolm Delevingne, I leave that to the President to decide. If he thinks this question should not be discussed at the second reading, I will, of course, withdraw my proposal.

**The President :**

*Translation :* I cannot rule M. Bourgois' proposal out of order since already in to-day's discussion we have at least touched upon questions of substance and will perhaps have to do so again.

**M. Bourgois (France) :**

*Translation :* There is perhaps a misunderstanding. I am now proposing not 0.1 but 0.01 per cent.

**M. de Myttenaere (Belgium) :**

*Translation :* You said a thousandth part. That is 0.1 per cent.

**M. Bourgois (France) :**

*Translation :* I meant to say one ten-thousandth.

**The President :**

*Translation :* M. Bourgois has corrected his proposal.

**M. Chodzko (Poland) :**

*Translation :* If this proposal is accepted, I for my part will have to make every reservation as regards signing the Convention.

**M. Bourgois (France) :**

*Translation :* After the explanation I have given, does Sir Malcolm Delevingne stand by what he said?

**Sir Malcolm Delevingne (British Empire) :**

I should like to know the Belgian delegate's opinion.

**M. Bourgois (France) :**

*Translation :* I meant on the point of order.

**The President :**

*Translation :* Sir Malcolm Delevingne did not, strictly speaking, raise a point of order.

**M. de Myttenaere (Belgium) :**

*Translation :* I was speaking for the majority of the Sub-Committee; it is not a matter which specially concerns Belgium or myself personally.

I am strongly in favour of the proposal of the Sub-Committee because, as I said at the first reading, it constitutes the first step in the actual suppression of the consumption of narcotics. I therefore beseech the Conference to abide by the judgment of the Sub-Committee and not go back on a decision which I regard as a very real advance in the matter of the regulation of the traffic in narcotics.

**The President :**

*Translation :* Does M. Bourgois maintain his proposal?

**M. Bourgois (France) :**

*Translation :* If a vote is in order, I ask for a vote, but if there is the least doubt on the point, I will withdraw my proposal.

**The President :**

*Translation :* I consider that the proposal is in order. I therefore put to the vote M. Bourgois' proposal to add, after the word "containing" in Article 4 (e) the words "more than one ten-thousandth."

*The proposal was rejected.*

**The President :**

*Translation :* M. Anselmino, delegate of Germany, will address the Conference.

**M. Anselmino (Germany) :**

*Translation :* The draft Convention goes further as regards the control of preparations of Indian hemp than as regards the control of alkaloid preparations. These preparations, however, are very rarely used in a pure state in medicine. Germany is prepared to undertake not to permit the exportation of the extract and tincture of Indian hemp, since she is always ready to promote the general welfare and further the interests of international hygiene.

The officinal products in question can only be sold to the public by chemists on production of a doctor's prescription, especially when required for internal use. I do not know whether Germany will be able to undertake to apply the same restrictions to the home trade in these drugs as to narcotics; I refer to matters such as trading permits, inspection of

traders' premises, account-books, statistics of stocks, etc.

Being without instructions from my Government, I am obliged to make a reservation as regards the home trade in the extract and tincture of Indian hemp in Germany. In an international Convention, obligations regarding the home trade should not be imposed beyond what is required for international purposes.

In short, Germany, sincerely desirous though she is to co-operate in the control of international traffic — as the Secretary-General of the Conference and the members of the Advisory Committee are well aware — nevertheless reserves the right to regulate her home trade in the preparations of Indian hemp in order to meet her own requirements.

**The President :**

*Translation :* The German delegate's statement will be entered in the record of the meeting.

**M. Perrot (France) :**

*Translation :* There are certain pharmaceutical preparations which can be placed on the home market, and which there can be no question of bringing within the scope of the Convention. The Convention only applies to two products which, from the chemical point of view, are clearly defined, the extract and the tincture; but preparations containing the extract and the tincture do not come under the Convention. To have included them would have meant injuring unnecessarily the legitimate interests of chemists.

**Sir Malcolm Delevingne (British Empire) :**

I am not quite sure whether I understood M. Perrot aright. What I understood him to say was that Article 4 only applies to extracts and tinctures and not to preparations containing extracts and tinctures. Is that so?

**M. Perrot (France) :**

*Translation :* Yes, that is what I wanted to have put in the record of this meeting.

*Article 4 was adopted.*

*Article 5.*

The text of Article 5 was read as follows :

"The Contracting Parties shall enact effective laws or regulations to limit exclusively to medical and scientific purposes the manufacture, import, sale, distribution, export and use of the substances to which this chapter applies. They shall co-operate with one another to prevent the use of these substances for any other purposes."

*Article 5 was adopted.*

*Article 6.*

The text of Article 6 was read as follows :

"The Contracting Parties shall control all persons manufacturing, importing, selling, distributing or exporting the substances to which this chapter applies, as well as the buildings in which these persons carry on such industry or trade.

"With this object, the Contracting Parties shall :

"(a) Confine the manufacture of the substances to those establishments and premises alone which have been licensed

for the purpose, referred to in Article 4 (b), (c) and (g).

"(b) Require that all persons engaged in the manufacture, import, sale, distribution, or export of the said substances shall obtain a licence or permit to engage in these operations ;

"(c) Require that such persons shall enter in their books the quantities manufactured, imports, exports, sales and all other distribution of the said substances. This requirement shall not necessarily apply either to supplies dispensed by medical practitioners or to sales by duly authorised chemists on medical prescriptions, provided in each case that the medical prescriptions are filed and preserved by the medical practitioner or chemist."

**The President :**

*Translation :* M. Perrot, delegate of France, will address the Conference.

**M. Perrot (France) :**

*Translation :* I should like to make an observation on behalf of M. Carrière and on my own behalf, as I supported his view.

Paragraph (c) does not give entire satisfaction.

The Committee did not want any other authorised persons to be mentioned besides medical practitioners; but I wish to say, and to have my statement included in the record of the meeting, that, necessarily, this rule will not apply to other authorised persons — such as veterinary surgeons or dentists — who are allowed to have quantities of morphine in their possession for the purposes of their calling. The Committee did not wish to say "other authorised persons" because the term seemed too wide, but I desire the declaration which I have just made to appear in the records in order to make it clear that the domestic regulations of each country may allow authorisations to be granted to persons other than medical practitioners.

**The President :**

*Translation :* The French delegation's statement will be included in the record of the meeting.

*Article 6 was adopted.*

*Article 7.*

The text of Article 7 was read as follows :

"The Contracting Parties shall take measures to prohibit, as regards their internal trade, the delivery to or possession by any unauthorised persons of the substances to which this chapter applies."

**The President :**

*Translation :* The Swiss delegation has submitted an amendment to Article 7. I call upon M. Dinichert to speak.

**M. Dinichert (Switzerland) :**

*Translation :* The amendment which I wish to submit is purely a matter of drafting. Article 7 as it stands does not read very well in French. I propose the following wording :

"Les Parties contractantes prendront des mesures pour prohiber, dans leur commerce intérieur, toute cession à des personnes non autorisées ou détention par ces

personnes des substances auxquelles s'applique le présent chapitre."

The present text is, I know, correct in English, but it is hardly admissible in French.

**The President :**

*Translation :* The wording proposed by M. Dinichert does not affect the meaning, and I suggest that the Conference should adopt it.

*Article 7 was adopted with the new wording.*

*Article 8.*

The text of Article 8 was read as follows :

"In the event of the Health Committee of the League of Nations, after having submitted the question for advice and report to the Permanent Committee of the Office international d'Hygiène publique in Paris, finding that any preparation containing any of the narcotic drugs referred to in the present chapter cannot give rise to the drug habit on account of the medicaments with which the said drugs are compounded and which preclude the recovery of the said drugs, the Health Committee shall communicate this finding to the Council of the League of Nations. The Council will communicate the finding to the Contracting Parties, and thereupon the provisions of the present Convention will not be applicable to the preparation concerned."

*Article 8 was adopted.*

*Article 9.*

The text of Article 9 was read as follows :

"Notwithstanding the provisions of Articles 5 and 6, any Contracting Party may authorise the supply to the public by chemists, at their own discretion, as medicines, for immediate use in urgent cases, of the following opiate officinal preparations : tincture of opium, Sydenham laudanum and Dover powder. The maximum dose, however, which may be supplied in such cases must not contain more than 25 centigrammes of officinal opium, and the chemist must enter in his books the quantities supplied, as provided in Article 6 (c)".

**The President :**

*Translation :* Is not the expression "for immediate use in urgent cases" tautologous? We ought to find a better phrase.

**M. Perrot (France) :**

*Translation :* It would be sufficient to say : "for urgent cases."

**Sir Malcolm Delevingne (British Empire) :**

I think there is a point here. The intention was that these preparations should be used for urgent cases. I think the case cited was that of persons taken ill in the street who go to a chemist's shop and are supplied with medicine to be consumed on the spot. If you simply say "for use in urgent cases" that might apply to supplies of preparations for use elsewhere — at home, for instance. I think the word "immediate" is important, and I should suggest therefore that we adhere to the present text.

**M. Perrot (France) :**

*Translation :* But if I were taken ill in the street and you went to fetch some laudanum the chemist would not give you any, since he is only allowed to deliver it to the patient and not to the bearer. In my opinion, we should simply say "medicines for urgent cases".

**Sir Malcolm Delevingne (British Empire) :**

That is all very well, but the words which M. Perrot suggests give a very wide extension to this article, and I would have to oppose very strongly the alteration he proposes. We settled this text very carefully. The whole case for this clause was based on the case of a man who is taken ill in the street and who wants something immediately. Let us adhere to the decision which has already been taken and maintain the present text.

**M. de Myttenaere (Belgium) :**

*Translation :* Let us take a case — which to my knowledge has actually occurred — of a woman having a miscarriage; the doctor is sent for and prescribes a small quantity of laudanum. The husband goes to the chemist and asks for several drops of this drug. If he makes the husband take the laudanum himself it would not help the patient very much.

**Sir Malcolm Delevingne (British Empire) :**

But surely that is a perfectly irrelevant remark. If a doctor has ordered laudanum, he has given a prescription.

**M. de Myttenaere (Belgium) and M. Perrot (France) :**

*Translation :* No.

**M. de Palacios (Spain) :**

*Translation :* I intended making the same remark as Sir Malcolm Delevingne

**The President :**

*Translation :* If this wording raises a question of principle, it would be preferable not to change it.

**M. Perrot (France) :**

I see no objection to it, but the French is rather redundant.

**The President :**

*Translation :* I propose that we should keep to the Drafting Committee's text. (*Agreed.*)

I venture to ask the opinion of the experts on the word "galénique", in the third line of Article 9. The expression "préparations galéniques" is translated in English by "officinal preparations", but the expression "opium officinal" in the fifth line of the French text is also rendered in English by "officinal opium". Is there any difference between "galénique" and "officinal" ?

**M. Perrot (France) :**

*Translation :* I think I have already pointed out in the Drafting Committee that the word "galénique" means, in all countries which would use the French text, preparations made up by chemists. Of course, we could use the word "officinal". Sir Malcolm Delevingne told us that English was a very rich language and also possessed the word "galenical". The same word could therefore be used in both texts.

**Sir Malcolm Delevingne** (British Empire) :

I do not feel competent to deal with these very difficult matters; but the word official in English means, as I understand, "in accordance with the national pharmacopœia". I do not know whether the word "galénique" in French has the same meaning; but I take it that "official preparations" is the right expression here. Perhaps it is desirable therefore to alter the French text to "préparations officinales" as in Article 4 (d).

**M. Perrot** (France) :

*Translation* : As far as I am concerned, I have no objection to putting the word "official" in the French text. It is already used in Article 4 (f).

**M. de Myttenaere** (Belgium) :

*Translation* : I propose that the words "notwithstanding the provisions of Articles 5 and 6" should be deleted, as there is no reference to these articles.

**M. Perrot** (France) :

*Translation* : These words are superfluous, as Article 9 has no relation to Articles 5 and 6.

**Sir Malcolm Delevingne** (British Empire) :

I think that the reference ought to be to Article 7, which prohibits the delivery to or possession by any unauthorised persons. An unauthorised person in the case of the public is a person not in possession of a medical prescription. Shall we say "notwithstanding the provisions of this chapter" ?

**M. de Myttenaere** (Belgium) :

*Translation* : Nothing at all should be put here; the case is exceptional. On the one hand you speak of "any authorised persons" and on the other you give authorisation, so that there is a discrepancy.

**Sir Malcolm Delevingne** (British Empire) :

The words in question are needless, since the chemists are authorised already.

**The President** :

*Translation* : The Conference agrees to delete the words "notwithstanding the provisions of Articles 5 and 6" ? (*Agreed.*)

*Article 9, as amended, was adopted.*

*Article 10.*

The text of Article 10 was read as follows :

"In the event of the Health Committee of the League of Nations, after having submitted the question for advice and report to the Permanent Committee of the Office international d'Hygiène publique in Paris, finding that any narcotic drug to which the present Convention does not apply is liable to similar abuse and productive of similar ill-effects as the substances covered by the Convention, the Health Committee shall inform the Council of the League accordingly and recommend that the provisions of the present Convention shall be applied to such drug.

"The Council of the League shall communicate the said recommendation to the Contracting Parties. Any Contracting Party which is prepared to accept the recommendation shall notify the Secretary-

General of the League, who will inform the other Contracting Parties.

"The provisions of the present Convention shall thereupon apply to the substance in question as between the Contracting Parties who have accepted the recommendation referred to above."

**The President** :

*Translation* : M. Perrot, delegate of France, will address the Conference.

**M. Perrot** (France) :

*Translation* : The wording of this article is still rather laboured and obscure. I have before me a text drafted by M. Carrière. It does not change the substance of the article and is infinitely clearer and more precise. I will read it.

"In the event of the Health Committee of the League of Nations, after having submitted the question for advice and report to the Permanent Committee of the Office international d'Hygiène publique in Paris, finding that any narcotic drug may, like the substances specified in letters (a), (b), (c), (d), (e) and (f) of Article 4 above, be liable to similar abuse and productive of similar ill-effects, the Health Committee shall inform the Council of the League accordingly and ask that a recommendation should be made to the Contracting Parties for the submission of the said substance to the regime of the present Convention. The Council of the League of Nations shall communicate the said recommendation to the Contracting Parties. Each Contracting Party which accepts the recommendation shall inform the Secretary-General of the League of Nations.

"When ten Contracting Parties have informed the Secretary-General that they accept the recommendation, the provisions of the present Convention shall thereupon apply to the substance in question as between these Contracting Parties."

**The President** :

*Translation* : Does anyone wish to speak on this amendment ?

**Sir Malcolm Delevingne** (British Empire) :

I should like to see the text, Mr. President.

**M. de Palacios** (Spain) :

*Translation* : Could the French text be read again ? I think something has been left out in the translation.

(*The French text was read.*)

**M. Perrot** (France) :

*Translation* : No change has been made as regards the substance of the article. It has only been made clearer.

**Sir Malcolm Delevingne** (British Empire) :

I have not had the advantage of seeing the French text, but certainly I do not think that it is an improvement on the English text as it appears in the draft. I should be sorry, therefore if the amendment were accepted.

But there is one point to which the amendment calls attention and on which I think Dr. Carrière is right and that is in regard to the use of the phrase in the draft as it stands



"substances covered by the Convention". What we really mean, of course, is the substances to which this chapter applies. In that respect Dr. Carrière's amendment is admittedly an improvement. I think that the only change that we need to make is the substitution of the words "to which this chapter applies" for the words "covered by the Convention".

I think that if we make that change we shall give satisfaction on the main points of Dr. Carrière's proposal. I do not think that the rest of the amendment is important—certainly not in the English text. I suggest that, for the sake of expedition, we simply make the alteration I have mentioned.

**The President :**

*Translation :* We will then simply amend this passage to read : "to which this chapter applies". (Agreed.)

*Article 10 as amended was adopted.*

CHAPTER II.

*Article 2.*

The text of Article 2 was read as follows :

"The Contracting Powers undertake to strengthen the effective laws or regulations which they have enacted in virtue of Article I of the Hague Convention of 1912 for the control of the production, distribution and exportation of raw opium."

**The President :**

*Translation :* M. Kircher, delegate of France, will address the Conference.

**M. Kircher (France) :**

*Translation :* We were very sorry on February 12th not to obtain unanimity on the proposal which we put forward in the hope of conciliating all the interests affected and of permitting all the delegations to sign this Convention without reservation.

We were much perturbed by the refusal of several delegations to accept it. During the last few days we have endeavoured to improve our formula and to find a text which would satisfy the whole Conference and enable us all to sign the Convention. As a result of the very great assistance given us by Sir Malcolm Delevingne, whom I should like to thank, we have reached an *entente cordiale* and have jointly drawn up a new text which defines, without unduly extending their effect, the pledges which must be given by all the Powers present at this Conference.

We ask you to accept this new wording, the purport of which should be interpreted as follows : — We all stand by our ideal, which is to put an end as soon as possible to the production of illicit opium, but, in view of existing circumstances, we confine ourselves for the present to assuming very definite and limited obligations to which each country can commit itself with the sure knowledge that it can carry them out.

We ask you to accept this formula without any further discussion, in a spirit of conciliation and mutual goodwill. (Applause.)

**The President :**

*Translation :* I take it from your applause that I can regard the new wording of Article 2

as accepted by the Conference without further discussion. (Agreed.)

*Article 2 was adopted.*

*Article 3.*

The text of Article 3 was read as follows :

"Due regard being had to the differences in their commercial conditions, the Contracting Parties shall limit the number of towns, ports or other localities through which the export or import of raw opium or coca leaves shall be permitted."

*Article 3 was adopted.*

CHAPTER I. — DEFINITIONS.

*Article 1.*

The text of Article 1 was read as follows :

"The Contracting Parties agree to adopt the following definitions for the purposes of the present Convention :

*'Raw Opium.'* — 'Raw opium' means the spontaneously coagulated juice obtained from the capsules of the *Papaver somniferum L.*, which has only been submitted to the necessary manipulations for packing and transport, whatever its content of morphine.

*'Medicinal Opium.'* — 'Medicinal opium' means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the national pharmacopœia, whether in powder form or granulated or otherwise or mixed with neutral materials.

*'Morphine.'* — 'Morphine' means the principal alkaloid of opium having the chemical formula  $C_{17}H_{19}O_3N$ .

*'Diacetylmorphine.'* — 'Diacetylmorphine' means diacetylmorphine (diamorphine, heroin) having the formula  $C_{21}H_{23}O_5N$ .

*'Coca Leaf.'* — 'Coca leaf' means the leaf of the *Erythroxylon Coca* (Lamarck) and the *Erythroxylon novo-granatense* (Morris) *Hieronymus* and their varieties belonging to the family of Erythroxylaceæ and the leaf of other species of this genus from which it may be found possible to extract cocaine either directly or by chemical transformation.

*'Crude Cocaine.'* — 'Crude Cocaine' means any extract of the coca leaf which can be used directly or indirectly for the manufacture of cocaine.

*'Cocaine.'* — 'Cocaine' means methylbenzoyl lævo-ecgonine (D. 20° = — 16°4 in 20 per cent solution of chloroform) of which the formula is  $C_{17}H_{21}O_4N$ .

*'Ecgonine.'* — 'Ecgonine' means lævo-ecgonine (D. 20° = — 45°6 in 5 per cent solution of water) of which the formula is  $C_8H_{15}O_3NH_2O$  and all the derivatives of lævo-ecgonine which might serve industrially for its recovery.

*'Indian Hemp.'* — 'Indian hemp' means the dried flowering or fruiting tops of the pistillate plant *Cannabis sativa L.* from which the resin has not been extracted, under whatever name they may be designated in commerce."

**The President :**

*Translation* : There are mistakes in the chemical formulæ in Article 1. We asked the opinion of the organic chemistry laboratory of Geneva University on this point, and we propose to abide by their reply, which may be taken as official.

M. Perrot, delegate of France, will address the Conference.

**M. Perrot (France) :**

*Translation* : As regards the chemical formulæ, to which the President has referred, we shall be able to revise these carefully in the final proof. I beg to draw attention to the following points :

Definition of the coca leaf: the word "Lamarck" should not be in brackets, and the word "Hieronymus" should not be in italics. At the end of the same paragraph a word should be added : "...from which it may be found possible to extract or *obtain* cocaine either directly, etc." The word "obtain" is missing.

Definition of Indian hemp: Sub-Committee F drew attention to the necessity of using the terms by which Indian hemp is designated in commerce. In agreement with the Indian and Belgian delegates, I propose that we should add at the end of the paragraph the words : "bhanga, Bombay tops, ganja, guaza, etc."

**Sir Malcolm Delevingne (British Empire) :**

I never heard of a more unscientific method of definition. Surely this is unworthy of the Conference? These are scientific definitions. Why introduce in a scientific definition a number of commercial terms which add nothing to the value of the definition?

**M. Perrot (France) :**

*Translation* : As Rapporteur, I venture to press my proposal, as in the case of Indian hemp we are not dealing with a well-defined substance : in commerce Indian hemp appears under various names. Thus "bhanga" is not the same thing, from the scientific point of view, as "ganja" or "guaza", but they are all forms of Indian hemp.

**Sir Malcolm Delevingne (British Empire) :**

Of course it is not the same thing. I suggest, however, that M. Perrot might be quite satisfied with the mention of these substances in the record of the meeting.

**M. Perrot (France) :**

*Translation* : I should like to know the opinion of Mr. Walton, the Indian delegate.

**Mr. Walton (India) :**

I have no objection to their being mentioned in the record of the meeting.

**M. El Guindy (Egypt) :**

*Translation* : I do not see any reason to omit these words.

**The President :**

*Translation* : Does the Conference wish to add this rather complicated nomenclature to the definitions themselves or will it be satisfied if it is mentioned in the record of the meeting?

**M. Perrot (France) :**

*Translation* : As Rapporteur, I consider that the insertion of this nomenclature in the record of the meeting will be sufficient.

*(Approved.)*

*Preamble.*

The text of the preamble was read as follows :

"ALBANIA, etc., etc.

"Taking note of the fact that the application of the provisions of the Hague Convention of January 23rd, 1912, by the Contracting Parties has produced results of great value, but that the contraband trade in and abuse of the substances to which the Convention applies still continue on a great scale ;

"Convinced that the contraband trade in and abuse of these substances cannot be effectually suppressed except by bringing about a more effective limitation of the production or manufacture of the substances, and by exercising a closer control and supervision of the international trade, than are provided for in the said Convention ;

"Desirous therefore of taking further measures to carry out the objects aimed at by the said Convention and to complete and strengthen its provisions ;

"Realising that such limitation and control require the close co-operation of all the Contracting Parties ;

"Confident that this humanitarian effort will meet with the unanimous adhesion of the nations concerned ;

"Have decided to conclude a Convention for this purpose.

"The High Contracting Parties have accordingly appointed as their Plenipotentiaries :

[ *Here follow the names of heads of States and their Plenipotentiaries* ].

Who, after communicating their full powers, found in good and due form, have agreed as follows : "

*The preamble was adopted.*

**The President :**

*Translation* : I declare the drafts of the Protocol, of the Convention and of the Final Act drawn up by our Conference adopted, with the various drafting amendments that have been introduced.

*The Conference rose at 7.5 p.m.*

## THIRTY-EIGHTH MEETING.

*Held at Geneva on Thursday, February 19th, 1925, at 11 a.m.*

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116. CLOSE OF THE SESSION : SPEECH BY M. ZAHLE, PRESIDENT OF THE SECOND OPIUM CONFERENCE.

President : M. Herluf ZAHLE.

#### 115. SIGNATURE OF THE CONVENTION BY THE BRITISH DELEGATE : DECLARATION BY SIR MALCOLM DELEIVINGNE.

##### The President :

*Translation :* Sir Malcolm Delevingne, delegate of the British Empire, will address the Conference.

##### Sir Malcolm Delevingne (British Empire) :

Mr. President, I have to make the declaration which is usually made by the representative of Great Britain on occasions of this kind.

As the Conference is aware, the self-governing Dominions of the British Empire which are Members of the League sign a Convention of this kind independently. I have therefore to make the following declaration at the moment of signing the Convention ; that my signature does not bind those parts of the British Empire which are separate Members of the League of Nations.

*This declaration was noted.*

#### 116. CLOSE OF THE SESSION.

##### The President :

*Translation :* Gentlemen, the Second Opium Conference has now terminated its long work.

This is not the time for the conventional President's speech of appreciation and farewell. The issues in this Conference have run too deep for mere generalities regarding international co-operation and good-will. At whatever risk, I must attempt to approximate a picture of what has happened here. I shall therefore speak as frankly and as unconventionally as some of the delegates have already spoken.

First, however, I must pause for a moment to express a personal word of gratitude to the Council of the League of Nations, which appointed me President of this Conference, to the delegates who have unfailingly supported me in a task which has been more than arduous, and to the Secretariat, which has worked day and night with an unwavering loyalty and cheer. I may here especially mention Dame Rachel Crowdy, who has been of inestimable help to me not only in the immense secretarial work but also in the vision which she has brought to the larger issues involved. (*Applause.*)

May I also say a special word of thanks to the distinguished international journalists who

have followed our most complex debates with a patience not less than that shown by the delegates, and who have performed a service of unique value in familiarising the public with the problems which we have faced and must still face. We know that we can count on their continued support.

The best that a President can do is to please everybody, but that, I am sure, is almost always impossible and a hundred times impossible in a Conference such as the one we have been through. The worst he can do is to please one side and displease the other, for that shows he has been partial. The most he can hope for is that he has displeased everybody, and in that hope I imagine I am not completely disappointed.

The Opium Conference — I say unhesitatingly — has been the most difficult Conference in the history of the League of Nations. We have touched on the centuries-old practices of the East ; we have come hard against the economic status of several nations ; we have found ourselves confronted by the most complicated and baffling details ; we have seen the struggle between the smuggler and the law enforcer ; and yet we have had to safeguard legitimate rights and legitimate uses of drugs when fulfilling their errand of mercy in alleviating suffering. The drug question is both a boon and a curse to civilisation ; it contains much that is good as well as much that is bad ; but where it is bad it is like a many-headed hydra rearing its ugly features, despite all precautions, in most unexpected places.

The Conference opened on November 17th with 41 States present, including four non-Members of the League. It sat till December 20th, when the combination of the holidays and the breach of opinion already manifested made adjournment desirable in order to give the delegates opportunity to consult their Governments. The Conference resumed its work on January 19th with three of the delegations reinforced by new delegates. On February 6th, the delegation of the United States of America, and on the following day that of China, withdrew because of disagreement with the progress of the Conference. To-day, February 19th, we complete our work, and immediately the long process of signature, ratification and execution of the resultant Convention begins.

No League Conference has ever lasted so long. For nearly 70 days we have been in session. Thirty-eight times we have met in plenary conference and over 100 times in sessions of commissions, committees or sub-committees. The effort and the material labour expended is well illustrated by the single fact that over two million sheets of paper have been roneoed and distributed.

It may well be so. The farther the Conference has gone into the questions before it the more difficult have those questions become. Superficially simple as the problem of drugs appears to the uninitiated, it is, in fact, so many-sided,

involves so many totally unexpected considerations and reaches so deep into the habits of peoples and the practice of Governments as to be almost hopelessly baffling. The one incontrovertible fact is that there is no simple or single panacea.

Opium is used in widely different ways. Amongst the 300 million people of India, it has been eaten for centuries, and, whether the practice be good or bad, it could only be done away with by action which would strike at the root of Indian life. Amongst other Far Eastern people, especially the Chinese, it is smoked, usually as a heavy stimulant, and is as difficult to abolish as any other human frailty. In the West, it is manufactured into drugs, some harmless, some neutral, some highly dangerous and capable of being at one moment the curse, and at the next the blessing, of society.

Production is essential — over-production disastrous. How, then, can the line be drawn? This Conference has recognised that opium and coca, not to mention Indian hemp — the basis of hashish — are usually grown in countries where the Governments are less strongly federalised and where control is difficult; it has seen that they are so small in bulk as to make their growth profitable even where there are no rail-roads to transport them; it has had to admit that their production and sale have long been an established and often a perfectly justified feature of the economic system of certain States; it has learnt that they are sedulously sought by a small coterie of people willing to poison their fellows for profit; and it has been brought face to face with the fact that their highly concentrated value and their small volume make them the joy of the smuggler and the despair of the law enforcer.

The Conference has not solved these problems; it has not removed the world's drug evil. It makes no claim to complete success. On the contrary, it frankly recognises that it leaves behind it questions which will not be solved for years — possibly even decades.

Yet I do unhesitatingly believe that this Conference has struck a most powerful blow at the drug evil. The immense publicity which has resulted from its open debates in an international centre has sounded a warning of the drug evil which will be heard in the far corners of the world. The facts which have been brought out here, and the education there has been both of the delegates and of public opinion, have put the question in a light never before possible.

That, I think, is the great cardinal result of our long deliberations. The drug problem is now before world opinion and will stay before world opinion until it is solved. We have taken certain detailed steps here; we will take more to-morrow, and still more the day after, but the outstanding fact is that we have started on a road which eventually can lead only to success.

Apart from publicity, the Conference has greatly strengthened the Hague Convention of thirteen years ago. The general principles enunciated in that document have now been provided with the mechanism for their realisation. The first step has been taken towards the constitution of that international control which will eventually destroy the evil aspects of the drug traffic.

The keystone of this control is the Central

Board of eight permanent and disinterested experts who are to be armed with all the statistics which the Governments can provide as to the nations' legitimate requirements for production and manufacture. This Board will, in effect, be a great fact-finding body, which, in a few years, should cast its light of publicity into the darkneses of the drug question and allow the world to distinguish the good from the evil. Then, and then only, shall we have the data essential for an intelligent and scientific course of action.

That, however, is not all: should statistics prove that any nation's territory is being used for an importation grossly in excess of its needs and obviously a danger to others, the Board can recommend the cessation of shipments to that nation. The mere threat of such action and the mere danger of an aroused world opinion should constitute an almost irresistible weapon which it may be expected will never have to be used.

Obligations as intricate and complicated as the drug problem itself have been accepted by the Signatory Powers to make all this mechanism effective. Estimates of needs, statistics of production and of manufacture; control and supervision of factories; extension of the system of import and export certificates; provisions for the control of transshipment and for free ports; even — for the first time, I believe — provisions as regards transportation by air; all have been incorporated in this new treaty in order to prevent any possible leakages. While no one, I think, suffers under the delusion that the present system is watertight, all of us, I am sure, feel that its imperfections can be overcome by experience, as they manifest themselves.

If manufacture and transit have been well cared for, the same success cannot be claimed for production. The American principle for a limitation of production to medical and scientific purposes, though accepted as a principle both by the Advisory Committee on the Traffic in Opium and the Assembly, has not been included in the Convention as a contractual obligation. While, again, no one disputed the rightness of this principle, the objections raised by the producing countries to its immediate acceptance as a binding obligation made it obvious that years will be required before the principle will become effective in fact. Every possible effort was made, even up to the last day of the Conference, to find a solution, but when no solution appeared possible, the frankest and the wisest course seemed to be to strengthen the original provisions of the Hague Convention.

The difficulties in the way of the immediate acceptance of this proposal were twofold: first, international control has not yet become sufficiently accurate and scientific to justify the world in attempting to reduce and to apportion production amongst the various nations, and, secondly, the producing nations would find themselves faced by grave economic and political difficulties if they attempted brusquely and without alternative compensation to reduce a commerce deep-rooted in custom and in large part, at least, justifiable.

The way, however, has been pointed out. On the one hand, the producing countries realise that in total they are providing far more drugs than the world needs; on the other, the world realises that the reduction of pro-

duction can take place only on a scientific programme and with due regard to existing legitimate interests. Such a sharp clarification of the situation is the first essential on the road to ultimate success. Facts are needed in order to apportion the reduction, and alternative economic activities are essential to meet its losses.

Similarly, only a limited progress can be claimed as regards the smoking of opium in certain Pacific countries. While this question was the sole item on the agenda of the First Conference, nevertheless, a joint Committee of that Conference and this one was created to hear and to discuss the American proposal for a total suppression of that practice within fifteen years. Agreement unfortunately was not reached, as the countries where the practice is temporarily permitted under the Hague Convention felt unable, with the exception of Japan, to accept the immediate initiation of that period of suppression, on the ground that the present heavy smuggling would render such acceptance illusory. Instead, they strengthened their measures for the control of the practice and accepted the principle of total suppression within a fifteen-year period, provided that that period should not begin to run until some outside international authority, such as the Council of the League of Nations, ruled that the danger from smuggling had ceased. This result, however, was unacceptable to the American delegation, which, very largely for this reason, withdrew from the Conference. Regrettable though this withdrawal was, I feel that our Conference did what was in its power to do to provide a solution which would go far enough to convince the American delegation that real progress was under way and not too far to appear impracticable to the Powers immediately responsible for the administration of these territories.

Such, then, is the broad outline of the results of our eight weeks' effort — an unprecedented publicity, a thorough appreciation of the facts and the difficulties of these immensely intricate problems, the creation of a real mechanism for the day-to-day execution of the Hague Convention, an understanding of the problem of the limitation of production which is essential for final success, and a thorough discussion, even without final agreement, of the prepared-opium problem. More and more as we leave behind us these surcharged, and at times even hard, moments through which we have passed, I am sure we will begin to see that, after all, the sun is not far from breaking through the clouds.

One special consideration I would mention : the most serious and the most unfortunate incident of the Conference, namely, the withdrawal of the delegation of the United States of America. Utterly unchallengeable, I believe, is the statement that that delegation, by its boldness, its directness and its devotion, had given a supreme impetus to the whole anti-drug campaign. Important political personalities had thrice crossed the Atlantic to help in our discussions, and this last time had been away from home nearly four months.

No voice was raised — and indeed, I believe, no voice can be raised — against the justice of the principles enunciated by the American delegation. The only question is as to the moment when they can be realised. The

American delegation contended for immediate action ; the other delegations felt that time was required. Without taking a position between these two viewpoints and with full recognition of the generosity with which the American delegation has given us of its time and its activity, I cannot but express my own regret, first, that the delegation should have felt it necessary, in any circumstances, to withdraw, and, secondly, that it felt it necessary to withdraw before the end of the Conference.

We cherish, however, the statement of its chief delegate that this immensely intricate problem of drugs can be solved only by international co-operation. We have tried since the withdrawal of the delegation not only to take no action which might make its renewed co-operation more difficult but even to carry out, so far as we understood them, the various viewpoints which it had advanced. Despite our efforts, however, I feel confident the Convention would have been an even better one if the delegation had remained to the end. Nevertheless, we look back on America's attendance with gratitude for her energy and regret for her departure. We have gladly safeguarded America's right to co-operate in the choice of the Central Board and in the general execution of the Convention, and we venture to hope that it will not be long before she will as gladly return to the world-wide movement which we have launched here.

In closing, let me again reaffirm my conviction that the drug question has entered upon a new period. It is now caught in the day-to-day machinery of the League of Nations. It cannot escape. Where the Hague Conference adjourned without leaving behind it either organisation or permanent machinery, this present Conference is but the opening step in a movement which will accelerate from day to day and from month to month. Within a week, the instrument which you sign to-day will be despatched for the ratification of the parliaments of the world ; within a month, the Council of the League will have before it a report on the First Conference ; within the year, many of you who are delegates to this Conference will be reviewing these questions in a broad way at the sixth Assembly of the League of Nations ; and within a reasonable time we may hope that the mechanism which we have here provided will be set in motion to bring into being the Central Board. From to-day on, then, I think we can count that the very intricate and the very many-sided campaign which we have outlined during the past eight weeks will follow on and on through its various successive stages until this terrible scourge, from which so many different branches of the human family are suffering, shall finally have been laid to rest.

Gentlemen, I thank you. (*Applause.*)

**Prince Arfa-ed-Dowleh (Persia) :**

*Translation* : Mr. President, ladies and gentlemen, before this long Conference closes, allow me to express my heartfelt thanks first to yourself, as President, for the courtesy and impartiality with which you have conducted our debates, to our gracious Secretary, to all members of the Secretariat and the Distribution Service for the zeal and enthusiasm which they have shown in assisting us, and, finally to my colleagues, who have striven so assiduously, both in the plenary Conference and in the

Committees, to understand our difficulties and who have facilitated our task.

It is true that I had hoped to secure an immediate reply to the requests put forward by our delegation for assistance in enabling Persia to overcome the evil against which she has been struggling for many years, but the extent and diversity of the measures of international co-operation which we proposed led the Conference to suggest the despatch of a Commission of Enquiry which would proceed to the spot and report to the Council. We earnestly hope that this enquiry will be carried out and that it will soon enable us to execute the programme which we have outlined.

Some of my colleagues appear to wonder why Persia cannot, by her own efforts, undertake to replace the cultivation of the poppy by some other form of cultivation and why she should ask for a loan of ten million dollars to enable her to carry out this task.

The reply is very simple. I would recall that, during the Great War, the belligerent armies did not respect our neutrality. I will not in this Assembly indulge in recriminations against anyone; I would only remind you that, during that disastrous war, our most fertile provinces were transformed into battlefields, our harvests destroyed over vast stretches of territory and two of our finest cities burnt by the contending armies.

The losses have been estimated by the consuls of European Powers who inspected the damage at a figure of no less than four milliard gold francs.

In reply to all our complaints, we were repeatedly assured that if we would only wait until the end of the war we should get just compensation for this damage. We are still waiting. A neutral country, whose sacred territory had been violated, we sent a diplomatic mission to Paris immediately after the Armistice to obtain the rights which we had been promised. Our delegation returned empty-handed, without even having been given a hearing by the Peace Conference.

Alone, faced with the problem of her ravaged territories and ruined towns, Persia had, unaided, to reconstruct what others had destroyed when they carried into her land a war in which she was not concerned. Now, the great Western Powers are coming to ask her to collaborate with them and to assist them in destroying an evil which is harmful to all and with which we are well acquainted. Persia does not refuse. She accuses nobody. On the contrary, she declares that she is prepared to co-operate.

She has already prohibited the cultivation of the poppy in certain districts and she has enacted legislation to restrain and prohibit the illicit use of opium in the country. She is prepared strictly to limit the cultivation of the poppy to what is necessary for medical and scientific purposes and to replace it by some other form of cultivation. But she asks that this co-operation should be mutual, that she should receive both technical and financial assistance in applying measures which must deeply affect her economic life — an economic life which has already been so seriously injured by the unjust ravages of war.

I would ask my colleagues to put themselves in our place for a moment and to realise both the magnitude of our sufferings and the extent of the good-will which we have displayed. Let

the League of Nations come and see for itself what we have already accomplished and what we are prepared to do for the suppression of opium. I am sure that the day will come when the League will accede to our requests; and when that day comes, Persia will joyfully withdraw the reservation which I am to-day compelled to attach to our signature. (*Loud applause.*)

**M. Ferreira (Portugal) :**

*Translation:* Mr. President, ladies and gentlemen, the Conference which is closing to-day deserves, I think, to have its history recorded. Indeed, that history must be written to prevent a legend springing up about the actual facts — a legend which would make the facts appear other than they are and give a false impression of their meaning and their effect.

At the moment probably this Conference will only be given a record which will perhaps be halfway between legend and reality. I fear that the Conference will be in danger of having to submit to this not altogether satisfactory treatment. There are reasons for it.

Some days ago a *dilettante* who attends conferences for his pleasure and sometimes draws up short summaries of the discussions approached me and asked for information with regard to what had happened and more particularly with regard to what was going to happen. I could not conceal my astonishment. I replied to my questioner that, in the middle of the struggle, it was difficult for me to estimate its real underlying meaning and effect and that it would be easier for him during a long meeting to set down passing impressions obtained from private conversations, guessed at as a result of a few words let drop in passages or lobbies, caught *inier pocula* at the moment when tongues are unloosed and speech is freer and less guarded. I added that the subtlety and wisdom of a person used to collecting information, even as an amateur, must command special qualifications which would enable him to miss nothing, even in the midst of opium smoke, even in the height of the battle, even in the *selva oscura* of legal conceptions. My friend yielded, but not as much as I would have desired. He did what I asked, but he did not altogether satisfy my curiosity. He merely gave a list of headings which he thought would act as landmarks, as he said, to guide him in his passage through the Conference.

I do not think, my dear colleagues — we shall not be colleagues, alas! for very much longer — that it is indiscreet for me, failing anything better, to give you the few headings that I noted hastily in my discussion with this gentleman. They are as follows :

“Banks of the Lake of Geneva — eternal spring — eternal Conference — a record — war between idealists and realists — skirmishes — the alphabet comes to the rescue of the Conference — the Persian memorandum — disagreements — a threatened “break-up” — armistice — resumption of hostilities — sulking — schemes for a marriage of convenience — giving up in the middle — the meeting continues — the Persian memorandum — the adventure of Tarquin the Proud — poppy heads and human heads — chemical formulæ and legal formulæ — the Battle of Fontenoy



on the banks of the Lake of Geneva : 'Fire first, producers!' 'No! it is your turn, consumers.' — 'Hell is paved with good intentions' — the flowers of oblivion — the Persian memorandum once more — Good-bye."

What sort of reply could be made to such whimsicalities? I merely told my friend that his method of treating such a subject by means of allegories punctuated by an impertinent refrain struck me as being a trifle strange.

What complaints did he make against the Conference? Its long duration? That very fact should be taken as a proof of its success. If there were no obstacles, what merit would there be? The squabbling and the threats of a break-up of which my friend spoke are difficulties which the Conference overcame and which only brought out its perseverance and its conciliatory spirit. One great country left us during our journey, but that country handed on to us the torch which it had itself lit by its idealism. Did we not, during the later meetings, constantly hear references to the American scheme, which, by the way, shows that those who are absent are not always regarded as being in the wrong. This great country of America saw, from mid-ocean, the lighthouse which was to guide it in its voyage but disdained the small red or green light near the coast which should not be ignored by one who would avoid the rocks. The beams of the lighthouse dazzled the eyes of America, and, sailing by that light alone, she brought her noble ideal to shipwreck.

In theory, the opium problem is an easy one to solve. You have only to prohibit the cultivation of the poppy and the consumption of opium. On paper, nothing seems simpler. But the question is: Would such a prohibition have any real effect? Any measure which fails to operate is as though it did not exist, and the prohibition in question would fall into this category. America kept her eyes on the lighthouse and was dazzled by its glare, but the countries really interested had to regard America's dream from the point of view of those who have to make it a reality.

We have now found a formula for the future, and if, when we put it into practice, we find sincerity and a true spirit of collaboration, our efforts will be successful. I would even go further. Success would not only crown the campaign against opium: the League of Nations would also receive its reward. The League will, indeed, have given one more proof of its untiring assiduity in seeking a solution for the problems, however difficult they may be, which affect the welfare of human society. We must remember, too, that during this Conference the representatives of various countries have been daily in touch with each other; this is of the utmost importance for the future of peace. The better men know each other the more difficult it will be for ambitious schemers to set the world by the ears.

Inspired by such ideas as these, I advised my amateur, keeping up the fanciful character of his programme, to replace the heading "Good-bye" by "Till we meet again", and to add two others: "The fight continues" and "Heavenward."

Portugal, which is bound by the provisions of the Hague Convention of 1912, by the Convention adopted by the First Opium Conference,

and by that which we are about to sign, will steadfastly maintain her position as a protagonist in the campaign against opium and dangerous drugs. This is the logical consequence of our former policy, and Portugal will show herself to be a loyal colleague of all countries whose position is similar to her own. We are convinced that an effective and satisfactory result can only be obtained by joint effort.

Lastly, the delegation of Portugal has the honour to pay a sincere tribute to His Excellency M. Zahle for the masterly and skilful manner in which he has presided over the very difficult work of this Conference.

I cannot omit mention of the untiring devotion shown by the members of the Secretariat who have aided us in the performance of our task, and I desire on this occasion to convey to them also the warm thanks of the Portuguese delegation. (*Loud applause.*)

#### M. El Guindy (Egypt) :

*Translation:* Mr. President, ladies and gentlemen, as a representative of one of the oldest and at the same time one of the youngest of nations, I venture to address you to-day — the day on which the Second Opium Conference is finishing its work. I am sure that I voice the feelings of all the delegates in this great gathering when I express to you, Sir, our thanks and our deep gratitude. We shall not readily forget the delicacy, tact, impartiality, firmness and kindness which you have always shown when you presided over our discussions. Thanks to you, many difficulties have been removed. The task has not been an easy one, but the result is most satisfactory. Your action as a mediator between us all has been judicious and most discreet.

At times the struggle in this Conference has been a very severe one, but in all cases the reason was a very sincere desire loyally to observe the obligations which had been undertaken. I do not think that anyone has been wholly satisfied. Nevertheless, we all sincerely hope that a real step forward has been taken in the humanitarian policy that we have adopted.

Years count for little in the life of peoples, but I am convinced that, if we loyally observe our undertakings, the coming years will have a very serious influence on the life of our countries.

Since you have allowed me to speak on general questions, may I, gentlemen, once more refer to a question in which I am deeply interested. You will all understand that I refer to the question of hashish. The Conference has arrived at certain decisions with regard to Indian hemp, but the question is not entirely settled. After us, the Advisory Committee will deal with it, and the results of the enquiry into the effects of this evil drug will be known before the end of this year. I entreat you, gentlemen, to assist me, as you did in the case of heroin, by voting a recommendation for submission to the Council of the League of Nations, asking that the necessary investigations should be undertaken, with a view to the complete suppression of the use of Indian hemp as a narcotic, and even as a medicine.

Our stay at Geneva has been a long one. In spite of the charm of this beautiful town, many of us have been a little homesick; but I

am sure that in the future, when we think of this Conference, we shall regret this city and we shall sometimes feel a little sad at having parted from it so soon.

Gentlemen and colleagues, I thank those of you who have always loyally supported me and also those who have sometimes opposed me. I would also express my gratitude to the very important delegations which are absent, namely, those of the United States of America and China.

I would also thank the Secretary-General of the Conference, who has always been gracious and attentive to us all, and all the members of the Secretariat for the kind and obliging manner in which they have assisted us under all circumstances.

Lastly, let me thank the Council of the League of Nations for having called us together and for having chosen our President; they could have made no better choice. May I, Mr. President, close by hailing you not only as a very perfect gentleman but also as a man of great wisdom and a great philosopher. (*Applause.*)

**M. Peltzer (Belgium) :**

*Translation :* Mr. President, ladies and gentlemen, I have certainly not unduly trespassed on the precious time of this Conference or on your kind attention.

I desire, however, to rise to-day in order to pay a tribute, in the name of the Belgian delegation, to our President, and my old friend, M. Zahle for the consummate skill with which he has guided the coach, the ship — shall I say the chariot? — of our Conference.

We have had to cross many a stormy sea, to weather many a squall, to steer clear of many a reef and to round many a cape. Our course has been beset with many anxieties. But, after all, we have made harbour with our crew almost complete, and, despite all, with a well-nigh universal feeling of satisfaction with the work we have done together.

I ascribe a large part of the credit to our able captain, who has been firm but courteous with all and always ready to assert his authority in a kindly manner, and who, with the iron hand in a velvet glove, enforced on board his ship a discipline to which I was always very happy to bow. I may add that, so far as I was concerned, I had no difference with the President at any moment during our long meetings.

I venture to think, ladies and gentlemen, that in speaking in this way I am expressing the feelings of all. If I am right, I hope you will signify the same by once more applauding our President and thereby endorsing the very sincere words which I have just spoken. (*Loud applause.*)

**Sir Malcolm Delevingne (British Empire) :**

Mr. President and members of the Conference, there is no part of our proceedings in which we shall feel greater pleasure than in this final act of placing on record our appreciation of the services which have been rendered by the officers and staff of the Conference. It is an act at once of justice and of gratitude.

I am afraid that I cannot find adequate words in which to express what this Conference owes to our President or what it feels about him. His task has been one of exceptional difficulty. On the physical side alone the burden has been a heavy one. Not only has the Conference lasted

for many weeks but our sittings have often lasted for many hours. The duty which rests on the President alone of being always in his place and of following the course of intricate and, I am afraid, sometimes tiresome discussions has placed a very heavy strain upon him.

But this is the least part of the matter. The subject before the Conference has been one of extreme complication. It has presented not a single problem only but a whole host of problems, and to anyone coming as a stranger, or almost a stranger, to the question the difficulty of following — and not only following but guiding — the course of our proceedings must have been a very heavy one.

More trying still than that was the fact that acute controversies have arisen in the course of our deliberations and that on several occasions the position has been — it is not too much to say — critical, and we know the anxiety which the President has felt and the efforts he has made to find a way out of the difficulties in which the Conference has found itself.

Now, if I may say so, it seems to me there are three qualities which our President possesses in an eminent degree which have enabled him to bring this Conference to a successful close. In the first place, there is his unbounded patience. I have often marvelled at it and wished that I possessed it. Then there is his unflinching courtesy, which has smoothed over so many trying and difficult moments in our Conference; but, best of all, there is his great courage. He has never despaired, even in the most critical moments.

After one of the greatest military disasters in all history, the Roman Senate thanked the defeated general who had collected the remnants of his troops because he had not despaired of the Republic. That is the spirit which, if I may say so, our President has shown. It is the spirit which wins through to final success. Our President has always felt that, even in the most difficult situation, there was bound to be a way out, and he has set himself to find it.

If I may venture to say so, those who know our President in the Assemblies of the League of Nations expected great things from him, and he has fulfilled our expectations. That, I am sure, is the unanimous opinion of this Conference. He has pleased everybody. To use the metaphor which I think the Belgian delegate has just employed, the good ship *Conference* has had a long voyage; it has encountered stormy weather; it has found dangerous rocks in its path; but the skill and patience of our captain has brought it at the end safely into harbour. And it has not come in empty: it has come with a cargo which, if not as rich as we expected or perhaps hoped for, is yet a cargo of immense value — I venture to use as strong a word as that — to the world.

We thank him for the wise words in which he has summed up, in his closing speech, the work of this Conference and the value of the results which it has reached. I am sure I am expressing the feelings of all my colleagues when I say that the President will take away with him the gratitude of this Conference, and not only will he have the gratitude of this Conference but, when the history of this Conference is known, he will have the gratitude of the large body of persons all over the world who know the importance of the questions with which this

Conference has been dealing. He has given us his services at great sacrifice of time, and the best wishes of the Conference will go with him on his return to the important office which he fills on behalf of his country. (*Applause.*)

I ought to say a word about the Vice-Presidents. Unfortunately, they are not here. We all loved their amiable qualities, and we regret that they have not been with us to the end.

Lastly, the Secretariat. We must all have formed a pretty fair conception of the enormous amount of work which this Conference has entailed for the Secretariat of the Conference. The hours have been long, the masses of documents to be dealt with colossal, and the devotion which has been displayed is, I think, almost marvellous. No work has been too heavy, no hours too late, if they could serve the Conference thereby.

Perhaps it is unfair to particularise, but I have been astonished myself at the wonderful accuracy of the verbatim reports, at the heroic endurance of our interpreters, and, not least, by the unfailing readiness of the staff who have run the day-to-day work of the Conference. May I express a hope that they will receive the recognition they deserve. I think the Conference would be glad if the President would charge himself with the mission of conveying to the Secretary-General, and perhaps also to the Council, the appreciation which the Conference entertains for the services which have been rendered by its Secretariat. I am not sure whether the names of all those who have served us will appear in the final document, but at least they will not be forgotten by the members of this Conference. (*Applause.*)

**M. Sugimura (Japan) :**

*Translation:* The Japanese delegation wishes to convey the sincere thanks of all the members of the Conference to the distinguished protagonists of our great work, and particularly to Sir Malcolm Delevingne, who has displayed the most untiring energy throughout all these months, and especially during those difficult hours when the fate of the Conference hung in the balance. He has thus played a decisive part in the success of our debates. I therefore wish to express my sincerest admiration for his work. (*Applause.*)

**M. Kircher (France) :**

*Translation:* Mr. President, ladies and gentlemen, I wish to associate myself most heartily with the thanks which have been addressed to our respected President and to his lieutenants. The French delegation feels that it cannot improve on what the previous speakers have said in this connection, and will only add that it carries away with it the best recollections of this Conference, and of those who, to use the felicitous expression of the first Belgian delegate, have steered our ship to port through all the shoals and cyclones which have threatened it.

The eloquent speeches which we have just heard have dealt with the benefits which the world will derive from the campaign against opium, which has brought together in the hospitable city of Geneva the representatives of almost every civilised nation. We can separate with a sense of duty done, without fear

of the gibes or criticisms of those who, in their ignorance of the difficulties we have had to surmount, might be tempted to accuse us of failing in our mission and of having been content with half-hearted measures, foredoomed to sterility.

Many times in the course of our debates, attention has been drawn to the essential differences which exist between the provisions of the Hague Convention of 1912 and those of the Geneva Convention of 1925, and our President, M. Zahle, has just laid stress on the great step forward to which the signatories of the recent agreement will pledge themselves in the struggle against the production and consumption of narcotics. I need not labour a point which must be obvious to all those who do not deliberately shut their eyes to the truth.

There is one point, however, to which I would like to draw your attention, if it is not presuming too much upon the courtesy which you have always extended to me.

In my opinion, the characteristic of the Geneva Convention is the spirit of solidarity which breathes life into every clause and chapter. While the Hague Convention kept in complete isolation each of the nations which had signed it, the instruments which we have now drawn up make a constant and urgent appeal to international collaboration.

The measures which the signatories have had to take during the last thirteen years against the production, circulation and consumption of raw opium, prepared opium, morphine and cocaine were subordinated to the differences between commercial conditions and to the special circumstances of the various countries.

Each country continued to be like an island in the midst of the ocean which its inhabitants, by their unaided efforts, had to protect against the invasion of dangerous drugs.

The Geneva Agreements definitely put an end to this policy of isolation.

We realised that the most determined and persevering efforts must be vain if international co-operation did not render durable and permanent the progress separately accomplished by each Power.

Each page of our Convention, of our Protocols and of our Final Acts voices this appeal to the trustful, active and fruitful collaboration of all the Powers united in the pursuit of one lofty ideal.

International regulations, freely accepted but binding, will henceforth govern foreign trade; international co-operation will henceforward prevent the abuse of toxic substances; and the campaign against the common foe — the smuggler, whom I do not hesitate to stigmatise as the enemy of mankind — will be carried on by the international army of the servants of justice, who will periodically confer together and will take all the necessary measures in common.

Thus, gentlemen, under the ægis of the League of Nations, we form to-day a friendly — nay, a fraternal — association of the Powers which are convinced of the necessity of ceaseless co-operation and of an unbroken unity of front and are firmly resolved to walk hand-in-hand along the stony path of progress until the goal is reached.

To this solidarity of effort now proclaimed by the voice of forty nations represented in this Conference the world will owe its deliverance from the growing peril which looms in East and West. (*Applause.*)

**Mr. Michael MacWhite** (Irish Free State):

I should like to associate myself with the remarks that have already been made concerning the manner in which M. Zahle has directed the work of this Conference. There were times when the patience of an ordinary man would have been exhausted, but fortunately our President has given abundant proof that he possesses an inexhaustive store of that super-eminently statesmanlike quality. From the outset, it became apparent that there were two opposing forces in this Conference: the one defending humanitarian ideals and the other defending interests which I do not intend to qualify, as I do not wish to disturb the harmony of our last meeting. Notwithstanding the difficulties of the situation — difficulties which are not apparent to all — President Zahle held the scales of justice evenly balanced. He has, if I may say so, piloted this ship through the intricate seas of international diplomacy and brought it safely to port, just as his Viking ancestors piloted their barques through the stormy seas of the north in days gone by.

No one regretted more than the Irish delegation the departure of the United States and the Chinese delegations. Their spirit, however, remained to stimulate us in our action, and we may anticipate that they will come back with renewed vigour to the next Opium Conference, for I want to tell you that the fight against opium and the drug scourge will continue, and although the results achieved through this Conference have been less satisfactory than many of us would desire, they, nevertheless, constitute an important step in the right direction.

The opium evil is centuries old, and only a dreamer of dreams could hope that it be cured in a day or a year or even a decade. It is an evil which affects directly or indirectly the lives of populations twice as great as those of Europe. To say that this Conference has been a failure because a final solution of that problem has not been found would not only be an exaggeration but a misrepresentation of facts. At the outset, this Conference was faced with almost insurmountable difficulties; some of those difficulties we have confronted and overcome, others have been left for the future to solve. The difficulties we have surmounted can be converted by our successors into an instrument for further conquests in this domain, and our wish is that they may be able to add still another landmark on the road of humanitarian endeavour and elaborate a new charter that will carry with it a message of peace and happiness to the heart of mankind. (*Applause.*)

**M. von Eckardt** (Germany):

*Translation*: Mr. President, gentlemen, on behalf of the German delegation, I have the honour to thank the President most heartily for his distinguished services, and the indefatigable Secretariat and all the eminent delegates here present, together with members of the United States and Chinese delegations, who, to our great regret, are no longer with us, for the spirit of co-operation which they have displayed and to which we owe the privilege of having been associated in work of the greatest value and significance for the prosperity and progress of mankind.

We have made it a duty to follow with close attention all the proposals put before the Conference, in the hope that they would achieve

our common purpose. If I may be allowed to do so, I would like to mention here the fact that an agreement was signed between Germany and China at Waichiao on December 31st, 1924, rendering compulsory the exchange of import and export certificates.

Now we are leaving Geneva, whose Press has extended to us a welcome which we have all appreciated, and we leave the hospitable roof of the League of Nations with every wish for the success of the humanitarian aims of the Second International Opium Conference.

"Quod felix faustum fortunatumque sit."  
(*Applause.*)

**Mr. Riddell** (Canada):

Mr. President, members of the Opium Conference, ladies and gentlemen, as a late-comer to the Conference, I feel I have not the full honour of having borne the heat and burden of the day, but I was not long in the Conference before I came to appreciate my colleagues and their sincerity and earnestness in working for a solution of this problem, nor before I began to appreciate the excellent work which has been done by the President in guiding us through the most difficult seas.

I also wish to join with others in expressing my deep gratitude to the members of the Secretariat, and also, I would like to add, the Rapporteurs of the various Committees, and especially to Sir Malcolm Delevingne, who always seemed to be the one who got us out of difficult situations. I would also like to mention the names of Viscount Cecil, M. Daladier and Mr. Porter, men who gave to the second half of the Conference a great deal of valuable help and inspiration.

Our difficult task is now finished. While we may not be able to say that our Convention is more than the highest common denominator, I think we are all agreed that it is a stepping-stone to greater endeavour and achievement. The suppression of the opium traffic is economically sound; I believe that almost all the nations of the world will find in its suppression the highest intelligent self-interest.

We have heard of a next Conference, and I trust there will be a next Conference. I hope that by that time the world situation will have so changed and that the public opinion of the world will have so progressed that the so-called visions of the dreamers and idealists may then become the practical politics of our experts and financial advisers. (*Applause.*)

Humanity, after all, is on the march for the overthrow of the opium traffic, and I believe that humanity will not long be thwarted in achieving its goal. Mr. President, I thank you.

**M. Falcioni** (Italy):

*Translation*: The Italian delegation associates itself most warmly with the admiration which has been so eloquently expressed for our distinguished President and the able way in which he has directed our proceedings. As we have had the honour and the privilege to live at Geneva in this hospitable country of Switzerland, I would like also to offer my hearty thanks to the Federal and Cantonal authorities (*Applause*) and to express my affection for the charming city of Geneva, whose sun is in eternal harmony with the greatness of heart of her citizens. (*Applause.*)

**M. Sjöstrand (Sweden) :**

Mr. President, I beg to join with all my heart in the expressions of gratitude which have been so justly given to you. There have been dark hours for the Conference, and on some occasions the situation appeared to be quite hopeless, but our President never lost his nerve or his head. In the midst of the turmoil of the battle, he would be seen standing upright and calm. He embodies for us the best qualities of his countrymen : the sweet and moderate temper, the deep reflection and the prudence. Never was a President worthier of the gratitude of his collaborators. He carried the day, and we all join with him in the pleasure he must feel to-day at having brought this Conference to a happy conclusion.

I beg also to express my deep-felt gratitude

to the Secretariat, and especially to Dame Rachel Crowdy. (*Applause.*)

**The President :**

*Translation :* I will not fail to transmit to the competent authorities of the League of Nations the great appreciation you have expressed for the excellent work done by the various departments of the Secretariat.

I would also like to thank you for the very kind words which several delegates have addressed to me.

The thirty-eighth plenary meeting of the Second Opium Conference is terminated, and I declare the Conference closed. (*Loud applause.*)

*The meeting rose and the Conference was declared closed at 1.5 p.m.*

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Annex 1.

REPORT OF THE OPIUM PREPARATORY COMMITTEE

I. The Council of the League of Nations, during its meeting in December 1923, adopted the following resolution :

"The Council instructs the Secretary-General to communicate with the Chairman of the Advisory Committee on Traffic in Opium with a view to calling an Extraordinary Meeting of the Advisory Committee on January 28th, 1924, for the purpose of nominating without delay a Preparatory Committee to be charged with the preparation of a draft programme for the second or larger Conference to be held in Geneva.

"This Committee will consist of six members, including one representative of the United States and the two European Assessors.

"Should the Chairman of the Advisory Committee deem it possible to make the necessary arrangements for nominating the members of the Preparatory Committee by correspondence without convening the Advisory Committee, the Council authorises him to do so, provided that no undue delay will be thereby caused.

"A draft arrangement on the traffic in opium should be considered, and, if necessary, approved by the Advisory Committee before being forwarded either to each interested Government or to the Conference."

As a result of this resolution the Preparatory Committee was formed, consisting of the following members :

M. BOURGOIS (France),	} Nominated by the Advisory Committee.
Sir MALCOLM DELEIVINGNE (Great Britain),	
M. VAN WETTUM (Netherlands),	
Mr. NEVILLE (United States of America),	
M. BRENIER	} Nominated by the Council of the League.
Sir JOHN JORDAN.	

At the first session, M. VAN WETTUM was elected Chairman of the Committee. The first meeting was held in Geneva from March 6th to March 10th. The second meeting was held in Paris from March 28th to 29th, the third meeting was held in Geneva from April 26th to April 29th and the fourth meeting was held in Geneva from July 12th to July 16th.

Sir John Jordan was not able to be present at the second, third and fourth meetings ; M. Brenier was not able to be present at the third meeting and Mr. Neville at the fourth meeting. All the other members were present at the four meetings.

During its first session, the Preparatory Committee suggested that the Council of the League of Nations should extend the terms of reference of that body to include also the First Conference. It also passed the following resolution with a view to the Second Conference :

"In order to enable the Committee to accomplish the task entrusted to it by the Council of preparing draft arrangements for the limitation of the production of morphine, heroin and cocaine, and of the raw materials to be exported for such manufacture, the Committee considers that it will be necessary for it to act in consultation with representatives of the chief manufacturing and producing countries, and it accordingly suggests to the Council that the Council should invite the Governments of those countries to nominate representatives who should be called upon to collaborate with the Preparatory Committee, when necessary, in the preparation of the draft arrangement in which they are individually concerned. The chief manufacturing and producing States not represented on the Preparatory Committee are as follows :

1. Morphine and heroin..... Germany, Switzerland and Japan.
2. Cocaine..... Germany, Switzerland and Japan.
3. Raw Opium..... Kingdom of the Serbs, Croats and Slovenes,  
Turkey, Persia, India, Russia and Greece.
4. Coca leaf..... Peru and Bolivia."

These suggestions were adopted by the Council on March 12th, 1924.

At its fourth meeting, the Committee decided not to convene the above-mentioned Powers in view of the fact that it had not been able to arrive at an agreement.

II. The Advisory Committee on Traffic in Opium and other Dangerous Drugs, at an early stage in its work, reached the conclusion that the production of the raw materials from which dangerous drugs are manufactured is greater than is necessary for the world's legitimate requirements, and that as long as this excess of production continues the illicit traffic cannot be stopped.

It therefore thought that it would be desirable to determine the world's annual legitimate requirements of dangerous drugs.

The Council of the League of Nations, on the recommendation of the Advisory Committee, accordingly invited the Governments of the States Members of the League each to prepare an estimate of the total annual requirements for the inhabitants of their territories for medicinal, scientific and other uses.

Secondly, a Mixed Opium Sub-Committee, formed with the assistance of the Health Committee of the League, was set up to examine the question of the annual legitimate requirements of the drugs in question.

The Advisory Committee at its meeting in May 1923 reported as follows :

"The information obtained by the Committee concerning the manufacture of drugs was steadily increasing and seemed to make it possible now to form a rough estimate of the world's requirements.

"Twenty-one Governments had transmitted to the Secretariat an approximate estimate of their total annual requirements for internal consumption and the Mixed Sub-Committee appointed jointly by the Health and Opium Committees was still pursuing its investigations.

"Suggestions were considered regarding the limitation of the manufacture of morphine, heroin and cocaine, and the Committee reached the conclusion that it now seems possible for the Governments of the producing countries to approach each other with a view to reaching a general understanding."

It is the information obtained from the two sources above mentioned that has formed the basis of the work of the Preparatory Committee. Up to the present, replies have been received from thirty-two Governments giving the information requested. The Governments have also been asked to give figures showing the amount of drugs manufactured within their territories, the amounts imported, exported and re-exported and, if possible, the amounts actually consumed. Several countries have given very full replies, but some of the manufacturing countries have given no information as to the amount of the drugs manufactured.

The Sub-Committee referred to above reported its opinion that 600 milligrammes per capita per annum might be considered a provisional maximum amount of raw opium, containing an average of 10 per cent of morphine, required for medical and scientific purposes. The Health Committee of the League, at its meeting in February 1924, considered this report and took the view that the estimate might be reduced to 450 milligrammes for countries possessing a well-developed medical service. The report of the discussions at the meeting of the Health Committee at which the matter was considered will be found in Document C. 213. M. 69. 1924.

The Preparatory Committee, during its various sessions, has discussed in detail the material submitted to it, namely the information contained in the summary of the annual reports supplied by the Governments and the summary based on the estimated requirements for medical and scientific uses per capita per annum sent in by the various States. On various occasions, the Committee has instructed the Secretariat to obtain supplementary information on various questions raised in connection with these documents. Thus it was decided to enquire whether it would be possible for the Health Committee to divide its estimate so as to show separately the figures for the world's requirements of morphine and heroin.

The Health Committee, however, did not find it possible to subdivide the figure of 450 milligrammes in the way asked for. Separate estimates have been supplied by twenty-four Governments for their morphine and heroin requirements.

The Committee has also invited the Health Committee to continue its investigations into the world's requirements and to obtain further figures so as to provide a wider basis for a general estimate. The Health Committee has agreed to do this and also to prepare a similar estimate for cocaine.

When the Committee considered the possibility of limiting the production of raw materials, the question was raised as to what crops could be substituted in the areas now occupied by the cultivation of the opium poppy and of the coca leaf in certain countries. In order to clear up this question, the Secretariat was instructed to get in touch with the International Agricultural Institute in Rome, asking it to make a study of the possibilities of substituting other crops in place of opium and coca leaf and the approximate time necessary for the change of crop to take place in the producing countries. This, the International Agricultural Institute has agreed to undertake.

For the purposes of the First Conference, the Preparatory Committee instructed the Secretariat to communicate with the Governments of France, Great Britain, India, Japan, the Netherlands, Portugal and Siam, requesting those of them which had not already done so to supply detailed figures of the annual consumption of prepared opium in the Far Eastern territories for the years 1921, 1922 and 1923 and the figures of the Chinese male population in those territories over 21 years of age. The Governments of the countries quoted above were also asked to supply information as to the final disposal of the gross produced.

After having studied all the material laid before them, the members of the Preparatory Committee considered the preparation of a draft programme for the first and of a draft programme and draft agreement to be submitted to the Second Conference.

III. With a view to the first Conference, the Preparatory Committee prepared a draft programme which was circulated to the Governments invited to attend the Conference. The Governments were requested to make any observations they might think useful with regard to the programme. No objections having been received by the time the Committee made its

report, the Preparatory Committee during its session at Geneva in July 1924, adopted the final text of the programme in the following form :

1. Election of President and Vice-President, Officers of the Conference, and Commissions. Adoption of the Rules of Procedure, etc., etc.

2. (a) Examination and consideration of the present situation in regard to the application by the Powers represented of Part II of the International Opium Convention of 1912 in their Far Eastern territories and of the difficulties which have been encountered in giving effect to Part II ;

(b) Consideration of the measures which can be taken to carry out more effectively the policy embodied in Part II of gradually suppressing the use of opium for smoking, with special reference to the suggestions put forward for consideration in the second resolution adopted by the Opium Advisory Committee of the League of Nations at its meeting in May 1923 (Appendix 7) ; and

(c) Preparation of a convention to embody the measures which may be agreed upon by the Conference.

3. Consideration (a) of the present situation in China with regard to the production of opium in the neighbouring territories ; and (b) of the measures which might be suggested to the Government of the Chinese Republic for bringing about a suppression of the illegal production and use of opium in China.

IV. Five proposals, three of them in the form of draft agreements, have been prepared with a view to submitting them to the Second Conference. All these proposals have been discussed by the Preparatory Committee, namely the proposals put forward by the Chairman (Netherlands), by Sir Malcolm Delevingne (Great Britain), by Mr. Neville (United States of America), by M. Bourgois (France) and by M. Brenier. The Netherlands and the French draft conventions are accompanied by explanatory notes. The texts of the draft conventions, the documents which accompany them and the text of the other proposals are annexed to the present report <sup>1</sup>.

The Netherlands plan has in view only the limitation of the production of coca leaves, entailing as a consequence the limitation of the manufacture of cocaine. The other ones cover, in the opinion of the authors, the whole field of the Second Conference, including opium and its derivatives as well as cocaine. The draft convention submitted by the British member of the Committee only deals actually with the limitation of the manufacture of cocaine and the production of coca leaves, but it was a part of his proposal that a draft convention in similar terms and with certain necessary adjustments should be applied to the manufacture of morphine and heroin and the production of raw opium.

The Committee began with the discussion of the cocaine question and as irreconcilable differences manifested themselves on this, the Committee did not proceed to discuss the opium question in detail, which was considered to be of a more complex nature.

#### V. SCHEME AND EXPOSÉ OF M. VAN WETTUM.

M. van Wettum's scheme, which was intended to cover the production and manufacture of cocaine, was presented in the form of two draft conventions, the first, to which the producing countries (Peru and the Netherlands (Java) and Bolivia) should adhere, and the second, to which all States attending the Conference should adhere. The reason that this scheme limits itself to cocaine is that the opium questions are far more difficult to deal with on account of the situation in the opium producing countries <sup>2</sup>. M. van Wettum bases his scheme on the assumption that the Opium Convention of 1912 and the Import Certificate System are universally adopted, and that synthetic *r*-cocaine (a new invention produced from materials not contained in the coca-leaf) is not yet on the market. M. van Wettum's proposal only takes into account the raw material because it will be impracticable to ration by artificial means the quantity to be turned out by every factory. A factory is always equipped for a certain output, which cannot be changed in an arbitrary way. There are also features which cannot be ignored, such as the conditions of competition and the variable preference given to a special manufacture. Other reasons for only taking into account the raw material are that this raw material is relatively cheap, that surplus stocks are always available, and that the cultivation is chiefly carried on as a subsidiary one, at least in Java. Thus, if it were to be possible to restrict the world's output of cocaine, this would have to be accomplished by means of restricting the production of the raw material (coca leaves and raw cocaine required for the manufacture).

Although, it was to be admitted that the restriction of the production of the raw material would involve certain difficulties, these were of a less serious nature than those involved by rationing cocaine factories. Moreover, only two, perhaps three, exporting countries would have to be dealt with. The proposal makes a monopoly of the export and the import of coca leaves and the production of cocaine, thus stabilising *status quo*. But, apart from these measures, which are necessary if a reduction of the world's output of cocaine is to be attained,

<sup>1</sup> Explanatory Note to the Proposal of the Chairman : Appendix 1 (a).

The Proposal of the Chairman : Appendices 1 (b) and 1 (c).

The Proposal of Sir Malcolm Delevingne : Appendix 2.

The Proposal of Mr. Neville : Appendix 3.

Explanatory Note to the Proposal of M. Bourgois : Appendix 4 (a).

Proposal by M. Bourgois : Appendix 4 (b).

Proposal by M. Brenier : Appendix 5.

<sup>2</sup> See Observations by the Netherlands Government (Appendix 6).

the scheme leaves the trade as free as possible. Although the six cocaine manufacturing countries have no guarantee that they will get all the raw material they may want, as there is no pro rata system, the raw material can only be exported or re-exported to the countries which are now manufacturing for export purposes. Other States than these will be able in future, in the same way and to the same extent as it is being carried on at the present moment, to manufacture their own cocaine from home-grown material and only for home consumption.

If we limit the quantities of the raw material exported, the decrease of cocaine production will follow automatically. The scheme provides for a reduction of not more than 10 per cent. and, at the same time, the exporting countries engage to check by all means in their power the contraband traffic. Provided that we do not go too far, it will always be possible to ascertain the consequences following on this decrease and to take the necessary steps in good time, if it were found that this procedure did not lead to satisfactory results. It must be remembered that any reduction would almost certainly mean a substantial advance in the price of cocaine and, in any case, the smuggling trade would also show a marked increase owing to the restrictive measures which would be adopted. Once smuggling of a certain product is established as a regular trade in consequence of measures which are not practicable, it will prove to be impossible to check it. The basis on which reduction is to take place is not the amount of the world's requirements, because this cannot be fixed in any reliable way; even in the event of a fair estimate of the world's requirements being obtained, this estimate could never be taken as a starting point. Poor crops, wars, epidemics, etc., would have an influence incalculable beforehand. Therefore, as a basis, is taken an average of export figures for the last years, making allowances for present circumstances. It will be seen that the scheme takes into consideration not only the quantities of coca leaves, but also the percentage of cocaine contained in the raw material, because even in crops of the same country there may be very great differences in this respect. The content of coca alkaloids may, as far as Java coca is concerned, vary from less than 1 per cent. to more than 2 per cent., which means a difference of 100 per cent.

The scheme aims at monopolising the traffic, because no exporting Power would ever consent to any restriction of output unless all other Powers bound themselves to desist from the exportation of coca-leaf or raw cocaine as long as the agreement remained in force. In order to ensure the efficiency of the agreement, not only exporting countries, but also other Powers parties to the agreement should undertake to publish at short intervals their figures for import, export, and production, both in regard to the raw material and the finished product.

Provision was also made for the institution of a permanent Committee composed of representatives of the coca-leaf exporting countries, which should regulate all matters connected with the export. The proposal also provides for the possibility of enouncing the treaty with a somewhat short notice (one year).

During the discussion, the Chairman criticised the artificial means by which the cocaine industry is maintained and encouraged in some countries, and expressed doubt as to whether a Government could conclude any treaty on the subject of limitation of the manufacture of drugs until these procedures were abolished. Also, he pointed out that one of the difficulties would be to provide for a good system of determining the cocaine content of a leaf, because one expert finds a percentage that differs widely from the percentage stated by another. Moreover, the content lessens by transport or by preserving, so the importer abroad never realises the percentage stated at the export.

#### VI. The following objections to the Netherlands scheme were taken in the Committee :

1. It aims only at securing a ten per cent. reduction in the production of the coca leaf and makes no attempt to limit the output of cocaine to the amount required for medical and scientific purposes — which is the object of the Conference. The present output of cocaine is certainly much more than ten per cent. in excess of the world's legitimate requirements and it was thought that the reduction proposed would fall very short of what public opinion expects.

2. Though the production of the coca leaf is to be restricted in amount and confined to the countries at present producing it, no provision is made in the scheme for assuring that each of the countries in which the leaf is used for the manufacture of cocaine (or other preparations) will receive its fair share of the raw material. For instance, the Java leaf is essential for the manufacture of cocaine by the process in use in several countries by which ecgonine is first isolated and then the cocaine is built up by the addition of the other constituents. Under this scheme, however, the whole output of the Java leaf would be in the hands of the Dutch. It is certain that none of the other countries would agree to such a scheme. Powers in possession of the monopoly would be in a position to regulate prices; the production of raw materials would be fully controlled by the Government or by strong trade associations, and as the quantity of coca leaves for export is laid down in the case of each producing country, all competition would be eliminated as far as the raw material is concerned. The Chairman pointed out that the interests of Java planters necessitate the maintenance of price-level, preventing the successful competition of Peruvian and Bolivian coca leaves. Moreover, since the invention of synthetic 1-cocaine, the forcing up of the prices of coca leaf would certainly lead to the appearance of this artificial product on the market as a saleable article.

3. It was urged that it was easier to control manufacture of the drugs than to control export of the raw material.

4. It was thought by one of the members that experience in his country had shown that rationing factories was perfectly possible. M. van Wettum replied that what could be done in one State was not however possible for all the States of the world.

5. Another member remarked that under this proposal, smuggling, which M. van Wettum was trying to avoid, would still be possible. As to the contention that a serious restriction of production would undoubtedly encourage smuggling, two members maintained that the illicit trade at present existing would, at the worst, merely change its character.

6. Finally, it was considered a disadvantage that the plan would create a monopoly which would perhaps be unacceptable to certain countries. The Chairman pointed out that a monopoly was necessary if restriction in the line of the Assembly's resolution was to be carried out, and it was not fair that a country should be asked to limit the quantity of its exports whilst another country could profit by its sacrifices.

## VII. SCHEME AND EXPOSÉ OF SIR MALCOLM DELEIVINGNE.

The British draft agreement only deals with the limitation of the manufacture of cocaine and the production of the coca leaf, but, as already stated, the British proposals include the application of measures analogous to those proposed in the draft agreement to morphine, heroin, and opium. The following is a synopsis of this plan.

All countries would be invited to become parties to the agreement, whether manufacturing the drug or producing the raw material at the present time or not.

The scheme proposed the limitation of the manufacture of the drug to a definite average quantity yearly and of the production of the raw material to the amount required to manufacture that quantity of the drug. These quantities would be based on the estimates furnished by the States themselves of their annual consumption for medical and scientific purposes, with a sufficient margin for contingencies, and would be fixed by the agreement, but would be capable of revision from year to year. In the case of States which supplied no figures as an estimate of their requirements, the amount would be assessed by the League of Nations.

Each country at present manufacturing the drug would be assigned by the agreement the quota of the total average quantity of the drug to be manufactured annually, and would bind itself by agreement not to exceed its quota, not to import for the purpose of such manufacture more of the raw material than was necessary to manufacture the quota. The intention was that the quotas would be fixed on the basis of the present output of the manufacturing countries, but account would have to be taken of the fact that a considerable proportion of the output in some countries had been used for illegitimate purposes. The world's annual output of the drug being thus limited to the amount required for legitimate medical and scientific purposes, it would become necessary to ensure that each country obtained the quantities of the drug it required for such purposes, and that the supplies manufactured were not diverted to illegitimate uses. It was accordingly proposed in the draft agreement that no country should be allowed to import more for its own consumption than the amount stated in the estimate furnished by it to the League of its internal requirements. If the country were also a country of distribution and required additional supplies for re-export in the form of medicinal preparations or otherwise, those supplies would only be furnished under the guarantee provided by the Import Certificate System (strengthened in certain respects) for ensuring that the re-export to any country would be limited in accordance with its requirements for medical and scientific purposes. Every country would be allowed to revise from year to year, if necessary, its estimate of the amount required by it for its legitimate consumption. It was thought that the publicity which would be afforded by the publication of periodical reports on the working of the agreement would be sufficient to prevent any country asking for supplies greatly in excess of its legitimate needs.

Correspondence provisions were inserted in the draft to limit the production of the raw material for the manufacture of the drug, and its export and distribution to the manufacturing countries. The scheme proposed to limit the production of the raw material for export for the purposes of such manufacture to the average amount required to manufacture the annual quantity of the drug fixed by the agreement. The amount would be allocated among the countries producing the raw material on the basis of their present production. It would be capable of revision from year to year in accordance with any alterations in the amount of the manufactured drug required for legitimate purposes. Provision would also be made for making any necessary adjustments in the amount in view of the fact that the drug content of the raw material might be a variable quantity.

While the scheme was based on the present situation in regard to the manufacture of the drug and production of the raw material, it did not propose that the right of manufacture or production should be confined to the present manufacturing or producing countries. Any country which desired in the future to start the manufacture of the drug or the production of the raw material would retain full liberty to do so, but, as the entry of a new country into the field of manufacture or production would necessitate an alteration of the arrangements in the agreement, it was proposed by the draft to ask all countries to agree before starting manufacture or production to give notice to the League, and, if they proposed to manufacture or produce for export, to enter into negotiations with the existing manufacturing or producing countries as to the quota of manufacture or production to be allotted to it.

To provide the machinery necessary for revising from time to time the total amounts to be manufactured or produced, and for adjusting the points which would necessarily arise in connection with the working of arrangements closely affecting industry and commerce, the scheme proposed that a Board consisting of representatives of the manufacturing and producing countries (with possibly one or more representatives of the other countries) should be set up to adjust difficulties and generally to facilitate the working of the agreement.

The two parts of the scheme, that is, control of the manufacture of the drug and control of the production of the raw material are not inseparable. The control of the manufacture of the drug is the more important and that part of his scheme could stand by itself even if the countries producing the raw material could not be got into the agreement.

Provisions were inserted in the draft to meet the difficulties that would arise if a manufacturing or producing country refused to come into or left the agreement.

During the discussion, Sir Malcolm Delevingne pointed out that his proposal includes no provision with regard to existing stocks.

VIII. The following objections were raised against Sir Malcolm Delevingne's scheme :

1. It was too complicated.
2. It was based on the supposition that the present production is known, but we do not know the cocaine production of certain countries.
3. The manufactures would be left in a position of continuous uncertainty about the quantities they would be allowed to manufacture. If a country desired to manufacture cocaine for its own internal consumption, in order to permit it to do so it would be necessary to reduce the production of the existing manufacturers. Moreover, the powers reserved under the scheme to a non-producing country to manufacture for home consumption were purely illusory ; a necessary consequence of the carrying on of a drug industry is the power to market part of the produce abroad ; but such a country would be authorised to export only after an agreement concluded between it and the former manufacturing countries, an agreement obviously very difficult to arrive at since the parties concerned, who are alone entitled to discuss it, will naturally desire to keep down the number of their competitors.
4. The limitation goes too far (danger of smuggling).
  - 4a. It would amount to creating for the benefit of signatory countries a monopoly in regard to the production and sale of the raw material. Powers in possession of this monopoly would regulate prices ; they would do this the more easily, as the production of raw material would be fully controlled by the Governments or by strong trade associations, and as the quantity of raw material for export is laid down in the case of each country, all competition would be eliminated.
5. It is not possible to get reliable figures for the world's total requirements. No per capita figures can be found which can be more or less generally applied, as the conditions differ in the various countries.
6. It is impossible to arrive at a fixed percentage of the normal needs to meet the abnormal requirements caused by the war, epidemics, etc. One cannot take a definite figure as a margin. Practice alone can show whether a certain available surplus world stock will prove to be sufficient or not. If, however, a margin be desired, this margin must prove to be bigger than the basic figure itself.
7. It is practically impossible to fix a system of allocation for the manufacturing countries. No country would confess that a part of its production was intended for the smuggling trade, the more so that no factory could present the stuff sold to a bonafide merchant going into illicit channels when disposed of by the person to whom it is sold or by the person to whom it may be eventually resold.
8. With regard to the official body which should control the application of the Convention, it was objected that it would be difficult to compose this body in such a way that its decisions would be impartial to all questions. One of the members of the Committee thought that the control should be left with a body of experts independent of the Governments.
9. The rationing of the factories would operate in such a manner as to impede all fair competition.
10. If other countries than those already producing are allowed to produce, this would lead to difficulties. Two possibilities can be thought of :
  - (a) Coca leaf growing would be stopped if the producers were not sure of a certain market.
  - (b) The price would increase to such an extent that countries which did not now manufacture cocaine for internal use would start doing so in the future, with the result that factories in small countries which could not subsist on internal trade alone would be squeezed out. This would be an undesirable position for the country concerned.
11. Inherent to Sir Malcolm Delevingne's scheme is a boycott system which would lead to the creation of centres of smuggling, or to the moving of factories from countries which adhere to the Convention to countries which do not adhere to it. Also it was doubted whether it were legally possible for a country bound by a commercial treaty with another country to agree to any such boycotting.
12. Articles 17, 18 and 19 are of such a nature that either
  - (a) they ought to be previously discussed by the Advisory Committee, or,
  - (b) their legal character makes it impossible to take any decision at short notice.They would bring something new into the legislation of many countries.



Sir Malcolm Delevingne replied to these objections. The British Government took the view that as long as the drugs were manufactured greatly in excess of the amounts required for legitimate, medical and scientific purposes, it would be impossible to prevent the traffic in them for illicit purposes. The limitation of the manufacture of the drugs to the amounts required for medical and scientific purposes was therefore essential. The Opium Advisory Committee came to the conclusion at its meeting last year that sufficient material as to the world's legitimate requirements had been collected to enable such a limitation to be effected. In the first instance, the figure would necessarily be approximate and would have to be fixed sufficiently high to allow a margin for error. He thought that it would be possible, as the enquiries were continued, to obtain trustworthy figures for the legitimate requirements of the various countries. As regards the allocation of the quotas among the different manufacturing countries, he started from the supposition that all the manufacturing countries would give their figures of the amounts manufactured at present. On a rough calculation, he estimated that, in the case of cocaine, the reduction, in the first instance, on the estimates of requirements already supplied was about 25 per cent. Sir Malcolm Delevingne did not think that it would be impossible to fix a reasonable margin for not too abnormal circumstances. As regards quite abnormal circumstances, such as a big war, the position would be much the same as at present. Special steps could be taken to augment the supply. It would be necessary to provide for a new country to begin the manufacture of drugs, because if this were not done many countries would perhaps not adhere to the Convention, being unwilling to concede a permanent monopoly to the States which already manufacture.

As to the contention that the powers reserved to a non-producing country to manufacture for home consumption were illusory, because the carrying on of the drug industry is not possible without the power to market part of the produce abroad and because such a country would be authorised to export only after an agreement with the existing manufacturing States, Sir Malcolm Delevingne pointed out that the objection was based on a misreading of his scheme. It did not require that an agreement must be reached before the new country could start. That would place such a country at the mercy of the existing manufacturing countries. All that would be required was that it should first enter into negotiations, bonafide negotiations of course, with a view to an agreement. He assumed that the parties would be reasonable. All of them would be parties to the same Convention. But even in the event of the impossibility to come to an agreement, nothing would prevent the new country starting manufacture. As to the objection that it would create for the benefit of signatory countries a monopoly in regard to the production and sale of raw material, Sir Malcolm Delevingne pointed out that the scheme had been drawn up on the assumption that the great majority of the producing countries would participate in it. If a large proportion of the producing countries did not come into the agreement, the clauses relating to the control of production would simply be omitted and that part of the scheme which dealt with the limitation of manufacture would not be affected. There was no intention of granting any monopoly to any country producing the raw material. If, as suggested, the prices would increase after his scheme, it was a proof that the present situation was a bad one. If cocaine can be sold at a much lower price in present circumstances; it must be because of the excessive output, a good deal of which finds its way into illicit channels. When it is said that the manufacturers would be in a state of uncertainty as to the amount that they could produce, Sir Malcolm Delevingne saw no reason to suppose that if attempts were not made to send up the price unduly, the countries which did not manufacture their cocaine at the moment would manufacture in the future, when his scheme was put into operation. Even if some countries started to manufacture for their own use, the advantage in the open market would always lie with the country which produced in larger quantities. The greater the number of countries, however, which produced what they required for their own legitimate consumption, the better. If in the case of any of the countries which at present manufacture, the proportionate reduction in the manufacture would make it impossible for its factories to continue, the allocation could be so arranged as not to squeeze such factories out of existence. Sir Malcolm Delevingne did not think it would be unreasonable or difficult to establish a boycott to the extent of refusing to import raw material or manufactured drugs from countries which did not adhere to the Convention. He did not agree to the proposal of one of the members, suggesting a board composed of experts not responsible to any Government. Finally, it must be borne in mind that the draft presented is a *first* draft only, which may require to be modified in certain details.

#### IX. PROPOSAL PRESENTED BY MR. NEVILLE.

The scheme submitted by Mr. Neville was intended to cover the production of the raw material and the manufacture of harmful narcotic drugs derived therefrom. The quantities of opium and coca leaves to be produced for export, either in total or by each country individually, should be fixed. The production of opium and coca leaves should be confined to the present producing States (5 States for opium and 3 for coca). Import of the raw material for the manufacture of narcotic drugs should be confined to the States at present manufacturing. The quantity to be imported by each manufacturing State should be fixed. Manufacture for export should be confined to States at present manufacturing for that purpose; the import and the export of opium, coca leaves and derivatives, and preparations should be restricted to medicinal and scientific purposes. Arrangements should be provided to permit production and manufacture by States not now producing and manufacturing. The Import and Export Certificate System should be universally applied. An International Board or Committee should be established to regulate and adjust such modifications as might be necessary

in the schedules of the quantities allotted to manufacturing or producing States. These modifications might be due to the varying estimates submitted by the Governments of the various countries. The Board should further ensure complete publicity regarding the amount of opium and coca leaves produced, the amount of the drugs manufactured and consumed, and the amounts exported and imported.

The transportation of all raw material and drugs should be so controlled as to prevent unlicensed shipments on any vessels or through the territories of any parties to the agreement.

X. The objections against the American proposal were much the same as the ones against the British. It presented the same disadvantages with regard to rationing, too sudden decreases of production, and in the same way as the British scheme, it was built on the supposition that the figures of the manufacture in all countries were known, and that reliable figures could be obtained for per capita requirements, which supposition was deemed not to be justifiable. The American proposal also provided for the same measures to be taken against excessive production of opium and of coca, which system was open to the objection that the conditions in opium producing countries were quite different from that of the coca leaf producing countries. The per capita figure for opium which had been submitted to the Preparatory Committee, namely 450 milligrammes, could still be subject to criticism. It was also considered a disadvantage that some of the terms used in the American proposal do not agree with the terms of the Convention of 1912, both as far as prepared opium is concerned (preamble) as well as narcotics. Some of the terms were rather too vague. According to the American proposal, the quantity of raw opium to be exported by each opium producing country was to be fixed; thereby all competition would be suppressed and the various countries would not be free to buy raw opium for preparation purposes where they wanted to; this would be unacceptable because of the preference given to the opium of certain countries. It was also thought of little value to forbid export from other countries than those mentioned in the new arrangement as this was a measure which could not be enforced. Articles 2 and 4 of the American draft convention only mentioned coca leaves and not crude cocaine; neither did they take into consideration the difference of morphine and cocaine contents in the raw materials. In the annex to Article 4, the Netherlands are omitted in the list of countries allowed to manufacture morphine, etc., for export. It was not clear how Article 4 would be enforced with regard to countries which were not parties to the Convention. The only way of dealing with countries which did not adhere would be to establish a kind of boycott. The boycott also seemed to be the consequence of the enforcement of Article 3, and would be unacceptable for several countries, Article 5 was thought to be an undesirable extension of the terms of the Convention of 1912, which would prevent the export of harmless derivatives of the raw materials in question from other countries than those which were manufacturing cocaine and morphine. The American scheme finally would result in an extension of official interference with trade; it would make it necessary to appoint a great many new Government officials; it would incur excessive expenses involved in the supervision of the traffic, and it would intensify smuggling. Article 6 limits the whole trade in narcotics under the Convention to the parties thereto. The unlimited right to the seizure of narcotics proposed in Article 9 was also a dangerous measure to take.

Mr. Neville replied to the objection against the terms he had used, saying that this draft convention was not meant to deal with the question of prepared opium, as this subject would already have been dealt with by the First Conference. With regard to the harmless derivatives, Mr. Neville said that unless control of all forms of derivatives were established, it would be impossible to supervise the traffic in an effective way. The United States Government thought that the traffic in derivatives should not be regarded as an ordinary trade, and that it should be, as far as possible, discouraged. In reference to the difficulty in bringing offending States to account, Mr. Neville pointed out that the whole scheme was necessarily based on the assumption that the manufacturing States would subscribe to the agreement and would take measures to protect themselves if at any time countries outside the agreement began to manufacture the drugs for illicit purposes. Article 9 of the proposal did not imply the right of seizure on the high seas.

#### XI. M. BOURGOIS SCHEME AND EXPOSÉ.

In his explanatory note (Appendix 4a), M. Bourgois points out, to begin with, that the *direct* limitation of production — *i.e.*, its limitation by fixing two totals, one for world production and the other for the share of manufacture allocated to each country — is open to the objection that it would cause the whole system of an international convention to rest on two bases which are almost inconsistent; for of these two totals, the first is indeterminate and the second is very largely arbitrary. The quota of each country must be capable of constant revision. The Governments of manufacturing countries should undertake to compel their manufacturers to consent to any sudden reduction of manufacture which might be necessary, in order to allow any country which decided to begin manufacture for the purpose of its own internal consumption, and even for the purpose of entering the foreign trade, to take its place with the other manufacturing countries.

The following principles should, in M. Bourgois' view, be followed in drawing up the future Convention:

1. The Convention must be easily acceptable by all the countries, for otherwise the industry would merely be transferred to the non-signatory States and would thus escape international control.

2. The Convention must be based on the principles of equality and free competition. Any system of monopoly or boycott, or the granting of any privileges, would incite certain countries to cultivate and manufacture for themselves, thus creating new sources of production and, indirectly, of contraband trade.

3. It must not be forgotten that the control of the export of raw material is impossible in most of the exporting countries; and it does not seem probable that it will be organised in these countries within a short time.

Any *direct* limitation of production violates these principles. On the other hand, these difficulties can be avoided by the system of *indirect* limitation.

This indirect limitation can be achieved by the organisation of a strict *national* and *international* control of persons, buildings and materials; the latter would be kept under control both in national and international traffic. Just as it has been possible to organise effectively the control of national trade in drugs in many countries by the adoption of legislative measures, so the control of the international trade, the only source of smuggling in these countries, can be effectively organised by the adoption of international measures of a similar nature to the national measures (these should cover notably free ports, transit, warehousing, etc.).

M. Bourgois desires that Articles 10, 12 and 13 of the Opium Convention of 1912 should become imperative. Moreover, he wishes measures taken against smuggling, which is now made possible by lack of control of transshipment, bonded warehouses, free ports, free zones, and export by parcel post.

In order to reach his goal, M. Bourgois submits a draft arrangement (Appendix 4b) in which the Contracting Parties bind themselves to give a strict application to Articles 9, 10, 11, 12 and 13 of the Opium Convention, as completed by the stipulations of the present draft. The provisions of his Draft are the following:

1. The receptacles used for the despatch of the drugs referred to in Chapter III should carry labels which should show the name and quantity of the product and the name of the consignor and consignee.

2. The use of the system of "acquit à caution" when importing.

3. The use of export permits in duplicate: one copy to accompany the drug to its ultimate destination and the other to be sent to the diplomatic agent of the importing country in the exporting country; on the first copy is to be recorded all movements and inspections to which each receptacle has been subjected.

4. No transshipment without permit.

5. Drugs to be stored in a bonded warehouse only by duly authorised persons who will be responsible for any movement of the warehoused articles. No import allowed without "acquit à caution". No export to other countries without export permits. To abolish the system of free bonded warehouses as far as drugs are concerned.

6. Consignments by parcel post to be dealt with in the same manner as other consignments.

7. Raw opium or any drug falling under Chapter III of the Convention found in the possession of an unauthorised person to be seized and the person on whom it is found to be liable to either imprisonment or fine, or both in conjunction.

8. Mutual and complete exchange of information between the centralised authorities in different countries.

9. The inclusion of coca leaves and synthetic 1-cocaine in the Opium Convention of 1912.

XII. The objections against the French proposal were the following:

1. It discarded completely the object of the Second Conference which was to consider the possibility of limiting the manufacture of drugs to definite amounts corresponding to legitimate requirements. All the discussions in the Advisory Committee had been conducted on this assumption and twenty-one Governments had already transmitted an approximate estimate of their total requirements for internal consumption. Moreover, the Resolution of the Assembly, under which the Conference would be convened, clearly defined such limitations as the object of the Conference, whilst these proposals aimed merely at the improvement of the provisions contained in Articles 9 to 13 of the existing Hague Convention.

2. It seemed to be ineffective from the international point of view, as it involved the abandoning of the Import Certificate System, which had been acknowledged as the only effective system of controlling the international traffic, and which had already been accepted by over 30 countries. Moreover, it was not in compliance with Article 3 and Article 13 of the Convention. The system of export permits in duplicate proposed in substitution afforded no guarantees at all against the export of drugs to countries which did not want or require them or to countries where they would be used to supply the illicit traffic.

3. It limits the bonding of opium, etc., to persons duly authorised, a system which seemed to be impracticable.

4. It implied an alteration in the principles of penal law in certain countries.

5. The criticism that direct limitation rests on two inconsistent bases was not admitted. It was also pointed out that the references on page 9 to a system of boycott, inciting the boycotted countries to cultivate and manufacture for themselves, did not touch the British scheme for limitation, as there was no proposal in that scheme to prevent a country which might remain outside the Convention from being supplied with the amounts that might be necessary for its legitimate requirements.

M. Bourgois replied that, as some members of the Committee had considered that the limitation of the production of raw opium was not possible, there was accordingly no reason why the French Government should be reproached for abandoning the direct limitation of manufacture. It aimed at achieving limitation indirectly by limiting contraband. He maintained that the Hague Convention was only to a certain extent ineffective, because it was incomplete as far as transit, free ports, warehousing or free zones were concerned ; in the same way as it has proved to be possible to accomplish an efficient control of the national trade, you may accomplish the same results as to the international trade by completing the measures of the Convention.

### XIII. M. BRENIER'S PROPOSAL.

(Appendix 5) The principal characteristic of M. Brenier's plan — which is very similar to the French plan, but contains more detailed provisions — is a system of a *very strict control* which, in its author's view, would result in an *indirect* limitation of the raw products and drugs in question to legitimate medical and scientific needs alone. M. Brenier emphasises the fact that such limitation, by whatever method it is attained, is the essential purpose to be aimed at, and is much more important than the method itself. He does not believe in the practicability of rationing, especially when the rations have perpetually to be revised.

The note reviews the two aspects of the problem and shows : (1) how a country could be made to receive and allow to remain in circulation within its territories only the quantities corresponding to its own legitimate medical and scientific needs ; (2) how a country could be prevented from sending to other countries quantities exceeding the legitimate medical and scientific needs of the latter.

The measures by which these two needs can be attained may be summarised as follows : (1) strict supervision of the persons licensed to import and export ; (2) strict supervision of ports and frontier towns by which the products in question can enter a country (these products must always be enclosed in special packages) ; (3) by rendering it compulsory to store these products in special warehouses in ports and frontier towns and even in the interior of the country (*cf.* tobacco in France) ; (4) movement of the products in question, when coming from abroad, to be permitted only under the system of the "acquit à caution" with cash deposit ; (5) registers to be kept in the regulation form ; (6) limitation of quantities imported (the figure to be voluntarily chosen on the basis of what the investigations of the Preparatory Committee, the Advisory Opium Committee and the Health Committee of the League shall show to be a reasonable figure for requirements per head per annum) ; (7) "l'exercice" (in the French meaning of this word) of the manufacture of morphine, heroin and cocaine, and various other measures of the same nature. As regards the control of exportation, the indispensable measure should be the general application of the import certificate system, or of a similar system having the same effect.

The detailed provisions for putting these measures into force should be included in the treaty. The latter will have to be completed by equally definite articles regarding : the time-limits within which the national legislative measures and regulations must be promulgated in conformity with the treaty ; the reciprocal communication of these measures and their communication to the League ; the penalties incurred by breaches of the regulations ; the reciprocal communication of statistics in general and of the statistics regarding breaches of the regulations and the more serious cases of contraband, and communication of these statistics to the League ; the form in which these statistics must be sent to the League and time-limits to the same ; special regulations for postal packets and transit ; special obligations to be imposed on conveyers (railway companies, maritime, river and canal navigation companies, motor and aerial transport companies).

### XIV. The objections against M. Brenier's proposal were the following :

1. The system is not in conformity with the object of the Conference, *i.e.*, the limitation of production.

2. The measure of internal control proposed was very elaborate and on different lines from the schemes of control which were already adopted in some countries, such as Great Britain, and which were working satisfactorily. It entailed also the employment of a large number of officials. The stricter measures provided for in it would only be applied in those countries that have already enforced satisfactory regulations. Other countries would not come into line or would be incapable of adopting such a meticulous system of control.

3. Inasmuch as the latter countries are producing countries, they would not be forced, as was contended, to limit their production to a great extent. On the contrary, a worse situation might result from it, because, if restriction would really be the result, prices would advance and the clandestine trade would consequently show more activity.

4. The proposal starts from the supposition that the illicit trade gets its material from the visible traffic, whilst a great deal undoubtedly comes forth out of the invisible traffic, which would not be hit by this control and would even actually be stimulated by it.

5. As for the establishment of new factories, the increase of prices of the raw material to be expected from the measures would certainly make that establishment realisable.

6. It was pointed out that a difficulty would arise in regard to the amount to be fixed by the Government for importation for purposes of export trade.

M. Brenier replied to the objections that, if any limitation were to be accomplished, it could, in his opinion, only be effected by a more strict control, because imports could be checked by it. Moreover, his scheme had been drawn up on the assumption that all countries would agree to it. He maintained that his system would lead to indirect limitation, because countries not accepting this system would not be able, in his opinion, to find a market in countries under control.

XV. The Committee greatly regretted that it had been unable to come to any agreement as between these different proposals, and was therefore not in a position to submit a definite programme for the second Conference.

XVI. The Committee has arranged for the statistical information to be published in two volumes, one relating to the first Conference and the other relating to the second Conference.

XVII. The Committee expressed the hope that the observations of the Advisory Committee on this report, which is to be submitted to it in accordance with the decision of the Council, may be communicated to the Governments which have been invited to the Conferences on the earliest possible date:

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#### Appendix 1 (a).

##### DRAFT TREATY RELATING TO THE COCA LEAF, SUBMITTED BY M. VAN WETTUM.

###### I. *Explanatory Note.*

In so far as coca, and may be also cocaine, is concerned, restrictive measures will only be effective as long as synthetical cocaine has not been put on the market.

With regard to cocaine, the effects of its being put on the market depend on the question whether or not synthetic cocaine will fall under the terms of the Convention. In the event of this synthetic product being prepared without the coca leaf, it does not fall under the terms of the Convention, and it is no use causing it to be subject thereto if its preparation offers no difficulties and if the ingredients used in the preparation are harmless and obtainable everywhere.

Direct restriction of the manufacture of cocaine, which in view of Article 9 of the Convention should be primarily considered, cannot lead to any satisfactory result. It is impracticable to ration by artificial means the quantity to be turned out by every factory. This quantity cannot be reduced at discretion — in view of the ultimate profits as well as of the fact that the plant is equipped for maximum and minimum outputs — while the demand for a product of a certain factory is influenced by factors that cannot be taken into account in the event of quantities being limited to a fixed ration. Among these factors may be mentioned competition and the variable preference given to a special manufacture.

In addition, the price of this manufacture is dependent on labour conditions, and the factory with a curtailed output will not be in a position to sell its products if the cost price becomes too high. The question may now be raised how, in case of rationing, the world is to obtain its necessary quantum of cocaine at a moderate price.

If it is at all possible to restrict the world's output of cocaine, it will have to be done by means of restricting the raw material (coca leaves and raw cocaine) required for the manufacture of cocaine, this raw material being cheaper than cocaine.

The price of the raw material, apart from the preference given to a material drawn from a special country — in this case a more or less constant factor — is likewise affected by local labour conditions. These conditions, however, are by far less predominant than in the case of cocaine factories, also because the cultivation is chiefly carried on as a secondary one, at least in Java.

Though it must be admitted that here, also, rationing would involve some difficulties, these difficulties are less serious in nature than in the case of cocaine factories, since only two exporting countries have to be dealt with and, moreover, surplus stocks are always available.

Besides, if the limiting of the exported quantities takes place by gradual degrees and does not exceed 10 per cent the first time, it will always be possible to ascertain the consequences entailed by this decrease and to consider in good time whether it is desirable to pursue the same line of conduct.

It is, *inter alia*, anticipated that the price of cocaine will show a substantial advance and that contraband traffic will flourish to a marked extent likewise owing to restrictive measures being adopted<sup>1</sup>. This illicit trade will draw its stocks either from the material legitimately

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<sup>1</sup> At the present moment contraband traffic already yields enormous profits. By way of example, it may be mentioned that, while wholesale prices per kilogramme averaged frs. 250 — in 1923 — it was clandestinely sold at Bombay at prices ranging from Rs. 50 to Rs. 80 per ounce, which means an average price of Rs. 65 per ounce, a price equivalent to frs. 1832 per kilogramme, *i.e.*, more than seven times the price in the licit market.

produced or from the leaf of the coca shrub, widely spread in South America, which leaf is known for its richness in cocaine. Measures to check this traffic are seldom very effective, for, though the manufacturers are as a rule *bona-fide*, second and third-hand dealers are frequently in a position to earn large profits in illicit trade, either through total lack of or inadequate national supervision, or because, in practice, this supervision is difficult to carry through.

In respect of the intended restriction of the exported raw material, one should not start from a definite quantity to supply the world's requirements, which cannot be calculated with sufficient approximation. One should start from the accomplished fact that there is an excess of world production in view of the legitimate consumption. Even in the event of a fair estimate of the world's requirements being obtained, which seems to be impossible, this estimate could never be taken as a starting-point. Poor crops, wars, epidemics, etc., would have an influence which would be incalculable beforehand. It is impossible to adopt a fixed percentage of the normal needs to meet the abnormal requirements, and the only way to supply the latter requirements is an availability of a surplus world stock. The extent of this surplus cannot be expressed in figures and even a number of year's practice cannot prove more than its adequacy or inadequacy.

In order to attain the desired curtailment, coca leaves should first be made subject to the stipulations of the Convention, whereupon the exporting countries (the Netherlands and Peru) should come to a mutual agreement as to the quantities of coca leaf or raw cocaine destined for export. They should agree on the quantity of leaf (or of the raw cocaine) to be taken as a norm. This norm will have to come very near the average export figure for a couple of years to be regarded as normal ones in the light of present circumstances.

The market value of the leaf is largely affected by the percentage of cocaine or other alkaloids, without being in proportion thereto. This percentage may show differences of 100 per cent and more, even in crops of one and the same country, and can be enhanced by manuring and the way of gathering in the crop. The norm in the above agreement will, therefore, have to be determined by two factors: weight and percentage of cocaine. For this percentage, could be adopted the average of the crops yielded during the last few years. If it should prove after the lapse of one year that this average, as far as export is concerned, is subject to large increases and decreases, e.g., of five per cent or more, revision of the quantum and the percentage figure of the norm might be contemplated.

The exporting countries will undertake to regard the norm obtained, reduced by 10 per cent, as the maximum for their annual exports and at the same time engage duly to check contraband traffic.

The exporting Powers, however, will never be favourably disposed towards any restriction, unless all other Powers should bind themselves to desist from the exportation of coca leaf or raw cocaine, as long as the agreement shall be in force, also in so far as their colonies, protectorates and the like are concerned, an exception being made for the six cocaine-producing Powers. These Powers, with the exclusion of others, manufacture cocaine also for export purposes and, therefore, transactions in the raw material may exclusively be carried on among these countries mutually. It would not be fair if this condition were not fulfilled, as, side by side with exporting countries restricting their culture, there would be others that extended it without having been confronted by the cares and troubles attendant on restriction. Moreover, it is essential to see that the growing of coca leaf continues to be a profitable culture in the future.

In order to ensure the efficiency of the agreement, not only the exporting countries but also the other Powers should undertake to give at short intervals a general publicity to their import production and export figures, both in regard to the raw material and the worked up product. This publicity is likewise to include transport by parcel post.

The Powers not included in the agreement proper affecting restriction, should extend their co-operation also in other respects. They should all be members of the Convention or of the extension given thereto and should all of them apply the import certificate system. If these demands are not put forward and if some countries are holding aloof, the latter will soon become the centres of a lucrative contraband traffic, against which no boycott will be of any avail; on the contrary, as already stated, this illicit trade will flourish to a large extent under universal restrictive regulations.

Finally, as a supplement to the arrangements made in respect of coca leaf and raw cocaine, it is essential to fix by treaty to what countries the raw material can be exported for the purpose of being worked up into cocaine.

A curtailment of the manufacture of cocaine is automatically obtained in the way stated above. But in like manner as for coca and for the very same reason, it is necessary to lay down also for cocaine a condition which should be universally observed, *viz.*, that no other countries (or their colonies, etc.) shall proceed to the production of cocaine as long as the agreement shall be in force, unless it be for home consumption and from home-grown leaf, in so far and to the same extent as this production is being carried on at the present moment.

Adding two draft treaties in outline, the one marked 2, to be concluded between Peru and the Netherlands, and the other marked 3, to be entered into by all Powers except Peru, the proposal would further state that the scheme is chiefly founded on the thought that export of the raw material can be restricted, a realisable thought, notably as far as Java is concerned. Adoption of the scheme, however, could only take place by way of experiment, it being impossible to foresee the consequences of a drastic interference with the world's traffic. Among others, there are consequences due to preferential rights to be granted to railways or vessels of certain countries, or created by fluctuations in exchanges, which consequences cannot be taken into account. It is, therefore, a matter of course that, for whatever reasons, any party concerned should have power to denounce, at a relatively short notice, the agreement entered into.



The agreements set forth in the annexed drafts cannot be concluded until the previous demands, *inter alia*, those concerning universal adoption of the provisions of the Convention and universal introduction of the import certificate system, shall have been satisfied.

The Hague, April 24th, 1924.

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**Appendix 1 (b).**

**2. DRAFT TREATY.**

*Article 1.*

(1) The High Contracting Parties have agreed to adopt the following norms for the annual export of coca leaves and for the average percentage of cocaine thereof :

(a) The Netherlands for the Netherlands Indies.....kilogrammes and.....per cent of cocaine.

(b) Peru.....kilogrammes and.....per cent of cocaine.

(2) In the event of raw cocaine being exported instead of coca leaves, one kilogramme of raw cocaine of.....per cent shall, in so far as the Netherlands Indies are concerned, be regarded as equivalent to.....kilogrammes of leaf of the same percentage as stated in the preceding paragraph under (a) and (b) respectively. If the raw cocaine is of a higher or a lower percentage, the ratio to leaf shall be altered proportionally.

(3) On the expiry of each year it shall be ascertained whether there is occasion to alter the norms set forth in the first paragraph. This will always be the case if the quantity of cocaine in the exported coca leaves averages five per cent more or less than has been specified in paragraph (1) under (a) and (b) respectively.

*Article 2.*

(1) The High Contracting Parties agree that, from May 1st subsequent to the date when Article 6 of this agreement shall have been complied with, the exports from the Netherlands Indies and from Peru respectively shall not exceed the norms stated for either in Article 1, reduced by 10 per cent, and that, as far as possible, they shall check contraband traffic.

(2) They further agree to prohibit the exports of coca leaf as well as of raw cocaine unless these should find their way to the following countries, which, exclusive of others, will be allowed to manufacture cocaine also for export purposes :

- France,
- The Netherlands,
- Germany,
- Japan,
- Switzerland,
- The United States of America.

(3) Inasmuch as any of the countries expressly mentioned in the second paragraph of this article should possess colonies, protectorates or the like, only the mother-country is referred to in that paragraph.

*Article 3.*

The High Contracting Parties shall institute a permanent Committee composed of members of whom an equal number shall be appointed by either party.

This Committee shall regulate all matters connected with the performance of this agreement and shall meet at least once a year.

*Article 4.*

The High Contracting Parties bind themselves to have quarterly statistical returns compiled within three months from the expiration of each quarter of a year, which returns shall relate to imports, production and exports of coca leaves, raw cocaine or cocaine, also in regard to carriage by parcel post. These returns, which are to make separate mention of the mother-country and the territories belonging thereto, if any, shall be made publicly known.

*Article 5.*

This agreement can be denounced by either of the High Contracting Parties at one year's notice.

*Article 6.*

This agreement shall not take effect before the agreement of ..... 19 ..... concluded at ..... affecting the traffic in coca leaf, raw cocaine and cocaine, shall have been ratified by all Powers concerned.

- Appendix 1 (c).

3. DRAFT TREATY<sup>1</sup>.

Article 1.

The High Contracting Parties accede to the purport of the agreement made at.....on the.....between the two Powers the Netherlands and Peru and affecting restriction of exports of coca leaf or of raw cocaine, and shall, on their part, see that Article 2 thereof be not derogated from.

Article 2.

1. The High Contracting Parties have agreed that, also with regard to any of their colonies, protectorates and the like, no exports of coca leaf or of raw cocaine shall be allowed as long as the agreement referred to under Article 1 shall be in force, unless allowed by virtue of Article 2 of that agreement.

2. France, the Netherlands, Germany, Japan, Switzerland and the United States of America shall, however, be free to re-export the coca leaves or the raw cocaine imported into these countries in so far as these exports shall find their way to any of these countries.

Article 3.

The High Contracting Parties, with the exception of France, the Netherlands, Germany, Japan, Switzerland and the United States of America, undertake, also in regard to any of their colonies, protectorates and the like, and as long as the agreement referred to under Article 1 shall be in force, to give only permission for the production of cocaine, inasmuch and to the same extent as this is being carried on at the present moment for home consumption and from home-grown leaf.

Article 4.

1. Where, in the Articles 2 and 3, the names of countries are stated without mention being made of the colonies, protectorates and the like, the provisions of these articles do not relate to the latter territories.

2. With regard to the observance of the terms of this agreement set forth in Articles 2 (first paragraph), 3 and 5, colonies, protectorates and the like shall be considered as separate territories.

Article 5.

The High Contracting Parties undertake to have quarterly statistical returns compiled within three months from the expiration of each quarter of a year, which returns shall relate to imports, production and exports of coca leaves, raw cocaine or cocaine, also in regard to carriage by parcel post. They further agree to make the returns publicly known.

Article 6.

This agreement can be denounced by any of the High Contracting Parties at one year's notice.

Appendix 2.

DRAFT COCAINE CONVENTION, SUBMITTED BY SIR MALCOLM DELEIVINGNE.

THE PRESIDENT OF THE REPUBLIC OF AUSTRIA,  
HIS MAJESTY THE KING OF THE BELGIANS,

.....  
.....

Being desirous of introducing further and more effective measures for the control of the traffic in cocaine,

Have decided to conclude a convention for that purpose and have nominated as their plenipotentiaries :

The President of the Republic of Austria :

.....

His Majesty the King of the Belgians :

.....  
.....

Who, having communicated their full powers found in good and true form, have agreed as follows :

<sup>1</sup> The Chairman of the Opium Preparatory Committee has informed the Secretariat that this Treaty was erroneously omitted in the report of the Preparatory Committee (Document C. 348. M. 119. 1924. XI), which was submitted to the Conference.

Article 1.

(1) The figure of . . . . . kilogrammes is accepted as the maximum amount of the world's normal legitimate requirements of cocaine at the present time <sup>1</sup>.

(2) The amount laid down in the preceding paragraph is based on the estimated requirements of the individual States in accordances with the following table <sup>2</sup>.

ALBANIA.....
AUSTRIA.....
BELGIUM.....

(3) The amounts stipulated in this article are calculated in terms of a drug having the formula C.17 H.21. NO.4.

Article 2.

The aggregate amount of cocaine to be manufactured in any one year shall not exceed the figures prescribed in Article 1.

Article 3.

Subject to the provisions of Article 7 of the Convention, the amount of cocaine to be manufactured in any one year shall be distributed between the States which now manufacture cocaine in the following proportions :

FRANCE.....
GREAT BRITAIN.....
HOLLAND.....
GERMANY.....
JAPAN.....
SWITZERLAND.....
UNITED STATES OF AMERICA.....

Article 4.

With a view to preventing the illicit manufacture of cocaine, each of the States mentioned in Article 3 agrees, as far as it is concerned :

(1) To limit its annual imports of the raw material, *viz.*, coca leaves or crude cocaine, for the purpose of the manufacture of cocaine within its territorial limits, to the quantity required for manufacturing the amount of cocaine fixed for that State under Article 3 ;

(2) To prohibit the importation of raw material which comes from or is the produce of any State which is not a party to this Convention.

Article 5.

In order to ensure that every country obtains the amount of cocaine required by it for legitimate purposes, and to prevent supplies of the drug being diverted to illegitimate uses, each of the High Contracting Parties agrees :

(1) That it will not allow the export or re-export of cocaine to any country for purposes of re-export unless that country has introduced in respect of cocaine the import certificate system and is a party to this Convention ;

(2) That it will not allow the export or re-export of cocaine to any country for consumption therein of a greater amount in any one year than the amount indicated in Article 1 (2) as the annual requirements of that country ;

(3) That it will, through the instrumentality of the Board, concert measures with other States exporting cocaine for regulating the amounts of the exports to any particular country.

Article 6.

(1) Any party to this Convention may before April 30th in any year notify to a Board to be appointed in the manner and to exercise the powers laid down in Article 20 a new estimate of its annual requirements in lieu of that set out in Article 1 (2), and as from January 1st of the following year the figure given in such revised estimate shall be substituted for that set out in Article 1 (2), and the figures fixed in Article 1 (1) and Article 2 shall be modified accordingly.

(2) Such modifications in the amount of cocaine to be manufactured by each of the States mentioned in Article 3 as are rendered necessary by the alteration of the figures in Article 1 (2)

<sup>1</sup> The report accompanying the Convention would explain that this figure includes a margin for stock requirements, fluctuations in normal demand, epidemics, war and other contingencies.

<sup>2</sup> The list included in this sub-article would comprise all States whether parties to the Convention or not. In the case of States which supply no figures as an estimate of their requirements, the amount would be assessed by the League of Nations.

shall be agreed by the States mentioned in Article 3 or, in default of agreement, shall be determined by the Board referred to in paragraph (1).

(3) The Board referred to in paragraphs (1) and (2) above is throughout this Convention referred to as "the Board".

*Article 7.*

If any State which is not mentioned in Article 3 gives notice to the Board of its intention to permit the manufacture of cocaine in its territory :

(a) if the manufacture is to be limited to the amount required by that State for internal consumption, the total amount to be manufactured by the States mentioned in Article 3 shall be reduced by the amount of the requirements of the State giving notice of its intention to permit manufacture. The distribution between the States mentioned in Article 3 of the amount by which their aggregate manufactures are to be reduced shall be agreed by such States or, in default of agreement, shall be determined by the Board ;

(b) if the manufacture is intended for export as well as for internal consumption, a conference of representatives of the States mentioned in Article 3 and of the State notifying its intention to manufacture shall be held for the revision of the proportions set out in Article 3. Any new table agreed on at such conference in substitution for that set out in Article 3 shall be notified to the Secretary-General and shall, as between all the parties to this Convention, replace the table set out in such article.

*Article 8.*

States in which cocaine is not manufactured at present agree that they will not allow such manufacture to be undertaken until a notification in accordance with Article 7 has been made to the Board.

*Article 9.*

If the manufacture of cocaine in any State comes to an end, a notification to that effect shall be sent to the Board, and the distribution between the other States manufacturing cocaine of the amount allotted to the State ceasing manufacture shall be agreed between the other States concerned or, in default of agreement, shall be determined by the Board.

*Article 10.*

Each of the High Contracting Parties in whose territories cocaine is not manufactured agrees that it will not allow the importation in any year for internal consumption of a greater amount of cocaine than that specified in Article 1 (2), or substituted therefor in accordance with Article 6 (1).

*Article 11.*

No importation of cocaine into the territories of any of the High Contracting Parties will be allowed from the territory of any State not mentioned in Article 3, whether a party to this Convention or not, which allows the manufacture of cocaine within its territory without having made the notification referred to in Article 7.

*Article 12.*

The figures of.....kilogrammes of the South American coca leaf and..... kilogrammes of the Java coca leaf are accepted as the average quantities required to manufacture the world's legitimate annual requirements of cocaine at the present time.

*Article 13.*

(1) Bolivia agrees that the export of the South American coca leaf from her territory shall not exceed.....kilogrammes.

(2) Peru agrees that the export of the South American coca leaf from her territory shall not exceed..... kilogrammes.

(3) The Netherlands agree that the export of coca leaf from Java shall not exceed the amount stipulated in Article 12.

(4) If the export is made in the form of crude cocaine extracted from the leaf and not that of the leaf itself, one kilogramme of the crude cocaine shall be regarded as the equivalent of ..... kilogrammes of the leaf.

*Article 14.*

(1) No export of raw material for the manufacture of cocaine, whether coca leaf or crude cocaine, shall be made to the territory of any State which is not a party to this agreement.

(2) Raw material for the manufacture of cocaine shall not be exported to any country except for the purpose of the manufacture of cocaine within the limits of that country in accordance with the provisions of this Convention or for the purposes of re-export.

(3) Exports of raw material to any country for the manufacture of cocaine therein shall not exceed the quantity required for manufacturing the amount of cocaine allotted to that country under Article 3 of this Convention.

(4) No re-export of raw material shall be allowed to any country unless that country has introduced in respect of such raw material the import certificate system and is a party to this Convention.

*Article 15.*

If any State, other than Peru, Bolivia, or the Netherlands, gives notice to the Board of its intention to permit the production and export of coca leaf, a conference shall be held of representatives of the said countries and of the country giving notice for the revision of the amounts set out in Article 13.

*Article 16.*

Any modification of the figures set out in Articles 12 and 13 rendered necessary by a modification of the figure of the world's requirements of cocaine laid down in Article 1 (1), or of the amount of the export to be allowed to any particular country under Article 14, by reason of an alteration in the amount of cocaine to be manufactured therein, shall be agreed between the States producing and exporting the coca leaf, or in default of agreement by the Board.

*Article 17.*

Each of the High Contracting Parties agrees that it will take all necessary measures for preventing the diversion for illegitimate purpose of consignments of cocaine while in transit from one country to another, and in particular :

(1) That it will not permit the export from the territories within its jurisdiction of any consignment of cocaine except under a licence for the export of that particular consignment ;

(2) That it will not grant any such export licence for the export of any consignment of cocaine except upon the production of an import certificate issued by the Government of the country for which the cocaine is declared to be destined stating that the import of the consignment has been approved by such Government ;

(3) That, when issuing a licence for the export of any consignment of cocaine, it will (a) specify in the licence the country of destination and will make it a condition of the licence that the cocaine shall be duly delivered in that country within a period specified in the licence ; (b) send a copy of the export licence to the Government of the country of destination ;

(4) That, on the receipt from any country of a copy of an export licence, sent in pursuance of the preceding paragraph, and in the event of the consignment referred to in the licence not arriving within the time specified in the licence, it will cause enquiries to be made as to the cause of non-delivery and will inform the Government of the exporting country of the non-delivery and of the results of the enquiries ;

(5) That it will make it a punishable offence to divert or assist in any way in the diversion of any consignment of cocaine from delivery in the country of destination to any other country.

*Article 18.*

Each of the High Contracting Parties agrees that it will forbid the conveyance by any person subject to this jurisdiction of any consignment of cocaine from one country to another country unless an export licence or an import certificate has been issued for such consignment and the conveyance is made in accordance therewith. Any persons knowingly violating such prohibition shall be liable to punishment.

*Article 19.*

Each of the High Contracting Parties agrees that it will forbid any person within its jurisdiction from procuring or assisting the commission in any place outside its jurisdiction of any offence against the laws in force in such place for controlling or regulating the manufacture, sale, use, export, or import of cocaine in accordance with this Convention or with the International Opium Convention, and that any person knowingly violating such prohibition shall be liable to punishment.

*Article 20.*

A Permanent Board is established for the purpose of facilitating the complete execution of this Convention and before advising on any questions which may arise in connection with its working.

The Board shall consist of one person nominated by each of the parties to this agreement in the territories of which cocaine is manufactured or in which the coca leaf is produced, together with . . . . . representatives of the other parties. The Board shall fix its headquarters, shall determine its procedure and shall meet at least once annually in the month of May.

In the decision of all questions referred to it by this Convention, the Board may act if need be by a majority.

The expenses of its members shall be defrayed by the countries which they represent. If it should be found necessary to establish a secretariat for the Board, the expenses shall be divided between the parties to this agreement in such proportions as may be agreed.

*Article 21.*

An annual report shall be drawn up by each of the High Contracting Parties showing its imports, exports, re-exports and manufacture of cocaine and its imports, exports, and re-exports of the raw material for the manufacture of cocaine, together with particulars of the export licences and import certificates issued by it. Copies of this report shall be furnished to the Board.

*Article 22.*

The present Convention, of which the French and English texts are both authentic, shall bear this day's date and shall be open for signature until ..... 1925.

*Article 23.*

Any Power not represented at the Conference shall be allowed to sign the present Convention during the period for which the Convention is open for signature. With this object, the Secretary-General of the League of Nations will, immediately after the close of the Conference, communicate to such Powers a certified copy of the Convention.

*Article 24.*

The present Convention is subject to ratification. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who will notify the receipt of them to Powers who have signed the Convention. The instruments of ratification shall be deposited in the archives of the Secretariat.

In order to comply with the provisions of Article 18 of the Covenant of the League of Nations, the Secretary-General of the League will register the present Convention upon the deposit of the first ratification.

*Article 25.*

States which have not signed the present Convention while open for signature may accede to it. Accession will be notified to the Secretary-General of the League, who will inform all Powers concerned of the accession and the date on which it was notified.

*Article 26.*

The present Convention will not come into force until it has been ratified by three Powers. The date of its coming into force shall be the sixtieth day after the receipt by the Secretary-General of the League of the third ratification. Thereafter, the Convention will take effect, in the case of each Power, sixty days after the receipt of its ratification or of the notification of its accession.

*Article 27.*

A special record shall be kept by the Secretary-General of the League of Nations, showing which of the parties have signed, ratified, acceded to or renounced the present Convention. This record shall be open to the Members of the League at all times; it shall be published as often as possible, in accordance with the directions of the Council.

*Article 28.*

In the event of one of the Contracting Parties wishing to denounce the present Convention, the denunciation shall be notified in writing to the Secretary-General of the League of Nations, who shall immediately communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only operate in respect of the notifying Powers, and only on the expiry of one year after the notification has reached the Secretary-General.

*Article 29.*

A request for the revision of the present Convention may be made at any time by notice addressed to the Secretary-General. Such notice shall be communicated to all the other parties to the Convention and if endorsed by not less than one-third of them, the Council of the League shall make arrangements for the holding of a conference for the revision of the Convention.



### Appendix 3.

#### DRAFT PROGRAMME SUBMITTED BY MR. NEVILLE.

In order to suppress the abusive use of dangerous drugs, diminish the present over-production of opium and coca leaves and achieve the objects which the International Opium Convention was designed to accomplish, the High Contracting Parties undertake to adopt, from time to time, in so far as they have not already done so, and varying local conditions permit, domestic measures to the end that ultimately the use of opium, coca leaves and their dangerous derivatives and preparations will be confined to medical and scientific purposes, and they agree, as among themselves, that :

I. The total quantity of opium which they will produce for export or permit to be exported shall be ..... kilos annually. Such quantity shall consist of ..... kilos for medical and scientific purposes and ..... kilos for purposes temporarily permissible under Chapter II of the International Opium Convention, the latter quantity being in accordance with an agreement among certain States hereto annexed as Appendix I. Raw opium may be produced for export only in the territory of those States mentioned in Appendix II.

II. The total quantity of coca leaves which they will produce for export or permit to be exported shall be ..... kilos, which may be produced for export only in the territory of those States mentioned in Appendix III.

III. Each importation or exportation of raw opium or coca leaves must be authorised by a licence or permit by the Government of the importing State showing that the shipment may be legally made into the receiving State, which must be a party to the International Opium Convention.

IV. Raw opium and coca leaves may be imported into the States mentioned in Appendices IV and V, respectively, both for purposes of manufacture for export and for domestic medical and scientific needs ; but they may be imported only for domestic medical and scientific needs into the States not mentioned therein, except as otherwise provided in Appendix I. The maximum quantity of opium which the States mentioned in Appendix IV may import annually shall be ..... kilos ; the maximum quantity of coca leaves which the States mentioned in Appendix V may import annually shall be ..... kilos.

V. Derivatives and preparations of opium and coca leaves may be imported both for purposes of further manufacture for export and for domestic medical and scientific needs by the States mentioned in Appendices IV and V, respectively, but for domestic medical and scientific needs only by the States not mentioned therein. Derivatives and preparations of opium and coca leaves may be manufactured for export only in the States mentioned in Appendices IV and V, respectively.

Except as provided in Appendix I, importations and exportations of opium, coca leaves and their derivatives and preparations coming within the purview of the International Opium Convention shall be solely for medical and scientific purposes.

VI. Each importation or exportation of any derivatives or preparation of opium or coca leaves coming within the purview of the International Opium Convention must be authorised by a licence or permit issued by the Government of the importing State showing that the shipment may be legally made into such State ; likewise, a licence or permit must be issued by the Government of the exporting State showing that the shipment may be legally made from that State. Both the importing and exporting States must be parties to the International Opium Convention ; provided, however, that, temporarily, medicines in small quantities containing or consisting of any such derivatives or preparation may be exported to a State not a party thereto for its domestic medical needs.

VII. A committee of experts shall be appointed as provided in Appendix VI, whose duties shall be as follows :

1. To modify from time to time, as shown to be necessary by estimates submitted as required by Article VIII, the maximum quantities of opium and coca leaves to be produced for export or to be exported from the countries mentioned in Appendices II and III, respectively.

2. To modify as shown to be necessary from estimates submitted, the proportionate quantities of the maximum quantities of opium and coca leaves to be produced for export or to be exported by each State mentioned in Appendices II and III, respectively.

3. To fix annually from estimates submitted, as required under Article VIII, the maximum quantities of opium and coca leaves which may be imported by each State. In case no estimates are submitted, the Committee shall fix maximum quantities upon a *per capita* basis, using . . . . . grams of opium and . . . . . grams of coca leaves per annum as the normal medical requirement.

Provided that the quantities so fixed under this and the two preceding clauses shall not exceed the total quantities fixed by the conference without the consent of all the producing and manufacturing States affected.

4. To publish annually statistics of the production, importation, exportation, manufacture and expressed domestic requirements of each State.

VIII. Each State shall furnish the Committee with a complete statement in advance of its estimated annual production and requirements of opium and coca leaves and all derivatives and preparations thereof, and at the close of each calendar year shall furnish to the Committee a complete statement of its imports, exports, production and manufacture for such year.

IX. Any shipment of opium or coca leaves, or any derivative or preparation of either, coming within the purview of the International Opium Convention, whose export and import has not been duly authorised as provided herein, shall be liable to seizure and confiscation by any State which is a party hereto. No shipments of this character shall be permitted upon the vessels, railways, or other common carriers under the jurisdiction of the States parties hereto.

X. In case any State not now mentioned in Appendices II, III, IV or V desires to be included therein, it shall notify and negotiate with the Committee and the other States mentioned in the Appendix concerned, with a view to concluding an agreement as to its participation in the manufacture or production involved.

XI. Other drugs alleged to be dangerous may be brought within the scope of this agreement upon the consent of the States which are parties hereto.

*Appendix I.*

(Agreement reached by first Conference.)

*Appendix II.*

(States in which raw opium may be produced for export and proportionate quantities in which it may be exported.)

Greece, the Kingdom of the Serbs, Croats and Slovenes, Turkey, Persia India.

*Appendix III.*

(States in which coca leaf may be produced for export and proportionate quantities in which it may be exported.)

Netherlands Indies, Bolivia, Peru.

*Appendix IV.*

(States in which raw opium derivatives or preparations may be manufactured for export and proportionate quantities in which they may be exported.)

France, Germany, Great Britain, Japan, Switzerland, United States of America.

*Appendix V.*

(States in which coca leaf derivatives or preparations may be manufactured for export and proportionate quantities in which they may be exported.)

France, Germany, Great Britain, Japan, Netherlands, Switzerland, United States of America.

*Appendix VI.*

(An international committee of experts to be established and continued in a manner to be agreed upon.)

## Appendix 4.

### DRAFT TREATY SUBMITTED BY M. BOURGOIS.

#### I. *Explanatory Note.*

The French Government realises the necessity of completing the Opium Convention by the adoption of new international obligations restricting the use of the narcotics enumerated in Chapter III of the Convention to medical and scientific requirements.

With this object, the Council and the Assembly recommended that the question of limiting the manufacture of these substances and the cultivation of the raw materials for them should be investigated.

This limitation may be either direct or indirect.

The first system, that of direct limitation, meets with difficulties which would appear insuperable. To fix a figure for the authorised world output, and another for the proportion which might be manufactured in each country, would be to base the *entire* working of an international convention on two inconsistent foundations; for the first of these figures is reliable, and the second is to a great extent arbitrary.

It was only possible to establish the figure of 600 milligrammes of opium per head of population, put forward by experts as representing the world requirements, by methods which the experts themselves were the first to recognise as unreliable; indeed, they subsequently, in a purely arbitrary manner, reduced the figure to 450 milligrammes.

The second figure — the proportion to be allotted to each manufacturing country — is immensely more difficult to determine. It is clear from the latest official statistics that the output of the manufacturing countries varies very considerably from year to year. Thus in the United States of America, the output of morphine decreased by nearly a half (from 8,000 kilogrammes to 5,000 kilogrammes) from 1921 to 1922, as did that of cocaine (from 2,300 kilogrammes to 1,650 kilogrammes); the Japanese production of morphine decreased by over a half (from 5,000 to 2,000 kilogrammes), and that of heroin by more than four-fifths (from 2,883 kilogrammes to only 653 kilogrammes). On the other hand, during the same twelve months, the British output of narcotics doubled or nearly trebled, increasing from 4,189 to 8,939 kilogrammes of morphine and from 344 to 897 kilogrammes of heroin.

These statistics are convincing. They demonstrate that trade requires a considerable margin, in order to form reserves for the contingencies of bad harvests, epidemics, fluctuating demand, etc. The existence of this large margin seems inconsistent with the fixing of an annual proportion for the manufacturing countries. This quota must be capable of constant revision. The Governments of manufacturing countries should undertake to compel their manufacturers to consent to any sudden reduction of manufacture which might be necessary, in order to allow any country which decided to begin manufacture for the purpose of its own internal consumption, and even for the purpose of entering the foreign trade, to take its place with the other manufacturing countries.

What are the principles which should guide the preparation of the proposed Convention?

In the first place, the Convention must be one thoroughly acceptable to all Governments, for if only three or four countries refused to adhere, it would be entirely deprived of its efficacy; the industries in question would transfer themselves to these countries and would thus escape international control.

The future Convention must therefore be based on the principle of equality. It is essential that it should not result in perpetuating legally the advantageous situation of the present producing, manufacturing and trading countries by placing them for the future practically beyond the reach of competition. Any measures which would hamper free and fair competition on a footing of equality — any suggestion of confirming monopolies and privileges would make the consuming countries feel that they were being exploited — would impel them to cultivate and manufacture themselves, and would so tend to create new sources of production and, indirectly, encourage smuggling. The idea of the system of boycotting as a means of putting pressure on countries which did not adhere to the Convention would of course lead to the same result — a parallel development of cultivation and manufacture in the two groups which would be thus placed in opposition and driven to become self-supporting. Moreover, it must not be forgotten that no effective direct control of the cultivation and export of the raw material from cultivating countries is at present practicable. In almost all the countries in question, no such control exists or can be set up for a considerable time to come.

\* \* \*

Any system of direct limitation would violate all these principles. On the other hand, the system of indirect limitation would remove every one of the difficulties mentioned.

“Such indirect limitation could be brought about by the establishment of strict control, both national and international, of the *persons* who manufacture, import, sell, distribute or forward the drugs, of the *buildings* in which these persons carry on their industry or trade, and of the *materials* they employ, which should be submitted to meticulous supervision, to be continued from the time of their first appearance until they are finally consumed, and to extend not only to their movements in the *interior* of a country but also to the *international* traffic.”

Just as it has been possible to organise effectively the control of national trade in drugs in many countries by the adoption of legislative measures, so the control of the international trade, the only source of smuggling in these countries, can be effectively organised by the adoption of international measures of a similar nature to the national measures (these should cover notably free ports, transit, warehousing, etc.):

The authors of The Hague Convention — in many respects a most remarkable document — had indeed contemplated the introduction of such a control, but being chiefly concerned with the pressing problem of prepared opium, they merely *outlined* the measures to be taken. The relevant articles of Chapter III — *i.e.*, Articles 10, 12 and 13, which lay down measures for the supervision of persons and buildings and for the control of manufacture, imports, sale, distribution and export of drugs — are not of an imperative character. They simply lay down that “the Contracting Powers shall use their best endeavours to control . . . . . shall use their best endeavours to restrict . . . . . shall use their best endeavours to adopt . . . . .”

The measures contemplated are not only optional but indefinite: “to obtain information respecting the establishment and premises . . . . . shall use their best endeavours to adopt . . . . . measures to ensure that morphine . . . etc . . . shall not be exported except when consigned to persons furnished with licences or permits . . .” (without specifying what form these measures should take), etc. Finally, they make no provision for a whole series of operations which give peculiar facilities for smuggling, such as transshipments, warehousing, transit through free ports and free zones, or deliveries by post.

It is not surprising, therefore, that the meshes of the net have proved too wide. They need to be drawn closer. Provisions which formerly were optional must be made *binding*; the measures contemplated in the first Convention must be more closely *defined and amplified*. A large field is thus open before us and our work may produce a rich harvest.

It appears indeed that the Netherlands Government shares this view, since, in its “Observations on the Second Opium Conference”, it writes as follows:

“If the Opium Convention and the system of import certificates — or some similar system — were generally or effectively put in force, the abuses would be satisfactorily checked, and it would no longer be necessary to take measures to limit the production and manufacture.”

This three-fold control of *persons, buildings and materials* could be effected in the following manner:

1. By making it absolutely compulsory for persons *furnished with licences* to make declarations.
  2. By having special *registers* kept up for all these operations and carefully inspected by the authorities.
  3. By providing for the inspection of establishments and of registers.
  4. By compulsory labelling of envelopes and receptacles containing these substances. This measure is of great importance in tracing the illicit traffic at its source.
  5. By introducing a system of “*acquit à caution*” *in connection with imports*.
  6. By requiring export licences or permits to be prepared in duplicate, one copy being attached to the manifest or way-bill till it reaches its final destination bearing a detailed record of all the movements at each port of transshipment, and the second copy being forwarded to the Government of the importing country. This system, which in no way hampers wholesale trade, offers far better guarantees than the import certificate, which is both vexatious and ineffective.
  7. By framing measures to deal with transshipment, warehousing, and transit through free ports.
- The Hague Convention laid down nothing on this subject. This grave omission is one of the chief causes of the present smuggling for which these operations afford numerous opportunities.
8. By framing measures to deal with postal packets. These measures are all the more necessary because, owing to the nature of these drugs, it is possible for a considerable trade to be carried on through the post.
  9. By the exchange of information between the authorities of the State and the diplomatic and consular representatives.
  10. By increasing the penalties. The importance of this point can hardly be exaggerated. One kilogramme of morphine represents 100,000 injections of 1 cg. The bulk of the drugs is so insignificant and the profits of the illicit trade are so enormous that it would be utterly futile to expect that any text, no matter how carefully drawn, would be wholly successful in preventing evasions. The surest and easiest method of suppressing this evil is to expose the traders to the disgrace of imprisonment, to hamper their traffic by prohibitions of residence and to keep them always in danger of exceptional penalties. It is by such measures, energetically applied, that decisive results have been obtained in France.
  11. By granting facilities for prosecutions for offences committed in various countries.
  12. By extending the provisions to include coca leaves.
  13. By extending the measures to include synthetic cocaine.

This careful system of national and international control would be highly effective, because it would make it possible to keep in close touch with every parcel of goods from its first appearance until its final consumption, not only during its movements in the interior of a country but during all its movements from one country to another. It is a system which all Powers would be willing to accept, because it serves the interests of all without perpetuating existing advantages and without establishing any privilege, monopoly, arbitrary rationing, boycott or blockade, and without setting interests in opposition to one another. As it would not give the consuming countries the sense of being exploited, it would not encourage them to create new sources of production which would inevitably, by an indirect process, become so many new sources of smuggling.

It would be impossible for even the smallest amount of smuggled goods to pass through the narrow meshes of such a net. We should thus obtain automatically, by the free play of the natural laws of commerce, the three-fold restriction contemplated by the resolutions of the Council and the Assembly in which the Governments were invited to a Conference, *i.e.*, the *manufacture* of drugs, and the *cultivation* and export of their raw materials would be restricted exclusively to medical and scientific requirements. It is upon these principles that the draft Convention which is annexed hereto has been based.

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#### Appendix 4 (b).

#### 2. DRAFT TREATY.

[*Translation.*]

The High Contracting Parties :

Being desirous of giving effect to the resolution adopted on September 27th, 1923, by the Fourth Assembly of the League of Nations ;

Being desirous of bringing about the effective suppression of all illicit trade in the substances referred to in Article 14 of the International Opium Convention, signed at The Hague on January 23rd, 1912, by providing for closer co-operation between the Powers and by extending more closely certain provisions of Chapter III of the Convention of 1912 ;

And being further desirous of taking certain measures in connection with the import and export of coca leaves ;

Have agreed upon the following provisions :

#### *Article 1.*

The High Contracting Parties undertake to control or to cause to be controlled all persons manufacturing, importing, etc., morphine, cocaine and their respective salts, as well as the buildings in which these persons carry on such industry.

With this object, the High Contracting Parties shall adopt or cause to be adopted the following measures, unless regulations on the subject are already in existence :

(a) To confine the manufacture of morphine, cocaine and their respective salts to those establishments and premises alone which are authorised for the purpose and to keep a register of the establishments and premises in which these drugs are manufactured.

(b) To require that all persons engaged in the manufacture, import, etc., of morphine, cocaine and their respective salts, shall be furnished with a licence or permit to engage in these operations, or shall make to the competent authorities an official declaration that they are so engaged.

(c) To require that such persons shall enter in their books the quantities manufactured, distributed, sold or exported of morphine, cocaine and their respective salts.

(d) To ensure by means of inspections that the provisions laid down in paragraphs (b) and (c) above are carried out.

#### *Article 1 bis.*

The High Contracting Parties undertake to require that all persons (other than manufacturers) who import, sell, distribute or export morphine, cocaine and their respective salts shall be furnished with a licence or permit to engage in these operations. Such persons shall enter in their books all imports, sales, transfers and exports of morphine, cocaine and their respective salts.

*Article 1 ter.*

The High Contracting Parties shall take measures to prohibit, as regards their internal trade, the delivery of morphine, cocaine and their respective salts to unauthorised persons, unless regulations on the subject are already in existence.

*Article 2.*

The substances referred to in Article 14 of the Convention of 1912, with the addition of raw opium, may not be transferred from place to place, imported or exported, no matter what may be the weight of the consignment, unless the envelopes or receptacles in which they are contained are marked with a description of the product, the amount, and the names and addresses of the consignors and consignees.

*Article 3.*

The High Contracting Parties shall require persons who are authorised to import the substances referred to in Article 14 of the Convention of 1912, or to import raw opium and coca leaves, to obtain, an "acquit à caution" from the Customs office at the point of entry, stating the amounts of these products imported and the names and addresses of the consignees. These "acquits à caution" shall, after being furnished with a discharge certificate by the competent authorities at the place of destination, be handed back within a fixed period to the Customs office which issued them.

*Article 4.*

The High Contracting Parties shall require that persons authorised to export the substances referred to in Article 14 of the Convention of 1912, or to export raw opium and coca leaves, to obtain from the Customs office at the place of exit an export certificate or licence, stating the nature and amounts of these products, the names and addresses of the consignors and consignees, the marks and the numbers on the packets.

This certificate shall be drawn up in duplicate. One copy shall be annexed to the way-bill or manifest of the vessel until it reaches its final destination. The transshipments, movements, and inspections to which each packet has been subjected shall be recorded on this certificate. The duplicate copy shall be forwarded by the Customs administration to the diplomatic agent of the country of destination accredited to the Government of the despatching country.

The bills of lading or way-bills shall be made out to "persons designated by name". Declarations shall be required in respect of transshipments from one port to another within the same country, or from one means of transport to another within the same country.

*Article 5.*

The High Contracting Parties undertake to prohibit the warehousing, even in the free ports and zones of their territories, of the products referred to in the preceding article of the present Convention, unless they have been warehoused by duly authorised persons. These persons shall be responsible to the Government of the country in which the products are warehoused for any importation of these products into or exportation from the territory of the said country.

With this object in view, products introduced into the national territory shall be subject to the provisions of Article 3 of the present Convention and products exported shall be subject to the provisions of Article 4.

In order to ensure the carrying out of the present Article, it shall be strictly forbidden, on pain of the penalties laid down in Article 7, to store such products in free warehouses.

*Article 6.*

Consignments sent as international postal packets and packets or parcels sent through the post shall be subject to the same formalities as other consignments.

*Article 7.*

Any of the substances referred to in Article 14 of the Convention of 1912 and any quantity of raw opium found in the possession of an unauthorised person may be seized. The possessors of such products shall be liable to imprisonment or to exemplary fines; both these penalties may be awarded in conjunction.

The same penalties shall be imposed on persons who, in contravention of the provisions of Articles 3, 4 and 5 of the present Convention, shall have imported, exported, or warehoused, or attempted to import, export or warehouse, any of the products referred to in the preceding paragraph, or who shall have assisted in the import, export, or warehousing of these products.



*Article 8.*

The High Contracting Parties, whose respective codes of law do not at present, confer adequate powers for the punishment of the offences referred to in the preceding Article, undertake to adopt, or to submit to their respective Legislatures, such measures as may be necessary to ensure that these infractions shall be punished in a manner appropriate to their gravity.

*Article 9.*

The High Contracting parties undertake to exercise the utmost vigilance in discovering any persons who, in contravention of the provisions of Articles 3, 4 and 5 of the present Convention, import, export or warehouse, or attempt to import, export or warehouse, the products referred to in these articles. Instructions in this sense shall be given to the officials and to all other persons possessing the legal status and authority empowering them to obtain information which would throw light on the existence of contraband trade.

Any discoveries of contraband trade, and any indications pointing to the existence of such trade, shall be communicated, as circumstances require, either to the authorities in the place of destination or to the diplomatic and consular agents concerned or to any other competent authorities.

*Article 10.*

Each of the High Contracting Parties undertakes to constitute or to designate an authority whose task it shall be to centralise all information on trade with foreign countries, carried out in contravention of Articles 3, 4 and 5 of the present Convention; this authority shall be permitted to correspond directly with the corresponding offices constituted in the countries of the respective contracting parties.

A list of these authorities shall be published periodically by the Secretary-General of the League of Nations.

*Article 11.*

The provisions of the Convention of 1912 and those of the present Convention which apply to the substances referred to in Article 14 of the Convention of 1912 shall also apply to synthetic cocaine.

*Article 12.*

The provisions of Articles 4 and 5 of the Convention of 1912 regarding the import and export of raw opium shall also apply to coca leaves.

*Article 13.*

Any laws and regulations which are adopted in execution of the Convention of 1912 and of the present Convention shall be communicated to the Secretary-General of the League of Nations, who shall forward copies to all the Powers parties to these Conventions.

*Article 14.*

The present Convention shall remain open for the signature of the High Contracting Parties until it shall be permissible for Powers which have not signed by that date to adhere to it.

*Article 15.*

The High Contracting Parties agree, as regards those contracting Powers who may not have signed the Opium Convention, signed at The Hague in 1912, or who having signed that Convention have not yet ratified it, that the ratification of the present Convention shall be equivalent in all respects to the signature or ratification of the Convention of 1912 and to the signature of the special Protocol which was opened at The Hague in conformity with the resolutions of the Third Opium Conference held in 1914 with a view to bringing that Convention into force.

The Secretary-General of the League of Nations shall send to the Government of the Netherlands a certified true copy of the Minutes of the deposit of the ratifications of the present Convention, the Netherlands Government hereby agreeing to receive such Minutes as equivalent to the deposit of ratifications for the Convention of January 23rd, 1912, and to the signature of the additional Protocol of 1914.

*Article 16.*

The present Convention shall be ratified.

The ratifications shall be deposited with the Secretary-General of the League of Nations, who shall notify all the High Contracting Parties accordingly.

DRAFT CONVENTION ON OPIUM, PROPOSALS BY M. BOURGOIS, REGARDING STATISTICS.

M. Bourgois proposes to append to the Convention the following *special Protocol* to be signed at the same time as the Convention :

“The High Contracting Parties, being desirous of providing more fully for the execution of Article 21 (paragraph *b*) of the Hague Convention of 1912 concerning the communication of statistical information in regard to the traffic in raw opium, morphine, cocaine and their respective salts and in the other drugs, salts or preparations referred to in the said Convention.

“Undertake to communicate to each other this information in as great detail as possible, through the permanent Secretariat of the League of Nations, and to use their best endeavours to indicate the ultimate destination of the different products in these statistics.”

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Appendix 5.

NOTE BY M. HENRI BRENIER ON A SYSTEM OF CONTROL WITH INDIRECT LIMITATIVE EFFECTS.

The mandate entrusted by the Council to the Committee is to prepare a series of agreements with a view to the limitation of the production of morphine, heroin, cocaine and the raw materials which have to be exported for the manufacture of these drugs.

*Limitation of production* : Such is the essential aim. It is possible to differ as to the means to achieve this aim ; all that matters is that it should be achieved in the best possible way.

The system of direct limitation raises objections which it is useless to re-state, as they have been fully presented and discussed at the former sessions. It is sufficient to recall here that, admitting that the figure of 450 milligrammes of opium per head per annum can be considered as reasonable (and it will certainly be criticised with some ground), the real difficulty will lie in the apportioning, *especially in an apportionment which can be continually revised*. Speaking in my capacity of director-general of a chamber of commerce of things which I know by daily practice, I do not think, in all sincerity, that it will be possible to obtain in advance from a manufacturer (or, which comes to the same thing, from the country party to the agreement, on his account), who will have laid out large sums of money for the equipment of a manufacture proportioned at a given moment to a given market, the engagement to surrender his share of a legitimate market, merely for the pleasure of admitting a competitor whose country has decided to manufacture morphine, for instance, for its own needs and for a part of the external market. The alternative will be that the manufacturers in possession of the markets will refuse to admit this hypothesis — or this reality, when it takes place. Each country, having, by definition, the right to manufacture for its own needs and, once more, for a certain part to be exported, will be afraid, if it signs a convention, of being exposed to the discussion of the limitations of its right when the time comes and to conditions with which it is unacquainted by a consortium of *beati possidentes* with full information and well-equipped.

The system of direct limitation appearing to be confronted with obstacles which are practically insurmountable, can there be realised an *indirect limitation* by a very strictly organised national and international control ? The whole purpose of this note is to examine this possibility.

If a system can be organised by which each country will only be able to *receive in fact* what it requires for its legitimate medical needs and to export to any other country what this country really requires for its own legitimate medical needs (which it must know better than anyone else, but which may vary), it seems that the *optimum* will be realised. The practical consequence would be a limitation, since it is absolutely certain that the actual production of raw stuffs and of manufactured drugs is greatly in excess of legitimate requirements ; and this limitation would not result from an apportionment on an uncertain basis and a necessarily arbitrary one, but from the *working itself* of a system which it would be very difficult for anyone to refuse to accept, because it will respect the sovereignty and liberty of each country in the full measure compatible with the *common good* in view, *i.e.*, the limitation of an unquestionable physical and moral evil.

Let us examine the different cases which can occur.

It must first be recalled, however, that it goes without saying that the good faith of the contracting parties is presupposed. Without this, no result can ever be reached. A certain proportion of fraud will doubtless always be inevitable, but it will be reduced to a minimum compatible, with human imperfection. In addition, this good faith is necessary too for the success of *direct* limitation. If it cannot be secured in the easier system — that of *control with limitative effects* — it is still more to be feared that it will be absent from the more difficult and more complicated system — that of direct limitation with apportionment.

First, how a country can receive, and allow the internal circulation of, only what it requires for its own legitimate medical needs.

A. As to raw stuffs, that is to say, opium and coca leaves and raw cocaine :

(a) *Limitation* of the number of persons authorised by a central (and not a local) authority to import the raw stuffs ;

(b) Precise identification of these persons (names, addresses, etc.) ;

(c) Special packings for the raw stuffs admitted ;

(d) *Limitation* of the number of ports or frontier towns by which the raw stuffs may be admitted and obligatory consignment to special premises (bonded warehouses), in order that they may be verified or stocked whatever may be the final destination ;

(e) *Limitation* of the number of towns in the interior in which the raw stuff may be stocked after import (in the same way as the tobacco bonded warehouses in France) ;

(f) *Interior circulation* only under the regime of permits ("acquit à caution") with effective money deposit, the permit to be endorsed by the competent authority of the place where the goods are to be finally stocked, that is to say, by the staff in charge of the interior bonded warehouses, within a compulsory delay, which must not be too long (according to the distance from the port of entry).

This would apply also to transport from one interior bonded warehouse to another or from a bonded warehouse in a port to another bonded warehouse in a port, in view of re-export or transit.

(g) Supervision and "exercise" of the interior bonded warehouses ;

(h) Obligatory registration in official forms in order that all the movements of the merchandise, whatever they may be, shall be recorded, the verification of these registers to be possible at any moment ;

(i) *Limitation* of the quantities to be imported for a country's own needs (manufacture of the three drugs in question, or opium needs of the ordinary pharmaceutical kind, veterinary and scientific needs).

There is nothing to prevent — and it would even be most useful from the point of political experiment — each country, in fixing its requirements, making use of the figures which the Opium Committee and the Health Committee have reached, or will reach, as constituting a credible basis for these requirements. But it is quite a different thing to proceed to an experiment of this kind ; it is quite different for a country to apportion itself spontaneously, in *globo* (and even perhaps in detail) in the interior of the country itself on a basis which it has freely chosen, having in view national public health and generous participation in an international humanitarian work. To do this is quite a different thing from submitting to the imposition from outside of an apportionment by interested producers who are in fact in possession of a *quasi* monopoly.

Things must be represented as they are.

It will be answered that if things are left to the choice of the different countries, quite a number of them will not, although anxiety for the public health should lead them to do so, fix reasonable maximum quantities of raw stuffs to be imported, especially as they will be desirous of participating in a world commerce by export or re-export.

It will be explained in a moment how a country can *defend itself* against the surplus coming from an over-stocked country, and what will happen in countries which shall have admitted to their home markets more opium and coca leaves than they can re-export ;

(j) *Limitation* of the number and permanent supervision by special officials residing on the premises (what we call "exercice" in France), and by inspectors whose visits must be frequent, of the manufactures of morphine, heroin and cocaine. As a matter of fact, let it be said in passing, it appears difficult not to submit to the same regime the manufacture of codeine, but this is a special question. In France, sugar factories and refineries are "exercés" and not a single kilogramme of sugar enters or leaves without the cognisance of the administration. The internal circulation of morphine, heroin and cocaine, even if it is destined to pharmaceutical chemists, and every dispatch to another country, will thus be completely controlled.

As to pharmaceutical chemists receiving raw opium for the preparation of ordinary medicines, their number cannot be limited nor the quantities which they may receive. But their opium will have passed through bonded warehouses on arrival at a specially appointed port (or frontier town) and can only be re-dispatched under permit. The Government will know exactly what each has received and all abuses can be repressed, the more so in that the supervision will be completed by the obligation of special registration of receipts and sales, verified by inspection. It is perfectly admissible that pharmaceutical chemists shall not be allowed to receive raw cocaine. It will only be permissible for them to have in their possession cocaine coming from "exercé" manufacturers, as has been explained above.

In addition, if it is contested that all this supervision is too difficult of organisation, I would recall that at the present moment France does not cultivate one kilogramme of tobacco above what is allowed by the Government and that the supervision of the circulation in spirits is also very strict. The application of the system of direct limitation would, in addition, entail restrictions, the organisation and putting into force of which would be still more difficult.

It will be said that France and the other big countries are ultra-administered. How can one hope that measures of the same kind (I mean as effective) can be taken in Turkey, Persia or China?

But, as a consequence of strict control organised by centralised countries, resulting from an agreement between themselves on identical bases which must be accepted by everyone, the production will be limited in less centralised countries with a different mentality. Let us suppose that the seven large countries actually producing the manufactured drugs: Germany, the United States, France, Great Britain, Japan, the Netherlands and Switzerland, should come to an agreement on a strict system of national and international control, in a sincere desire to co-operate with a view to remedying an unquestionable evil—is it thought that the countries producing raw stuffs will be able to flood them against their will?

The countries producing the raw stuffs, it will be said, will supply other countries than the seven above mentioned, or they will start manufacturing themselves. But, first, the equipment of a factory, if it is to be an economic success, is not an easy thing. How many manufacturers of heroin, morphine and cocaine are there at the present time in the whole world? Besides, one must start from the hypothesis that everybody will undertake to introduce measures of effective control which will have been agreed upon, and that the League of Nations will supervise the application of the conventions. If some countries refused to accept even measures of control it would be another matter, but those countries would *a fortiori*, be still more opposed to an apportionment. What I have just been saying relates only to countries which are not so well equipped for effective control as large countries with modern administration. It will be for the fittest to defend themselves against the abuses of the less fit, and the latter, failing an outlet, will be obliged to fall into line after a short period. Let us, then, revert to the demonstration that a system can be organised in virtue of which a country will only be able to receive the quantities of the raw stuffs and drugs in question which correspond to its legitimate medical needs. The demonstration has just been made in regard to raw stuffs (opium and the coca leaf<sup>1</sup>). Let me add, however, one more measure. Suppose that France has decided, all told, that it needs 20,000 kg. — I take any figure — of opium. The central administration (I am still speaking of France) will be kept informed every day of all the arrivals in the ports of a limited quantity for persons and destinations equally limited and perfectly known. When the total of the imports shall have reached, say, 16,000 kg. :

1. The specially authorised importers (whose individual imports at the time of the warning the administration will always know) will be warned that they may not import for the current year more than the remainder which will be fixed for the rest of the year, in proportion to what they have already imported, or in any other equitable manner.

2. The bonded warehouses in the ports (or frontier towns) where imports are authorised will also be warned by the central Government of the quantities they may still receive, by a proportionate quota of the kind which has just been explained.

3. Any quantity arriving in a port for an authorised consignee, in excess of what remains due to him of his total annual quota, will be held at his disposal for the following year and kept without his being obliged to pay any dues in the bonded warehouse. This gratuity is justified by the fact that the order has been given by the interested party before he knew his quota for the current year had been reached.

This only applies to manufacturers transforming raw stuffs. Pharmaceutical chemists — whose profession is regulated, or should be, in all countries — will have to sustain the stoppage of the imports of raw opium to be used in ordinary medicines. But the port bonded warehouses, which will always have an excess of raw stuffs, will be authorised to provide towns in the interior where the pharmaceutical chemists have an insufficient quantity of raw opium, if this raw opium is really required by them. Nothing can prevent a State administration from ensuring this necessary margin (“volant”). Let it be said in passing that it may even be questioned whether a State monopoly of the introduction of the raw stuffs would not be the simplest, the easiest and most effective solution.

#### B. Manufactured drugs coming from abroad (morphine, heroin, cocaine).

It has just been shown a State can follow exactly — with the reservation, naturally, of contraband, which is always possible but which will be more and more closely followed up — any quantity of opium, coca leaves or raw cocaine entering a country or circulating in a country, so that no single package can escape and so that, consequently, the imported or circulating quantities shall not exceed the legitimate medical and scientific needs. In regard to the three drugs (morphine, heroin and cocaine) and any other drugs it may become necessary to control coming from abroad, identical measures can be taken with the same result. The difficulty will be greater because: first, dissimulation will be easier, since the articles are smaller; secondly, the number of the consignees (pharmaceutical chemists *alone*) is larger. But, leaving aside once more contraband, if the same series of formalities and controls is applied, the aim will be achieved. There remains the special question of postal packages, which is much more difficult to deal with and for which special international measures will have to be taken, but these measures are possible and they can be adequately effective.

<sup>1</sup> As to synthetic cocaine, the result would be obtained by the matriculation and the supervision and “exercice” of the chemical manufactures producing it.

A country, therefore, can, once more, really limit to its own legitimate medical and scientific needs the quantities of raw stuffs of the three drugs in question which it may receive and allow to circulate within its frontiers.

But what about exports, including re-exports, which, in a system of simple control and not of previous apportionment, a country can send to other States? How can a country be compelled to send to other countries only what they require for their legitimate medical and scientific needs? This is the second question.

*How a country can be compelled to export to other countries in opium, coca leaves, raw cocaine, morphine, heroin and cocaine only what corresponds to the legitimate medical and scientific needs of these countries.*

This result can only be obtained by a generalisation of the actual system of import certificates or any other analogous system. This system can be defined in a word.

All the signatory Powers will have explicitly to undertake not to allow any export for abroad from the bonded warehouses in the ports or frontier towns, through which any raw stuffs or drugs will always have to pass before export, except when an official certificate has been shown from the country of destination stipulating that a specified and named quantity of the aforesaid may be imported by such-and-such a known consignee.

Evidently, this is the basis which nothing can replace; but, if the organisation of the control in the country of destination is well conceived, this country will only receive what it really needs, as has been seen. The essential aim of the preoccupation of public international health and morality which inspires all our work will be achieved. It is not limitation for the theoretical pleasure of a limitation on principle that is sought, but limitation to legitimate needs. Once more, these needs alone will be satisfied by the present scheme.

On the other hand, it is certain that a country which has abused its share in an international traffic, to the extent to which this traffic is legitimate, by hoarding up — with a view to flooding other countries — the two raw stuffs and the three drugs with which we are dealing, will never begin to do this again. Those of its nationals who have “played this little game” will have lost too much by it. This natural, direct and pecuniary penalty is far preferable to a boycott.

I can only very shortly point out at the end of this note, which is already too long (but which was drafted in great haste and in peculiar circumstances, in an insufficient form), some of the complementary measures which are none the less essential and which will have to find their place in the international agreement.

1. The High Contracting Parties will have to bind themselves to publish, within a delay which will have to be specified, legislative and administrative measures on the basis which will have been agreed upon. They will have to bind themselves to communicate these measures in their entirety to one another in a certain number of copies at the same time as they will be centralised by the League of Nations. The same rule will have to apply to any modification of these laws or enactments.

2. The League of Nations will have the right to be informed by annual reports of the measures taken and of the results obtained.

3. Penal sanctions of a severe character, and as far as possible identical, or in any case analogous, will have to be provided for. Statistics of legal prosecutions will have to be mutually communicated and sent to the League of Nations. The more important cases of contraband will have to be notified immediately, with all useful details, to the Government or Governments interested and to the League of Nations.

4. The future Convention will have to contain precise stipulations on the form of the statistics to be supplied and the period within which they must be forwarded.

It will be necessary, among other things, that the Convention should specify that the interior Customs statistics of each country will have to take a special form for the drugs in question without waiting for each country to proceed itself to a complete revision of its system of statistics. This is a special question which can be solved apart from the rest. In this respect, the report by Mr. Chapman, submitted in 1923, to the Sub-Committee over which I had the honour of presiding, can be utilised profitably.

5. It will be necessary to come to a special agreement with the International Parcels Post Bureau in Berne on the subject of the circulation and control of parcels post.

6. It will also be indispensable to provide special regulations for transport by sea, river, canal, land and by air. Special obligations will have to be imposed on transporters (shipping companies, railways, automobile companies and air services).

7. It will be indispensable to revise any existing international convention on the subject of transit, so as to exclude the raw stuffs and drugs covered by the Convention, except under the guarantees which will have been agreed upon.

By these measures of simple control, but of a total and effective control, if there is added the good faith which must always be supposed and the patience which is necessary in any human enterprise, especially when pecuniary interests and morals are equally involved, the end we all have in view will certainly be achieved.

(Signed) Henri BRENIER.

Geneva, July 12th, 1924.

## Appendix 6.

### OBSERVATIONS BY THE NETHERLANDS GOVERNMENT WITH REFERENCE TO THE SECOND OPIUM CONFERENCE, NOVEMBER, 1924.

The object of the Opium Conference which will open on November 17th, 1924, is to limit to the quantities required for medical and scientific purposes :

(a) The quantities of morphine, heroin, cocaine and their respective salts which may be manufactured ;

(b) The quantities of raw opium and coca leaves which may be imported for that purpose ;

(c) The output of raw opium and coca leaves for export.

The Royal Government considers that the limitation of manufacture or production, as proposed by the Conference, can only be successful if all countries in which such manufacture or production takes place accept the proposed regulations, if other countries undertake not to commence such manufacture or production, and if control is effectually exercised in all countries.

In view of the fact that certain of the principal opium manufacturing countries have not yet adhered to the Opium Convention and that very few countries have as yet adopted the import certificate system, it seems improbable that the foregoing conditions will be fulfilled in the immediate future.

On the other hand, the Government thinks that the general and effectual putting into force of the Opium Convention and the import certificate system, or some other similar system, would be an adequate measure against the abuse of opium, and the limitation of production and manufacture would no longer be necessary<sup>1</sup>.

In this connection, the Government would point out that any such limitation would inevitably involve a rise in prices on the lawful, no less than on the illicit, market, with the result of restricting the use of narcotics for medical purposes.

If, however, it is proposed to consider the possibility of limiting production and manufacture, the Government ventures to suggest that attention should first be directed to coca, and that it might afterwards be considered whether the proposed measures would also be applicable to opium.

This appears to be the best procedure, because limitation would be less difficult in the case of coca than in the case of opium, inasmuch as the poppy can be cultivated in all climates, and is actually cultivated in a number of countries in which effectual control is impossible. Coca, on the other hand, is only produced in a few areas.

Although it cannot be definitely laid down that the production of coca would be quite impossible in any non-tropical country, there is no doubt that coca cannot be produced in every climate. Those countries, however, whose climate is not definitely unfavourable to the cultivation of coca, but which do not at present cultivate it, should undertake not to do so in the future.

The Royal Government is of opinion that it would be well to consider, in the first place, whether the best means of attaining the object in view would not be to establish a syndicate under effective control.

Should any serious objection be raised to this suggestion, the Netherlands Government thinks that the limitation of the production of the coca leaf should be considered ; for it is obvious that restrictive measures would be more effectual if directed against raw materials of large bulk and small value than against manufactured products of small bulk and large value, which are often produced by complicated processes.

The first necessity will be to determine the area at present under cultivation. On the basis of data furnished principally by the League of Nations, the Netherlands Government has compiled the following summary of coca cultivation.

The world consumption of cocaine in 1910 has been estimated at from 13,000 to 15,000 kilogrammes (15,000 kgs, being approximately equal to 500,000 ounces) ; in the years following 1910, the consumption would appear to have diminished.

Coca has always been cultivated in Peru and Bolivia. Its cultivation has also been introduced into Java, Ceylon, and Formosa<sup>2</sup>. In Formosa, the cultivation of coca is only in its infancy (the area under cultivation is 201 hectares), and in Ceylon, it is inconsiderable ; the only countries which produce large quantities, therefore, are Peru, Bolivia and Java.

If it is correct that Bolivia does not export either coca leaves or raw cocaine, and if we disregard the output of Japan and Ceylon, it follows that Peru and Java produce the coca leaves which form the raw material for all the cocaine manufactured in the world. In this connection,

<sup>1</sup> Compare the results obtained in Italy (Minutes of the ordinary session of the Permanent Committee of the Office international d'Hygiène publique, October 1923, page 32) and in the United States ("Pharmaceutish Weekblad", 1924, No. 4, page 83, which contains a summary of an article by Colonel L. G. Nutt, published in "Drug and Chemical Markets, January 2nd, 1924, page 9.

<sup>2</sup> The cultivation of coca in Mungpoc, Jamaica, Zanzibar, the Cameroons, Gabun, St. Thome and Brisbane, mentioned by Hartwig in "die Menschlichen Genussmittel", and in the Straits Settlement is purely experimental and has at present no importance in connection with the question under consideration.



there is an important difference between the two countries : cocaine can be extracted direct from the South American coca ; Java coca merely yields ecgonin, from which cocaine can be manufactured synthetically. Consequently, Java coca is not used as a stimulant by the natives. In Java, where the area under cultivation in 1922 was about 1,400 hectares, the coca leaf is cultivated purely for export, whereas in Peru almost the entire output of the coca leaf (the figures are unknown) is consumed by the people of the country, who chew the leaves mixed with chalk.

The following table — which is based, in the case of the Netherlands, partly on unofficial data — shows the quantities of coca leaves which were available for export in 1920, 1921, and 1922 and the quantities of cocaine which they would yield. It has been assumed that the coca leaf has a raw cocaine content of 0.8 per cent of the original weight, and that raw cocaine yields 75 per cent cocaine.

Year	Java leaf. kgs.	Peruvian leaf. kgs.	Peruvian raw cocaine. kgs.	Total potential quantity of cocaine. kgs.
1920.....	1,707,438	453,067	1,637	14,190
1921.....	1,072,673	87,849	157	7,081
1922.....	1,283,503	124,357	862	9,093

In this table, however, the percentages taken are probably incorrect ; it appears from Annex V of the Minutes of the Fifth Session of the Advisory Committee on Opium (C. 418. M. 184, 1923, page 154) that the quantity manufactured in Japan alone was as much as 2,324 kilogrammes in 1921 and 3,680 kilogrammes in 1922.

The Peruvian coca leaf was exported principally to the United States, Great Britain and Iquique (Chile) ; the cocaine was exported to the United States, Germany and Japan. No cocaine salts or other than raw cocaine are manufactured in Peru.

The coca leaf produced in the Dutch Indies was exported principally to the Netherlands :

in 1920.....	1,397,820 kilogrammes
in 1921.....	615,282     »
in 1922.....	903,290     »

and, to a less degree, to Japan, particularly during the last few years :

in 1920.....	295,428 kilogrammes
in 1921.....	452,634     »
in 1922.....	378,307     »

A large proportion of the coca leaf imported into the Netherlands is re-exported — chiefly to Germany, but also to France, Switzerland and America.

The first condition for securing an effective limitation of production is that all countries should adhere to the Opium Convention and should accept the import certificate system. Countries will also have to undertake to communicate without delay all data relating to the area under coca cultivation and to imports and exports (including consignments by parcel post), with a view to facilitating mutual control. It will also be necessary to ensure that countries which do not at present cultivate coca do not undertake its cultivation in the future. The problem might be more easily solved if coca cultivation could be stopped in Formosa, Ceylon and the other districts in which it is as yet in its infancy. Its suppression in those places might prove necessary in view of the fact that the cultivation in other countries will have to be reduced to a much greater degree.

We shall then have to consider whether the cultivation of coca leaves for home consumption in Peru and Bolivia should be left unregulated, and, if so, whether the secret exportation of the coca leaf and of raw cocaine could be prevented — a much more difficult question.

An attempt must be made to establish an equitable proportion for the allocation between producing countries of the quantity of coca leaf to be employed in the manufacture of cocaine. In view of the varying cocaine content of the coca leaf in different countries, and in different harvests in the same country, this proportion must be based not only on the quantity of coca leaf but also on its cocaine content.

Care will have to be taken that notwithstanding the restrictive measures which may be taken in the cultivation of the coca leaf, the world market remains sufficiently profitable for production to be maintained. Moreover, should cultivation be limited to certain countries, measures will have to be considered for ensuring a sufficient supply for the medical needs of the different countries in time of war.

It is generally agreed that the quantity of cocaine at present available is much too large for the medical and scientific needs of the whole world. Nevertheless, great prudence will have to be exercised in imposing restrictions, so as to permit of due consideration of various consequences of restriction. Prudence is especially necessary, inasmuch as the exact figures of production and of the quantities required for medical purposes are not known.

Measures will have to be devised to prevent illicit trade from getting hold of the cocaine intended for medical use, and to ensure that it will always be possible to obtain cocaine for legitimate purposes at a reasonable price. It will therefore be necessary to make provision for the possibility of a bad crop, and for an increase in the legitimate needs of Eastern countries, in which the employment of European remedies is constantly becoming more frequent.

It should not be forgotten that a *proportional* restriction of cultivation in the various countries would not produce the desired result, first, because an extensive cultivation is needed in Peru for internal consumption, and, secondly, because the yield does not depend solely on the area under cultivation, but also on the intensiveness of the harvesting process.

Control of exports will therefore be a *sine qua non*. In the case of Java, such control will be easy, as cocaine leaves are always exported in large quantities, and no raw cocaine is exported from the Island. Control will be much more difficult in cases like that of Peru, in which exports take the form of raw cocaine, which has very small bulk.

Lastly, it will have to be realised that cocaine can be manufactured synthetically, independently of the coca leaf. Should industry and commerce find it to their interest to adopt this process, all measures tending to restrict the cultivation of the coca leaf will probably become useless. In this eventuality, no control could be exercised over the importation of raw products, and clandestine manufacture — which is quite out of the question with Java coca — would be greatly facilitated while control of the illicit trade would be severely handicapped.

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#### Appendix 7.

#### MEETING OF THE FIFTH SESSION OF THE OPIUM ADVISORY COMMITTEE IN MAY 1923.

##### *Resolution II.*

The Advisory Committee, having regard to the large amount of detailed information now available, recommends the Council to invite the Powers with Far Eastern territories, where the use of opium for smoking is temporarily continued in pursuance of Chapter II of the Opium Convention, to enter into immediate negotiations, by means of calling a special conference of representatives of these Governments, or otherwise, to consider what measures should be taken to give a more effective application to Chapter II of the Convention and to bring about a reduction of the amount of opium used, and whether, on the lines of the suggestions set out below or on other lines, an agreement or understanding could not now be reached for the adoption of a uniform policy on the matter :

I. That the farm system, where it is still in operation, should be abolished, and that the opium business should be made a Government monopoly and kept entirely in the hands of the Government.

II. As a corollary of paragraph I, that the retail sale of prepared opium should be made only from Government shops, and that all private shops should be abolished. Persons in charge of Government shops should be paid a fixed salary without any commission on the amount of business done, and therefore would have no temptation to push the sales.

III. That a uniform maximum limit should be fixed for the amount of prepared opium placed on sale for consumption, calculated according to the number of the adult Chinese male population, *e. g. x.* taels per 10,000 adult Chinese males in the territory, and that the annual imports of raw opium should be limited to the amount required for that rate of consumption.

IV. That the possibilities of the system of registration and licensing, which has already been introduced in some of the Far Eastern territories, should be thoroughly explored.

V. That the possibility should be considered of making uniform, so far as circumstances permit :

- (a) The price at which prepared opium is retailed in the different territories, and;
- (b) The penalties for infraction of the law in regard to the import, export, sale and use of prepared opium.

VI. That the interested Powers, that is, the Powers having territories in the Far East where the consumption of prepared opium is still permitted, should conclude an agreement among themselves to apply the foregoing measures for the purpose of carrying out Chapter II of the Convention.

VII. That the position should be generally reviewed periodically by the Powers interested and the question of further reducing the maximum limit fixed in the agreement should be considered.

Annex 2.

A. 32 (a) 1924. XI.  
O. C. 216 (5).

GENEVA, August 16th, 1924.

MEASURES SUGGESTED BY THE ADVISORY COMMITTEE AS A BASIS FOR THE  
DELIBERATIONS OF THE SECOND CONFERENCE, NOVEMBER 1924.

PART I.

1. That each country shall furnish an estimate of its annual import requirements for medical and scientific purposes, whether for domestic consumption, manufacture or commerce, of

- (a) Raw opium.
- (b) Coca leaves.
- (c) Morphine, its salts, and preparations containing morphine.
- (d) Heroin, its salts, and preparations containing heroin.
- (e) Cocaine, its salts, and preparations containing cocaine.

2. Each Government undertakes to refuse to authorise the importation into its territory of any of the substances mentioned in Article 1 beyond the quantities specified in the estimates furnished by it in pursuance of Article 1. The foregoing provision shall not prevent the Government of a country, in which the use of opium for smoking purposes is still temporarily permitted under Chapter 2 of the Hague Convention, from authorising the importation of raw opium, in conformity with the provisions of Chapter 2 of the Convention, until such time as the use of opium for smoking purposes shall have been definitely prohibited.

3. A permanent Central Board, composed of experts, shall be constituted by the Council of the League on the advice of the Opium Advisory Committee.

4. The Governments agree to send to the Central Board :

- (a) Their estimates of their annual import requirements in pursuance of Article 1.
- (b) Within three months after the end of each quarter, statistics of their imports from each country and of their exports or re-exports to each country during that quarter and, within three months after the end of each half-year, statistics of their manufactures during that half-year and, if possible, the stocks in the hands of the wholesale dealers at the end of the half-year, of each of the substances mentioned in Article 1.
- (c) Within three months after the end of each year, the total quantity of each of the substances mentioned in Article 1, consumed as such in the country during the year.

The Central Board will communicate periodically to all Governments the position as regards the exports and re-exports to each country.

Should it appear that the imports of any of the substances mentioned in Article 1 already received in any country during the current year have exceeded the amounts specified in the estimate furnished by that country, the Central Board shall call the attention of the Governments specially to the fact. Each Government undertakes not to export any further consignment of the substance in question to the said country during the same year, unless a revised estimate of its requirements shall have been furnished by the country.

5. If any country furnishes no estimate of its requirements in pursuance of Article 1 or furnishes an estimate which appears to the Central Board to be greatly in excess of the reasonable requirements of the country and to be likely to be used in part for the illicit traffic, the Board shall fix the amounts of the reasonable requirements of that country after taking into account its population, climatic and hygienic conditions and all other factors which appear to the Board to be relevant, as well as any other special circumstances which the said country will be at liberty to submit to the Board. The Board shall notify the amount so fixed to all Governments. Each Government agrees not to allow the export to that country of amounts which, taken in conjunction with the exports from other countries, will exceed the amounts fixed by the Board.

6. If any Government of any country which has commercial relations, in the matter of the substances mentioned in Article 1, with a country for which an amount has been fixed by the Board in pursuance of Article 5 or Article 7, paragraph XIII, considers that it is undesirable to limit exports to the latter country to the amount so fixed, it shall have the right to demand that a special conference of all the countries which have such relations with the said country shall be summoned to consider whether such limitation or any other measure should be put into force.

PART II.

7. The provisions of the Hague Convention of 1912 shall be amended as follows :

(I) Article 2 shall be extended to apply to coca leaves.

(II) The following article (numbered *2bis*) shall be added to the Convention :

“Each Contracting Power shall require that a separate import licence must be obtained for each importation of raw opium or coca leaves. The licence may allow the importation of the amount for which the licence is given in one or more consignments within a period to be specified in the licence.”

(III) Article 3 shall be replaced by the following article :

“Each Contracting Power shall require that a separate export licence must be obtained for each exportation of raw opium or coca leaves. The Contracting Power, before issuing such licence, shall require an import certificate, issued by the Government of the importing country and certifying that the importation is approved, to be produced by the person applying for the licence. The licence may allow the exportation of the amounts for which the licence is given in one or more consignments within a period to be specified in the licence. Unless a copy of the export licence accompanies the consignment, the Government issuing the export licence shall send a copy to the Government of the importing country. The Government of the importing country, when the importation has been effected, shall return the export licence with an endorsement to that effect to the Government of the exporting country.

“In the case of an application to export a consignment to any country for the purpose of being placed in a bonded warehouse in that country, the production of a special certificate from the Government of that country, certifying that it has approved the introduction of the consignment for the said purpose, may be admitted by the Government of the exporting country in place of the import certificate provided for above.”

(IV) Article 5 shall be omitted.

(V) The definition of cocaine in Chapter III shall be modified as follows : “By cocaine is understood the principal alkaloid of the leaves of *erythroxylon coca* having the formula  $C_{17}H_{21}NO_4$ , whether extracted from the leaves of *erythroxylon coca* or produced by chemical synthesis.” (Ecgonine also to be included ?)

(VI) In Article 10 the words “The Contracting Powers shall control” shall be substituted for “the Contracting Powers shall use their best endeavours to control or to cause to be controlled”, and the words “The Contracting Parties shall adopt” shall be substituted for “The Contracting Powers shall use their best endeavours to adopt or cause to be adopted.”

The words “or shall make to the competent authorities an official declaration that they are so engaged ” shall be omitted.

The words “This rule shall not necessarily apply to medical prescriptions and to sales by duly authorised chemists” shall be omitted.

(VII) Article 12 shall be replaced by the following article :

“Each Contracting Power shall require that a separate import licence must be obtained for each importation of any of the substances of which Chapter III applies. The licence may allow the importation of the amount for which the licence is given in one or more consignments within a period to be specified in the licence.”

(VIII) Article 13 shall be replaced by the following article :

“Each Contracting Power shall require that a separate export licence must be obtained for each exportation of any of the substances to which Chapter III applies. The Contracting Power, before issuing such licences, shall require an import certificate, issued by the Government of the importing country and certifying that the importation is approved, to be produced by the person applying for the licence.

“The licence may allow the exportation of the amount for which the licence is given in one or more consignments within a period to be specified in the licence.

“Unless a copy of the export licence accompanies the consignment, the Government issuing the export licence shall send a copy to the Government of the country of importation.

“The Government of the importing country, when the importation has been effected, shall return the export licence, with an endorsement to that effect, to the Government of the exporting country.

“In the case of an application to export a consignment to any country for the purpose of being placed in a bonded warehouse in that country, the production of a special certificate from the Government of that country, certifying that it has approved the introduction of the consignment for the said purpose, may be admitted by the Government of the exporting country in place of the import certificate provided for above.”

(IX) For the purpose of ensuring the full application and enforcement of the provisions of the Hague Convention, as amended by this agreement, in free ports and free zones, the Governments undertake to apply in free ports and free zones situated within their territories the same laws and regulations, and to exercise the same supervision and control in respect of the substances covered by the Convention, as amended by this agreement, as in other parts of their territories.

(X) In the case of a consignment of any of the substances covered by the Convention as amended by this agreement exported from one country to another country, which passes through the territory of a third country without being removed from the ship or conveyance in which it is being conveyed except for the purpose of being transferred to another conveyance under the supervision of the authorities of the country of transit, a declaration shall be made to the authorities of the country of transit of the contents of the consignment and the country for which it is destined. If no declaration is made or a false declaration is made, the consignment shall be liable to confiscation by the authorities of the country of transit and the person making such false declaration shall be guilty of an offence.

(XI) No transshipment of a consignment of any of the substances covered by the Convention as amended by this agreement shall be allowed unless the consignment is accompanied by an official copy of the export licence, issued by the authorities of the country of export, or by an official copy of the import certificate, issued by the authorities of the importing country. It shall be made illegal for anyone in the country of transshipment to divert, or attempt to divert, the consignment to any destination other than that named in the official copy of the export licence or import certificate above mentioned, without an export licence from the authorities of the country of transshipment.

(XII) A consignment of any of the substances covered by the Convention, as amended by this agreement, which is landed in any country and placed on a bonded warehouse, shall not be allowed by the Government of that country to be withdrawn from the bonded warehouse to be sent out to another country unless an import certificate, issued by the Government of the country of destination and certifying that the importation is approved, is produced to the authorities of the former country. A special certificate shall be issued by the Government in respect of each consignment so withdrawn and shall take the place of the export licence for the purpose of the preceding provisions of this agreement.

(XIII) In the case of a country which is not a party to this agreement, the Governments undertake not to allow the export to such a country of any of the substances covered by the Convention as amended by this agreement except such amounts as may be fixed by the Central Board as being reasonably required for the medical and scientific needs of the country.

### PART III.

The Conference makes the following recommendations :

1. That each Government should forbid any person within its jurisdiction from procuring or assisting the commission, in any place outside its jurisdiction, of any offence against the laws in force in such place for controlling or regulating the manufacture, sale, use, export or import of any of the substances covered by the Convention as amended by this agreement, and that any person knowingly violating such prohibition shall be liable to punishment.

2. That each Government should forbid the conveyance in any ship sailing under its flag of any consignment of the substances covered by the Convention as amended by this agreement :

(1) Unless an export licence has been issued in respect of such consignment in accordance with the provisions of the Convention so amended and the consignment is accompanied by an official copy of such licence ;

(2) To any destination other than the destination mentioned in the licence.

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#### Annex 2a.

A. 32 (b). 1924. XI.  
O. C. 222.

GENEVA, August 16th, 1924.

#### NOTE-EXPLANATORY OF THE PROPOSALS CONTAINED IN DOCUMENT O.C.216 (5).

The measures suggested as a basis for discussion consist of two parts. The first part consisting of Articles 1 to 6 contains a scheme the object of which is to limit the exports and imports of the drugs and of the raw materials from which they are manufactured to the amounts required for medical and scientific purposes. It has not been thought necessary at the present stage to work out the scheme in full detail, but the essential features are set out in Articles 1 to 6, and Article 7, paragraph XIII. Each country which becomes a party to the agreement will

prepare at, or shortly before, the commencement of each calendar year an estimate of the amounts of each of the raw materials or of the manufactured drugs which it will require to import during the year :

- (a) For consumption in the country for medical and scientific purposes ;
- (b) For the manufacture of the drugs or of other medical preparations ;
- (c) For the export trade.

Each country will undertake that it will not import more of the raw materials or of the manufactured drugs than it specifies in its estimates.

The estimates will be sent to a Central Board established in the manner proposed in the scheme.

The Governments will also send periodically to the Central Board statistics of their imports and exports, their manufactures, and their consumption of the raw materials and of the drugs.

These statistics will enable the Central Board to follow the course of the international traffic, so that whenever it appears that the exports to or imports into any country have exceeded the amounts of the estimates furnished by that country, it will be in a position to notify the Government of that country, and the Governments of other countries, of that fact.

It is intended that the scheme should be worked in as elastic a manner as possible. In the first place, it is not expected that in the early years it will be possible to give exact estimates. At first, the estimates will in many cases necessarily be approximate only, and some margin will have to be allowed for errors in estimation. As experience is gained, the estimates will become more and more precise. In the second place, the estimates furnished by a Government at the commencement of a year will not necessarily be the final estimates for the year. If the estimates should be found by the Government in the course of the year to be insufficient, it will be open to the Government to furnish revised estimates to the Central Board. Or, again, the production of the raw materials will vary from year to year according to the state of the crops. In a year of abundant crops, when prices are low, the manufacturing countries will desire to take advantage of the state of the market and lay in supplies for the future. It will, again, be open to the Governments of such countries to revise their estimates of the supplies of the raw material required during the current year, a corresponding reduction being made in the estimates of the following year.

The experience of the Advisory Committee shows that it has to be anticipated that some countries will not become parties to the agreement, at any rate, not at first, or that they will neglect or declare themselves unable to frame any estimates of their requirements. It may be also that in some cases supplies will be demanded which are greatly in excess of the legitimate requirements of the country and which might serve to supply the illicit trade in the drugs.

It is therefore provided (Articles 5 and 7, paragraph XIII) that in such cases the Central Board shall have the power to fix the amounts which are reasonably required for the medical and scientific needs of the country, after taking into account all proper considerations, such as population, climate, etc., and any special circumstances which the country in question may desire to submit to the Board. The amounts so fixed will be notified to all Governments by the Central Board and the Governments will undertake to limit their exports to that country so that the amounts fixed by the Board shall not be exceeded. As explained above, Governments will be informed by the Central Board when the amounts fixed have been reached.

It has been suggested that political considerations may sometimes make it undesirable for a particular Government or Governments to limit its exports to a country in a case of this kind. To meet this difficulty, it is provided in the scheme that such a Government or Governments may ask for a special conference of the countries trading in the drugs with the country in question to consider whether the limitation should be enforced or some other measures taken.

It will be noticed that Article 1 provides only for estimates of *imports* being furnished. Some countries, however, provide themselves with their requirements of the drugs from their own manufactures, and the estimates furnished in pursuance of Article 1 will, therefore, not give the total requirements of the amounts needed for medical and scientific purposes. It is desirable, however, that the total requirements should be known. If the total requirements of all countries are known, it will be possible to compare the estimates of one country with those of another and so to reach some kind of standard for countries having similar conditions. The total amount of the drugs required to be manufactured to meet the world's medical and scientific needs, and the total amount of raw materials required to be produced, will also be known, and this knowledge should help to stabilise the manufacture of and trade in the drugs.

The second part contains a number of provisions designed to strengthen and give greater precision to the provisions of the Hague Convention, and, in particular, those which relate to the control over the exports and imports of the substances to which the Convention applies. Experience during the three years which have elapsed since the Convention came into force has shown that there are loopholes in the existing provisions by which persons engaged in illicit traffic can evade the control over the national and international trade in the materials and drugs which was the object of the Convention, and that a stricter control must be established if that object is to be secured effectively.

It is accordingly proposed : (1) that a separate licence from the Government shall be required for each consignment imported or exported ; (2) that an export licence shall only be issued by the Government of the exporting country on the production of a certificate from the Government of the importing country that the importation of the consignment is approved (to avoid unnecessary interference with trade, this certificate can be given on telegraphic instructions from his Government by a diplomatic or consular officer of the importing country stationed in the exporting country) ; (3) that a copy of the export licence shall either accom-



pany the consignment or be sent by the Government of the exporting country to the Government of the importing country, and that when the importation has been effected this copy shall be returned, with an endorsement to the effect that the importation has been effected, to the Government of the exporting country.

The first two of these proposals are already being enforced by many Governments. The third is intended as a preventive against diversion of the consignment *en route* for illicit purposes.

Provisions are also proposed to ensure that materials or drugs which are brought into free ports or free zones do not escape control and that, transshipment facilities are not utilised for the purpose of diverting consignments, without authority, to a destination other than that for which the export licence has been issued. Special arrangements are suggested for safeguarding the "entrepôt" trade as carried on by means of bonded warehouses.

Other proposals are that the coca leaf, which is the raw material of cocaine, shall be brought within the Convention, and that the definition of cocaine shall be extended to cover artificial cocaine produced by chemical synthesis.

Finally, the Advisory Committee has appended two recommendations for the consideration of Governments.

The first of these is based on a provision in the British law which has been found extremely useful in dealing with illicit traffickers, who, while residing in one country, organise or arrange for illicit transactions in another country.

The second is intended to meet a very serious difficulty which is caused at present by the lack of any control over the exports from certain producing countries. Large consignments of raw opium without any restriction are being exported to the Far East under false declarations of destination for the purposes of the illicit traffic, and are being smuggled into China and elsewhere. It is accordingly proposed that Governments should exercise a control over the conveyance of opium or the other materials or drugs in ships sailing under their flag.

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### Annex 3.

#### DRAFT RULES OF PROCEDURE.

##### *Article 1.*

The Second Opium Conference consists of the delegates appointed and duly supplied with plenipotentiary powers by the Governments invited to be represented.

The delegates of each Government may be accompanied by technical delegates whose nominations as such shall be notified to the President of the Conference.

##### *Article 2.*

The Secretary-General of the League of Nations shall be responsible for the secretariat of the Conference.

##### *Article 3.*

The plenipotentiary powers of the delegates shall be handed to the Secretary of the Conference as soon as the Conference opens. A committee of five members shall be appointed to examine and report to the Conference on these credentials without delay.

##### *Article 4.*

The Conference may at any time decide to sit in plenary conference or to set up special committees.

##### *Article 5.*

All meetings of the Conference shall be public unless a decision is taken to the contrary. Decisions taken at private meetings shall be announced at a public meeting.

##### *Article 6.*

The President shall pronounce the opening and the cloture of the meetings. Before proceeding to the agenda, he shall bring before the Conference any communications which concern it. He shall direct the debates, accord or withdraw the right to address the Conference, pronounce the cloture of discussions, put questions to the vote and announce the result of the votes.

##### *Article 7.*

No delegate may address the Conference without having previously obtained the authorisation of the President. The President may withdraw the permission to speak if the delegate's remarks be not relevant to the subject of the debate.

In the course of the discussion of any question, any delegate may raise a point of order, which shall immediately be decided by the President.

The technical delegates and experts accompanying the delegates may be allowed to speak, under the same conditions as the delegates.

*Article 8.*

If a delegate desires to appoint a substitute to act in his place, notice in writing must previously be given to the President of the Conference.

The substitute thus nominated may take part in the deliberations of the Conference and may vote under the same conditions as his principal.

*Article 9.*

Speeches in French shall be interpreted in English and *vice versa* by an interpreter belonging to the Secretariat.

A delegate speaking in another language must himself provide for a translation of his speech into French or English.

A delegate may cause to be distributed documents written in a language other than French or English, but the Secretariat is not obliged to have them translated or printed.

*Article 10.*

Draft resolutions, amendments and motions must be communicated in writing to the President of the Conference, who shall cause copies to be distributed to the delegates.

As a general rule, no draft shall be discussed or voted upon unless copies shall have been duly communicated to delegates beforehand.

The President may, however, during the debates, authorise the discussion or examination of amendments without having previously communicated them to the delegates, provided their text has been communicated to him in writing.

*Article 11.*

A delegate may, at any time, request that the debate be closed. The President shall take the opinion of the Conference upon the motion of cloture. If the majority of the Conference approves the motion, the President shall declare the cloture of the debate.

*Article 12.*

Each Government represented shall have one vote.

Voting on formal resolutions to be taken by the Conference shall be taken by a record vote, the names of the delegates being called in the French alphabetical order of the names of the Governments represented, unless the Conference decide otherwise.

All the decisions relating to individuals shall be taken by a secret ballot.

*Article 13.*

At the conclusion of each meeting, a verbatim record shall be prepared by the Secretariat and circulated to the delegates as soon after as possible.

The record of the meeting shall become final forty-eight hours after communication to the Conference.

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**Annex 4.**

**REPORT OF THE COMMITTEE ON CREDENTIALS.**

The Committee has examined the credentials of the delegates ; the result of the examination is as follows :

<i>Countries</i>	<i>Delegates</i>	<i>Powers</i>
ALBANIA	M. Benoit BLINISHTI,	Powers.
UNITED STATES of AMERICA	The Honourable Stephen G. PORTER, Bishop Charles H. BRENT, Assistant Surgeon-General Rupert BLUE Mrs. Hamilton WRIGHT, Mr. Edwin L. NEVILLE,	Full Powers » » »
AUSTRALIA	Mr. M. L. SHEPHERD,	Powers
BELGIUM	M. Fernand PELTZER,	Powers
BOLIVIA	M. Arturo PINTO-ESCALIER,	Powers
BRAZIL	Dr. Humberto GOTTUZO, Dr. Pedro PERNAMBUCO, Junior,	Powers »
BRITISH EMPIRE	Sir Malcolm DELEVINGNE, K.C.B.,	Powers
CANADA	The Honourable Henri S. BELAND, B.A., M.D. Doctor J. A. AMYOT,	Full Powers »
CUBA	H. E. Doctor Aristides AGUERO y BETHANCOURT	Powers

<i>Countries</i>	<i>Delegates</i>	<i>Powers</i>
CZECHOSLOVAKIA	H. E. M. F. VEVERKA,	Powers
FREE CITY OF DANZIG	Doctor CHODZKO,	Full Powers
DENMARK	H. E. Andreas D'OLDENBURG,	Full Powers
DOMINICAN REPUBLIC	Doctor T. BETANCES,	Powers
EGYPT	Doctor el GUINDI, Doctor MAHFUZ, MOHAMED KAMEL Bey,	Powers » »
FINLAND	M. Urho TOIVOLA,	Full Powers
FRANCE	H. E. CLINCHANT, M. DUCHÊNE, M. BOURGOIS,	Powers » »
GERMANY	H. E. M. VON ECKHARDT, M. G. ASCHMANN, Doctor ANSELMINO,	Full Powers » »
GREECE	M. Vassili DENDRAMIS,	Powers
HUNGARY	M. Zoltan de BARANYI,	Powers
INDIA	Mr. J. CAMPBELL, C.S.I., O.B.E., I.C.S. (retired.) Mr. H. CLAYTON, C.I.E., I.C.S.	Powers »
IRISH FREE STATE	Mr. Michael MACWHITE,	Full Powers
ITALY,	The Honourable A. Alfred FALCIONI, M. Pietro SPICA-MARCATAJO, Professor Guido FAHRIS,	Powers » »
JAPAN,	M. Sagataro KAKU, M. YOTARO SUGIMURA,	Full Powers »
LUXEMBURG,	M. Charles VERMAIRE,	Powers
NETHERLANDS,	M. W. G. VAN WETTUM, M. de Kat ANGELINO, Dr. COEBERGH,	Full Powers » »
NICARAGUA	Doctor A. SOTTILE,	Powers
PERSIA	H. H. Prince Mirza Riza Khan ARFA-ED-DOWLEH,	Powers
POLAND	Doctor CHODZKO,	Full Powers
PORTUGAL	H. E. Bartholomeu FERREIRA,	Powers
ROUMANIA	H. E. N. P. COMNÈNE,	Powers
KINGDOM OF THE SERBS, CROATS AND SLOVENES	H. E. M. JOVANOVITCH, M. Milivoy PILYA,	Full Powers »
SIAM	H. H. Prince CHAROON, H. H. Sérénissime le Prince DAMRAS	Full Powers Powers
SPAIN	H. E. Emilio de PALACIOS Y FAU, Doctor Francisco BUSTAMENTE, Doctor Antonio PAGADOR,	Powers » »
SWEDEN	Doctor Erik Rudolf SJOSTRAND,	Powers
SWITZERLAND	H. E. M. DINICHERT, Doctor CARRIERE, M. PEQUIGNOT, M. HULFTIGGER,	Powers » » »
TURKEY	SUREVA Bey,	Full Powers
URUGUAY	H. E. M. Enrique BUERO,	Powers
VENEZUELA	Doctor Francisco J. DUARTE,	Powers

The Committee for the Examination of Credentials considers that all the delegates whose names appear above are duly authorised to represent their countries at the Conference. The Committee presumes that, prior to the signature of any Convention or agreement which may be adopted by the Conference, the delegates not yet in possession of their full powers will obtain the necessary authorisation to that effect from their Governments.

In so far as concerns the delegation of the Republic of China, His Excellency M. Sze has informed the Committee for the Examination of Credentials that he has sent a telegram to his Government requesting that a telegraphic confirmation be sent by his Government to the Secretary-General of the League of Nations furnishing the delegation with the necessary plenipotentiary powers.

NOVEMBER 19th, 1924.

## REPORT OF THE COMMITTEE ON RULES OF PROCEDURE.

The Committee appointed by the Conference to examine and report upon the draft rules of procedure met to-day and has agreed to report to the Conference as follows :

The delegate of Greece was invited to explain to the Committee the proposal which he had made at the first meeting of the Conference and, after an exchange of views, expressed the wish to withdraw it. The Committee was unanimously of opinion that it would create serious difficulties for the Conference if a unanimous vote of all the countries represented at the Conference which have ratified the Hague Convention were required for the adoption of any proposal to amend that Convention.

The Committee also received a suggestion from the United States delegation that provision should be made in the Rules of Procedure for the appointment of a Committee which would nominate for the approval of the Conference the members of any Committee which the Conference might decide to appoint.

After consulting the President, and with a view to facilitating the work of the Conference, the Committee has decided unanimously to recommend to the Conference the appointment of a Committee of Business, whose function would be . . . . . In making this proposal, the Committee has followed a precedent which has been adopted at some other conferences and which has been found to be very useful. It has accordingly inserted in the Rules of Procedure a provision to this effect.

The Committee has also examined the Rules of Procedure, and has decided to recommend some minor alterations and now submit them in their revised form for the approval of the Conference.

Malcolm DELEIVINGNE,  
Chairman,

## DRAFT RULES OF PROCEDURE AS REVISED.

*Article 1.*

The Second Opium Conference consists of the delegates appointed and duly supplied with plenipotentiary powers by the Governments invited to be represented.

The delegates of each Government may be accompanied by technical delegates whose nominations as such shall be notified to the President of the Conference.

*Article 2.*

The Secretary-General of the League of Nations shall be responsible for the secretariat of the Conference.

*Article 3.*

The plenipotentiary powers of the delegates shall be handed to the Secretary of the Conference as soon as possible after the Conference opens. A committee of five members shall be appointed to examine and report to the Conference on these credentials without delay.

*Article 4.*

The Conference may at any time decide to sit in plenary conference or to set up special committees.

*Article 5.*

A Committee of Business shall be appointed by the Conference, consisting of the President of the Conference, the two Vice-Presidents and ten other members. The President shall be the Chairman of the Committee.

The functions of the Committee shall be to make proposals to the Conference for the arrangement of the business of the Conference, to nominate for the approval of the Conference, should occasion arise, the members of any Committee, which shall be constituted by the Conference; to examine and report on communications made to the Conference by private organisations or individuals; to approve all communiqués issued to the Press; and to consider and report on any other matters which may be referred to them by the Conference.

*Article 6.*

All meetings of the Conference shall be public unless a decision is taken to the contrary. Decisions taken at private meetings shall be announced at a public meeting.

*Article 7.*

The President shall pronounce the opening and the cloture of the meetings. Before proceeding to the agenda, he shall bring before the Conference any communications which concern it. He shall direct the debates, accord the right to address the Conference, pronounce the cloture of discussions, put questions to the vote and announce the result of the votes.

*Article 8.*

No delegate may address the Conference without having previously obtained the authorisation of the President. The President may withdraw the permission to speak if the delegate's remarks be not relevant to the subject of the debate.

In the course of the discussion of any question, any delegate may raise a point of order, which shall immediately be decided by the President.

The technical delegates and experts accompanying the delegates may be allowed to speak under the same conditions as the delegates.

*Article 9.*

If a delegate desires to appoint a substitute to act in his place notice in writing must previously be given to the President of the Conference.

The substitute thus nominated may take part in the deliberations of the Conference and may vote under the same conditions as his principal.

*Article 10.*

Speeches in French shall be interpreted in English and *vice versa* by an interpreter belonging to the Secretariat.

A delegate speaking in another language must himself provide for a translation of his speech into French or English.

A delegate may cause to be distributed documents written in a language other than French or English, but the Secretariat is not obliged to have them translated or printed.

*Article 11.*

No draft resolution, amendment or motion shall be discussed or voted upon at any meeting, of which copies have not been communicated to the delegates before the meeting, except in the following cases :

1. The Conference may decide at any meeting by unanimous vote to allow a draft resolution or motion proposed at the meeting to be discussed and voted upon.

2. The President may, during the debate on any resolution or motion, allow any amendment to the resolution or motion which may be proposed during the debate to be discussed and voted upon if the text of the amendment is communicated to him in writing.

*Article 12.*

A delegate may at any time request that the debate be closed. The President shall take the opinion of the Conference upon the motion of cloture. If the majority of the Conference approves the motion, the President shall declare the cloture of the debate.

*Article 13.*

Each Government represented shall have one vote.

Voting on resolutions to be taken by the Conference shall be taken by a record vote, the delegations being called in the French alphabetical order of the names of the Governments represented unless the Conference decide otherwise.

All the decisions relating to individuals shall be taken by a secret ballot.

*Article 14.*

At the conclusion of each meeting, a verbatim record shall be prepared by the Secretariat and circulated to the delegates as soon after as possible.

The record of the meeting shall become final forty-eight hours after circulation.

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**Annex 5a.**

O.D.O. 9 (2).

**RULES OF PROCEDURE AS ADOPTED BY THE CONFERENCE.**

*Article 1.*

The delegates of each Government may be accompanied by technical delegates whose nominations as such shall be notified to the President of the Conference.

*Article 2.*

The Secretary-General of the League of Nations shall be responsible for the secretariat of the Conference.

*Article 3.*

The plenipotentiary powers of the delegates shall be handed to the Secretary of the Conference as soon as possible after the Conference opens. A committee of five members shall be appointed to examine and report to the Conference on these credentials without delay.

*Article 4.*

The Conference may at any time decide to sit in plenary conference or to set up special committees.

*Article 5.*

A Committee of Business shall be appointed by the Conference, consisting of the President of the Conference, the two Vice-Presidents and eleven other members. The President shall be the Chairman of the Committee.

The functions of the Committee shall be to make proposals to the Conference for the arrangement of the business of the Conference; to nominate for the approval of the Conference, should occasion arise, the members of any Committee which shall be constituted by the Conference; to examine and report on communications made to the Conference by private organisations or individuals; and to consider and report on any other matters which may be referred to them by the Conference.

*Article 6.*

All meetings of the Conference shall be public unless a decision is taken to the contrary. Decisions taken at private meetings shall be announced at a public meeting.

*Article 7.*

The President shall pronounce the opening and the cloture of the meetings. Before proceeding to the agenda, he shall bring before the Conference any communications which concern it. He shall direct the debates; accord the right to address the Conference; pronounce the cloture of discussions; put questions to the vote and announce the result of the votes.

*Article 8.*

No delegate may address the Conference without having previously obtained the authorisation of the President. The President may withdraw the permission to speak if the delegate's remarks be not relevant to the subject of the debate.

In the course of the discussion of any question, any delegate may raise a point of order, which shall immediately be decided by the President.

The technical delegates and experts accompanying the delegates may be allowed to speak under the same conditions as the delegates.

*Article 9.*

If a delegate desires to appoint a substitute to act in his place, notice in writing must previously be given to the President of the Conference.

The substitute thus nominated may take part in the deliberations of the Conference and may vote under the same conditions as his principal.

*Article 10.*

Speeches in French shall be interpreted in English and *vice versa* by an interpreter belonging to the Secretariat.

A delegate speaking in another language must himself provide for a translation of his speech into French or English.

A delegate may cause to be distributed documents written in a language other than French or English, but the Secretariat is not obliged to have them translated or printed.

*Article 11.*

No draft resolution, amendment or motion shall be discussed or voted upon at any meeting, of which copies have not been communicated to the delegates before the meeting, except in the following cases:

1. The Conference may decide at any meeting by unanimous vote to allow a draft resolution or motion proposed at the meeting to be discussed and voted upon.

2. The President may, during the debate on any resolution or motion, allow any amendment to the resolution or motion which may be proposed during the debate to be discussed and voted upon if the text of the amendment is communicated to him in writing.

*Article 12.*

A delegate may, at any time, request that the debate be closed. The President shall take the opinion of the Conference upon the motion of cloture. If the majority of the Conference approves the motion, the President shall declare the cloture of the debate.

*Article 13.*

Each Government represented shall have one vote.

Voting on resolutions to be taken by the Conference shall be taken by a record vote, the delegations being called in the French alphabetical order of the names of the Governments represented, unless the Conference decide otherwise.

All the decisions relating to individuals shall be taken by a secret ballot.

*Article 14.*

At the conclusion of each meeting, a verbatim record shall be prepared by the Secretariat and circulated to the delegates as soon after as possible.

The record of the meeting shall become final forty-eight hours after circulation.



## Annex 6.

INTERNATIONAL OPIUM CONVENTION, SIGNED  
AT THE HAGUE 1912

\* \* \* Desirous of advancing a step further on the road opened by the International Commission of Shanghai of 1909;

Determined to bring about the gradual suppression of the abuse of opium, morphine and cocaine, as also of the drugs prepared or derived from these substances, which give rise or might give rise to similar abuses;

Taking into consideration the necessity and the mutual advantage of an international agreement on this point;

Convinced that in this humanitarian endeavour they will meet with the unanimous adherence of all the States concerned:

Have decided to conclude a convention with this object, and have appointed as their plenipotentiaries:

\* \* \* \* \*

SUGGESTIONS CIRCULATED BY THE ADVISORY  
COMMITTEE ON THE TRAFFIC IN OPIUM  
OF THE LEAGUE OF NATIONS, AUGUST 1924SUGGESTIONS OF THE UNITED STATES  
OF AMERICA.

[Deletions from International Opium Convention indicated by small type; amendments to International Opium Convention indicated by italics.]

Example: The Contracting Powers Parties.

*Considering that the Powers interested in the progressive suppression of the abuse of opium, morphine, cocaine, as well as drugs prepared or derived from these substances, which give rise, or might give rise, to similar abuses entered into the International Opium Convention of 1912;*

*Considering the necessity of adopting further measures in order to hasten the consummation of the aims and objects of that Convention;*

*Considering that the Assembly of the League of Nations, by resolution No. VI passed on October 18th, 1923, requested the Council, as a means of giving effect to the principles submitted by the representatives of the United States of America, subject to the reservation in regard to prepared opium made by representatives of France, Germany, Great Britain, Japan, The Netherlands, Portugal, and Siam, to invite the Governments concerned to send representatives with plenipotentiary powers to a conference for this purpose;*

*Considering that the principles submitted by the representatives of the United States of America are the following:*

1. "If the purpose of the Hague Opium Convention is to be achieved according to its spirit and true intent, it must be recognised that the use of opium products for other than medicinal and scientific purposes is an abuse and not legitimate.

INTERNATIONAL OPIUM CONVENTION, SIGNED  
AT THE HAGUE 1912 (CONTINUED).

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(CONTINUED)

SUGGESTIONS OF THE UNITED STATES  
OF AMERICA (CONTINUED).

[Deletions from International Opium Convention indicated by small type; amendments to International Opium Convention indicated by italics.]

Example: The Contracting Powers Parties.

2. "In order to prevent the abuse of these drugs, it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for non-medicinal and non-scientific purposes"; Considering that this humanitarian effort will meet with the unanimous adhesion of all the Nations interested: Have resolved to conclude a Convention for this purpose and have appointed as their plenipotentiaries:

CHAPTER I.

RAW OPIUM.

*Definition.* — By "raw opium" is understood:  
The spontaneously coagulated juice obtained from the capsules of the *papaver somniferum*, which has only been submitted to the necessary manipulations for packing and transport.

Article I

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.

CHAPTER I.

RAW OPIUM AND COCA LEAVES.

*Definitions.* By "raw opium" is understood:  
The spontaneously coagulated juice obtained from the capsules of the *papaver somniferum*, which has only been submitted to the necessary manipulation for packing and transport.

By "coca leaves" is understood:

*The leaves of erythroxylon coca and its varieties from which cocaine may be extracted.*

Article I.

The Contracting Powers Parties 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 and coca leaves so that there will be no surplus available for purposes not strictly medical or scientific.\*

*The foregoing provision shall not operate to prevent the production for exportation, or exportation, of raw opium for the purpose of making prepared opium into those terri-*

\* See the Report of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs, Fifth Session, Appendix.

Article 2

Due regard being had to the differences in their commercial conditions, the Contracting Powers shall limit the number of towns, ports, or other localities through which the export or import of raw opium shall be permitted.

Article 3.

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.

PART II.

7. The provisions of the Hague Convention of 1912 shall be amended as follows:

(I) Article 2 shall be extended to apply to coca leaves.

(II) The following article numbered 2 bis) shall be added to the Convention:

Each Contracting Power shall require that a separate import licence must be obtained for each importation of raw opium or coca leaves. The licence may allow the importation of the amount for which the licence is given in one or more consignments within a period to be specified in the licence.

(III) Article 3 shall be replaced by the following article:

Each Contracting Power shall require that a separate export licence must be obtained for each exportation of raw opium or coca leaves. The Contracting Power, before issuing such licence, shall require an import certificate, issued by the Government of the importing country and certifying that the importation is approved, to be produced by the person applying for the licence. The licence may allow the exportation of the amounts for which the licence is given in one or more consignments within a period to be specified in the licence. Unless a copy of the export licence accompanies the consignment, the Government issuing the export licence shall send a copy to the Government of the importing country. The Government of the importing country, when the importation has been effected, shall return the export licence with an endorsement to that effect to the Government of the exporting country.

In the case of an application to export a consignment

*...teries where the use of prepared opium is still temporarily permitted under Chapter II of this Convention, so long as such exportation is in conformity with the provisions of this Convention.*

Article 2.

Due regard being had to the differences in their commercial conditions, the Contracting Powers Parties shall limit the number of towns, ports, or other localities through which the export or import of raw opium and coca leaves shall be permitted.

Article 2-A.

*The Contracting Parties shall require that a separate import licence must be obtained for each importation of raw opium or coca leaves. The licence may allow the importation of the amount for which the licence is given in one or more consignments within a period to be specified in the licence.*

Article 3.

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.

*The Contracting Parties shall require that a separate export licence must be obtained for each exportation of raw opium or coca leaves; The Contracting Party, before issuing such licence, shall require an import certificate issued by the authorities having jurisdiction over the territory into which the importation is made and certifying that the importation is approved, to be presented by the person applying for the licence.*

*The licence may allow the exportation of the amounts for which the licence is given in one or more consignments within a period to be specified in the licence.*

*Unless a copy of the export licence accompanies the consignment, the authorities issuing the export licence shall send a copy to the authorities having jurisdiction over the territory into which the importation is made.*

INTERNATIONAL OPIUM CONVENTION, SIGNED  
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SUGGESTIONS OF THE UNITED STATES  
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[Deletions from International Opium Convention indicated by small type; amendments to International Opium Convention indicated by italics.]

Example : The Contracting Powers *Parties*.

to any country for the purpose of being placed in a bonded warehouse in that country, the production of a special certificate from the Government of that country, certifying that it has approved the introduction of the consignment for the said purpose, may be admitted by the Government of the exporting country in place of the import certificate provided for above.

*The authorities having jurisdiction over the territory into which the importation is made, when the importation has been effected, shall return the export licence with an endorsement to that effect to the Contracting Party issuing such export licence.*

*In the case of an application to export a consignment to any place for the purpose of being placed in a bonded warehouse in that place, the production of a special certificate from the authorities having jurisdiction over that place, certifying that they have approved the introduction of the consignment for the said purpose, may be accepted by the Contracting Party permitting the export in place of the import certificate provided for above.*

Article 4.

The Contracting Powers shall make regulations requiring that every package containing raw opium intended for export shall be marked in such a way as to indicate its contents, provided that the consignment exceeds five kilograms.

Article 5.

The Contracting Powers shall not allow the import and export of raw opium except by duly authorised persons.

(IV) Article 5 shall be omitted.

CHAPTER II.

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.

Article 4.

The Contracting Powers *Parties* shall make regulations requiring that every package containing raw opium or coca leaves intended for export shall be marked in such a way as to indicate its contents, provided that the consignment exceeds 5 kilograms.

Article 5.

The Contracting Powers shall not allow the import and export of raw opium except by duly authorised persons.

CHAPTER II.

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 Powers shall take measures for the gradual and effective suppression of the manufacture of, internal trade in, and use of, prepared opium, with due regard to the varying circumstances of each country concerned, unless regulations on the subject are already in existence.

*Article 7.*

The Contracting Powers shall prohibit the import and export of prepared opium; those Powers, however, which are not yet ready to prohibit immediately the export of prepared opium shall prohibit it as soon as possible.

*Article 8.*

The Contracting Powers which are not yet ready to prohibit immediately the export of prepared opium:

- (a) Shall restrict the number of towns, ports, or other localities through which prepared opium may be exported;
- (b) Shall prohibit the export of prepared opium to countries which now forbid, or which may hereafter forbid, the import thereof;
- (c) Shall, in the meanwhile, prohibit the consignment of prepared opium to a country which desires to restrict its entry, unless the exporter complies with the regulations of the importing country;
- (d) Shall take measures to ensure that every package exported, containing prepared opium, bears a special mark indicating the nature of its contents;
- (e) Shall not permit the export of prepared opium except by specially authorised persons.

Prepared opium includes dross and all other residues remaining when opium has been smoked.

*Article 6.*

The Contracting Powers *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 Powers *Parties* shall prohibit the import and export of prepared opium; those Powers however, which are not ready to prohibit immediately the export of prepared opium shall prohibit it as soon as possible.

*Article 8.*

The *Each* Contracting Power *Party* which are not as yet ready to prohibit immediately the export of prepared opium:

- (a) Shall restrict the number of towns, ports or other localities through which prepared opium may be exported;
- (b) Shall prohibit the export of prepared opium to countries which now forbid, or which may hereafter forbid, the import thereof;
- (c) Shall, in the meanwhile, prohibit the consignment of prepared opium to a country which desires to restrict its entrance, unless the exporter complies with the regulations of the importing country;
- (d) Shall take measures to ensure that every package exported containing prepared opium bears a special mark indicating the nature of its contents;
- (e) Shall not permit the export of prepared opium except by specially authorised persons

*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 ten years beginning with the date of ratification of this Convention by it, and further agrees not to supplement the reduction by domestically produced opium; and further agrees that at the end of such period of ten years it will prohibit the importation of raw opium for the purpose of*

INTERNATIONAL OPIUM CONVENTION, SIGNED  
AT THE HAGUE 1912 (CONTINUED).

CHAPTER III.

MEDICINAL OPIUM, MORPHINE, COCAINE, ETC.

*Definitions.* — By "medicinal opium" is understood: Raw opium which has been heated to 60° Centigrade and contains not less than 10 per cent of morphine, whether or not it be powdered or granulated or mixed with indifferent materials.

By "morphine" is understood:

The principal alkaloid of opium, having the chemical formula  $C_{17}H_{19}NO_3$ .

By "cocaine" is understood:

The principal alkaloid of the leaves of *erythroxyton coca*, having the formula  $C_{17}H_{21}NO_4$ .

By "heroin" is understood:

Diacetyl-morphine, having the formula  $C_{21}H_{23}NO_5$ .

Article 9.

The Contracting Powers shall enact pharmacy laws or regulations to limit exclusively to medical and legitimate purposes the manufacture, sale, and use of morphine, cocaine, and their respective salts unless laws or regula-

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(V) The definition of cocaine in Chapter III, shall be modified as follows: "By cocaine is understood the principal alkaloid of the leaves of *erythroxyton coca*, having the formula  $C_{17}H_{21}NO_4$ , whether extracted from the leaves of *erythroxyton coca* or produced by chemical synthesis" (ecgonine also to be included?).

SUGGESTIONS OF THE UNITED STATES  
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(Deletions from International Opium Convention indicated by small type; amendments to International Opium Convention indicated by italics.)

Example: The Contracting Powers *Parties*.

*making prepared opium. By "present importation" is understood the importation during the twelve months immediately preceding the date the Contracting Party ratifies this Convention.\**

CHAPTER III.

MEDICINAL OPIUM, MORPHINE, COCAINE, ETC.

*Definitions.* — By "medicinal opium" is understood: Raw opium which has been heated to 60° Centigrade and contains not less than 10 per cent of morphine whether or not it be powdered or granulated or mixed with indifferent materials.

By "morphine" is understood:

The principal alkaloid of opium having the chemical formula  $C_{17}H_{19}NO_3$ .

By "cocaine" is understood:

The principal alkaloid of the leaves of *erythroxyton Coca*, having the formula  $C_{17}H_{21}NO_4$ .

*The methylbenzoyl derivatives of ecgonine ( $C_9H_{15}O_3N$ ) of the chemical formula  $C_{17}H_{21}O_4N$ , whether occurring naturally or prepared synthetically; and all other derivatives of ecgonine, whether occurring naturally or prepared synthetically, which possess the property of creating addiction by their use.*

By "heroin" is understood:

Diacetyl-morphine, having the formula  $C_{21}H_{23}NO_5$ .

Article 9.

The Contracting Powers *Parties* shall enact pharmacy *effective* laws or regulations to limit exclusively to medical

\* See speech of the Right Rev. Charles H. Brent on "The Opium Problem in the Philippine Islands". (Hearings of the Congress of the United States, page 97).



tions on the subject are already in existence. They shall co-operate with one another to prevent the use of these drugs for any other purpose.

*Article 10.*

The Contracting Powers shall use their best endeavours to control, or to cause to be controlled, all persons manufacturing, importing, selling, distributing, and exporting morphine, cocaine, and their respective salts, as well as the buildings in which these persons carry on such industry or trade.

With this object, the Contracting Parties shall use their best endeavours to adopt, or cause to be adopted, the following measures, unless regulations on the subject are already in existence:

(a) To confine the manufacture of morphine, cocaine, and their respective salts to those establishments and premises alone which have been licensed for the purpose, or to obtain information respecting the establishments and premises in which these drugs are manufactured, and to keep a register of them;

(b) To require that all persons engaged in the manufacture, import, sale, distribution, or export of morphine, cocaine, and their respective salts shall be furnished with a licence or permit to engage in these operations, or shall make to the competent authorities an official declaration that they are so engaged;

(c) To require that such persons shall enter in their books the quantities manufactured, imports, sales, and all other distribution, and exports of morphine, cocaine, and their respective salts. This rule shall not necessarily apply to medical prescriptions and to sales by duly authorised chemists.

(VI) In Article 10 the words "The Contracting Powers shall control" shall be substituted for "The Contracting Powers shall use their best endeavours to control or to cause to be controlled" and the words "The Contracting Parties shall adopt" shall be substituted for "The Contracting Powers shall use their best endeavours to adopt or cause to be adopted".

The words "or shall make to the competent authorities an official declaration that they are so engaged" shall be omitted.

The words "This rule shall not necessarily apply to medical prescription and to sales by duly authorised chemists" shall be omitted.

The words "This rule shall not necessarily apply to medical prescriptions and to sales by duly authorised chemists" shall be omitted.

and legitimate *scientific* purposes, the manufacture, sale, and use of morphine, cocaine, and their respective salts *and derivatives*, unless laws or regulations on the subject are already in existence. They shall co-operate with one another to prevent the use of these drugs for any other purpose.

*Article 9-A.*

*The Contracting Parties shall enact effective laws or regulations prohibiting the manufacture and distribution of heroin.\**

*Article 10.*

The Contracting Powers *Parties* shall use their best endeavours to control, or to cause to be controlled, all persons manufacturing, importing, selling, distributing, and *or* exporting morphine, cocaine, and *or* their respective salts *or derivatives*, as well as the buildings in which these persons carry on such industry or trade.

With this object, the Contracting Parties shall use their best endeavours to adopt, or cause to be adopted, the following measures, unless regulations on the subject are already in existence:

(a) To Confine the manufacture of morphine, cocaine, and their respective salts *and derivatives* to those establishments and premises alone which have been licensed for the purpose, or to obtain information respecting the establishments and premises in which these drugs are manufactured and to keep a register of them;

(b) To Require that all persons engaged in the manufacture, import, sale, distribution, or export of morphine, cocaine, and *or* their respective salts *or derivatives* shall be furnished with *obtain a licence* or permit to engage in these operations, or shall make to the competent authorities an official declaration that they are so engaged;

(c) To Require that such persons shall enter in their books the quantities manufactured, imports, sales, and all other distribution, and exports of morphine, cocaine, and their respective salts *and derivatives*. This rule shall not necessarily apply to medical prescriptions and to sales by duly authorised chemists.

\* See Hearings of the Congress of the United States.

INTERNATIONAL OPIUM CONVENTION, SIGNED  
AT THE HAGUE 1912 (CONTINUED).

*Article 11.*

The Contracting Powers shall take measures to prohibit, as regards their internal trade, the delivery of morphine, cocaine, and their respective salts to any unauthorised persons, unless regulations on the subject are already in existence.

*Article 12.*

Due regard being had to the differences in their conditions, the Contracting Powers shall use their best endeavours to restrict to authorised persons the import of morphine, cocaine, and their respective salts.

*Article 13.*

The Contracting Powers shall use their best endeavours to adopt, or cause to be adopted, measures to ensure that morphine, cocaine, and their respective salts shall not be exported from their countries, possessions, colonies, and leased territories to the countries, possessions, colonies, and leased territories of the other Contracting Powers except when consigned to persons furnished with the licences or permits provided for by the laws or regulations of the importing country.

With this object each Government may communicate from time to time to the Governments of the exporting countries lists of the persons to whom licences or permits for the import of morphine, cocaine, and their respective salts have been granted.

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(VII) Article 12 shall be replaced by the following article:

Each Contracting Power shall require that a separate import licence must be obtained for each importation of any of the substances to which Chapter III applies. The licence may allow the importation of the amount for which the licence is given in one or more consignments within a period to be specified in the licence.

(VIII) Article 13 shall be replaced by the following article:

Each Contracting Power shall require that a separate export licence must be obtained for each exportation of any of the substances to which Chapter III applies. The Contracting Power, before issuing such licences, shall require an import certificate issued by the Government of the importing country and certifying that the importation is approved, to be produced by the persons applying for the licence.

The licence may allow the exportation of the amount for which the licence is given in one or more consignments within a period to be specified in the licence.

Unless a copy of the export licence accompanies the consignment the Government issuing the export licence

SUGGESTIONS OF THE UNITED STATES  
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(Deletions from International Opium Convention indicated by small type; amendments to International Opium Convention indicated by italics.)

Example : *The Contracting Powers Parties.*

*Article 11.*

The Contracting Powers *Parties* shall take measures to prohibit, as regards their internal trade, the delivery of morphine, cocaine, and their respective salts *and derivatives* to any unauthorised persons unless regulations on the subject are already in existence.

*Article 12*

Due regard being had to the differences in their conditions the Contracting Powers shall use their best endeavours to restrict to authorised persons the import of morphine, cocaine and their respective salts. *The Contracting Parties shall require that a separate import licence must be obtained for each importation of morphine, cocaine, or their respective salts or derivatives. The licence may allow the importation of the amount for which the licence is given in one or more consignments within a period to be specified in the licence.*

*Article 13.*

The Contracting Powers shall use their best endeavours to adopt, or cause to be adopted, measures to ensure that morphine, cocaine, and their respective salts shall not be exported from their countries, possessions, colonies, and leased territory to the countries, possessions, colonies, and leased territories of the other Contracting Powers except when consigned to persons furnished with the licences or permits provided for by the laws or regulations of the importing country.

With this object each Government may communicate from time to time to the Governments of the exporting countries lists of the persons to whom licences or permits for the import of morphine, cocaine, and their respective salts have been granted.

*The Contracting Parties shall require that a separate export licence must be obtained for each exportation of morphine, cocaine, or their respective salts or derivatives. The Contracting Party, before issuing such licence, shall require an import certificate issued by the authorities having jurisdiction over the territory into which the importation*

shall send a copy to the Government of the country of importation.

The Government of the importing country, when the importation has been effected, shall return the export licence, with an endorsement to that effect, to the Government of the exporting country.

In the case of an application to export a consignment to any country for the purpose of being placed in a bonded warehouse in that country, the production of a special certificate from the Government of that country, certifying that it has approved the introduction of the consignment for the said purpose, may be admitted by the Government of the exporting country in place of the import certificate provided for above.

*Article 14.*

The Contracting Powers shall apply the laws and regulations respecting the manufacture, import, sale, or export of morphine, cocaine, and their respective salts:

- (a) To medicinal opium;
- (b) To all preparations (officinal and non-officinal, including the so-called anti-opium remedies) containing more than 0.2 per cent of morphine or more than 0.1 per cent of cocaine;
- (c) To heroin, its salts and preparations containing more than 0.1 per cent of heroin;
- (d) To all new derivatives of morphine, of cocaine, or of their respective salts, and to every other alkaloid of opium which may be shown by scientific research, generally recognised, to be liable to similar abuse and productive of like ill-effects.

*is made and certifying that the importation is approved, to be presented by the person applying for the licence.*

*The licence may allow the exportation of the amounts for which the licence is given in one or more consignments within a period to be specified in the licence.*

*Unless a copy of the export licence accompanies the consignment, the authorities issuing the export licence shall send a copy to the authorities having jurisdiction over the territory into which the importation is made.*

*The authorities having jurisdiction over the territory into which the importation is made, when the importation has been effected, shall return the export licence, with an endorsement to that effect, to the Contracting Party issuing such export licence.*

*In the case of an application to export a consignment to any place for the purpose of being placed in a bonded warehouse in that place, the production of a special certificate from the authorities having jurisdiction over that place certifying that they have approved the introduction of the consignment for the said purpose may be accepted by the Contracting Party permitting the export in place of the import certificate provided for above.*

*Article 14.*

The Contracting Powers Parties shall apply the laws and regulations, respecting the manufacture, import, sale, *distribution, delivery,* or export of morphine, cocaine, and their respective salts and their derivatives;

- (a) To medicinal opium;
- (b) To all preparations (officinal and non-officinal, including the so-called anti-opium remedies) containing more than 0.2 per cent of morphine, or more than 0.1 per cent of cocaine, *morphine, cocaine, or their salts or derivatives;*
- (c) To heroin, its salts and preparations containing more than 0.1 per cent of heroin;
- (d) To all new derivatives of morphine, of *or* cocaine, or of their respective salts, and to every other alkaloid of opium, *or coca leaves,* and to any habit-forming drug which may be shown by scientific research, generally recognised, to be liable to similar abuse and productive of like ill-effects.

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SUGGESTIONS OF THE UNITED STATES  
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[Deletions from International Opium Convention indicated by  
small type; amendments to International Opium Convention  
indicated by italics.]

Example : The Contracting Powers *Parties*.

CHAPTER IV.

*Article 15.*

The Contracting Powers having treaties with China (Treaty Powers) shall, in conjunction with the Chinese Governments, take the necessary measures to prevent the smuggling into Chinese territory, as well as into their Far-Eastern Colonies and into the leased territories which they occupy in China, of raw and prepared opium, morphine, cocaine, and their respective salts, as also of the substances referred to in Article 14 of the present convention. The Chinese Government shall, on their part, take similar measures for the suppression of the smuggling of opium and of the other substances above referred to from China to the foreign colonies and leased territories.

*Article 16.*

The Chinese Government shall promulgate pharmacy laws for their subjects regulating the sale and distribution of morphine, cocaine, and their respective salts, and of the substances referred to in Article 14 of the present Convention, and shall communicate these laws to the Governments having treaties with China, through their diplomatic representatives at Peking. The Contracting Powers having treaties with China shall examine these laws and, if they find them acceptable, shall take the necessary measures to apply them to their nationals residing in China.

CHAPTER IV.

*Article 17.*

The Contracting Powers having treaties with China shall undertake to adopt the necessary measures to restrict and control the habit of smoking opium in their leased territories, settlements, and concessions in China, to suppress, *pari passu* with the Chinese Government, the opium dens or similar establishments which may still exist there, and to prohibit the use of opium in places of entertainment and brothels.

*Article 18.*

The Contracting Powers having treaties with China shall take effective measures for the gradual reduction, *pari passu* with the effective measures which the Chinese Government shall take with the same object, of the number of shops, in which raw and prepared opium is sold, which may still exist in their leased territories, settlements, and concessions in China. They shall adopt effective measures for the restriction and control of the retail trade in opium in the leased territories, settlements, and concessions, unless regulations on the subject are already in existence.

*Article 19.*

The Contracting Powers having post offices in China shall adopt effective measures to prohibit the illegal import into China in the form of postal packages, as well as the illegal transmission through these offices from one place in China to another, of opium (raw or prepared), morphine, cocaine, and their respective salts, and of the other substances referred to in Article 14 of the present Convention.

CHAPTER V.

*Article 20.*

The Contracting Powers shall examine the possibility of enacting laws or regulations making it a penal offence to be in illegal possession of raw opium, prepared opium, morphine, cocaine, and their respective salts, unless laws or regulations on the subject are already in existence.

CHAPTER V.

*Article 20*

The Contracting Powers *Parties* shall examine the possibility of enacting *enact* laws or regulations making it a penal offence to be in illegal possession of raw opium, prepared opium, morphine, cocaine, and their respective salts, unless laws or regulations on the subject are already in existence. *any of the substances to which this Convention applies.*

INTERNATIONAL OPIUM CONVENTION, SIGNED  
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PART I.

1. That each country shall furnish an estimate of its annual import requirements for medical and scientific purposes, whether for domestic consumption, manufacture or commerce, of

- (a) Raw opium
- (b) Coca leaves
- (c) Morphine, its salts and preparations containing morphine
- (d) Heroin, its salts and preparations containing heroin
- (e) Cocaine, its salts and preparations containing cocaine.

2. Each Government undertakes to refuse to authorise the importation into its territory of any of the substances mentioned in Article 1 beyond the quantities specified in the estimates furnished by it in pursuance of Article 1. The foregoing provision shall not prevent the Government of a country in which the use of opium for smoking purposes is still temporarily permitted under Chapter 2 of the Hague Convention from authorising the importation of raw opium in conformity with the provisions of

SUGGESTIONS OF THE UNITED STATES  
OF AMERICA (CONTINUED).

(Deletions from International Opium Convention indicated by small type; amendments to International Opium Convention indicated by italics.)

Example : The Contracting Powers Parties.

Article 20-A.

*The Contracting Parties shall furnish annually to the Central Board hereinafter constituted, not later than April 1st, for the calendar year beginning January 1st following, in respect of raw opium; coca leaves; morphine, its salts, derivatives, and preparations containing morphine; and cocaine, its salts, derivatives, and preparations containing cocaine, estimates of:*

- (1) *Their import requirements for medical and scientific purposes, whether for domestic consumption, manufacture, or commerce;*
- (2) *Their total production and requirements:*
  - (a) *For all purposes,*
  - (1) *For domestic consumption for all purposes,*
  - (2) *For domestic consumption for medical and scientific purposes,*
  - (3) *For export for all purposes,*
  - (4) *For export for medical and scientific purposes.*

Article 20-B.

*The Contracting Parties undertake to prohibit the importation into their territory of any of the substances mentioned in Article 20-A in excess of the quantities specified in the estimates furnished in pursuance of Article 20-A (1) or fixed by the Central Board in pursuance of Article 20-E. The foregoing provision shall not operate to prevent the importation of raw opium for the purpose of making prepared opium into those territories where the use of prepared opium is still temporarily permitted under*





INTERNATIONAL OPIUM CONVENTION, SIGNED  
AT THE HAGUE 1912 (CONTINUED).

SUGGESTIONS CIRCULATED BY THE ADVISORY  
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(CONTINUED).

(c) Within three months after the end of each year, the total quantity of each of the substances mentioned in Article I, consumed as such in the country during the year.

The Central Board will communicate periodically to all Governments the position as regards the exports and re-exports to each country.

Should it appear that the imports of any of the substances mentioned in Article I already received in any country during the current year have exceeded the amounts specified in the estimate furnished by that country, the Central Board shall call the attention of the Governments specially to the fact. Each Government undertakes not to export any further consignment of the substance in question to the said country during the same year, unless a revised estimate of its requirements shall have been furnished by the country.

5. If any country furnishes no estimate of its requirements in pursuance of Article I or furnishes an estimate which appears to the Central Board to be greatly in excess of the reasonable requirements of the country and to be likely to be used in part for the illicit traffic, the Board shall fix the amounts of the reasonable requirements of that country after taking into account its population, climatic and hygienic conditions and all other factors which appear to the Board to be relevant, as well as any other special circumstances which the said country

SUGGESTIONS OF THE UNITED STATES  
OF AMERICA (CONTINUED).

[Deletions from International Opium Convention indicated by small type; amendments to International Opium Convention indicated by italics.]

Example: *The Contracting Powers Parties.*

(2) *In respect of morphine and cocaine and their salts and derivatives, within three months after the end of each half-year, the statistics of their manufacture during that half-year;*

(3) *In respect of raw opium and coca leaves, within three months after the end of each year, the total quantity produced and consumed during that year.*

*The Central Board shall communicate periodically to all the parties to this Convention the situation as regards the quantity and destination of all exports and re-exports of the substances mentioned in Article 20-A, calling to their particular attention the fact that, in the case of any territory, the imports have already reached the amounts to which such territory is entitled under this Convention.*

*Article 20-E.*

*If any Contracting Party furnishes no estimate of its import requirements in pursuance of Article 20-A or furnishes an estimate which appears to the Central Board upon investigation undertaken in its own motion or on complaint of any of the Contracting Parties, to be greatly in excess of its reasonable requirements, the Board shall immediately ascertain the amount of the reasonable requirements of that Contracting Party for the calendar year beginning January first following, after taking into account its population, climatic and hygienic conditions and all other factors*

will be at liberty to submit to the Board. The Board shall notify the amount so fixed to all Governments. Each Government agrees not to allow the export to that country of amounts which, taken in conjunction with the exports from other countries, will exceed the amounts fixed by the Board.

6. If any Government of any country which has commercial relations, in the matter of the substances mentioned in Article 1, with a country for which an amount has been fixed by the Board in pursuance of Article 5 or Article 7, paragraph XIII, considers that it is undesirable to limit exports to the latter country to the amount so fixed, it shall have the right to demand that a special conference of all the countries which have such relations with the said country shall be summoned to consider whether such limitation or any other measure should be put into force.

### PART III.

The Conference makes the following recommendations:

1. That each Government should forbid any person within its jurisdiction from procuring or assisting the commission, in any place outside its jurisdiction, of any offence against the laws in force in such place for controlling or regulating the manufacture, sale, use, export or import of any of the substances covered by the Convention as amended by this agreement and that any person knowingly violating such prohibition shall be liable to punishment.

2. That each Government should forbid the conveyance in any ship sailing under its flag of any consignment of the substances covered by the Convention as amended by this agreement:

(1) Unless an export licence has been issued in respect of such consignment in accordance with the provisions of the Convention so amended and the consignment is accompanied by an official copy of such licence;

(2) To any destination other than the destination mentioned in the licence.

*which appear to the Board to be relevant as well as any other special circumstances which such Contracting Party may be at liberty to submit to the Board.*

*The Board shall notify to all Contracting Parties its conclusion as to the amount so ascertained by it. The Board shall recommend that each Contracting Party other than that Contracting Party the extent of whose import requirements has been ascertained by the Board, shall prohibit the exportation from their respective territories to the territory of that Contracting Party, amounts of substances specified in Article 20-A which, taken in conjunction with other exports thereto, will exceed the amount ascertained as aforesaid by the Board to be the reasonable annual import requirements of such Party. Due consideration shall be given to the recommendation of the Board.*

### Article 20-F.

*Each Contracting Party shall make it a penal offence for any person within its jurisdiction to procure or assist the commission, in any place outside its jurisdiction, of any offence against the laws in force in such place for controlling or regulating the manufacture, sale, delivery, distribution, use, possession, export, or import of any of the substances covered by this Convention.*

### Article 20-G.

*Each Contracting Party shall forbid the conveyance in any vessel sailing under its flag of any consignment of the substances covered by this Convention:*

(1) *Unless an export licence has been issued in respect of such consignment in accordance with the provisions of this Convention and the consignment is accompanied by an official copy of such licence;*

(2) *To any destination other than the destination mentioned in the licence.*

INTERNATIONAL OPIUM CONVENTION, SIGNED  
AT THE HAGUE 1912 (CONTINUED).

SUGGESTIONS CIRCULATED BY THE ADVISORY  
COMMITTEE ON THE TRAFFIC IN OPIUM  
OF THE LEAGUE OF NATIONS, AUGUST 1924  
(CONTINUED).

SUGGESTIONS OF THE UNITED STATES  
OF AMERICA (CONTINUED).

[Deletions from International Opium Convention indicated by small type; amendments to International Opium Convention indicated by italics.]

Example: The Contracting Powers Parties.

PART II.

(IX) For the purpose of ensuring the full application and enforcement of the provisions of the Hague Conventions, as amended by this agreement, in free ports and free zones, the Governments undertake to apply in free ports and free zones situated within their territories the same laws and regulations, and to exercise the same supervision and control in respect of the substances covered by the Convention as amended by this agreement, as in other parts of their territories.

(X) In the case of a consignment of any of the substances covered by the Convention as amended by this agreement exported from one country to another country, which passes through the territory of a third country without being removed from the ship or conveyance in which it is being conveyed except for the purpose of being transferred to another conveyance under the supervision of the authorities of the country of transit, a declaration shall be made to the authorities of the country of transit of the contents of the consignment and the country for which it is destined. If no declaration is made or a false declaration is made, the consignment shall be liable to confiscation by the authorities of the country of transit and the person making such false declaration shall be guilty of an offence.

(XI) No transshipment of a consignment of any of the substances covered by the Convention as amended by this agreement shall be allowed unless the consignment is accompanied by an official copy of the export licence, issued by the authorities of the country of export

*Article 20-H.*

*For the purpose of ensuring the full application and enforcement of the provisions of this Convention in free ports and free zones, the Contracting Parties undertake to apply in free ports and free zones situated within their territories the same laws and regulations, and to exercise the same supervision and control in respect of the substances covered by this Convention as in other parts of their territories.*

*Article 20-I.*

*The Contracting Parties shall enact effective laws and regulations to prohibit the transportation through their territory from a place outside thereof to another place outside thereof, of any of the substances covered by this Convention unless such Contracting Party is advised of the contents and the destination of the consignment.*

*Article 20-J.*

*The Contracting Parties shall enact effective laws and regulations to prohibit the transshipment within their territories of a consignment of any of the substances covered by this Convention unless such consignment is accompanied by an official copy of the export licence issued by the*

or by an official copy of the import certificate, issued by the authorities of the importing country. It shall be made illegal for anyone in the country of transshipment to divert or attempt to divert the consignment to any destination other than that named in the official copy of the export licence or import certificate above mentioned, without an export licence from the authorities of the country of transshipment.

(XII) A consignment of any of the substances covered by the Convention, as amended by this agreement, which is landed in any country and placed in a bonded warehouse, shall not be allowed by the Government of that country to be withdrawn from the bonded warehouse to be sent out to another country unless an import certificate, issued by the Government of the country of destination and certifying that the importation is approved, is produced to the authorities of the former country.

A special certificate shall be issued by the Government in respect of each consignment so withdrawn and shall take the place of the export licence for the purpose of the preceding provisions of this agreement.

(XIII) In the case of a country which is not a party to this agreement, the Governments undertake not to allow the export to such a country of any of the substances covered by the Convention as amended by this agreement except such amounts as may be fixed by the Central Board as being reasonably required for the medical and scientific needs of the country.

*authorities having jurisdiction over the territory from which exported or by an official copy of the import certificate issued by the authorities having jurisdiction over the territory to which destined. The Contracting Parties shall also enact effective laws and regulations to prohibit in the territory of transshipment the diversion of, or attempt to divert, a consignment of any of the substances covered by this Convention to any destination other than that named in the official copy of the export licence or import certificate, unless an export licence is first obtained from the authorities of the territory where the transshipment occurs.*

*Article 20-K.*

*The Contracting Parties shall enact effective laws and regulations to prohibit a consignment of any of the substances covered by this Convention which is landed in their territory and placed in a bonded warehouse from being withdrawn from such warehouse for export, unless an import certificate issued by the authorities having jurisdiction over the territory to which the consignment is destined, certifying that the importation is approved, is presented to the authorities having jurisdiction over the bonded warehouse.*

*A special certificate shall be issued by the Contracting Parties in respect of each consignment so withdrawn and shall take the place of the export licence for the purpose of the preceding provisions of this Convention.*

*Article 20-L.*

*In the case of a geographical area the Government of which is not a party to this Convention, the Contracting Parties undertake to allow the export to such geographical area of any of the substances covered by this Convention only in such amounts as may be fixed by the Central Board as being reasonably required for the medical and scientific needs of such area. The Central Board shall communicate periodically to all the Parties to this Convention the amount fixed in respect of each geographical area and the situation as regards the exports and re-exports thereto.*

INTERNATIONAL OPIUM CONVENTION, SIGNED  
AT THE HAGUE 1912 (CONTINUED).

*Article 21.*

The Contracting Powers shall communicate to one another, through the Ministry of Foreign Affairs of the Netherlands:

(a) The texts of the existing laws and administrative regulations respecting the matters referred to in the present Convention or promulgated in virtue of the clauses thereof;

(b) Statistical information as regards the trade in raw opium, prepared opium, morphine, cocaine, and their respective salts, as well as in the other drugs or their salts or preparations referred to in the present Convention.

These statistics shall be furnished with as many details and within a period as short as may be considered possible.

CHAPTER VI.

FINAL PROVISIONS.

*Article 22.*

Any Power not represented at the Conference shall be allowed to sign the present Convention.

With this object the Government of the Netherlands will, immediately after the signature of the Convention by the Plenipotentiaries of the Powers which have taken part in the Conference, invite all the powers of Europe and America not represented at the Conference, that is to say:

The Argentine Republic, Austria-Hungary, Belgium, Bolivia, Brazil, Bulgaria, Chile, Colombia, Costa Rica, the Republic of Cuba, Denmark, the Dominican

SUGGESTIONS CIRCULATED BY THE ADVISORY  
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OF THE LEAGUE OF NATIONS, AUGUST 1924  
(CONTINUED).

SUGGESTIONS OF THE UNITED STATES  
OF AMERICA (CONTINUED).

[Deletions from International Opium Convention indicated by small type; amendments to International Opium Convention indicated by italics.]

Example: The Contracting Powers *Parties.*



Republic, the Republic of Ecuador, Greece, Guatemala, the Republic of Haiti, Honduras, Luxemburg, Mexico, Montenegro, Nicaragua, Norway, Panama, Paraguay, Peru, Roumania, Salvador, Serbia, Spain, Sweden, Switzerland, Turkey, Uruguay, the United States of Venezuela,

to appoint a delegate, furnished with the necessary full powers, to sign the Convention at The Hague.

These signatures shall be affixed to the Convention by means of a "Protocol of Signature by Powers not represented at the Conference," to be added after the signatures of the Powers represented, the date of each signature being mentioned.

The Government of the Netherlands will, every month, notify the Signatory Powers of each supplementary signature.

*Article 23.*

After all the Powers, as well on their own behalf as on behalf of their possessions, colonies, protectorates, and leased territories, have signed the Convention or the supplementary Protocol above referred to, the Government of the Netherlands will invite all the Powers to ratify the Convention with this Protocol.

In the event of the signature of all the Powers invited not having been obtained on the date of December 31st, 1912, the Government of the Netherlands will immediately invite the Powers which have signed by that date to appoint delegates to examine at The Hague the possibility of depositing their ratifications notwithstanding.

The ratification shall take place within as short a period as possible and shall be deposited at the Ministry of Foreign Affairs at The Hague.

The Government of the Netherlands will every month notify the Signatory Powers of the ratifications which they have received in the interval.

As soon as the ratifications of all the Signatory Powers, as well on their own behalf as on behalf of their colonies, possessions, protectorates, and leased territories, have been received by the Government of the Netherlands, the latter will notify all the Powers which have ratified

INTERNATIONAL OPIUM CONVENTION, SIGNED  
AT THE HAGUE 1912 (CONTINUED).

the Convention of the date on which it received the last instrument of ratification.

*Article 24.*

The present Convention shall come into force three months after the date mentioned in the notification by the Government of the Netherlands, referred to in the last paragraph of the preceding article.

With regard to the laws, regulations, or other measures contemplated by the present Convention, it is agreed that the bills or drafts required for this purpose shall be prepared not later than six months after the entry into force of the Convention. As regards the laws, they shall also be submitted by their Governments to the Parliaments or legislative bodies within the same period of six months, or in any case at the first session following the expiration of this period.

The date on which these laws, regulations, or measures shall come into force shall form the subject of an agreement between the Contracting Powers, at the instance of the Government of the Netherlands.

In the event of questions arising relative to the ratification of the present Convention, or to the enforcement either of the Convention or of the laws, regulations, or measures resulting therefrom, the Government of the Netherlands will, if these questions cannot be settled by other means, invite all the Contracting Powers to appoint delegates to meet at The Hague in order to arrive at an immediate agreement on the questions.

*Article 25.*

If one of the Contracting Powers should wish to denounce the present Convention, the denunciation shall be

SUGGESTIONS CIRCULATED BY THE ADVISORY  
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(CONTINUED).

SUGGESTIONS OF THE UNITED STATES  
OF AMERICA (CONTINUED).

[Deletions from International Opium Convention indicated by small type; amendments to International Opium Convention indicated by italics.]

Example : The Contracting Powers Parties.

*Article 20-M.*

The present Convention shall come into force three months after the date mentioned in the notification by the Government of the Netherlands, referred to in the last paragraph of the preceding Article.

*This Convention shall come into force between the Contracting Parties who have ratified it as soon as it has been ratified by four of the Contracting Parties.*

notified in writing to the Government of the Netherlands, who will immediately communicate a certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall take effect only as regards the Power which notified it, and one year after the notification thereof has reached the Government of the Netherlands.

In witness whereof the Plenipotentiaries have affixed their signatures to the present Convention.

Done at The Hague, January 23rd, 1912, in a single copy, which shall be deposited and remain in the archives of the Government of the Netherlands, and of which certified copies will be transmitted through the diplomatic channel to all the Powers represented at the Conference.

GENEVA, June 16th, 1923.

## LEAGUE OF NATIONS

## ADVISORY COMMITTEE ON TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS.

## REPORT TO THE COUNCIL ON THE WORK OF THE FIFTH SESSION

(May 24th to June 7th, 1923).

The Advisory Committee on Traffic in Opium and Other Dangerous Drugs has the honour to submit to the Council of the League the following report on the proceedings at its fifth session, which was held from May 24th to June 7th, 1923.

This session has been particularly important in view of the proposals which were submitted to the Committee by the delegation of the United States of America and in view of the conclusions which, as a result of its enquiries and of its previous work, the Committee has unanimously reached for the establishment of a programme of practical action. In the resolutions which it has adopted, the Committee proposes that the Council should invite the interested Governments to open negotiations in order to arrive at agreements with a view to carrying out this programme.

The wealth of information collected by the Committee has enabled it, moreover, to examine the general situation as regards the production and use of opium and other drugs.

## COMPOSITION OF THE COMMITTEE.

All the members and assessors were present, but in some instances the Governments concerned had nominated new representatives, Dr. UCHINO now representing Japan, Dr. POENSGEN representing Germany, and the United States of America being represented in an advisory capacity by the Hon. Stephen G. PORTER in association with Bishop BRENT and Surgeon-General BLUE. No answer having been received by the Secretariat from the Government of the Kingdom of the Serbs, Croats and Slovenes to the invitations issued by the Council, this Power was not represented.

The following is a list of the members present:

<i>France:</i>	M. G. BOURGOIS (Chairman)
<i>Siam:</i>	H. H. Prince CHAROON (Vice-Chairman)
<i>China:</i>	M. CHAO-HSIN CHU
<i>Germany:</i>	Dr. POENSGEN
<i>Great Britain:</i>	Sir Malcolm DELEVINGNE
<i>India:</i>	Mr. John CAMPBELL
<i>Japan:</i>	Dr. Senichi UCHINO
<i>Netherlands:</i>	M. van WETTUM
<i>Portugal:</i>	H. E. M. FERREIRA
<i>United States of America:</i>	The Hon. Stephen G. PORTER, in association with Bishop BRENT and Surgeon-General BLUE.

*Assessors:*

M. Henry BRENIER  
Sir John JORDAN  
Mrs. Hamilton WRIGHT.

*Secretary:* Dame Rachel CROWDY.

## REVISION OF THE RULES OF PROCEDURE.

The Committee decided, with reference to Rule 2 of its Rules of Procedure, that the Chairman and Vice-Chairman should hold office from one spring session to another.

## PUBLICITY OF MEETINGS.

The Committee noted that the Council had agreed that it should be left to the discretion of the Committee to decide what publicity should be given to its meetings.

The Committee decided that for this session all the meetings should be held in public unless the members of the Committee wished to sit in private for the discussion of any particular question.

## THE PROPOSALS OF THE UNITED STATES OF AMERICA.

The delegation of the United States of America presented the two following proposals:

"1. If the purpose of the Hague Opium Convention is to be achieved according to its spirit and true intent, it must be recognised that the use of opium products for other than medicinal and scientific purposes is an abuse and not legitimate."

- "2. In order to prevent the abuse of these drugs, it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for non-medicinal and non-scientific purposes."

These proposals were amplified by the United States representatives, who, in commenting on them, showed that they were in full accordance with both the letter and the spirit of the International Opium Convention of 1912.

The Committee very fully examined the proposals of the United States. It would be difficult in a short space to summarise the discussions which took place, but a full report of them is included in the minutes of the meetings, and reference should be made to them. After a long discussion, and on the proposal of a Drafting Committee which was appointed to prepare the final text, the Committee adopted unanimously the following resolution:

"I. The Advisory Committee on Traffic in Opium accepts and recommends to the League of Nations the proposals of the United States representatives as embodying the general principles by which the Governments should be guided in dealing with the question of the abuse of dangerous drugs, and on which, in fact, the International Convention of 1912 is based, subject to the fact that the following reservation has been made by the representatives of the Governments of France, Germany, Great Britain, Japan, the Netherlands, Portugal and Siam:

"The use of prepared opium and the production, export and import of raw opium for that purpose are legitimate so long as that use is subject to and in accordance with the provisions of Chapter II of the Convention."

"II. The Advisory Committee, appreciating the great value of the co-operation of the Government of the United States of America in the efforts which the League has for the past two years been making to deal with the question of the abuse of dangerous drugs, expresses the belief that all the Governments concerned will be desirous of co-operating with that Government in giving the fullest possible effect to the Convention.

"III. In bringing the American proposals to the notice of the Council and the Assembly, the Advisory Committee would recall that, during the two years that have elapsed since the Convention came into operation, it has worked towards the same ends by: (1) taking all possible steps to secure the adherence of all countries to the Convention; (2) investigating the question of the world's needs of the manufactured drugs for medicinal and scientific uses with a view to the eventual limitation of the production of these drugs; (3) recommending the system of import certificates, arranging the exchange between States of information in regard to the illicit traffic in the drugs, and proposing other measures for securing international co-operation in suppressing that traffic; (4) inviting the Powers with territories in the Far East to review their requirements of opium, and submitting proposals for an investigation by the Chinese Government of the conditions in China with a view to the more effective application of Chapter II of the Convention and the solution of the problem of the use of prepared opium in the Far East; (5) collecting and publishing information as to the measures taken to give effect to the Convention and the position generally in all countries in regard to the traffic with a view to securing the enforcement of the Convention.

"IV. As a means of giving effect to the principles submitted by the representatives of the United States and the policy which the League, on the recommendation of the Committee, has adopted, and having regard to the information now available, the Advisory Committee recommends to the Council the advisability of inviting:

"(a) The Governments of the States in which morphine, heroin or cocaine and their respective salts are manufactured and the Governments of the States in which raw opium or the coca leaf is produced for export for the purpose of such manufacture;

"(b) The Governments having territories in which the use of prepared opium is temporarily continued under the provisions of Chapter II of the Convention, and the Government of the Republic of China,

to enter into immediate negotiations (by nominating representatives to form a committee or committees, or otherwise) to consider whether, with a view to giving the fullest possible effect to the Convention of 1912, agreements could not now be reached between them:

"(a) As to a limitation of the amounts of morphine, heroin or cocaine and their respective salts to be manufactured; as to a limitation of the amounts of raw opium and the coca leaf to be imported for that purpose and for other medicinal and scientific purposes; and as to a limitation of the production of raw opium and the coca leaf for export to the amount required for such medicinal and scientific purposes. The latter limitation is not to be deemed to apply to the production and export of raw opium for the purpose of smoking in those territories where that practice is temporarily continued under the provision of Chapter II of the Convention;

"(b) As to a reduction of the amount of raw opium to be imported for the purpose of smoking in those territories where it is temporarily continued, and as to the Government of the Republic of China to bring about a suppression of the illegal production and use of opium in China."

*Reservation by the Representative of the Government of India.*

The representative of the Government of India associates himself with the foregoing resolution, subject to the following reservation regarding paragraph I:

“The use of raw opium, according to the established practice in India, and its production for such use, are not illegitimate under the Convention.”

**Annex 6 a.**

A. 13. 1923. XI. [O. C. 144 (I).]

GENEVA, June 16th, 1923.

**ADVISORY COMMITTEE ON TRAFFIC IN OPIUM  
AND OTHER DANGEROUS DRUGS**

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The wealth of information collected by the Committee has enabled it, moreover, to examine the general situation as regards the production and use of opium and other drugs.

**COMPOSITION OF THE COMMITTEE.**

All the members and assessors were present, but in some instances the Governments concerned had nominated new representatives, Dr. UCHINO now representing Japan, Dr. POENSGEN representing Germany, and the United States of America being represented in an advisory capacity by the Hon. Stephen G. PORTER, in association with Bishop BRENT and Surgeon-General BLUE. No answer having been received by the Secretariat from the Government of the Kingdom of the Serbs, Croats and Slovenes to the invitations issued by the Council, this Power was not represented.

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*Assessors:*

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- "2. In order to prevent the abuse of these drugs, it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for non-medicinal and non-scientific purposes."

These proposals were amplified by the United States representatives, who, in commenting on them, showed that they were in full accordance with both the letter and the spirit of the International Opium Convention of 1912.

The Committee very fully examined the proposals of the United States. It would be difficult in a short space to summarise the discussion which took place, but a full report of them is included in the minutes of the meetings, and reference should be made to them. After a long discussion, and on the proposal of a Drafting Committee which was appointed to prepare the final text, the Committee adopted unanimously the following resolution:

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" 'The use of prepared opium and the production, export and import of raw opium for that purpose are legitimate so long as that use is subject to and in accordance with the provisions of Chapter II of the Convention. '

"II. The Advisory Committee, appreciating the great value of the co-operation of the Government of the United States of America in the efforts which the League has for the past two years been making to deal with the question of the abuse of dangerous drugs, expresses the belief that all the Governments concerned will be desirous of co-operating with that Government in giving the fullest possible effect to the Convention.

"III. In bringing the American proposals to the notice of the Council and the Assembly, the Advisory Committee would recall that, during the two years that have elapsed since the Convention came into operation, it has worked towards the same ends by: (1) taking all possible steps to secure the adhesion of all countries to the Convention; (2) investigating the question of the world's needs of the manufactured drugs for medicinal and scientific uses with a view to the eventual limitation of the production of these drugs; (3) recommending the system of import certificates, arranging the exchange between States of information in regard to the illicit traffic in the drugs, and proposing other measures for securing international co-operation in suppressing that traffic; (4) inviting the Powers with territories in the Far East to review their requirements of opium, and submitting proposals for an investigation by the Chinese Government of the conditions in China with a view to the more effective application of Chapter II of the Convention and the solution of the problem of the use of prepared opium in the Far East; (5) collecting and publishing information as to the measures taken to give effect to the Convention and the position generally in all countries in regard to the traffic with a view to securing the enforcement of the Convention.

"IV. As a means of giving effect to the principles submitted by the representatives of the United States and the policy which the League, on the recommendation of the Committee, has adopted, and having regard to the information now available, the Advisory Committee recommends to the Council the advisability of inviting:

- "(a) The Governments of the States in which morphine, heroin or cocaine and their respective salts are manufactured and the Governments of the States in which raw opium or the coca-leaf is produced for export for the purpose of such manufacture;
- "(b) The Governments having territories in which the use of prepared opium is temporarily continued under the provisions of Chapter II of the Convention, and the Government of the Republic of China,

to enter into immediate negotiations (by nominating representatives to form a committee or committees, or otherwise) to consider whether, with a view to giving the fullest possible effect to the Convention of 1912, agreements could not now be reached between them:

- “(a) As to a limitation of the amounts of morphine, heroin or cocaine and their respective salts to be manufactured; as to a limitation of the amounts of raw opium and the coca-leaf to be imported for that purpose and for other medicinal and scientific purposes; and as to a limitation of the production of raw opium and the coca-leaf for export to the amount required for such medicinal and scientific purposes. The latter limitation is not to be deemed to apply to the production and export of raw opium for the purpose of smoking in those territories where that practice is temporarily continued under the provisions of Chapter II of the Convention;
- “(b) As to a reduction of the amount of raw opium to be imported for the purpose of smoking in those territories where it is temporarily continued, and as to the measures which should be taken by the Government of the Republic of China to bring about a suppression of the illegal production and use of opium in China.”

*Reservation by the Representative of the Government of India.*

The representative of the Government of India associates himself with the foregoing resolution, subject to the following reservation regarding paragraph I:

“The use of raw opium, according to the established practice in India, and its production for such use, are not illegitimate under the Convention.”

The representatives of the United States of America communicated to the Advisory Committee the following reply regarding the above resolution:

“I have the honour to acknowledge the receipt of your letter of June 5th, 1923, enclosing a copy of the resolution adopted by the Advisory Committee in regard to the propositions presented by the United States representatives.

“The reservation made by the representatives of the Governments of France, Germany, Great Britain, Japan, the Netherlands, Portugal and Siam in adopting the American proposals appears to be but a reaffirmation of Chapter II of the Hague Opium Convention, and, as such, gives rise to no question. Paragraphs II and III are matters to which no exception could, it is hoped, be taken, especially as it is the earnest desire of the United States to co-operate in every possible way in the work of suppressing the abuse of narcotic drugs.

“While I am without specific instructions in regard to the subject-matter of Paragraph IV, it contains a suggestion which I shall take pleasure in submitting to my Government for favourable consideration.

(Signed) Stephen G. PORTER.”

APPLICATION OF CHAPTER II OF THE CONVENTION WITH REFERENCE TO EUROPEAN POSSESSIONS AND OTHER COUNTRIES IN THE FAR EAST.

The Advisory Committee very fully discussed the question of the use of prepared opium and examined the figures for consumption in the European Possessions and other countries in the Far East. It reached the conclusion that the general situation does not show at present the gradual reduction of the use of prepared opium which is stipulated by the terms of Chapter II of the Convention, and adopted by six votes to one, with one abstention, the following resolution proposed by the representative of Great Britain:

“The Advisory Committee, having regard to the large amount of detailed information now available, recommends the Council to invite the Powers with Far Eastern territories where the use of opium for smoking is temporarily continued, in pursuance of Chapter II of the Opium Convention, to enter into immediate negotiations, by means of calling a special conference of representatives of these Governments or otherwise, to consider what measures could be taken to give a more effective application to Chapter II of the Convention and to bring about a reduction of the amount of opium used, and whether, on the lines of the suggestions set out below or on other lines, an agreement or understanding could not now be reached for the adoption of a uniform policy on the matter:

- “I. That the farm system, where it is still in operation, should be abolished, and that the opium business should be made a Government monopoly and kept entirely in the hands of the Government.
- “II. As a corollary of paragraph I, that the retail sale of prepared opium should be made only from Government shops, and that all private shops should be abolished. Persons in charge of the Government shops should be paid a fixed salary, without any commission on the amount of business done, and therefore would have no temptation to push the sales.

- “iii. That a uniform maximum limit should be fixed for the amount of prepared opium placed on sale for consumption, calculated according to the number of the adult Chinese male population, e.g.,  $x$  taels per 10,000 adult Chinese males in the territory, and that the annual imports of raw opium should be limited to the amount required for that rate of consumption.
- “iv. That the possibilities of the system of registration and licensing, which has already been introduced in some of the Far Eastern territories, should be thoroughly explored.
- “v. That the possibility should be considered of making uniform, so far as circumstances permit:
  - “(a) the price at which prepared opium is retailed in the different territories, and
  - “(b) the penalties for infraction of the law in regard to the import, export, sale and use of prepared opium.
- “vi. That the interested Powers, that is the Powers having territories in the Far East where the consumption of prepared opium is still permitted, should conclude an agreement among themselves to apply the foregoing measures for the purpose of carrying out Chapter II of the Convention.
- “vii. That the position should be generally reviewed periodically by the Powers interested and the question of further reducing the maximum limit fixed in the agreement should be considered.”

The Committee further unanimously decided to recommend that the minutes of its discussions on the subject should be communicated to the Governments with the resolution.

#### LIMITATION ON THE MANUFACTURE OF MORPHINE, OTHER OPIUM DERIVATIVES AND COCAINE.

The Advisory Committee examined such figures as had been obtainable regarding the manufacture of morphine, other opium derivatives and cocaine in the producing countries. It became apparent, during the consideration of this item of the agenda, that there was a large amount of morphine and other drugs imported to and manufactured in Japan. The Committee received explanations from the Japanese representative to the effect that, as no figures for the quantity of morphine actually remaining in stock in Japan were available, the statistics for import and manufacture combined could not be taken as representing consumption. The Committee noted that, from information supplied by the Japanese Government to the Japanese Diet on February 2nd, 1923, it appeared that the quantity of narcotic drugs required by Japan for internal consumption was far below the amount imported and manufactured.

The Japanese representative said that it might be supposed that some quantity of drugs was smuggled out of Japan without the knowledge of the Japanese Government, but he informed the Committee of new ordinances which had lately been promulgated by his Government with the object of restricting the import and export of morphine, cocaine and their respective salts and of supervising their manufacture, sale and consumption. The new laws required the permission of the Department of Home Affairs for the export and import of these drugs, and, in the case of export, the application had to be accompanied by a certificate issued by the authorities of the locality to which the shipment was destined. A manufacturer was required to notify the local authorities of the raw materials which he used, his yearly output and the whereabouts of his factory. He had further to furnish an annual report of the names of the products, the quantities which he manufactured and the sources of supply of his raw materials. The Committee was glad to receive the assurances of the Japanese representative that his Government was taking more effective measures to cope with the general situation in Japan regarding narcotics.

The Committee had before it statistics of the import of drugs into America showing that the great majority of the derivatives of opium and cocaine imported by the United States was furnished by Switzerland. The importance of obtaining the adhesion of Switzerland to the Convention and the import and export certificate system was emphasised.

The information obtained by the Committee concerning the manufacture of drugs was steadily increasing and seemed to make it possible now to form a rough estimate of the world's requirements.

Twenty-one Governments had transmitted to the Secretariat an approximate estimate of their total annual requirements for internal consumption, and the Mixed Sub-Committee appointed jointly by the Health and Opium Committees was still pursuing its investigations.

Suggestions were considered regarding the limitation of the manufacture of morphine, heroin and cocaine, and the Committee reached the conclusion that it now seemed possible for the Governments of the producing countries to approach each other with a view to reaching a general understanding.

With regard to heroin, the Advisory Committee, on the suggestion of the Portuguese representative, decided to recommend to the Council a resolution to the effect that Governments should be asked to transmit their views as to the possibility of the total suppression of the manufacture of heroin or, alternatively, the limitation of its manufacture to the minimum quantities recognised as necessary either for special cases or for prescriptions by specialists. The Portuguese representative supported his proposal by referring to certain authoritative opinions expressed in the

medical world, which tended to show that the total suppression of the manufacture of heroin would not deprive the medical world of a necessary drug.

The Committee's final decision regarding the action to be recommended on the question of the limitation of the manufacture of these drugs will be found in that part of this report dealing with the proposals of the United States of America.

#### PROGRESS REPORT.

The Advisory Committee also had before it a progress report by the Secretariat on the work accomplished since its January session.

##### *(a) Signature and Ratification of the Convention.*

The Committee noted that fifty-one countries Members of the League had signed, and forty two had ratified, the International Opium Convention of 1912<sup>1</sup>. Mrs. Hamilton Wright furnished the Committee with information regarding the position in Turkey. She had been officially requested by the Turkish delegation to the Lausanne Conference to inform the Committee that the text of the Convention had been included in the Treaty at present under consideration between Turkey and Greece that Turkey was willing to accept the Convention, to join the League of Nations and to accept the same restrictions as any other nation.

##### *(b) Import Certificate System.*

The Committee reviewed the general situation and noted that twenty States had accepted the import and export certificate system and had put it into force, and that thirteen others had accepted it in principle. Since the last session of the Committee, therefore, eight more countries had now put this system into effect and three had accepted it in principle.

The representatives of the United States of America explained the system of certificates in force in that country. An importer had to obtain authority from the Federal Narcotics Control Board in respect of each consignment proposed to be imported, and, if approval were given, could obtain from the Board a certificate to that effect. The Board had full power to adopt any form of certificate which it might think fit.

The Committee instructed the Secretariat to communicate the particulars of the system in force in America to all signatory States of the International Opium Convention of 1912 in order that those States might, before sanctioning exports to the United States of America, obtain the production of a certificate from the Federal Narcotics Control Board.

The Portuguese representative stated that a Bill was at the moment before the Portuguese Chamber providing for the issue of a certificate of import to all exporting countries which demanded it. The certificate would state that the quantities imported were for medicinal and scientific purposes and, further, that the drugs would not be re-exported; the certificate would apply only to European and Insular Portugal. With regard to the Portuguese Colonies, the Portuguese Government thought it preferable to make special provisions in view of the special conditions obtaining in Macao with regard to the question of opium.

Through lack of time, the further consideration of the position in regard to the import certificate system was postponed till the next session of the Committee.

The Committee was also compelled to postpone the further consideration of the resolution of the Third Assembly, as the position in regard to Switzerland, Turkey and Persia was not yet cleared up.

##### *(c) Annual Reports.*

Fifteen annual reports for 1921 and eleven for 1922 have been received by the Secretariat. Several of these reports, however, are not complete. The Committee decided once more to ask the Council to urge on the Governments the importance of sending in the annual reports on the traffic in opium and other dangerous drugs in accordance with the unanimous recommendation of the Assembly, since the information which they contained was of the utmost value.

##### *(d) Traffic in Cocaine.*

The Advisory Committee noted that eighteen Governments had replied to the request to furnish information with regard to manufacture of cocaine and that twelve countries had sent in an estimate of their requirements. In addition, estimated requirements had been received from a large number of British Colonies.

The Secretariat is in correspondence with Peru and Bolivia regarding the production and export of coca-leaves as well as of crude cocaine and its salts.

The Netherlands representative informed the Committee that the Minister for Foreign Affairs was willing to ask the Minister for Labour to introduce a Bill authorising the Netherlands Government to publish figures for the manufacture of cocaine the moment that the Committee had received

<sup>1</sup> The following States Members of the League have signed but not ratified the Convention: Argentine, Colombia, Costa Rica, Esthonia, Lithuania, Paraguay, Persia and Switzerland. Albania has neither signed nor ratified the Convention.

similar figures from all other manufacturing countries. The Committee noted that, with the exception of Peru and Bolivia, the only statistics of manufacture which had not yet been obtained were those from France and the Netherlands, and the French representative informed the Committee that the French figures would be in the hands of the Secretariat in a very short time. The representative of the Netherlands requested the Secretariat to send him the French figures on their arrival in order that he might request his Government to take the action to which he had referred.

The progress report further dealt with the total annual requirements of opium and its derivatives for consumption, the discrepancies between statistics in the returns of the various countries, and the co-operation between China and Japan with regard to illicit traffic. The decisions on these points will be found under different headings.

#### EXCHANGE OF INFORMATION WITH REGARD TO THE SEIZURES OF DRUGS.

The Advisory Committee attached the utmost importance, in connection with the suppression of the traffic, to the exchange of information between Governments of the seizures of drugs. It therefore adopted the following resolution:

“The Advisory Committee recommends the Council to draw the attention of the Governments to the extreme desirability not only of direct communication to other immediately interested Governments of the details of any seizures made but also of a general communication to the Secretariat of the League of Nations of all important seizures in order that the fullest international publicity may be secured by the transmission, with the consent of the Governments concerned, of this information by the Secretariat both to other Governments not immediately concerned in the specific case and to the Press.”

#### WORLD PRODUCTION OF OPIUM.

In reviewing the general situation with regard to the world production of opium, the Advisory Committee noted the lack of accurate or detailed information for most of the producing countries. The Committee understood that the investigations which the Chinese Government undertook to make this year are being made, but that the reports of these enquiries have not yet been received. The Committee noted that, according to the latest information in its possession, the position was worse than last year.

In the course of the discussions, the French representative explained that his Government had taken steps to prevent any passage through Tonkin of opium from Yunnan destined for another province in the south of China.

The Chinese representative assured the Committee that the Government of the Republic of China would never under any circumstances legalise the production of opium in China and that the present recrudescence was due to the lack of control by the central Government in certain provinces. The rumour which had been circulated regarding the establishment of an opium monopoly by the Chinese Government was untrue; that Government would never recede from the position which it had taken up in 1917 when the final prohibition of cultivation had been carried out.

#### DISCREPANCIES IN STATISTICAL RETURNS AND THE POSITION OF BONDED WAREHOUSES.

The Advisory Committee had before it the replies of the Japanese, British and United States Governments on the discrepancies between British and American statistics of exports of drugs to Japan and the Japanese statistics of imports of drugs from those countries. The British representative proposed that some arrangement should be come to between the Governments for the preparation, on a uniform basis, of their statistics of the import and export of drugs, whereby uniform particulars could be given, more especially as to the countries from which the drugs were consigned, the country of destination, if possible, the countries through which the drugs passed by way of transit or transshipment, shipments out of bond and, if possible, the country of origin, that is, the country in which the goods were manufactured or produced.

During the discussion on this question, the Japanese representative informed the Committee that the former practice in his country of waiting until narcotics landed in bond were withdrawn from bond before regarding them as imports had been discontinued. The new regulations laid down that all narcotics landed in bond would be considered as imports from the date of their landing.

The Committee eventually appointed a Sub-Committee to enquire into the possibility of establishing a system whereby uniformity in statistics could be obtained. The Committee approved the suggestion in the report that the statement prepared for the Sub-Committee by the Secretariat should be transmitted to all Governments with a request for their observations. The Committee also recommended that the note prepared by the British representative on the position of bonded warehouses in relation to the traffic should be sent at the same time for the observations of the Governments.

ARTICLE XIV OF THE CONVENTION: MEMORANDUM ON EXEMPTIONS SUBMITTED BY THE SIAMESE REPRESENTATIVE.

The Siamese representative raised the question as to what exemption should be granted by a State to preparations which did not come within the terms of the Convention because the percentage of morphia or cocaine which they contained was less than that prescribed therein. A quantity of morphia, for instance, might be so diluted by a solvent as to bring it below 0.2 per cent and thus cause the preparation to fall outside the scope and control of the Convention.

The Advisory Committee decided to recommend that the Governments should be asked whether they had experienced any difficulties and, if so, how they had dealt with them, and to communicate to the Secretariat any information in their possession on this subject in order that the matter might be discussed at the next session of the Committee.

VOLUNTARY ORGANISATIONS.

The Committee took note of resolutions and reports submitted by the following voluntary organisations:

The Harvard International Assembly;  
The International Anti-Opium Association;  
The Edinburgh Anti-Opium Association;  
The International Women's Suffrage Alliance;  
The League of Red Cross Societies.

CO-OPERATION BETWEEN JAPAN AND CHINA WITH REGARD TO ILLICIT TRAFFIC.

The Committee noted that negotiations were in progress between Japan and China regarding co-operation between these countries in order to suppress smuggling. A joint committee was about to be set up to examine this question.

INCREASE IN PENALTIES: PROPOSAL BY THE FRENCH GOVERNMENT.

The French representative informed the Committee that the French Government attached great importance to the question of increasing the penalties for illicit traffic in drugs. By reason of the ease with which these drugs can be smuggled, it considered that, however stringent the measures taken on the frontiers of a country, it was impossible to detect more than a very small quantity of the contraband drugs passed through. During the discussion, the French representative drew attention to the advisability of instituting the penalty of imprisonment, and, if possible, of prohibition of residence (*interdiction de séjour*). He called attention to the fact that certain courts were not always ready to apply with complete strictness the penalties laid down.

Attention was also called by the British representative to a new provision which had just been adopted by Parliament in the Dangerous Drugs Act of the present year, which was to the effect that:

Any person "who, in Great Britain, aids, abets, counsels or procures a commission in any place outside Great Britain of any offence punishable under the provisions of any corresponding law in force in that place, or does any act preparatory to or in furtherance of any act which, if committed in Great Britain, would constitute an offence against this Act", shall be guilty of an offence against the Act.

The Committee adopted the following resolution:

"The Advisory Committee, considering that the infliction of severe penalties on persons engaged in the illicit traffic in narcotics is one of the best means of preventing the spread of that traffic, recommends the increase of penalties in certain countries, the adoption of the penalty of imprisonment, and, if possible, of prohibition of residence (*interdiction de séjour*), a very strict application of the penalties laid down, and the introduction of clauses providing for the punishment of infractions committed in foreign countries."

CONCLUSION.

In submitting this report to the Council, the Committee draws attention to the importance which it attaches to the collaboration of the United States of America and expresses the hope that this collaboration will be continued.

RESOLUTIONS.

1. I. The Advisory Committee on Traffic in Opium accepts and recommends to the League of Nations the proposals of the United States representatives as embodying the



general principles by which the Governments should be guided in dealing with the question of the abuse of dangerous drugs and on which, in fact, the International Convention of 1912 is based, subject to the fact that the following reservation has been made by the representatives of the Governments of France, Germany, Great Britain, Japan, the Netherlands, Portugal and Siam:

“The use of prepared opium and the production, export and import of raw opium for that purpose are legitimate so long as that use is subject to and in accordance with the provisions of Chapter II of the Convention.”

- II. The Advisory Committee, appreciating the great value of the co-operation of the Government of the United States of America in the efforts which the League has for the past two years been making to deal with the question of the abuse of dangerous drugs, expresses the belief that all the Governments concerned will be desirous of co-operating with that Government in giving the fullest possible effect to the Convention.
- III. In bringing the American proposals to the notice of the Council and the Assembly, the Advisory Committee would recall that, during the two years that have elapsed since the Convention came into operation, it has worked towards the same ends by: (1) taking all possible steps to secure the adhesion of all countries to the Convention; (2) investigating the question of the world's needs of the manufactured drugs for medicinal and scientific uses with a view to the eventual limitation of the production of these drugs; (3) recommending the system of import certificates, arranging the exchange between States of information in regard to the illicit traffic in the drugs, and proposing other measures for securing international co-operation in suppressing that traffic; (4) inviting the Powers with territories in the Far East to review their requirements of opium, and submitting proposals for an investigation by the Chinese Government of the conditions in China, with a view to the more effective application of Chapter II of the Convention and the solution of the problem of the use of prepared opium in the Far East; (5) collecting and publishing information as to the measures taken to give effect to the Convention and the position generally in all countries in regard to the traffic, with a view to securing the enforcement of the Convention.
- IV. As a means of giving effect to the principles submitted by the representatives of the United States and the policy which the League, on the recommendation of the Committee, has adopted, and having regard to the information now available, the Advisory Committee recommends to the Council the advisability of inviting:
  - (a) The Governments of the States in which morphine, heroin, or cocaine, and their respective salts are manufactured and the Governments of the States in which raw opium or the coca-leaf are produced for export for the purpose of such manufacture;
  - (b) The Governments having territories in which the use of prepared opium is temporarily continued under the provisions of Chapter II of the Convention and the Government of the Republic of China,

to enter into immediate negotiations (by nominating representatives to form a committee or committees, or otherwise) to consider whether, with a view to giving the fullest possible effect to the Convention of 1912, agreements could not now be reached between them:

- (a) as to a limitation of the amounts of morphine, heroin or cocaine and their respective salts to be manufactured; as to a limitation of the amounts of raw opium and the coca-leaf to be imported for that purpose and for other medicinal and scientific purposes; and as to a limitation of the production of raw opium and the coca-leaf for export to the amount required for such medicinal and scientific purposes. The latter limitation is not to be deemed to apply to the production and export of raw opium for the purpose of smoking in those territories where that practice is temporarily continued under the provisions of Chapter II of the Convention;
- (b) as to a reduction of the amount of raw opium to be imported for the purpose of smoking in those territories where it is temporarily continued, and as to the measures which should be taken by the Government of the Republic of China to bring about a suppression of the illegal production and use of opium in China.

*Reservation by the Representative of the Government of India.*

The representative of the Government of India associates himself with the foregoing resolution, subject to the following reservation regarding paragraph 1:

“The use of raw opium, according to the established practice in India, and its production for such use are not illegitimate under the Convention.”

2. The Advisory Committee, having regard to the large amount of detailed information now available, recommends the Council to invite the Powers with Far Eastern territories where the use of opium for smoking is temporarily continued in pursuance of Chapter II of the Opium Convention, to enter into immediate negotiations, by means of calling a special conference of representatives of these Governments, or otherwise, to consider what measures could be taken to give a more effective application to Chapter II of the Convention and to bring about a reduction of the amount of opium used, and whether, on the lines of the suggestions set out below or on other lines, an agreement or understanding could not now be reached for the adoption of a uniform policy on the matter:
- i. That the farm system, where it is still in operation, should be abolished and that the opium business should be made a Government monopoly and kept entirely in the hands of the Government.
  - ii. As a corollary of paragraph i, that the retail sale of prepared opium should be made only from Government shops, and that all private shops should be abolished. Persons in charge of Government shops should be paid a fixed salary without any commission on the amount of business done, and therefore would have no temptation to push the sales.
  - iii. That a uniform maximum limit should be fixed for the amount of prepared opium placed on sale for consumption, calculated according to the number of the adult Chinese male population, *e.g.*,  $x$  taels per 10,000 adult Chinese males in the territory, and that the annual imports of raw opium should be limited to the amount required for that rate of consumption.
  - iv. That the possibilities of the system of registration and licensing, which has already been introduced in some of the Far Eastern territories, should be thoroughly explored.
  - v. That the possibility should be considered of making uniform, so far as circumstances permit:
    - (a) the price at which prepared opium is retailed in the different territories, and
    - (b) the penalties for infraction of the law in regard to the import, export, sale and use of prepared opium.
  - vi. That the interested Powers, that is, the Powers having territories in the Far East where the consumption of prepared opium is still permitted, should conclude an agreement among themselves to apply the foregoing measures for the purpose of carrying out Chapter II of the Convention.
  - vii. That the position should be generally reviewed periodically by the Powers interested and the question of further reducing the maximum limit fixed in the agreement should be considered.
3. The Advisory Committee asks the Council to request the Governments to communicate their views as to the possibility of a total suppression of the manufacture of heroin or of its limitation to the minimum amount required.
4. The Advisory Committee, being convinced of the great value of the information contained in the annual reports which each Government has been requested to transmit to the Secretariat, once more recommends the Council to urge on the Governments the importance of sending regularly to the Secretariat such reports, which should contain the fullest possible information, both with regard to the production of and the traffic in opium and other narcotics.
5. The Advisory Committee recommends the Council to draw the attention of the Governments to the extreme desirability not only of direct communication to other immediately interested Governments of the details of any seizures made but also of a general communication to the Secretariat of the League of Nations of all important seizures in order that the fullest international publicity may be secured by the transmission, with the consent of the Governments concerned, of this information by the Secretariat both to other Governments not immediately concerned in the specific case and to the Press.
6. The Advisory Committee recommends that the statement prepared by the Secretariat for the Sub-Committee on Customs Statistics, together with the memorandum prepared by Sir Malcolm Delevingne on the position of bonded warehouses in regard to the traffic in narcotics, should be communicated to the Governments with a request for their observations.
7. The Advisory Committee, considering that the infliction of severe penalties on persons engaged in the illicit traffic in narcotics is one of the best means of preventing the spread of that traffic, recommends the increase of penalties in certain countries, the adoption of the penalty of imprisonment, and, if possible, of prohibition of residence (*interdiction of séjour*), a very strict application of the penalties laid down, and the introduction of clauses providing for the punishment of infractions committed in foreign countries.

(Signed) G. BOURGOIS,  
Chairman.

Rachel E. CROWDY,  
Secretary.

CHAROON,  
Vice-Chairman.

## Annex 7.

### STATEMENT BY M. KOO (NATIONAL ANTI-OPIUM ASSOCIATION OF CHINA).

M. Koo (National Anti-Opium Association of China): Mr. President, members of the Second Conference, ladies and gentlemen, I wish to thank the Assembly first for giving me the privilege of addressing it this afternoon. In speaking to this Conference I labour under two serious difficulties: first, I speak in a language which is not my own, and, second, I have had no diplomatic training and therefore can speak only the plain language of the man in the street. Therefore I urge you not to scrutinise too closely the letter and style of what I am going to say but more the spirit of my words.

I stand before you to-day as a representative of the National Anti-Opium Association of China. This Association is formed by some 34 peoples' organisations. I shall not take up your time by reading through the whole list of these organisations. By mentioning a few, the character of them will become plain. They are: the General Chamber of Commerce; the China Medical Association; the Union of Daily Newspapers; the Red Cross Society of China; the National Association for the Advancement of Education; the Overseas Chinese Union; the National Council of Churches; the National Committees of the Y.M.C.A. and the Y.W.C.A. of China; the Boy Scouts Union; the World's Chinese Students' Federation, etc.

Since the formation of the Anti-Opium Association of China by these peoples' organisations, our work has been much hampered by the late fighting between our military factions. Therefore, up to September we have not been able to organise more than 188 branch Anti-Opium Associations in 19 provinces of China and one special territory. These Associations are made up of men from all walks of life — educationists, merchants, lawyers, doctors, ministers, social workers, editors, students, and so forth. But even in these abnormal times of our country we have been able to push forward our work, as a telegram recently received by me will indicate. This telegram says that the National Anti-Opium Association has succeeded in getting up a petition to the League of Nations signed by 1,300 organisations located all over China, representing some two million people. They have also succeeded in placing upon the agenda of the Peace Conference called by General Feng Yu Hsiang the question of opium suppression; and the Ministry of the Interior, which is entrusted with the preparation of this Peace Conference, is co-operating fully on this question with the National Anti-Opium Association.

I am sent to Geneva by these organisations not to defend the Opium situation in our own country nor to attack the opium policy in other lands. We recognise that little is to be achieved by those means. In fact the organisation of the National Anti-Opium Association by these bodies is to express the determination of the Chinese people again to resume the war against the return of the opium evil in our country without, at first, any reference to the two Conferences called by the League of Nations here during this month. But they have sent me here, first, that I may bring back to the people of China the opinion and the attitude of the nations present here in this Conference on the opium question, and, second, that I may tell the nations here what we are trying to do through this National Anti-Opium Association. I use the phrase "what we are trying to do" advisedly, because the difficulty and complexity of the problem which we have undertaken to attack is one which is fully recognised by all those who are engaged in it, and we are not foolish enough to shut our eyes to the magnitude of the work that we have undertaken. But, whether we will succeed or not, we have set our hands to the work for the next ten years, and time and our own determination will alone give the verdict. The National Anti-Opium Association is formed to help our people in China and abroad to rid themselves of the curse of opium and its allied drugs. To accomplish this end, we shall start work on the following lines:

1. *To suppress the Planting of Opium in China.* — We have watched the return of the poppy-fields in China with great concern. You are all familiar with the cause of this return. If we wait until the political situation clears in our own country we may have to wait for some time. But we do not propose to wait. We shall take each province by itself and assist the provincial authorities and, in certain cases, compel the provincial authorities to carry out the laws against poppy-planting. Through our branch associations we shall inspect the whole province during the time when the poppy would be in bloom. In order to make this inspection quite impartial, the National Anti-Opium Association favours the invitation by them of persons of recognised standing — of non-Chinese origin — to be associated with our delegates when they undertake this annual inspection work. Through the application of public opinion in China and abroad in this manner, we hope that the first item in our programme may reach a successful issue.

2. *The Prevention of Opium-smoking and the Abuse of Morphine, Cocaine, etc.* — People speak about China as though opium-smoking had returned to the same extent as before the days when smoking was made illegal. Having myself moved somewhat among the young men of my own country in different parts of China, I know that that is not true. But, whether true or otherwise, the National Anti-Opium Association proposes to conduct an educational campaign against opium-smoking and the abuse of morphine, cocaine and so forth. Thank God we have these peoples' organisations through which we can conduct such a campaign with ease and effect,

and through which we can also promote a campaign to prohibit its members from contracting the habit of smoking opium and to prohibit its members from the abuse of dangerous drugs! This work is already started. Our aim is to stir up a moral conscience against the use of opium and its allied drugs, which will be a powerful support for the effective prosecuting of action against opium smokers and drug addicts. In this connection I would like to call the attention of the Conference to the problem of territories and settlements in and near China, where people can still smoke with the sanction of law. Wherever these territories and settlements exist, it is essential, for the success of anti-opium measures, to have complete understanding between the authorities concerned and administrative co-operation in addition. For instance, if Hong-Kong is trying to make a real effort to end opium-smoking, it would surely fail if Canton is not sincerely co-operating in the same direction. The reverse of the situation is also true. It is not unlikely that, as the work of the National Anti-Opium Association develops, we shall have frequent occasion to have recourse to the colonial and settlement authorities for advice and co-operation, and I hope that the Governments here present which have territories in the Far East will co-operate with us in our work in this respect.

3. *The Illicit Trade in Narcotics.* — This is by far the most serious problem that the National Anti-Opium Association will have to face. Other nations in the First Conference repeatedly mentioned the fact of long frontiers, of extra-territorial rights, of the disparity of penalties connected with the punishment of smuggling, etc. which make it almost impossible to cope with the illicit traffic in opium in their respective territories. All these difficulties are present with us in dealing with the illicit traffic in narcotics, but in a much more acute degree. It is a well-known fact that the smuggling of morphine and other dangerous drugs into China is going on on an extensive scale. It is therefore a most serious question which we have to face in our anti-opium work if, in suppressing the cultivation and smoking of opium in China, we cannot at the same time deal effectively with the illicit traffic in narcotics. As a peoples' organisation, we have, of course, nothing to say on the diplomatic and legal side of this problem. But here also we wish to ask the Conference to recognise the principle that the illicit traffic in these drugs cannot be limited until their production and manufacture is first brought under control, and that the most effective way to check this illicit trade is to check it in the countries where it originates.

The National Anti-Opium Association, therefore, supports will all its power the proposal that we should limit the production of opium and its derivatives and of cocaine strictly to scientific and medical use only and that the manufacture of these drugs should be placed under strict Government supervision.

4. *The Problem of smoking Opium Overseas Chinese.* — To co-operate in the desire of the colonial Governments to stamp out the opium-smoking habit, the National Anti-Opium Association will organise a special bureau to deal with the overseas Chinese from two angles: (a) to stimulate the Chinese communities in these territories to organise anti-opium work among themselves; (b) to agitate for legislation in our own country, looking towards the restriction of the emigration of Chinese into territories where the registration and rationing of opium-smokers have not yet been adopted, to prohibit addicted smokers from going to settle in those territories, and to refuse entry into China of Chinese from those territories who are opium addicts.

Along these four main lines the National Anti-Opium Association is going to wage a war against opium in our own country. We all realise that the odds against us are tremendous. But the question concerns so deeply the welfare of the Chinese people that, no matter what is done here in this Conference, no matter what the prospects of success, or no matter what sacrifices we may be called upon to make in this undertaking, we shall push forward this work until we have rid ourselves of this curse. Public opinion, moral sentiment and the innate common sense of the Chinese people are definitely against opium, and on these we shall pin our faith. Those of us who are in touch with the unfolding national life in our own country have seen the growth in recent years of the consciousness and power of the people, and this consciousness and power have in recent years been expressed on more than one occasion of national crisis. It is because of this knowledge that I can speak to you to-day with the confidence and assurance that I have on this subject.

In conclusion, may I refer to the address which was delivered by Bishop Brent yesterday. If he will allow me, I would like to associate myself and the organisation I represent with those challenging words of his, especially when he appealed for the recognition of the fact that the weal and woe of one people should be accepted as the common concern of all; when he urged the nations to deal with this opium question from the ethical and not from the financial plane; and when he advocated the absolute limitation of manufacture and production of opium and its derivatives to medical and scientific purposes only. I can assure the Conference that the people of China will support these measures which we are going to push in our own country with all their might, and the proof of their support is to be found in the measures which we are going to push in our own country through the National Anti-Opium Association. On behalf of all in China who are interested in this question, I thank the Conference for having given us the privilege of hearing the voice of a prophet added to the voice of the diplomat and the expert.

## Annex 8.

### STATEMENT BY Dr. WARNHUIS

(INTERNATIONAL MISSIONARY COUNCIL).

Dr. WARNHUIS (International Missionary Council): Mr. President, members of the Conference, ladies and gentlemen, it is a very great honour to be permitted to address this Conference, composed of representatives of so many Governments meeting here as you are, to consider proposals for a larger measure of co-operation in controlling the traffic in opium and other dangerous drugs. For this privilege I offer my best thanks.

The International Missionary Council, for whom I have the honour of standing here to-day, is an organisation representing the missionary forces of all the Protestant Churches in Christendom. In each country these churches and missionary societies have organised councils or conferences, and these national organisations appoint delegates to the International Council. In this way, the Council represents the foreign missionary forces of all the Protestant Churches of Norway, Sweden, Finland, Denmark, Germany, Netherlands, Belgium, France, Switzerland, Great Britain and Ireland, the United States of America, Canada, South Africa, Australia, New Zealand, and also the growing Christian churches in Japan, China, India, Africa, Egypt, Asia Minor and South America. I am speaking, therefore, on behalf of another League. Through the Council, the missionary forces of the Churches in all these countries are effectively correlated for the purpose of larger co-operation in all matters of common interest.

My principal purpose in asking for the privilege of making this address was to assure the Conference of the deep interest which all these missionary forces have in your deliberations and decisions. Our prayers are that the Conference may be splendidly successful. We hope that its proposals, when duly ratified, will make possible a more rapid progress in the effective control of the traffic in these dangerous drugs. The results of the Conference will be carefully reported to the Council and to all the national missionary organisations that it represents, and the Conference may be assured in advance of the strong support of all these forces in every advance step that you propose.

May I remind you that this interest on our part is not a recent or temporary development? The missionaries are intimately acquainted with the evil effects of the non-medicinal use of opium and other drugs in the countries where they are at work. For many years they have been engaged in anti-opium work. In China they organised associations for this purpose. They were greatly encouraged by the action of the Philippines Government in 1903, and in 1904 they made an appeal to the Government of the United States of America for assistance. You will find a record of the history of that movement in House Document No. 380, Sixty-eighth Congress, First Session, page 245.

Again, it was as a missionary bishop in the Philippine Islands that Bishop Brent made the appeal to President Roosevelt in 1906. As the result of these repeated appeals, the Opium Conference in Shanghai was called, which, in turn, was followed by the three Conferences at The Hague, and now by these two Opium Conferences in Geneva. This Conference, therefore, is carrying forward the work begun in a very humble way by our missionaries. As we may claim to have begun this work, and as we have continued our efforts through all these years, so we shall persistently and untiringly persevere to the end until mankind is freed from this great physical and moral evil. That is the goal, and we shall not rest until we reach it, however long and difficult the way may be, for Right will win. The representatives of the Press who are here are a very powerful influence, but when their report of your daily proceedings are forgotten, the missionary forces will still be hard at work trying to do all within their power to realise the purposes for which this Conference has been called.

It is not for us to suggest the governmental measures that ought now to be jointly undertaken by the nations represented here. We have studied carefully the reports of the Advisory Opium Committee and the report of the Committee preparatory to this Conference. We have noted with satisfaction the proposed measures which it is hoped will provide for a more effective control over the traffic in manufactured drugs, but we have with regret failed to find similar provisions to restrict the production of the raw materials. We know that this production is strictly controlled in India, and we have the promise of that Government to reduce the production as rapidly as the demands made by other Governments for raw opium decrease.

We are looking expectantly to this Conference to answer two questions, besides adopting the measures recommended by the Advisory Committee. These two questions are: (1) What measures does the Conference recommend to the other producing countries for the more effective control of production? (2) What measures does the Conference recommend to the countries importing raw opium for the reduction of their import requirements?

We hesitate to discuss such questions, for we are not expert in them. We venture to mention them only because it is generally agreed that the only successful way of dealing with these problems will be by dealing with them at their source, which is in the producing countries. So long as the production of these raw materials exceeds ten times the legitimate needs of the world, is there any hope of relief?

Returning now to the sphere of our own work, I may say that the methods which we have used and shall endeavour to develop are educational. We try to teach men the evil effects of

the misuse of these drugs and to awaken their consciences and to strengthen their self-respect so that they will not succumb to the temptation of these vices. We try to arouse and organise public opinion, on the one hand, to encourage the individual in his resistance to these temptations, and, on the other hand, to support the Governments in the enactment and enforcement of restrictive measures.

To speak concretely, I may refer to China. Sir John Jordan, whose name we always mention with great respect, has repeatedly given public testimony to the valuable assistance given by the Christian forces in the anti-opium movement in that great country. We are not idle now in the unfortunate circumstances of political disorder in China. The last Sunday of last September was observed as an anti-opium Sunday, and suitable literature was sent to over 8,000 churches and chapels in all the provinces of China. We have shared in the organisation of the National Anti-Opium Association of China, whose representative — M. Koo — has just spoken to you. If I may, I would gladly associate myself with all that he has said. I have known M. Koo for a number of years. I know something of the work he is doing in China. I honour him as a man worthy of all respect — earnest, capable, and an inspiring leader. Having lived in China for about 20 years, I know something also of some of the other leaders in this Association and of the organisations that are co-operating in it. On that basis of personal knowledge and also of reports that I have received from China both in personal letters and in the public Press, I hope — we cannot prophesy, but we have good reasons for hoping — that this Association will, in the comparatively short time of a few years, succeed in reawakening those forces in the people of China which will not only restore China to the proud position which she occupied in 1917 but will do more in firmly establishing the reform so that another relapse cannot recur.

Then, as the delegates of the Netherlands know, we are proposing active educational work in the Netherlands Indies. In such efforts, if well conceived, we look confidently for the support of the Government.

Again, in the countries of Persia and Turkey, we are making similar plans. Within the last week, I have received important letters from missionaries in Persia regarding this subject.

Of India, I need not speak at length, for Mr. MacLennan will speak on behalf of the Missionary Conference of Great Britain and Ireland. A printed pamphlet will also be distributed to the members of the Conference explaining the purposes of the Christian forces in that land, as they are endeavouring to teach the people of India the evil of giving opium to babies, to abandon the vice where the use of opium is a mere addiction, and to substitute more beneficial drugs in cases of illness. We believe that in such educational work we shall have the unqualified support of the Government of India. These pamphlets have been sent to this Conference with the consent of that Government, although it received them too late to express any opinion regarding their contents. By request of the Indian Government the pamphlets are being sent to all the Provincial Governments in India. We have gladly recognised the efficiency with which the Government of India controls both the production and distribution of opium, with the result that the consumption of opium in India compares very favourably with that in many other countries, as the statistics of the Advisory Committee show. We rejoice in this further evidence of the Government's approval of well-considered efforts to educate public opinion in India with a view to the further reduction of consumption and without any regard to the bearing of this upon fiscal questions.

In passing, I may add that, while we undertake this anti-opium work as part of our duty as Christian missionaries, making our message in this way one of genuine good will to the people whom we strive to serve, we at the same time endeavour to co-operate with the adherents of other religious faiths.

The abuse of opium and other drugs is a moral evil, in combating which there is no difference of opinion between Christians and Confucianists, or Buddhists, or Hindus, or Moslems, or any other men of high moral purposes.

I need not describe in detail what we have attempted to do in the countries of Europe and America in support of the measures adopted by these Governments. Especially in the United States and in Great Britain the missionary forces have actively associated themselves with other forces in the community in support of every advance step that has been taken in recent legislation on this subject.

As for the principles which underlie these anti-opium activities, I could quote from many statements adopted at various times not only by the International Missionary Council but also by the national missionary organisations in Europe and America, China, India, and other countries, and by many church assemblies. One reference will suffice for our purposes to-day. In the hearings before the Committee on Foreign Affairs of the House of Representatives of the United States (see page 25 of House Document No. 380, Sixty-eighth Congress, First Session), Rev. Edwin C. Lobenstine, one of the secretaries of the National Christian Council of China, which represents the Chinese Churches and also the European and American missionaries, said:

“The opium traffic has been one of the serious hindrances to the work of the Christian Church in China, inasmuch as one of the main arguments which we have for the spread of Christianity is our high ethical standards and the feeling that it will improve the moral condition of the people, and yet, in the eyes of the people in China, the white race is morally responsible, directly responsible, for the introduction and the spread of the opium habit in China. Of course, I take it that there is no use of speaking of the demoralising influence of those using opium.”

Because, therefore, it hinders our Christian missionary purposes, and again because it demoralises all those who use it in an abusive way, we are unalterably opposed to, and we shall not rest



in our efforts in assisting Governments to bring to an end, the illegitimate traffic in opium and other drugs of addiction.

We believe the legitimate traffic is correctly defined in the resolutions of the Advisory Opium Committee and adopted by the Assembly and Council of the League of Nations in 1923. We believe that the use of opium and other dangerous drugs should be restricted entirely and without reservation to medicinal and scientific purposes. Further, we would urge that the production of opium and coco-leaves should be limited, so that there will be no surplus that can be used for other purposes.

We rejoice that this Conference has been called on the basis of these two principles. We trust that the Conference may be splendidly successful in adopting measures to be recommended to the various Governments that shall bring these principles into practical application at an early date.

Mr. President and members of the Conference, I beg leave to thank you again for this opportunity of appearing before you to explain in this brief statement our great and abiding interest in the work in which you will be engaged in these coming days, and to express our respect for you and the Governments whom you represent and with whom we desire to co-operate in such ways as are right and within our power. We may quote the words spoken by Bishop Brent last year:

“The time has come for action on one of the great moral questions of our times, and the tide of opportunity runs high. We are in the valley of decision. There are but two alternatives. As Lord Grey has said: ‘The nations must learn or perish.’” (*Applause.*)

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### Annex 9.

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#### STATEMENT BY Mr. MACLENNAN

(CONFERENCE OF MISSIONARY SOCIETIES IN GREAT BRITAIN AND IRELAND).

Mr. MACLENNAN (Conference of Missionary Societies in Great Britain and Ireland): Mr. President and members of the Conference, I wish to thank you for this opportunity of addressing such a distinguished Conference. I speak on behalf of the Annual Conference of Missionary Societies in Great Britain and Ireland, which includes in its membership 51 societies, working in every land, concerned with the limitation of the opium traffic. These societies expend £2,500,000 sterling each year on their work. They have sent out about 5,000 missionaries to all these lands. These missionaries are not mere propagandists; they give disinterested service to the peoples of the lands in which they work — medical, educational and philanthropic — and they are earnestly concerned with everything that makes for the welfare or for the ill of these peoples. They seek to accord to all the Governments of the countries in which they work that due loyalty which these Governments have the right to expect from their guests.

I think I would be consulting your wishes this afternoon if I did not speak at any length, and, to save time, I should like to associate myself entirely with all Dr. Warnhuis has said to you and to associate myself with what he has said on behalf of the British missionary societies. I and the British missionary societies heartily support the suggestions made by the United States of America. We wholeheartedly support the suggestions of your Advisory Committee, but we venture to hope that the larger proposals may be discussed, and possibly a solution come to along their lines.

I observe, in the proposal submitted to the Conference, the omission of any suggestion or figures concerning the growth of raw opium in the various countries where opium is grown, and we venture to hope that the Conference may see its way, in any convention which it formulates, to include this matter, or at least to include statistics of growth so far as they can be ascertained or estimated. The missionary societies which I represent and the Christian churches with which they work look with much expectation to this Conference. They will heartily support, in the different countries, all wise proposals to effect restriction within a reasonable period of the use of opium and its derivatives to medical and scientific purposes.

Representing British missionary societies, I should specially desire to associate myself with all that Dr. Warnhuis has said about the Government of India. I wish to thank Sir Malcolm Delevingne and Mr. Campbell for the declarations which they made this morning, and, with your permission, Mr. President, I would specially extend thanks to the British Government, speaking as the representative of British missionary societies, to the Indian Government and to the Governments of the British Colonies for the legislative and administrative action which they have taken from time to time to regulate and to limit the traffic in opium. I wish to assure them of our full support in every further effort which they may make, and of our sincere belief in the earnest purpose with which they have come to this Conference, and I would like to say to them and to all of you here that we missionary societies and the churches which we represent in the mission field will do everything we can to create, in every possible way, a public opinion adequate to support any convention which this distinguished Conference may seek to adopt.

Mr. President, I thank you for the privilege which has been accorded me of addressing this Conference. (*Applause.*)

## Annex 10.

### STATEMENT BY MONSIGNOR EUGENE BEAUPIN

(UNION CATHOLIQUE DES ETUDES INTERNATIONALES).

Monsignor Eugène BEAUPIN (President of the Catholic Union for International Studies): —  
*Translation:* Mr. President, ladies and gentlemen, the Catholic Union for International Studies, which has adherents in some ten European countries — adherents who themselves represent great Catholic organisations — and which was founded in 1920 to enlist the sympathies of Catholics in the work of the League of Nations, desires to thank you for the honour which you have today bestowed upon it in allowing its delegate to address you.

The Union fully realises the importance of the humanitarian object of the present Conference and earnestly desires that it will be successful.

It is, in particular, anxious that a convention should be adopted containing provisions which will prove effective in checking the ravages due to the unlawful use of opium and narcotic drugs.

It will freely and gladly employ in this cause all the influence which it possesses with Catholics alike in Europe and China, Japan, India, and the United States, to secure their co-operation in carrying out the Convention once it has been adopted, or in any propaganda work which may be undertaken with a view to educating public opinion on the subject. (*Applause.*)

## Annex 11.

### STATEMENT BY Mr. ALEXANDER

(SOCIETY OF FRIENDS).

Mr. ALEXANDER (Society of Friends): Mr. President, ladies and gentlemen, it is a great privilege to have the opportunity of addressing this Conference. I thank you for giving me the opportunity.

The Society of Friends (or Quakers) in Great Britain, although it cannot claim to speak with the authority of a large membership, has carefully followed the developments regarding the opium and drug trade during the past eighty years. My father — Mr. J. G. Alexander — who visited India with the Opium Commission of 1894 and twice visited China in connection with the opium traffic, represented the Society of Friends at the Hague Opium Conference in 1912. The Executive Committee of this Society has sent me to Geneva to place before the members of this Conference proposals which, we venture to hope, may commend themselves as essentially reasonable and practicable.

In summarised form, our proposals are two: first, that this Conference should agree to a Convention limiting the use of opium and other drugs within a specified period to strictly medical and scientific requirements; secondly, that all Governments in whose territory opium and other drug-producing plants are grown should agree to a policy of strict control and gradual reduction in the growth of these plants, the proportion finally to be allowed in each country to be fixed by agreement, and the limit of the period of reduction to be specified.

The former of these proposals is clearly anticipated in the agenda of this Conference and was emphasised in the President's speech. The latter does not seem to be quite so clearly indicated, but it is, in our view, more fundamental. We are alive to the difficulties which stand in the way of this policy. We believe they can be overcome as soon as good will and the desire for mutual assistance take the place of mutual suspicion.

With regard to the first proposal, we conceive that it is the duty of every civilised Government to provide for an adequate medical service throughout its territories. By "adequate" we do not necessarily mean a medical service entirely composed of graduates of universities. The provision of this service could be effected within twenty years at the outside, but in fifteen or ten in the case of efficient and energetic Governments.

As to the second proposal, it seems clear that no other policy can ever be really successful in rooting out the evils of drug addiction. The excessive precautions found necessary by some Governments at the present day in their efforts to check the illicit drug traffic could be modified, to the convenience of the medical profession and the benefit of many sufferers, if the excess of opium production were cut away. The nations of East and West would alike benefit if production of opium were reduced to medical and scientific needs alone.

It would mean the sacrifice of an important source of revenue. Various authorities have admitted, however, that alternative sources of revenue can be found. Welcome evidence of this

is to be seen in the sacrifice by the Indian Government of five million pounds worth of revenue formerly derived from the trade with China. This has also shown that the land upon which opium is grown can be used for crops that are of greater benefit to man. The added physical and moral welfare of all the nations consequent upon such a change is a still more important asset. In some countries better factory conditions as well as a better medical service would be needed.

As British citizens, the members of the Society of Friends have naturally given most attention to the policy of the British Government, and, where opium production is concerned, to India. We are glad to note that the Government of India is the one producing Government in the world which has given real effect to the Hague Convention of 1912; if the other producing Governments had acted with equal vigour, the position which faces this Conference would, we believe, be far more hopeful than it is now. Nevertheless, we are not wholly satisfied with the position in India, nor with the policy of the British Colonial Office, which continues to allow the Colonial Governments for which it is responsible in the East to import quantities of Indian opium which is notoriously used for addiction.

The Indian Government, for whose policy we cannot escape our share of responsibility, according to the figures published by the League of Nations, still grows far more poppy than is necessary for legitimate needs. Even according to its own interpretation of the word "legitimate", there is evidence of serious opium addiction among adults in Assam and some other provinces. It is notorious that thousands of babies of factory workers are doped in the great cities, and, as we have already pointed out, quantities of opium are exported under the certificate system to other countries of the East where it is known it will be used for smoking.

It may be claimed that most of these criticisms affect matters of purely domestic concern. To this we would reply that the present unhappy situation in China goes far to prove that any over-production of opium must lead to illicit trafficking; moreover, in our view, the League of Nations, as in the case of the traffic in women and children, has the duty to assist in the protection of all peoples from social evils.

There is evidence of a rising tide of opinion in India in opposition to the policy hitherto pursued by the Indian Government. The All-India Congress Committee, consisting of some sixty national leaders, unanimously adopted the following resolution in June this year:

"In the opinion of the A.I.C.C. the opium policy of the Government of India is altogether contrary to the moral welfare of the people of India and other countries. The A.I.C.C. is further of the opinion that the people of India would welcome the total abolition of the opium traffic for purposes of revenue and is also of the opinion that the production of opium is out of all proportion to the medical requirements of India."

Mr. Gandhi and Dr. Rabindranath Tagore have made clear in public statements that they hold a similar view.

Since coming into this room this afternoon I have received a telegram from Mr. Gandhi, which says:

"Please tell Convention all India wants complete stoppage opium traffic save for medical purposes."

Proposals have been approved by some of the Provincial Councils of India showing their desire for a further reduction of the revenue derived from opium. Although these Councils, under the new Indian Constitution, have some authority over internal opium policy, it is not clear whether their desires will be placed before this Conference.

Decrease of production in India was proposed by British official representatives in the Far East as the one effective cure for the abuse of drugs as long ago as 1835 (Sir G. Robinson) and 1837 (Captain Elliot). We believe it is still the one effective cure.

We trust that the Government of India will declare its readiness to accept some scale of reduction of poppy cultivation in the hope that other countries will be ready to act with it. And in any case the Indian Government might still consider — and we hope it will consider — whether wise statesmanship and Christian principle do not demand from it a further lead in this direction. (*Applause.*)

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## Annex 12.

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### STATEMENT BY THE REV. E. J. DUKES

(SOCIETY FOR THE SUPPRESSION OF THE OPIUM TRADE).

Rev. E. J. DUKES (Society for the Suppression of the Opium Trade, Great Britain): Mr. President, ladies and gentlemen, I want, as preceding speakers have done, to thank you as members of this Conference for your courtesy in permitting me to come to say a few words this afternoon. I notice that the programme of business for the afternoon has superannuated me; my name does not appear upon the list, and no wonder, as it is fifty years this year since I delivered my first public address upon this subject.

I have the honour to represent the original Anti-Opium Society, which began, just fifty years ago, the seemingly impossible task of suppressing the trade in opium between India and China — a work which was achieved in March 1917. Since that date the Society has continued its campaign against the misuse of drugs of addiction, bringing within the range of its efforts every phase of what is now recognised as a world-wide evil.

There are just two or three points to which I desire respectfully to call your attention, not referring to a large number of matters which are of great interest to ourselves but pointing out the point of view which this society has always had. First, that, having been connected with the Society for forty-three years, and intimately associated with its proceedings for as long as twenty-one years, I can testify that during the whole of the half-century of its operations the Society for the Suppression of the Opium Trade has steadfastly held to the principle that the problem of these dangerous drugs is primarily and chiefly a moral one. It has, indeed, always promoted and welcomed Parliamentary and Governmental action, but it has never lost sight of the moral and humanitarian interest involved. The same may be said of the various similar agencies in Great Britain and America, with which we have gladly co-operated.

We have treated with becoming respect the views of those who differ from us, but we have never had reason to doubt that our supreme duty was to awaken the moral conscience of the world on this grave moral question.

A second point is that in England one comparatively rarely meets with anyone holding a different view from ours. We feel sure that the bulk of the public opinion of Great Britain is behind us and supporting us. All the best elements of our country are in favour of drastic action and speedy reduction in the output of opium and cocaine to such medical and scientific limits as will render these drugs the blessing Providence intended them to be, and to restrain them from being the curse they have become.

And there is a third point that I wish to state with equal brevity: that there must be only one standard of morality for the world and not two standards — not one for the West and another for the East — not one, shall we say, for England and another for India. What is forbidden and punished with severity in Western lands must not be excused, defended and promoted in the East.

If I may mention just one point to show how public opinion is sometimes distracted and distressed by what it reads and hears, it was only a few months ago that there was great excitement in the Press in London because a man had been caught selling hashish. It was regarded as simply a crime to do that, and yet there are ten thousand shops in India for the sale of hashish and bhang, besides nearly 7,000 for the sale of opium.

I ask leave to present at this point a petition to the Assembly on behalf of 400 people who have signed it, representing societies and organisations making a total of over 206,000 people in India who are in favour of stopping the opium trade.

It is very interesting to observe that the first name upon this list is that of Mahatma Gandhi; C. F. Andrews follows, with Ramananda Chatterjee, Sir Rabindranath Tagore, the poet and social reformer, and others. I have to present to you, Mr. President, that address. May I just be permitted to read what it says at the beginning. This is what they say:

“The undersigned, viewing in the growing addiction to narcotic drugs a deadly menace to individuals and to nations an insidious rapidly spreading poisoning of the human race, which can be overcome only by co-operation among all nations, respectfully petition the International Opium Conference, assembling in November 1924, to adopt measures adequate for the total extirpation of the plants from which they originate except as found necessary for medicine and science in the judgment of the best medical opinion of the world.”

It has been said that the Indian people are careless and indifferent in regard to the whole question, but in September last, as was mentioned by the last speaker, the All-India Congress Committee passed a resolution condemning the trade root and branch. In the same month a meeting was held in Calcutta, at which the Bishop of Calcutta proposed a resolution quite as stringent, and other news which has come within the last two months from various parts of India shows that we may expect from the Indian people themselves that they will take up this question and make it their own, and will do what they can to endeavour to get their Government to fall into line with what this Conference proposes.

Mr. President, the society I represent realises that this Conference has the opportunity of becoming a great blessing to mankind. You are here, we believe, not to debate technicalities but rather to unite in the effort to save the human race from an appalling evil. On the practical side, we of the Society for the Suppression of the Opium Trade believe that the immediate need is an international agreement to limit output in the producing countries, and, on the idealistic side, to keep steadily before the mind the duties of humanitarianism and of moral obligation. It seems to us that only as and when this is accepted by the Conference and becomes a spirit of its decision will this great and difficult task be accomplished.

Let us remember that there is a Power above and beyond us which, when our principles are sound and pity for mankind animates us, will make the crooked straight and the rough places plain, and then that becomes possible, if not easy, which was regarded as beyond human power to accomplish.

That is the message which my representative board of the Anti-Opium Society desires me to bring. (*Applause.*)

## Annex 13.

### STATEMENT BY Mrs. HELEN MOORHEAD

(FOREIGN POLICY ASSOCIATION OF AMERICA).

Mrs. Helen MOORHEAD (Foreign Policy Association of America): Mr. President, honourable delegates, ladies and gentlemen, I speak to this honourable assembly with great diffidence, and with the more diffidence because I have to thank you for this opportunity in the name of an association — the Foreign Policy Association of America — which comprises as members as many men as women. In view of the somewhat heated discussion during the First Conference on the equality of the sexes — that equality residing, if I remember rightly, in the right for women to enter smoking divans — I hesitate rather to ask indulgence from this body on that ground; rather may I suggest that the work done by the Foreign Policy Association and by its Committee on Opium be considered as an example of co-operation between men and women, all interested in those aspects of foreign affairs which touch the welfare of America. May I point out, as upholding this point of view for my country, the presence of Mrs. Hamilton Wright as an official delegate of the United States.

Our Committee approaches this opium problem, therefore, from the point of view of the International Treaty on the subject. We are also interested in it as that point on which the United States has made the most dignified and the most official connection with the League of Nations. I refer particularly to the situation which has been legalised by the work done by the Honourable Mr. Porter in passing through both Houses of Congress an appeal making it legal for the United States to be represented at this Conference. It is the first time that such legislation has passed both Houses of Congress in America.

I say that our Committee approached this question from the international and from the political standpoint, but before very long we found ourselves advocates of the Treaty because of the evil which it endeavours to control. The anti-opium habit is almost as hard to get rid of as the opium habit; when once in this battle, one must go on to the end.

The aim of our Committee is to give information in the United States of the work done in the control of this evil under the auspices of the League of Nations. We inform first ourselves of the facts as accurately as may be, and then others. We try to understand the difficulties under which each country works, and when points in dispute arise we give publicity to the official statements of the countries concerned. As a means of information, we have frequent comments and criticisms written in our weekly bulletin. We send out digests of facts at intervals to important newspapers and news agencies all through the country. We send speakers to clubs and organisations of all sorts.

There is the most real interest in America on this subject. I wish to support the remarks made by Bishop Brent yesterday in regard to the resolutions sent to the American delegation from various American organisations. Among them is, I know, one from the General Federation of Women's Clubs — an organisation of many millions of women in America. Let me tell you how real is the interest behind these formal resolutions in certain parts of the country. The farmers' wives in the State of Vermont asked me to come to speak to them about the international control of opium. Why? Imagine the farmers' wives in almost any other country of the world asking for information on this fact. The woman who is the president of that branch for the State of Vermont of the General Federation of Women's Clubs runs a chemist's shop, or what we would call in America a drug store. Her husband grew ill and she took over his business. She found out at first hand the number of drugs addicts in that little farming community. When she refused to sell them drugs they procured their supplies from smugglers, who, despite the best efforts of the Canadian Government and of our police, plied a thriving trade at that part of the border. She said to herself: "There must be some international agreement to control this situation; what are they doing in Geneva?" and so she asked me to come and tell them.

A group of coloured women asked me to come and speak to them the very day I sailed from New York City. I could give you literally hundreds of requests for speeches and information from the most diverse groups and localities. When the American delegation quietly says "Public interest is aroused in America" it means literally that thousands of ears are listening eagerly to hear what results, what advances, you are able to accomplish on this subject, on which each one of these little local clubs has passed a resolution. Think of it — this *salle vitrée* in Geneva, this hall of open diplomacy, surrounded by an unseen, waiting, listening multitude!

To return to our Committee. We have tried to help the application in the United States of those suggestions which have been made by the Council of the League on the advice of the Advisory Committee, such as their request regarding heroin, or the *per capita* amount of opium for medical and scientific needs. We are at present engaged in an investigation regarding the punishment given to pedlars of drugs in the different States of the Union. The suggestion regarding increased punishment originated, I believe, through the delegate of France to the Advisory Committee, M. Bourgois.

This explains the work of our Association. In all that concerns the general principles of the whole problem, there is no need for me to speak. The Opium Committee of the Foreign Policy Association of America supports entirely the programme of the delegation of the United States of America. We find there suggestions which may be grouped into nine important points:

1. Suggestions for amendments to the Treaty regarding the smoking of opium that mean a real advance, notably a ten per cent reduction for ten years;
2. Suggestions for publicity regarding statistics of production;
3. That figure divided into domestic use and amount for export;
4. The import and export certificate expanded and completed so that it approaches more nearly the plan as originally suggested to the Advisory Committee by Sir Malcolm Delevingne;
5. The establishment of a Central Board, with a practical plan for an Executive Committee of permanent officials;
6. The prohibition of the manufacture of heroin;
7. The prohibition of shipment unless covered by an import and export certificate;
8. Provisions regarding warehousing and free zones;
9. All this is based on a preamble that goes to the bottom of the problem.

This last point is the important one of all.

Gentlemen, the whole story is before you. Whether you find it possible to take it or to leave it, the world now knows what should be done.

We are proud that public opinion in America has found such able and worthy voices.

In conclusion, may I add one word, speaking almost personally. Whatever conclusions you arrive at, whatever treaties you frame, will you examine each clause with this idea in mind: How will it affect the future? For it is to protect the younger generation from our mistakes and from those of our ancestors that you are here, and here under the roof of the League of Nations, where there is moving and germinating an idea for the future that gives all hope. (*Loud applause.*)

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#### Annex 14.

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#### STATEMENT BY Mrs. JEANNE STURGES

(THE WHITE CROSS OF AMERICA).

Mrs. Jeanne STURGES (the White Cross of America): Mr. President, ladies and gentlemen, I hope you will not be startled by the size of this parcel of papers which I have in my hand, but I only intend to keep you one minute by the clock.

Owing to the illness of Canon Bliss (who is in hospital in Geneva), the President of the White Cross Society — an international anti-narcotic society which has been active in its determination to rid the world of the drug evil — I bring to this distinguished body a petition signed by more than 336,000 men and women in America. Many more thousands of signatures to this petition are on the way, but they have not yet been received, and I shall beg leave to present them also when they arrive. These people represent thinkers on sociological, economic and international affairs, and are looking to this Conference not only for sincerity in action but for significant results.

I will just give you the words at the top of the petition:

“The undersigned, viewing in the growing addiction to narcotic drugs a deadly menace to individuals and to nations, an insidious, rapidly spreading poisoning of the human race, which can be overcome only by co-operation among all nations, respectfully petition the International Opium Conference assembling in November 1924 to adopt measures adequate for the *total extirpation of the plants from which they originate*, except as found necessary for medicine and science, in the judgment of the best medical opinion of the world.”

I wish to thank you, on behalf of the White Cross Society of America, for permitting me to give you this petition. (*Applause.*)

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#### Annex 15.

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#### FIRST REPORT OF THE BUSINESS COMMITTEE.

Rapporteur: Sir Malcolm DELEVINGNE.

The Business Committee has the honour to submit the following plan of work for the approval of the Conference:

1. That the Conference appoint two general Committees, on which every delegation will be entitled, if it so desires, to be represented.

The first Committee to consider the plans that have been submitted in the first part of the project prepared by the Advisory Committee on Traffic in Opium and Other Dangerous Drugs or



which may be submitted by any delegation for: (a) the limitation of the manufacture of the drugs; (b) the limitation of the production of the raw material for export.

The second Committee to consider the general proposals for the amendment of the Hague Convention which are contained in the second part of the project prepared by the Advisory Committee or which may be submitted by any delegation.

2. That special Sub-Committees should be appointed by the general Committees to consider: (a) the suggestions for the limitation of the manufacture of the drugs; (b) the suggestions for the limitation of the production of opium for export; (c) the suggestions for the limitation of the production of the coca leaf for export; (d) the aforesaid suggestions from the point of view of the consuming countries; (e) the suggestions for the control of the international traffic, more particularly in regard to export, import, transshipment, etc.

It is also proposed that a sixth Sub-Committee, consisting of medical, pharmaceutical and statistical experts, shall be appointed to consider the report of the Health Committee of the League of Nations on the medical requirements of the drugs and the material collected by the Preparatory Committee and any other material that may be available with reference to the same question.

The first Sub-Committee shall be composed of representatives of the United States of America, British Empire, France, the Netherlands, Germany, Switzerland and Japan, and three members representing consuming countries.

The second Sub-Committee shall be composed of representatives of the Kingdom of the Serbs, Croats and Slovenes, Greece, Turkey, Persia and India and two representatives of consuming countries.

The third Sub-Committee shall be composed of representatives of the Netherlands, Bolivia and Peru and one representative of consuming countries.

The fourth Sub-Committee shall be composed of not more than fifteen members selected by the First General Committee.

The fifth Sub-Committee shall be composed of not more than fifteen members selected by the Second General Committee.

The sixth Sub-Committee shall be composed of not more than fifteen members, being medical, pharmaceutical or statistical experts, selected by the First General Committee.

The Business Committee reserves its right to submit to the Conference, in the course of its labours, any proposals which it may think desirable for the constitution of further Committees or Sub-Committees, in addition to those enumerated in the above list.

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## Annex 16.

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GENEVA, November 29th 1924.

### PROPOSALS AND SUGGESTIONS OF PRIVATE ORGANISATIONS

*Classified by the Secretariat, in accordance with the resolution adopted by the Conference at its eighth meeting, upon the proposal of the Spanish delegation, as follows:*

“The Secretariat is instructed to collect and classify the proposals and suggestions made by representatives of private organisations and to communicate them to the Business Committee in order that the latter may submit them to the Committees to be formed during the Conference; these proposals and suggestions will be distributed among the respective Committees which are competent to deal with them.”

#### LIMITATION OF THE PRODUCTION AND MANUFACTURE OF RAW MATERIALS AND DRUGS TO THE MEDICAL AND SCIENTIFIC NEEDS OF THE WORLD.

(NOTE. — *The figures in parenthesis — (2), etc. — refer to the sources of the suggestions. See appendix at the end of this document.*)

Reduction of import requirements of raw opium. (2)

Support suggestions of United States. Support Advisory Committee's proposals but hope for enlargement upon them. (3)

I and the British missionary societies heartily support the suggestions made by the United States of America. We wholeheartedly support the suggestions of your Advisory Committee, but we venture to hope that the larger proposals may be discussed and possibly a solution come to along their lines.

Convention limiting drugs within definite period to medical and scientific requirements. (5)

In summarised form our proposals are two: first, that this Conference should agree to a Convention limiting the use of opium and other drugs within a specified period to strictly medical and scientific requirements.

Limit production, manufacture, distribution and use of opium and its derivatives. (15)

The Conference of Missionary Societies welcomes the efforts of the League of Nations to reduce the evils arising from the use of opium and its derivatives. At a recent meeting of the Standing Committee of the Conference it was resolved to urge the adoption of further constructive proposals for limiting the production, manufacture, distribution and use of opium and its derivatives and to express its desire to assist in advancing progress in that direction.

Limit cultivation of poppy and coca plants to medical and scientific needs of the world. National legislation to limit manufacture to medical and scientific needs. (17)

To control this traffic through international agreement by (a) limiting the cultivation of the commercial poppy and the coca plant to the medicinal and scientific needs of the world, and by (b) enacting and enforcing adequate national legislation, making illegal all manufacture and trade in these drugs in excess of the needs of science and medicine.

Co-operation of all nations to control production, manufacture and sale of opium and narcotics. (18)

We believe co-operation by all nations in controlling production, manufacture and sale of opium and its allied narcotics is the most effective way to deal with this menace.

Limit production of opium, cocaine, etc., to amount required for medical and scientific purposes. (18)

To secure an agreement among all nations to limit the production of opium and its derivatives and of cocaine strictly to the amount required by scientific and medicinal purposes.

Supports entirely the American proposal. (8)

*The Opium Committee of the Foreign Policy Association of America supports entirely the programme of the delegation of the United States of America.* We find there suggestions which may be grouped into nine important points;

1. The completion of the work of the Advisory or other Committee in fixing the narcotic requirement of every country, and the tabulation of this requirement for general inspection and possible alteration from time to time. (19)

5. We find the establishment of a Central Board with a practical plan for an Executive Committee of permanent officials. (8)

9. All this is based on a preamble that goes to the bottom of the problem. This last point is the most important one of all. (8)

#### LIMITATION TO MEDICAL NEEDS IMPLIES THE ESTABLISHMENT OF ADEQUATE MEDICAL SERVICES.

Each country to provide an adequate medical service throughout its territories to be effected within 24 years at outside and within 15 or ten years in case of better organised governments. (5)

With regard to the first proposal we conceive that it is the duty of every civilised Government to provide for an adequate medical service throughout its territories. By "adequate" we do not necessarily mean a medical service entirely composed of graduates of universities. The provision of this service could be effected within 20 years at the outside, but in 15 or 10 in the case of efficient and energetic Governments.

#### CONTROL OF ILLICIT TRAFFIC DEPENDS UPON LIMITATION OF PRODUCTION AND MANUFACTURE.

The most effective way to check this illicit traffic is to check it in the countries where it originates by *limiting production and manufacture.* (1)

We wish to ask the Conference to recognise the principle that the illicit traffic in these drugs cannot be limited until the production and manufacture is first brought under control and that the most effective way to check this illicit trade is to check it in the countries where it originates.

## LIMITATION OF PRODUCTION OF RAW MATERIALS.

Approves measures for control of manufactured drugs contained in Advisory Committee and Preparatory Committee plans but regrets that similar measures not proposed to *restrict production of raw materials.* (2)

Control of production. (2)

Control production of raw opium in such a manner that there will be no surplus available for non-medical and non-scientific purposes. (15)

We have studied carefully the reports of the Opium Advisory Committee and the report of the Committee Preparatory to this Conference. We have noted with satisfaction the proposed measures which it is hoped will provide for a more effective control over the traffic in manufactured drugs, but we have with regret failed to find similar provisions to restrict the production of the raw materials.

We are looking expectantly to this Conference to answer two questions, besides adopting the measures recommended by the Advisory Committee. These two questions are: (1) What measures does the Conference recommend to the other producing countries for the more effective control of production? (2) What measures does the Conference recommend to the countries importing raw opium for the reduction of their import requirements? We hesitate to discuss such questions, for we are not expert in them. We venture to mention them only because it is generally agreed that the only successful way of dealing with these problems will be by dealing with them at their source, which is in the producing countries. So long as the production of these raw materials exceeds ten times the legitimate needs of the world, is there any hope of relief?

The Conference of Missionary Societies welcomes the forthcoming Conference at Geneva and ventures to express the hope that definite steps may be taken in the direction indicated. It would urge that practical steps should be taken to make effective the recognised principles that the use of opium products for other than medical and scientific purposes is an abuse and not legitimate, and that, in order to prevent the use of these drugs, it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for non-medical and non-scientific purposes.

## COLLECTION AND PUBLICATION OF STATISTICS OF THE PRODUCTION OF RAW MATERIALS

Statistics of growth of raw opium. (3)

I observe in the proposal submitted to the Conference the omission of any suggestion or figures concerning the growth of raw opium in the various countries where opium is grown, and I venture to hope that the Conference may see its way, in any Convention which it formulates, to include this matter, or at least to include statistics of growth so far as they can be ascertained or estimated.

(2) We find suggestions for publicity regarding statistics of production. (8)

(3) We find that figure divided into domestic use and amount for export. (8)

## LIMITATION OF THE PRODUCTION OF OPIUM AND COCA LEAF TO THE WORLDS' REQUIREMENTS FOR MEDICAL AND SCIENTIFIC PURPOSES.

Legitimate traffic. (2)

Limitation without reservation to medicinal and scientific purposes. (2)

Limit production so that there is no surplus for other purposes. (2)

We believe the legitimate traffic is correctly defined in the resolutions of the Advisory Committee and adopted by the Assembly and Council of the League of Nations in 1923. We believe that the use of opium and other dangerous drugs should be restricted entirely and without reservation to medicinal and scientific

purposes. Further, we would urge that the production of opium and coca leaves should be limited so that there will be no surplus that can be used for other purposes.

(a) Producing countries to strictly control and gradually reduce growth; (b) proportion between countries to be fixed; (c) limit of period of reduction to be specified. (5)

...secondly, that all Governments in whose territory opium and other drug-producing plants are grown should agree to a policy of strict control and gradual reduction in the growth of these plants, the proportion finally to be allowed in each country to be fixed by agreement and the limit of the period of reduction to be specified.

International agreement to limit production. (6)

The Society for the Suppression of the Opium Trade believes that the immediate need is an international agreement to limit output in the producing countries.

Limit production to medical and scientific needs as determined by best medical opinion. (7)

To adopt measures adequate for the total extirpation of the plants from which they (narcotic drugs) originate except as found necessary for medicine and science in the judgment of the best medical opinion of the world. (7)

Co-operation among all nations. (9)

Measures adequate for limiting raw materials to medical and scientific needs as determined by the best medical opinion of the world. (9)

The undersigned, viewing in the growing addiction to narcotic drugs a deadly menace to individuals and to nations, an insidious, rapidly spreading poisoning of the human race, which can be overcome only by co-operation among all nations, respectfully petition the International Opium Conference assembling in November 1924 to adopt measures adequate for *total extirpation of the plants from which they originate*, except as found necessary for medicine and science, in the judgment of the best medical opinion of the world.

Limit world production to medical and scientific needs. (10)

We heartily approve the purpose of the Committees and Sub-Committees of the League of Nations to determine the legitimate requirements of various countries in regard to narcotic drugs and to restrict the world production to the amount actually required for medical and scientific purposes.

Smuggling cannot be controlled unless production of all countries limited so that total world requirements for medical and scientific purposes shall not be exceeded. (10)

We hereby record our conviction that, owing to the nature of morphia and the other narcotic alkaloids, no measures to prevent smuggling can ever prove efficient, and therefore we heartily endorse the view that the production in all countries should be so limited that the total world requirements for medical and scientific use of these drugs shall not be exceeded.

Limit production to medical and scientific purposes. (13)

Limitation of the production of the raw material and the international exchange of such drugs to quantities required for medicinal and scientific purposes.

2. The limitation of output. The evil must be dealt with at its source. Smuggling can never be prevented otherwise. The quantity produced is reputed to be ten times greater than is required medically and scientifically. (19)

#### ALTERNATIVE SOURCES OF REVENUE CAN BE FOUND.

Alternative sources of revenue can be found. (5)

Various authorities have admitted, however, that alternative sources of revenue can be found. Welcome evidence of this is to be seen in the

sacrifice by the Indian Government of five million pounds worth of revenue formerly derived from the trade with China.

#### SUBSTITUTION OF OTHER CROPS FOR OPIUM AND COCA LEAVES.

Substitution of more beneficial crops on opium lands. (5)

This has also shown that the land upon which opium is grown can be used for crops that are of greater benefit to man. The added physical and moral welfare of all the nations consequent upon such a change is a still more important asset. In some countries better factory conditions as well as a better medical service would be needed.

17. Attention to be directed to modes of replacing poppy and the coca plant by other crops. The agricultural statement in Rome affords a basis for discussion. (19)

#### REDUCTION OF THE EXPORT OF COCA LEAVES.

16. The coca-leaf-producing countries to be invited to reduce export to the limits which would bring them within the humanitarian scope of the decisions of the Conference. (One quite realises many of the problems involved, but possibly there is some way of limiting export). (19)

#### RESTRICTION OF CONSUMPTION TO MEDICAL AND SCIENTIFIC PURPOSES.

Reduce consumption without regard for fiscal considerations. (2)

Well-considered efforts to educate public opinion with a view to the reduction of consumption, and without any regard to the bearing of this upon fiscal questions.

Restriction of the use of opium and its derivatives within reasonable time to medical and scientific purposes. (3)

They will heartily support in the different countries all wise proposals to effect restriction within a reasonable period of the use of opium and its derivatives to medical and scientific purposes.

Physicians should exercise care in prescribing drugs. Require prescription for purchase of drugs by lay persons. (10)

The greatest care should be exercised by physicians in prescribing such drugs, and that no lay person should be permitted to purchase opium in any form except upon the prescription of a properly qualified practitioner.

Limitation of use to medical and scientific needs. (16)

Urge the acceptance of the principle that the use of opium, cocaine and all dangerous drugs shall be strictly limited to such legitimate purposes as are required in medicine and science.

#### WORLD INVESTIGATION BY THE LEAGUE. EVIDENCE OF MEDICAL MEN.

Thorough world investigation by the League of Nations. (14)

The League of Nations to direct its efforts in an impartial manner "toward a thorough investigation of the opium question throughout the world and toward devising constructive measures for the permanent eradication of this evil."

Due weight to be given to the testimony of medical men.

Due weight to be given to the testimony of medical men as to the deleterious effects of both smoking and eating opium — *e.g.*, the declaration of 5,000 British doctors; that of

American doctors (as presented by Mrs. H. Wright); the statement of the Health Committee of the League of Nations and the recent Assam Enquiry Committee. (19)

Co-operation of medical profession. (10)

Further, we desire to co-operate with the League of Nations in whatever other measures it may recommend for the suppression of the narcotic drug evil.

#### IMPORT, EXPORT AND TRANSHIPMENT.

(4) We find the Import and Export Certificate expanded and completed so that it approaches more nearly the plan as originally suggested to the Advisory Committee by Sir Malcolm Delevingne.

(7) The prohibition of shipments unless covered by an Import and Export Certificate. (8) We find provisions regarding warehousing and free zones. (8)

Reduce export and import of opium not for medical or scientific purposes over a period of ten years. (12)

That the export and import of opium, whether raw or prepared, except for medicinal or scientific purposes, be reduced over a period of ten years till it is entirely prohibited.

*Limit international exchange to medical and scientific purposes.* (13)

Limitation of the production of the raw material and the international exchange of such drugs to quantities required for medicinal and scientific purposes.

Import and export of opium for other purposes to be steadily reduced and prohibited as soon as possible. (16)

Measures that the export and import of opium, whether raw or prepared, for other purposes, shall be steadily reduced and, as soon as possible, entirely prohibited.

9. Narcotics coming into a country in the raw state should be under the strict supervision of a Government official.

18. When drugs go by certification, there should be no transshipment before they reach their destination. The prevention of transshipment in transit, say, in mid-ocean, is of extreme importance. (19)

#### CHAPTER II OF THE INTERNATIONAL OPIUM CONVENTION.

Smoking of opium in Far Eastern territories. Co-operation between these administrations and China. (1)

(2) *The prevention of opium-smoking and the abuse of morphine, cocaine, etc.*

I would like to call the attention of the Conference to the problem of territories and settlements in and near China where people can still smoke with the sanction of law. Wherever these territories and settlements exist, it is essential, for the success of anti-opium measures, to have complete understanding between the authorities concerned and administrative co-operation in addition. It is not unlikely that, as the work of the National Anti-Opium Association develops, we shall have frequent occasion to have recourse to the colonial and settlement authorities for advice and co-operation, and I hope that the Governments here present which have territories in the Far East will co-operate with us in our work in this respect.

(1) We find suggestions for amendments to the Treaty regarding the smoking of opium



that mean a real advance, notably a ten per cent reduction for ten years. (8)

5. A ten per cent per annum reduction of import of Indian opium by the six Eastern Governments which receive it, or some other method of attaining the same end. (19)

15. In territories where the supply of prepared opium is so reduced by these international agreements that physical suffering may, in a few cases, follow its withdrawal, medical attendance to be assured to the patients gratuitously. (19)

#### PROPAGANDA AND EDUCATIONAL ACTIVITIES.

Educational methods. (2)

Returning now to the sphere of our own work, I may say that *the methods which we have used and shall endeavour to develop are educational.*

Publicity for humanitarian principles. (6)

On the idealistic side, to keep steadily before the mind the duties of humanitarianism and of moral obligation.

Arouse the people to the seriousness of this menace. (11)

#### SUGGESTIONS FOR AMENDING THE INTERNATIONAL OPIUM CONVENTION.

(6) *The prohibition of the manufacture of heroin.*

Prosecute offenders to the limit of the law. (11)

3. The dropping of the word "legitimate" or its definition finally as "medical and scientific".

4. The revision of the Hague Convention, so that no country which maintains a dangerous drug trade may be able to defend it under the terms of the Convention. The spirit, as well as the letter, should be honoured by observance. (19)

7. *With reserve.* I think our Society favours State monopoly and control — the ideal being prohibition for all except the medical faculty. (19)

8. No licences for the sale of opium, hashish and bhang. Licences to be granted only to individuals in the form of registration. No other person to be allowed to be in possession of the drug. (19)

10. Morphia, cocaine and similar drugs should be stored in a building separate from drugs which are not drugs of addiction — as has been done in certain British Colonies.

All entries and exits of these drugs to be severely controlled.

No trade in these except by licence and permit, the amount of purchase and sale being duly authorised.

11. No trader to be allowed to purchase a fresh stock until he has satisfactorily accounted for his former purchase. Nor should any permit allow of obtaining a stock except for medical and scientific requirement. (19)

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All entries and exits of these drugs to be severely controlled.

No trade in these except by licence and permit, the amount of purchase and sale being duly authorised.

11. No trader to be allowed to purchase a fresh stock until he has satisfactorily accounted for his former purchase. Nor should any permit allow of obtaining a stock except for medical and scientific requirement. (19)

12. (A suggestion of the Peking Association.) Morphia and similar drugs to be put up in containers of different sizes, each package in the series to be lettered and numbered to facilitate tracing. (9)

13. The refusal of all supply by international agreement to any country whose narcotic laws do not give reason to believe that the drug will be used only medically and scientifically. (19)

14. Narcotic drugs not be treated as ordinary articles of commerce, whether in exportation and importation — in transit and transshipment — in storage in free ports, free zones and bonded warehouses.

For all this the Hague Convention, Articles 2, 5, 7, 9 and 10 supply ample suggestions and direction. (19)

#### MISCELLANEOUS.

Any reduction in the cultivation and smoking of opium in China should be accompanied by effective action regarding the illicit traffic in narcotics. (1)

Inspection of provinces of China with collaboration of foreigners. (1)

Adopt Convention to check ravages of opium and drugs. (4)

Problem is primarily a moral one. (6)

(3) *The illicit trade in narcotics.* It is a well-known fact that the smuggling of morphine and other dangerous drugs into China is going on on an extensive scale. It is therefore a most serious question which we have to face in our anti-opium work if, in suppressing the cultivation and smoking of opium in China, we cannot at the same time deal effectively with the illicit traffic in narcotics.

(1) *To suppress the planting of opium in China.*

In order to make this inspection quite impartial, the National Anti-Opium Association favours the invitation by them of persons of recognised standing, of non-Chinese origin, to be associated with our delegates when they undertake this annual inspection work. Through the application of public opinion in China and abroad in this manner, we hope that the first item in our programme may reach a successful issue.

It is, in particular, anxious that a Convention should be adopted containing provisions which will prove effective in checking the ravages due to the unlawful use of opium and narcotic drugs.

The Society for the Suppression of the Opium Trade has steadfastly held to the principle that the problem of these dangerous drugs is primarily and chiefly a moral one.

19. The Society for the Suppression of the Opium Trade has been much impressed by the petition of 2,000 persons in Malaya (resulting in a Commission's report) and the statement of the Governor of Hong-Kong in November 1923 that the Colony could afford to do without the revenue from opium and would welcome the prohibition of the drug. (19)

20. Encouragement to be given to temperance societies in India, and to leaders of public opinion in India, to teach the people the evils of opium-eating.

## Appendix.

### SOURCES OF THE SUGGESTIONS AND NOTES REGARDING THE PRIVATE ORGANISATIONS.

- (1) Speech to the Conference by M. T. Z. Koo, representative of the National Anti-Opium Association of China. This organisation comprises some thirty-four peoples' organisations. Up to September 1924 it organised 188 branch anti-opium societies in 19 provinces of China and one special territory. A telegram announced a petition to the League signed by 1,300 organisations located all over China, representing some 2,000,000 people.
- (2) Speech to the Conference by Dr. A. L. Warnhuis, representative of the International Missionary Council. The Council is made up of delegates from national councils, of Church and missionary societies. It thus represents the missionary forces of all the Protestant Christian Churches all over the world.
- (3) Speech to the Conference by Mr. Kenneth MacLennan, representative of the Annual Conference of Missionary Societies in Great Britain and Ireland. Includes 51 societies working in every land.
- (4) Speech to the Conference by Bishop Eugène Beupin, President and Representative of the Catholic Union for International Studies. Made up of great Catholic organisations in ten European countries. Founded 1920.
- (5) Speech to the Conference by Mr. Alexander, representative of the Society of Friends (or Quakers) in Great Britain.
- (6) Speech to the Conference by Rev. E. J. Dukes, representative of the Society for the Suppression of the Opium Trade (Great Britain).
- (7) Petition from India presented by Rev. Dukes on behalf of 400 peoples who have signed it, representing Societies and Organisations making a total of over 206,000 people in India.
- (8) Speech to the Conference by Mrs. Helen Moorhead, representative of the Foreign Policy Association (United States of America).
- (9) Petition of the White Cross International Anti-Narcotic Society, Seattle, Washington, United States of America, to the International Opium Conference, presented to the Conference by Mrs. Jeanne Sturges, substituting for Canon Bliss, President of the Society.
- (10) A memorial from the medical profession in China to the League of Nations. Sent out by the International Opium Association, Peking (Document C. O. P. 4., O. D. C. 2). National Medical Association of China. China Medical Missionary Association.
- (11) Lions International Association. Resolution passed at board meeting in Toronto, Canada (Document O. D. C. 5).
- (12) Resolution passed at a meeting held in Edinburgh on November 7th, 1924, under the auspices of the following societies:
  - League of Nations Union,
  - National Council of Women,
  - Edinburgh Women Citizens' Association,
  - Women's Co-operative Guilds,
  - National Vigilance Association.(Circulated by the Secretary of the Second Opium Conference at the request of these Societies.) (Document O. D. C. 6.)
- (13) Resolution unanimously passed at a meeting held in Glasgow on November 6th, 1924, under the auspices of the Glasgow Society for Equal Citizenship and the Glasgow Women Citizens' Association, in co-operation with the League of Nations Union. (Circulated by the Secretary of the Second Opium Conference at the request of these Societies.) (Document O. D. C. 7.)
- (14) Resolution signed by the Chinese Students' Alliance and the Chinese Students' Christian Association of North America (Document O. D. C. 1.)
- (15) Letter from the Standing Committee of the Conference of Missionary Societies in Great Britain and Ireland.
- (16) Extract from the Records of the General Assembly of the United Free Church of Scotland, November 1924.
- (17) Resolution adopted at the meeting of the International Missionary Council in Oxford, England, in July 1923. (Document O. D. C. 19).
- (18) Petition submitted by the National Anti-Opium Association of China. (Circulated to the Conference as Documents C. O. P. 37 and O. D. C. 8.)

- (19) Submitted to the President of the Conference by Edwin J. Dukes, representative of the Society for the Suppression of the Opium Trade (Great Britain).

Geneva, November 24th, 1924.

As there has been a Committee appointed to consider any constructive proposals made by the representatives of private associations — and as, for my part in speaking, there did not seem to be either the need or the opportunity — may I venture to lay before the Committee the following constructive proposals on behalf of the Society for the Suppression of the Opium Trade ?

Many of these, I quite realise, are under discussion already by the Conference, but that is not a reason for omitting them from a statement of what my Society regards as essential, in varying degrees, to success.

(Signed) Edwin J. DUKES.

His Excellency M. Zahle.

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Annex 17.

O. D. C. 40.

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SECOND REPORT OF THE BUSINESS COMMITTEE.

Rapporteur: M. DINICHERT.

In accordance with the proposal made by the President of the Conference and accepted by the latter at its last meeting, the Business Committee met in the morning and the afternoon of November 26th, in the presence of the Chairman of the six sub-Committees, for the purpose of finding, for submission to the Conference, a rational scheme for the division of work between the First and Second Committees.

The task of the Business Committee — thus augmented for this purpose — took more time than had at first been thought likely, since it seemed desirable to proceed to a very full exchange of views before deciding upon any given method of division of the work.

The discussions led to the conclusion that a general division of work already laid down in the First Report of the Business Committee appeared to be the best; that is, that Part I of the "Measures suggested as a basis for the deliberations of the Second Conference" drawn up by the Advisory Committee on Opium should form the basis of the First Committee's work, while the Second Committee should base its work upon Part II of the Advisory Committee's programme. The two points in Part III of the programme would be assigned to the Second Committee.

The Committee next considered in detail the very complete scheme submitted by the United States delegation with a view to the allocation of the different provisions as between the two Committees. Hereunder are the proposals which the Business Committee has the honour to submit to the Conference in this connection.

The question of the definition of "coca leaves" is referred to the First Committee.

The first article is reserved — that is to say it is not for the moment referred to either of the Committees. The United States delegation, however, has reserved the right to raise the question dealt with in the first article of the draft, either in committee or at a plenary meeting of the Conference.

Articles 2, 2 A, 3 and 4 are referred to the Second Committee.

Chapter II, including the definition of prepared opium and articles 6, 7 and 8, has been reserved under the same conditions as Article 1.

The "definitions" which constitute the introduction to Chapter III of the draft are referred to the First Committee.

Article 9 is referred to the Second Committee.

Article 9 A, dealing with heroin, is also reserved.

Articles 10, 11, 12 and 13 will be examined by the Second Committee. Similarly with Article 14.

As you know, the American draft contains no proposal regarding Chapter IV of the Hague Convention of 1912.

Article 20 of Chapter 5 is referred to the Second Committee.

Articles 20 A, 20 B, 20 C, 20 D and 20 E, which refer to the formation of a "Central Committee", will be dealt with by the First Committee.

Article 20 F and Section III, paragraph 1 of the Advisory Committee's programme is referred to the Second Committee.

The Second Committee will also deal with Articles 20 G, 20 H, 20 I, 20 J, 20 K and 20 L.

The Business Committee has not specially examined the Preamble of the American draft scheme, and has not yet made any proposal with regard to it.

As certain questions have been specifically, or more or less tacitly, reserved, it is understood that if these questions are raised in Committee or Sub-Committee, any delegation or delegations objecting to their being discussed will still have an opportunity of putting forward their objection and asking for the discussion to be referred to the Plenary Conference.

The Business Committee also took cognisance of a number of other proposals, namely:

The Belgian proposal (Doc. O. D. C./C. T./2) — referred to the Second Committee.

The Australian proposal (Doc. O. D. C. 20) — referred to the First Committee.

The Austrian proposal (Doc. O. D. C. 20 and O. D. C. 20 A) — referred to the First Committee.

The Cuban proposal (Doc. O. D. C. 20, page 2) — referred to the First Committee.

Norwegian proposal (Doc. O. D. C. 20, Annex) — First proposal referred to the First Committee; second proposal referred to the Second Committee.

Chinese proposal (Doc. O. D. C. 39) — referred to the Second Committee, with the reservation that if a question of competence should arise, the proposal would be brought before the Plenary Committee.

The above is the scheme of work proposed by the Business Committee for adoption by the Conference. Should the latter approve the scheme, each of the two Committees will decide for itself which questions will be referred to the sub-committee or sub-committees working under it.

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**Annex 18.**

O. D. C. 20.

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PROPOSALS FOR THE CONSIDERATION OF THE CONFERENCE SUBMITTED  
BY THE GOVERNMENTS OF AUSTRALIA, AUSTRIA AND CUBA, AND MEMORANDUM  
FROM THE GOVERNMENT OF NORWAY.

AUSTRALIA.

Reference League Document C. 172 M. 47, twenty-sixth March, Second Opium Conference, Australian Commonwealth Government supports proposal that in order protect countries undertaking reduction countries not at present producing be prohibited planting poppy and coca-leaf.

S. M. BRUCE,  
Prime Minister.

AUSTRIA.

(Translation.)

Geneva, August 31st, 1924.

With regard to the annexed report, I am instructed to transmit to you the following observations, which the Federal Government desires to make in regard to the communications contained in your circular letters C. L. 5 1924 XI and C. 156 M. 37 1924 XI.

The Austrian Government is in agreement with the United States representative's proposal that the cultivation of the poppy and of the coca leaf should be reduced to the quantity sufficient for the requirements of medicine and science — *i.e.*, to the strict minimum required for legitimate purposes — since the object of the International Opium Convention, which is to prevent the abuse of opiates, cocaine, etc., can only be attained by a measure of this kind. The cultivation of these plants, or their use for the production of opium, should not, however, be confined to a restricted number of countries or confined to countries in which opium had hitherto been produced. Such a restriction would, in the opinion of the Austrian Government, confer an unfair advantage on certain producing countries, which would thus obtain a monopoly, while the industry of other countries would be injured.

In the opinion of the Austrian Government, each country should be left to determine the quantity of narcotics required for medical and scientific purposes in its own territory. As regards the calculation of a total for world consumption, the Austrian Government sees no objection to the proposal, on condition that this figure should be drawn up with due regard to the statistics for the requirements of the various countries over a period of several years.

As regards the uniform definition of all the substances falling under the Opium Convention, the Austrian Government agrees to abide by that adopted at the Hague Convention of January 23rd, 1912.

CUBA.

(Translation.)

Make following proposal regarding practical measures for limiting use narcotics and preventing abuse; world production of opium and narcotics should be exactly proportionate to requirements of each country for medical and scientific purposes estimated on a *bona fide* basis.

CESPEDES.

NORWAY.

Memorandum.

Geneva, November 17th, 1924.

The Norwegian Government cannot accede to the provision in accordance with which Governments would have to submit quarterly statistics of the amounts of the substances in question imported and exported by them instead of furnishing an annual report, as has hitherto been the practice.



As pharmacies are specially inspected at regular intervals in Norway, and as, moreover, conditions in that country render supervision of the traffic in these drugs an easy matter, the Royal Government is of opinion that the annual statistics are amply sufficient for the requirements of control. There is accordingly every reason to believe that any serious abuse would speedily be discovered. The Government therefore considers that, as regards Norway, quarterly reports — which would, moreover, entail a considerable amount of work — cannot be regarded as necessary.

*Section II.*

V. The Norwegian Government has no objection to the inclusion of ecgonine.

VI. The Norwegian Government cannot accede to the proposal for the deletion of the last sentence in Article 10 of the Hague Convention if that is to be taken to mean that chemists would have to enter in their books, together with the name of the purchaser, each consignment of opium, etc., or of drugs containing the foregoing substances, and to notify the authorities of the facts. Such a provision would be too drastic and is not essential for the purposes of control. It would, moreover, appear to be impracticable.

While dealing with this subject, we desire to state that pharmacies in Norway are regularly inspected by the authorities and that the licence system at present governing the opening of pharmacies in that country is, from the standpoint of control, equivalent to a State monopoly.

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Annex 18 a.

O.D.C. 20. A.

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MEMORANDUM

CONCERNING ANNEX I TO DOCUMENT A. 32, 1924. XI, "MEASURES SUGGESTED AS A BASIS FOR THE DELIBERATIONS OF THE SECOND CONFERENCE NOVEMBER 1924".

SUBMITTED BY THE AUSTRIAN GOVERNMENT.

When submitting its report for the year 1923, the Federal Government pointed out that in its opinion the final estimate of the annual consumption in narcotics ought to depend on statistical observations carried out over a period of several years. In Austria, the Hague Convention has only been in force since 1921. Consequently the statistics only include the period from September 1st, 1921. Observations made during this period concerning the traffic in narcotics could not possibly be held to provide a sufficient basis for estimating the actual requirements of the country. The Federal Government therefore ventures to propose that the determination of these quantities should be postponed for at least a year. This would make it possible to complete the observations which have so far been carried out and provide data on which to determine the actual needs: (a) for consumption in the country for medical and scientific purposes; (b) for the manufacture of drugs or of other medical preparations; (c) for foreign trade.

Austria cannot agree to the proposal that every country should undertake not to authorise the importation of quantities of narcotics greater than those specified in its estimates. The slightest change in market conditions — an epidemic, etc. — would suffice to make it impossible strictly to observe such an undertaking. In the opinion of the Federal Government it is to the interest of every State — if only for reasons of health — that the State should control the trade in drugs and, on its own initiative, prevent all abusive use. On the other hand, a restrictive measure such as that implied in the above-mentioned undertaking might produce results which would cause irreparable loss to traders authorised to export these drugs. It is also important to bear in mind that authorised merchants finding themselves unable (because the quantities specified in the estimate had been exceeded) to obtain licences for the speedy importation of these drugs to meet urgent needs might possibly be forced to adopt illegal expedients.

The Federal Government does not consider that it is absolutely necessary to set up a Central Board composed of experts to supervise the proportion of quantities imported as compared with those set out in the estimate. Such a Board could only work if the Conference also adopted the new proposal to the effect that Governments should be bound to furnish every three months statistics concerning their imports, exports and re-exports to or from every country and every six months statistics concerning the manufacture of drugs in their country and the amount of the stocks held by wholesale merchants. All industrial and commercial establishments are at present overburdened with statistical work and reports of every kind which they are required to furnish for official and semi-official purposes. A request to furnish the above-mentioned statistics at such short intervals would certainly give rise to some difficulty. The Federal Government therefore thinks that it would be better to avoid making it compulsory to furnish these quarterly or half-yearly reports: the annual reports of each country would provide a sufficient basis for effective measures against all abuses.

As far as the Federal Government is able to judge, the Advisory Committee on Opium, to which this work has hitherto been entrusted, has always, when necessary, succeeded in exerting its influence in the various countries. In the view of the Federal Government, the control of the traffic in narcotics as exercised by the Committee has given entirely satisfactory results. The Federal Government is consequently of opinion that it would be unnecessary to set up a new committee.

The Federal Government is unable to agree to the proposal contained in paragraphs III and VIII of Section II to the effect that when a copy of the export licence does not accompany the

consignment the Government issuing the export licence shall send a copy to the Government of the importing country. The Federal Government thinks that a measure of this kind would merely give excessive work to the authorities concerned without appreciably contributing to the suppression of illicit traffic. As the Federal Government has already ventured to point out when submitting its report for the year 1923, it is, in principle, prepared to issue licences in quadruplicate. In its opinion it would be well to render this rule universal and to lay down that one of these copies should accompany each consignment. Should the Government of an exporting country so request, it might further be laid down that the copy of the export licence accompanying the goods should be returned to the Government in question with an affidavit by the Government of the importing country to the effect that importation has actually taken place.

As regards the question raised in paragraph V — *i.e.*, whether ecgonine should be included in the list of controlled articles in conformity with the Hague Convention, the Federal Government is not in a position to make a proposal, as it has not been observed in Austria that this preparation has ever been put to such abusive use as to call for stricter control.

As regards the proposal contained in paragraph X — namely, that in the case of a consignment of narcotics passing in transit through the territory of a third country without being removed from the ship or conveyance in which it is being conveyed, that a declaration should be made to the authorities of the country of transit of the contents of the consignment and the country for which it is destined — the Federal Government feels that it should point out that the authorities of the country through which the goods pass are not in a position to apply the provisions concerning the control in traffic in narcotics to goods transported in closed receptacles which are not removed from the means of transport, which, in other words, remain during transit under Customs seal. The control of such consignments by the authorities of the countries through which they pass would be going too far, and would not, moreover, produce any results, unless part at least of some of the packages chosen at random were to be examined. The authorities of a country of transit are not, however, entitled — unless they have serious suspicions concerning the contents — to open these packages. It should, moreover, be borne in mind that, according to the Convention for the Simplification of Customs Formalities, concluded on November 3rd, 1923, all excessive or useless formalities should be avoided. In the opinion of the Federal Government, the copy of the export certificate accompanying the goods should be sufficient to warrant the consignment.

#### Annex 18 b.

#### MODIFICATIONS IN THE TEXT OF THE OPIUM CONVENTION PROPOSED BY THE BELGIAN DELEGATION.

The Belgian delegation proposes the following textual modifications to Article 14 of the Opium Convention:

- (a) To medicinal opium;
- (b) To all preparations (official and non-official, including the so-called anti-opium remedies) *containing more than 0.05 gr. of morphine*;
- (c) To coca-leaf and to all preparations (official and non-official) *containing more than 0.025 gr. of cocaine*.
- (d) *To solutions of morphine and cocaine delivered in the form of ampullas*;
- (e) To *ecgonin*;
- (f) To heroin, its salts and *preparations containing heroin*;
- (g) To all new derivatives of morphine, of cocaine or of their respective salts and *every other product* which may be shown by scientific research, generally recognised, to be liable to similar abuse and productive of like ill-effects.

#### REASONS FOR ABOVE PROPOSALS.

By taking the proportion of alkaloids contained in official preparations as the limit of delivery, this clause of the Opium Convention presents serious drawbacks from the point of view of pharmaceutical practice.

For example, a pharmacist cannot, without a medical prescription, give a client suffering from enteritis a single drop of laudanum (1 per cent of morphine) but he can give him 20 gr. of laudanum if he takes the precaution of adding 80 gr. of water. This mixture would only contain 0.2 per cent of morphine and would therefore not come under the article in question.

Further, a pharmacist:

If he prepares	a powder of 0.05 gr.,	may deliver	0.0001 M	<i>Opium extract</i>	+ 0.0005
„ „	a pill of 0.20 gr.,	„ „	0.0004 M		+ 0.002
„ „	a lozenge of 1 gr.,	„ „	0.0002 M		
„ „	a solution,	may deliver quantities of morphine			varying with the volume.

It is well known, moreover, that it is not necessary to evaporate solutions of alkaloids to dryness in order to obtain the alkaloids in a pure state. It will be seen, therefore, that it is abnormal in regulations to give prescriptions varying in their application from 1 to 2,000. The

proposed modification will allow pharmacists to deliver 5 gr. of laudanum, 5 gr. of Dover powder and 25 pills with 0.01 of opium extract subject to entering all such transactions in the narcotics account and to observing the regulations concerning the sale of poisons.

It will not allow the delivery of ampullas of morphine and cocaine. It renders the delivery of heroin subject to a medical prescription.

Doctors should further be forbidden to prescribe alkaloids or their salts in a pure state and pharmacists to deliver them even against a medical prescription, since these alkaloids in a pure state can serve no legitimate purpose.

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Annex 18 c.

O.D.C. 39.

MEMORANDUM AND PROPOSALS SUBMITTED BY THE CHINESE DELEGATION  
WITH REFERENCE TO CHAPTER IV OF THE HAGUE CONVENTION OF 1912.

November 24th, 1924.

Above other nations, China is suffering by reason of the illicit trade in narcotic drugs. Besides the debasing effects of these drugs upon her people, there is the further circumstance that their widespread use enters as a discouraging element in the efforts which the Government and the people are making to suppress the production and consumption of prepared opium, which are illegal under Chinese law. It is, therefore, of special concern to China that the Governments of the countries where these drugs are manufactured should adopt common and effective regulations regarding their manufacture, export, re-export, transshipment, and transit with a view to confining traffic in them to their strictly medicinal and scientific uses.

China, which manufactures none of these drugs, will, upon her part, do all that is within her governmental power to control their importation into China, their transshipment and re-exportation, and will thus, in every possible way, co-operate with the other Powers in their efforts to solve the world-problem of confining the traffic in these drugs to strictly scientific and medical purposes.

And, as regards the trade in, and the use of, these drugs within China, the Government of China will use all its powers, legislative and administrative, to prevent their use for other than the purposes which science and medicine approve. In most countries this is a task the performance of which is not directly dependent upon the co-operation of other Governments, but in China, by reason of the existence of the extra-territorial rights of the nationals of a number of the other Powers, as well, also, as by reason of the existence within China of areas within which some of the Treaty Powers are permitted to exercise certain administrative powers, it is necessary that the Government of China should obtain the hearty co-operation of these Powers in order that it may efficiently control the narcotic problem.

For the control of its own citizens, over whom it has full administrative jurisdiction, the Chinese Government has enacted comprehensive and stringent laws which it enforces to the extent of its powers, but with regard to those of her citizens who live within the above-mentioned areas, as well with regard to the nationals of those Powers within these areas, and the nationals outside these areas who enjoy extra-territorial privileges, China is largely, if not wholly, dependent upon the co-operation of the Powers for the effective control of the use of narcotics. This fact is recognised in Chapter IV of the Hague Convention of 1912, which provides for harmonious and co-operative action between the signatory Powers and China.

China has sought loyally to fulfil the obligations thus assumed by her, but she has thus far failed to receive full co-operation upon the part of the other Powers as regards the action required to be taken under Article 16 — namely, that diplomatic representatives of those Powers at Peking should examine the pharmacy laws regulating the sale and distribution of morphine, cocaine, their respective salts and other substances referred to in Article 14 of the Convention enacted by the Chinese Government and communicated to them, with a view, if found acceptable, to applying them to their own nationals residing in China. And, furthermore, the Chinese delegation is constrained to say, with reference to the laws of some of the Powers for the control of their own nationals in China, that the penalties they impose seem scarcely severe enough efficiently to attain the purposes for which they have been enacted, nor are they, in all cases, vigorously and uniformly enforced by the officials of the Powers concerned. This observation applies also to laws for the punishment of smuggling of opium and narcotic drugs into China.

Therefore, in order that the present unsatisfactory conditions may be corrected, the Chinese delegation requests that, in substance, the following provisions be included in the Convention which, it is to be hoped, will result from the labours of this Conference.

1. That the existing laws and regulations and administrative processes of the signatory Powers shall be so strengthened and perfected as to prevent the exportation, importation, transshipment, transit and re-exportation of opium, except as provided for in Chapter II of the Hague Convention of 1912, and of morphine, heroin, cocaine and other narcotic drugs except in amounts needed for strictly medicinal and scientific purposes.

2. That prompt examination of, and action not later than April 1st, 1925, with regard to the application to their own nationals of the pharmacy laws of the Chinese Republic regulating the sale, possession, and distribution of narcotic drugs shall be made by the Powers enjoying extra-territorial rights in China, as provided for in Article 15 of the Hague Convention.

3. That the Powers which enjoy extra-territorial rights in China shall either apply Chinese laws to their nationals for contraventions against Chinese laws prohibiting the cultivation, sale, transport or trade in opium and other narcotics or enact adequate laws regulating these matters which shall provide that the violation of these laws by their nationals shall be punishable by fines whose amounts shall be multiples of the values at the places where the offences are committed, of the drugs concerned and, in addition, by terms of imprisonment, and, at the expiration of such terms, deportation of the party or parties concerned from China and prohibition thereafter to return to China.

4. That the Powers enjoying extra-territorial rights in China shall either apply to their own nationals in China the laws of China with regard to the smuggling or attempted smuggling into China of opium or narcotic drugs, or strengthen their own laws by attaching to them penalties for their violation which shall include fines the amounts of which shall be multiples of the values of the opium or drugs concerned, together with terms of imprisonment at the expiration of which terms the party or parties shall be deported from China and forbidden thereafter to return to China.

Reciprocally, China will adopt measures to prevent the smuggling out of China by her own nationals of opium or narcotic drugs into the territories and possessions of the Contracting Parties.

5. That, if the smuggling of opium or the aforesaid drugs into China or their sale in China or their attempted smuggling or sale is by or with the connivance of the officers of a ship, the ship also shall be subject to a fine equal in amount to a multiple of the local value of the goods smuggled or sold or sought to be smuggled or sold.

6. That the trial of foreign nationals who enjoy extra-territorial rights in China for offences referred to in the preceding paragraphs shall be in open court, and that, at such trials, Chinese assessors may be present.

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Annex 19.

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O. D. C. 76 (1).

REPORT OF SUB-COMMITTEE A

*as adopted February 2nd, 1925.*

Rapporteur: Sir Malcom DELEVINGNE, delegate of the British Empire.

Sub-Committee A was appointed to consider that part of the task entrusted to the Second Conference, which relates to the "limitation of the amounts of morphine, heroin and cocaine and their respective salts to be manufactured", and the Conference gave the Sub-Committee a general mandate to consider the suggestions which had been made, or might be made, with that end. In particular, the Conference referred to it the first part of the proposals which had been drawn up by the Opium Advisory Committee of the League of Nations at its meeting in August 1924, and which were adopted by the Conference at its first meeting as the basis of its deliberations, and the corresponding proposals in the scheme submitted by the United States delegation, which were based upon, and largely in agreement with, the proposals of the Advisory Committee.

These proposals were examined very thoroughly by the Sub-Committee, and a wide divergence of views was found to exist between the delegations of the countries mainly concerned in the manufacture of and commerce in these drugs.

It will be convenient to recall briefly the main points of the scheme of the Advisory Committee. At its meeting in 1923, at which it formulated the proposal for the holding of a conference on the subject, the Committee reported "that the information obtained by the Committee concerning the manufacture of drugs was steadily increasing and seemed to make it possible now to form a rough estimate of the world's requirements. Suggestions were considered regarding the limitation of the manufacture of morphin, heroin and cocaine, and the Committee reached the conclusion that it now seemed possible for the Governments of the producing countries to approach each other with a view to reaching a general understanding". With this object — that is, of securing a limitation in the amounts of the drugs manufactured and placed on the world's markets — the Advisory Committee, at its meeting in August 1924, made the following suggestions :

- (a) Every country should frame, annually, an estimate of the amounts it would require to import in the following year for medical and scientific purposes of each of the substances covered by the Hague Convention, whether required for domestic consumption, for manufacture or for commerce.
- (b) The Governments should undertake not to allow the importation of more than the quantities specified in their estimates unless in the course of the year they found it necessary to frame a revised estimate.
- (c) The exporting countries should undertake that their exports to any country should not, together, exceed more than the amount estimated by that country.
- (d) A Central Board should be constituted by the Council of the League. The Board should receive at the beginning of each year the estimates of the countries, and during the year quarterly statistics of the imports and exports from and to each country, and should keep the Governments of the exporting countries informed when the imports into any particular country had reached the amount estimated.
- (e) The Board should also have the important power of revising any estimate furnished by a Government which appeared to the Board "to be greatly in excess of the reasonable requirements of the country and to be likely to be used in part for the illicit traffic."

Strong objection was taken to these proposals by several delegations on various grounds, the principal of which were that Governments were not in a position at present to frame estimates, which could be regarded as binding, of their annual requirements; that, in any case, owing to the fluctuations in the annual opium crop and the speculative character of the trade, it would always be impossible to frame in advance estimates of their requirements for manufacturing or commercial purposes; and that a limitation of the imports of a country to a definite figure would lead to attempts on the part of dealers to corner the markets and would entail a complete system of rationing. The delegations which held these views considered that a more practical method of control would be to obtain the statistics of the trade in the drugs at the end of each year and to give the Central Board the duty of examining the statistics and calling attention to cases in which the figures appeared to indicate that excessive quantities were being imported and that there was a danger of a country being the centre of an illicit traffic.

The delegations which supported the scheme of the Advisory Committee pointed out in reply, first, that if reliance was to be placed on statistics which were only to be received after the close of the year in regard to the transactions in that year, no effective action could be taken by the Board to prevent illicit traffic, as the statistics would not be received at the best until many months after the event; secondly, that it would not be expected of the Governments, at any rate in the early years of the working of the scheme, that they should furnish exact estimates of their requirements, that, in the first instance, they would be able to allow a sufficient margin in their estimates to provide against a possible shortage, and would always be able, in the event of a shortage actually occurring, to forward a revised estimate, and that, as experience grew, the estimates would become more and more exact; thirdly, that there was no reason why a Government, in a year of abundant crop and low prices, should not allow its traders and manufacturers to take advantage of it by laying in supplies for a longer period than the current year, a revised estimate being submitted for the purpose; lastly, that any attempts on the part of dealers to corner the market and to raise prices would be improbable as the trade in these particular drugs, in most cases, forms only a small part of their total business and would prejudice their other business, and in any case, such attempts could easily be countered by the Government, whose permission the dealers would require for carrying on the trade in these drugs.

Long discussions took place both in the Committee itself and in a small Committee of Five which was appointed with a view to finding a basis of agreement. The objections to the scheme of the Advisory Committee were maintained, and it became evident that if an agreement were to be reached it would have to be on a different basis.

Eventually a compromise was reached on the following lines:

The establishment of a Central Board was retained, but with functions of a different character. Its main duty would be to keep a watch on the international traffic, to note where the drugs were going to, and to investigate the case of any country where quantities greatly in excess of its probable requirements were accumulating. To enable it to carry out its duties it would be furnished, at short intervals, by each country, with statistics of its imports from and exports to each country of each of the drugs. It would also be furnished at the beginning of the year with the estimates of the probable requirements of each country for internal consumption, but these estimates would not be binding on the country as under the Advisory Committee's scheme but would be merely for the purpose of serving as a guide to the Central Board in carrying out its task. The Board would also have the power of asking for explanations from any country where the imports appeared to be excessive, and, if no satisfactory explanation were forthcoming, of calling the attention of all other Governments to the position and recommending that the exports to the country in question should cease until the Board was able to report that the situation in that country was satisfactory.

This scheme is embodied in the draft proposals which are submitted by Sub-Committee A for the consideration of the Conference and which are annexed to this report.

It will be observed that under this scheme no compulsion is placed upon any Government and that the powers of the Central Board are powers of enquiry and recommendation only. No country is compelled to cease either its imports or its exports of the drugs. The sanction behind the action of the Board will be a moral sanction only — the pressure of public opinion. The Board will publish its findings and the grounds on which they are based, and will communicate them to the Council of the League and, through the Council, to all the Governments. The Board will only take the decisive action of recommending the stoppage of exports to a particular country when the case is perfectly clear, and in such a case it can hardly be doubted that responsible Governments which put their signatures to the new Convention will act in accordance with the recommendation. Should a Government not be prepared, however, to act on the recommendation, it will be required to inform the Central Board, and, if possible, give its reasons. It was felt by one or two delegations that in some cases there might be political or other serious reasons for not stating the grounds of the decision of the Government. It is understood that such cases would be exceptional.

In order that every possible safeguard may be provided against the possibility of error or arbitrary action on the part of the Board, it is proposed in the scheme submitted to the Conference that a recommendation of the Board shall only be made if a clear majority of the whole number of the Board is in favour of it; that any country shall be entitled to be represented at a meeting of the Board when any question of action with regard to it under Article VI is being considered; that where there is a division of opinion in the Board the views of the minority shall also be stated in their report; and, finally, that any country shall have the right of appeal to the Council of the League against the decision of the Board.

The scheme now proposed is less drastic than the scheme proposed by the Advisory Committee, which was itself less drastic than the scheme of limitation put forward by certain countries in the Committee which was appointed by the Council of the League to prepare a programme

for the Conference. The Sub-Committee believes, however, that the scheme it has elaborated will be a valuable instrument in checking the illicit traffic and securing the limitation of the manufacture of and trade in the drugs to medical and scientific requirements as provided for in the Hague Convention. The success of the scheme will depend on the active co-operation of the Governments in supplying the statistics and other material which will be required by the Board to enable it to carry out its duties.

It remains to comment briefly on the details of the scheme.

## I. THE CONSTITUTION OF THE CENTRAL BOARD.

### (a) *The Electoral Body.*

The Sub-Committee considers that the Electoral Body, which will appoint the Central Board, should be fairly representative of all countries, and it has therefore had to take account of the fact that some important countries are not Members of the League of Nations. After much discussion, it came to the conclusion that the body which is to appoint the Central Board should be constituted by all the countries which are represented, whether by permanent or non-permanent seats, on the Council of the League of Nations, together with the United States of America and Germany. In this way the interests of all countries, whether consuming or producing or manufacturing countries, will be adequately protected.

### (b) *Qualifications of Members of the Central Board.*

It is essential that the members of the Board should be absolutely impartial and independent on the one hand, and that, on the other, they should have an expert knowledge of the matters with which they will have to deal. Unless they possess both these qualifications they will not be able to command the general confidence both of the countries affected and of the world at large, on which the success of their work will depend. The Sub-Committee has accordingly proposed that the members of the Board shall be persons who, by their technical competence impartiality and disinterestedness, are likely to command general confidence, and it has not seen its way to accept a suggestion that consuming, producing and manufacturing countries should be separately represented on the Board. It would, in its view, be fatal to the success of the scheme if the Board were to be representative of "interests". It recognises, however, the importance of preventing any suspicion that the Board is selected from a particular group of countries and of ensuring a wide field of candidates from which the electoral body can make its choice, and it has accordingly accepted the proposal that the selection shall be made from a list on which every signatory of the Convention would have the right to place one name. The Sub-Committee must emphasise the importance, however, of the signatory Governments, in the exercise of this right, taking the greatest care to put forward only the names of persons who possess the qualifications mentioned above.

Different opinions were expressed as to the most suitable number of members to be appointed on the Board. The Committee of Five, which prepared the scheme, recommended five, but the Sub-Committee finally decided in favour of seven. It was felt that the larger number would ensure a more adequate representation and strengthen confidence in the decisions of the Board. It will also make it easier to secure a quorum for meetings of the Board in cases of urgency.

### (c) *Organisation of the Work of the Central Board.*

If the Board is to command general confidence and its decisions are to be accepted, it must be completely independent in carrying out its work, and it is of the utmost importance that no ground should be given even for a suspicion that it is liable to any outside influence. On the other hand, it is not possible, nor desirable, to dissociate the organisation from the League of Nations, which, under Article 23 of the Covenant of the League, is entrusted with the general supervision of the traffic in opium and other dangerous drugs. It is desirable that the staff of the Board, while acting under the orders of the Board in regard to its actual work, should be organised, for administrative purposes, as part of the staff of the League. Moreover, by organising the work in this way, the "material" services of the League will be at the disposal of the Board, with a great gain of efficiency and economy in expense. The Sub-Committee considers that the exact arrangements necessary for securing these objects must be left to be settled by the knowledge and good sense of the Council of the Board. It accordingly proposes that the arrangements should be made by the Council of the League in consultation with the Board and that the Board should nominate its secretary and staff for appointment by the Secretary-General, subject to the approval by the Council.

### (d) *Expenses of the Central Board.*

It is proposed that the expenses of the Board and its staff should be borne by the Powers which sign the Convention and that the allocation should be arranged by the Council of the League in consultation with the Governments of States which are non-Members of the League. The Sub-Committee does not anticipate that the cost of the Board will be considerable. It cannot be expected that it will be possible to obtain the services as members of the Board of persons who possess the qualifications necessary and who will be willing to give the amount of time which the work of the Board will require unless they receive a remuneration for their services. This remuneration will necessarily be at a high rate if men of the first class are to be secured, but, on the other hand, they will not be required to give the whole of their time, or even a large part of their time, to the work of the Board. The Sub-Committee anticipates that the work will be carried on somewhat in the following manner:



The Secretary and staff (who will be permanent officials and who will be provided with office accommodation, presumably at Geneva) would carry on the work of tabulating and analysing the statistics of imports, etc. as they come in; would circulate the summaries, analyses, etc. to the members of the Board as quickly as possible, and would call attention to any cases which might appear to demand the special consideration of the Board. In cases where urgent action would appear to be required, they would immediately warn the members. It is impossible to forecast the number of meetings which the Board would require to hold each year, but it is possible that four quarterly meetings, or even less, with an occasional emergency meeting, might prove to be sufficient.

As regards the staff, it will be necessary to employ a secretary to be in general charge of the work. His position will be an important one, and he will require to have similar qualifications to those required by the members of the Board, though he need not be of the same standing. He would occupy a confidential position of considerable responsibility. It would be necessary therefore that he should be adequately remunerated.

In addition to the secretary, some officials experienced in the handling of statistics would be necessary, but the statistics would not be of great volume, and the number of officials required would be small.

## 2. INFORMATION TO BE FURNISHED BY THE GOVERNMENTS.

This can be grouped under four headings:

### (a) *Quarterly Statistics of Imports and Exports.*

These will be the main foundation of the work of the Board, as it is by these that they will be enabled to follow currently the course of the international traffic.

A proposal was made, when the scheme was first brought forward, that these returns should be made monthly, but objection was taken by certain delegations on the ground of the difficulty of supplying the figures at such frequent intervals, and the Sub-Committee, to meet these objections, agreed that the returns should be made quarterly. With quarterly returns the Board will not be able to follow so closely the course of the international traffic, but the Committee thinks that, at the commencement, at any rate, of the scheme, this compromise should be accepted.

### (b) *Annual Statistics of Production, Manufacture, Consumption and Stocks.*

These statistics will also be of great importance, as, in conjunction with the figures of imports and exports, they will enable the Central Board to trace what has become of the amounts of the raw material produced and of the drugs manufactured in the several producing and manufacturing countries. For instance, if in the case of any country the figures of manufacture and import of the drugs are found to be greatly in excess of the exports, consumption and stocks, the possibility of a leakage in that country into channels of illicit traffic would be indicated and would be examined by the Board.

### (c) *Estimates.*

Each country will be asked to furnish an estimate at the end of the year of its probable requirements for internal consumption during the ensuing year of each of the substances covered by the Hague Convention. As already stated, these estimates are not to be binding on the Governments and are intended to serve as a guide to the Central Board as to the probable requirements of the different countries. The value of the estimates for that purpose will, of course, depend on the care with which they are prepared. The Sub-Committee considers that it should be possible, especially after a few years' experience, for the Governments to frame fairly close estimates of their requirements by one or more of the methods which have been mentioned in the Sub-Committee.

As some doubt was expressed in the Sub-Committee as to whether the words "internal consumption" would include consumption in the country for purposes of manufacture, the Sub-Committee desires that it should be made perfectly clear that this is not the case.

### (d) *Seizures.*

It will be of great assistance to the Board if it can be furnished annually by the Governments with information as to seizures of contraband drugs, as these will throw light on the extent and course of illicit international traffic. A provision on this point has accordingly been inserted in Article IV (1) (e). The drafting of this provision will require to be considered by the Drafting Committee.

A word of explanation is required in regard to the proposal in Article V that statistics in regard to the manufacture and consumption of prepared opium should be supplied to the Board. Except in the one case mentioned below, the Board will have no duties in regard to the manufacture of, trade in, and use of, prepared opium in those territories in which opium-smoking is still temporarily authorised under Chapter II of the Hague Convention. It was suggested, however, that it would help the Board, in keeping a watch upon the international traffic and in ascertaining what becomes of the supplies of raw opium placed upon the world's markets, if information as to the amount of raw opium imported for the purpose of smoking and the amount used in the manufacture of prepared opium were supplied to the Board. The Sub-Committee, in order to make it perfectly clear that it will not be within the competence of the Board to intervene in the question of the use of opium for smoking, has inserted the last paragraph in Article V. There is one class of case, however, in which it would be competent for the Board to intervene—that is, in a case in which the Board might find that an extensive smuggling of opium from one of the



territories in question was taking place. In such a case the Board would have the same power to ask for explanations and to make recommendations as in other cases.

### 3. POWERS AND DUTIES OF THE CENTRAL BOARD.

The functions of the Board have been explained above, and little further remains to be said. An important discussion took place in the Sub-Committee on the proposal that the decisions of the Central Board should be subject to the approval of the Council of the League. This proposal was felt by the Sub-Committee to be open to strong objection on several grounds and was not accepted by them. It appeared to the Sub-Committee that its adoption would have affected the independent status of the Board; would have made it much more difficult to secure men of the highest standing as members of the Board, and would have led to serious delays in taking any necessary action in cases of illicit traffic.

The Sub-Committee has considered it necessary to define as precisely as possible the powers and duties of the Board. This is important in order to prevent any question being raised in the future by any Government as to the competence of the Board in regard to any action it might take and also to avoid overlapping and conflict of jurisdiction with the Opium Advisory Committee. While the task of examining the statistics of the traffic furnished by the Governments and watching the course of the international trade will now fall to the Central Board, the Advisory Committee will still remain as the advisory organ of the Council and Assembly of the League with important functions, and it is very desirable to prevent any conflict of jurisdiction between the two bodies.

A word of explanation is necessary in regard to Article VIa. It was considered by the Committee to be desirable that Governments should have the right to bring to the notice of the Board any matter within the scope of the duties of the Board which might appear to require investigation, as, for instance, a case in which any country had evidence of illicit traffic being carried on. Such information will be of special value to the Board as regards countries which are not signatories of the Convention and from which the statistics and other information provided for in the scheme is not received by the Board. The article is not to be construed as extending the powers of the Board, as laid down in Articles VI and VII.

Lastly, the Sub-Committee desires to insist on the importance of the utmost discretion being used by the Board in dealing with the information which it receives from the Governments. The information of the imports, exports, etc. of particular countries, if divulged, might be of great value to speculators in the trade, or might be used to injure the commercial interests of a country, and it has accordingly inserted a provision in Article VIII on the point.

The Sub-Committee recognises that the scheme which it now submits for the approval of the Conference may not fulfil as completely as could be wished the hopes which were entertained in many quarters that an effective scheme would be worked out by the Conference for limiting the amounts of the drugs manufactured to the quantities actually required for the world's medical and scientific needs. At the same time, it believes that if the Conference adopts the scheme which it proposes, the first, and most important, steps will have been taken in the direction of establishing the control over the traffic in these drugs which all Governments desire. If, as it confidently expects, the Central Board proves itself to be an effective body for carrying out the duties entrusted to it under the scheme and obtains the confidence of all countries and parties interested, it will be easy to enlarge its functions and to extend the scope of its work as circumstances may show to be desirable.

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#### Appendix.

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O.D.C./76 (1)  
(Annex)

#### ARTICLES AS FINALLY ADOPTED, WITH RESERVATIONS BY SUB-COMMITTEE A, JANUARY 30th, 1925.

##### *Article I.*

The Contracting Parties agree to send in annually before December 31st to the Permanent Central Board set up under Article II, estimates of the quantities of each of the substances covered by the Convention to be imported for internal consumption during the following year into their territory for medical, scientific and other purposes.

These estimates are not to be regarded as binding on the Government, but will be for the purpose of serving as a guide to the Central Board in the discharge of its duties.

Should circumstances render necessary an increase in these quantities in any country in the course of the year, such country may send revised figures to the Central Board.

##### *Article II.*

A permanent Central Board shall be appointed by the following States — that is to say, the British Empire, France, Germany, Italy, Japan and the United States of America, together with those States which have non-permanent seats in the Council of the League. It shall comprise seven persons who, by their technical competence, impartiality and disinterestedness, are likely to command general confidence, chosen from a list on which each of the signatories of the Convention shall be entitled to place one name. The members shall be appointed for a term of three years, and they will be eligible for re-appointment. (*Reservation by M. van Wellum and M. Hulstegger.*)

At meetings of the Board four members shall form a quorum.  
The decisions of the Board relative to Articles VI and VII shall be taken by an absolute majority of the whole number of the Board.  
The Board shall settle its rules of procedure.

#### Article III.

The Council shall, in consultation with the Board, make the necessary arrangements for the organisation and working of the Board with the object of assuring the full technical independence of the Board in carrying out its duties under the present Convention while providing for the control of the staff in administrative matters by the Secretary-General.

The Council shall also, in consultation with the Governments of any Contracting Parties which are not Members of the League, take the necessary measures to allocate the expenses of the Board among the Contracting Parties.

The Secretary-General shall appoint the secretary and staff of the Board on the nomination of the Board and subject to the approval of the Council. (*Reservation by Mr. Neville.*)

#### Article IV.

1. The Contracting Parties agree to send annually in a manner to be prescribed by the Board, within three (in the case of paragraph C, five) months after the end of the year to the Central Board, the complete statistics relative to the preceding year as follows:

- (a) The production of raw opium and coca leaves.
- (b) Manufacture of the substances covered by Chapter III, of the Convention and the raw material used for such manufacture. The amount of such substances used for the production of other derivatives not covered by the Convention shall be separately stated.
- (c) Stocks of the substances covered by Chapters I and III of the Convention in the hands of wholesalers or held by the Government for consumption in the country for other than Government purposes.
- (d) Consumption, other than for Government purposes, of the substances covered by Chapters I and III of the Convention, as nearly as possible.
- (e) The amounts of seizures effected of each of the substances covered by the Convention which have been illicitly imported or exported, and the disposal of the seizures and such other information in regard thereto as may be prescribed by the regulations of the Board.

These statistics shall be communicated by the Central Board to the Contracting Parties.

2. The Contracting Parties agree to forward to the Central Board, in a manner to be prescribed by the Board, within four weeks after the end of each three months, the statistics of their imports from and exports to each country of each of the substances covered by the Convention during the preceding three months. These statistics will, in such cases as may be prescribed, be sent by telegram, except when the quantities fall below a minimum amount which shall be fixed in the case of each substance by the board.

3. In furnishing the statistics in pursuance of this Article, the Governments shall state separately the amounts imported or purchased for Government purposes in order to enable the amounts required in the country for general medical and scientific purposes to be ascertained. It shall not be within the competence of the Central Board to question or to express any opinion on the amounts imported or purchased for Government purposes or the use thereof.

4. For the purposes of this Article, substances which are held, imported, or purchased by the Government for eventual sale are not regarded as held, imported or purchased for Government purposes.

#### Article V.

In order to complete the information of the Board as to the disposal of the world's supply of raw opium, the Governments of the countries where the use of prepared opium is temporarily permitted shall, in a manner to be prescribed by the Board, in addition to the statistics provided for in Article IV, forward annually, within three months after the end of the year, to the Central Board, the complete statistics relative to the preceding year as follows:

- (a) Manufacture of prepared opium and the raw material used for such manufacture.
- (b) Consumption of prepared opium.

It is understood that it shall be within the competence of the Board to question or to express any opinion upon these statistics, and the provisions of Article VI are not applicable to the matters dealt with in this Article, except in cases where the Board may find that illicit international transactions are taking place on an appreciable scale.

#### Article VI.

1. The Central Board shall continuously watch the course of the international trade. If the information at its disposal leads the Board to conclude that excessive quantities are accumulating in any country, the Board shall have the right to ask, through the instrumentality of the Secretary-General of the League, for explanations from the country in question.

2. If no explanation is given within a reasonable time or the explanation is unsatisfactory, the Central Board shall have the right to call the attention of all the Governments and of the Council of the League of Nations to the matter and to recommend that no further exports shall

be made to the country in question until the Central Board reports that it is satisfied as to the situation in that country in regard to the trade in the substances. The Central Board shall at the same time notify the Government of the country concerned of the action taken by the Board. The country concerned, and any country which exports the substances in question to it, shall be entitled to appeal to the Council of the League against any decision of the Board under this paragraph.

3. If any Government is not prepared to act on the recommendation of the Central Board, it shall immediately inform the Central Board, explaining, if possible, why it is not prepared to do so.

4. The Central Board shall have the right to publish a report on the matter and communicate it to the Council, which shall there upon forward it to all the Governments.

5. If in any case the decision of the Central Board is not unanimous, the views of the minority shall also be stated.

6. Any country shall be entitled to be represented at a meeting of the Central Board, at which a question under this Article directly interesting it is considered.

#### *Article VIa.*

It shall be the friendly right of any of the signatories to draw the attention of the Board to any matter which appears to it to require investigation, provided that this article shall not be construed as in any way extending the Powers of the Board. (*Reservation by Mr. Neville.*)

#### *Article VII.*

In the case of a country non-signatory, the Central Board may take the same measures as are specified in Article VI if the information at the disposal of the Board leads it to conclude that there is a danger of the country becoming a centre of the illicit traffic, and, in that case, shall take the action indicated in that Article as regards notification to the country concerned. The country shall be entitled to be represented at the meeting of the Central Board at which the question is considered.

#### *Article VIII.*

The Central Board shall present an annual report on its work to the Council of the League. This report shall be published and communicated to all Contracting Parties. The Central Board shall take all necessary measures to ensure that the estimates, statistics, information and explanations which it receives under Articles I, IV, V, VI, VIa or VII of the present Convention shall not be made public in such a manner as to facilitate the operations of speculators or injure the legitimate commerce of any Contracting Party.

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### **Annex 20.**

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O. D. C. 79.

#### **FIRST REPORT OF SUB-COMMITTEE B.**

Rapporteur: M. DINICHERT, delegate of Switzerland.

At its first meeting, which was held on November 28th, Sub-Committee B decided to divide its work into two parts; the first was to include all questions and proposals concerning the limitation of the production of raw opium in general and the second (considered more especially from the point of view of the countries producing raw opium) was to include the proposals contained in the "Measures" suggested by the Advisory Committee on the Traffic in Opium as a basis for the deliberations of the Conference (Document A.32 (a) 1924. XI/O.C. 216 (5)) and the suggestions submitted by the United States delegation (Document O.D.C. 34). Two separate reports were to be drawn up on these two groups of questions.

The present report, which relates to the second part of the Sub-Committee's programme, covers Articles 4, 5 and 6, Part I, Article 7, paragraph XIII, of Part II of the "Measures", and Articles 20-A, 20-D, 20-E and 20-L of the American Suggestions.

The basis taken for the discussion of these questions was a note<sup>1</sup> defining the obligations which countries producing raw opium would have to assume, particularly as regards the statistics and estimates they must furnish and certain special measures to be taken concerning their production, consumption, export and re-export of raw opium alone.

The Sub-Committee dealt only incidentally with the constitution and organisation of the Permanent Central Board, the creation of which is provided for under Article 3 of the "Measures" and Article 20-C of the United States Suggestions, as the consideration of this question comes mainly within the competence of Sub-Committee A.

#### *I. Article 4 (b) of the "Measures" and Article 20-D (1) (a) and (b) of the American Suggestions.*

According to these proposals, countries producing raw opium would undertake to send to the Permanent Central Board:

<sup>1</sup> See Minutes of Sub-Committee B, Annex 1.

1. Within three months after the end of each quarter, statistics of their exports and re-exports, specifying the country of destination, during that quarter;
2. If possible within three months after the end of each half-year, statistics of the stocks, whether in the hands of the Government or in the hands of wholesale dealers, at the end of that half-year.

It was found, on carefully examining the first point, that the States in question would not all be able to furnish quarterly or half-yearly-statistics but only annual statistics of their exports and re-exports of raw opium, and this not within three months but only within six months after the end of each year. It was also agreed that, for the purposes of this undertaking, "year" must be taken to mean "financial year", the dates of which are not the same in the different countries.

The provision in the Convention relating to this point might therefore be drafted as follows:

"The Contracting Parties agree to send to the Permanent Central Board, within six months after the end of each financial year, statistics of their exports and re-exports, specifying the country of destination, during that year.

The second point also called for special examination, as the countries concerned are not all able at present to furnish information, or equally accurate information, especially as regards the stocks of raw opium in private hands. It is also difficult to give a satisfactory definition of a wholesale dealer; and the various Governments must be allowed a certain latitude in deciding the point.

To allow of comparison as between the statistics furnished by the various Governments, the latter should also forward commentaries which are indispensable if the statistics are to be of real value, and the Central Board would see that the statistics published by it were accompanied by all necessary explanation.

It was understood, furthermore, that the words "if possible" included in this article would constitute the reservation necessary in the case of Governments which were unable under present conditions to furnish all, or even part, of the statistics required, but that these words would not exempt them from the obligation to communicate such statistics as soon as it was in their power so to do.

Finally, it was agreed that the figures in question should be collected at the end of each year instead of at the end of each half-year, and that they should be communicated within three months after the end of the year.

This point might be drafted as follows:

"The Contracting Parties agree that they will inform the Permanent Central Board, within three months after the end of each year if possible, of the quantity of the stocks, whether in Government hands or in the hands of wholesale dealers, at the end of that year."

## II. Article 4 (c) of the "Measures" and Article 20-D (3) of the American Suggestions.

The question which the Sub-Committee had to decide was whether the countries producing raw opium would be able, within three months after the end of each year, to state the quantity of raw opium consumed in the country during the course of the year. It was found that the countries concerned would be willing to undertake to do so, although in certain cases the statistics furnished could only be approximate, and if there were no domestic consumption of raw opium there would be no statistics to collect or forward. The undertaking might be drafted as follows:

"The contracting parties agree to send to the Permanent Central Board, within three months after the end of each year, as accurate statistics as possible of the total quantity of raw opium consumed during that year."

### II. A. Article 20-D (3) of the American Suggestions.

Is it possible for the producing countries to state the total quantity of raw opium produced during the year within three months after the end of each year?

All the delegations in question thought it was possible to reply in the affirmative, but they pointed out, however, that, in cases in which there were no official statistics or only incomplete statistics, the data would only be approximate.

Subject to this reservation, the following formula might be accepted:

"The Contracting Parties agree to send to the Permanent Central Board, within three months after the end of each year, as accurate statistics as possible of the total quantity of raw opium produced during that year."

The two formulas given above might, if necessary, be combined as follows:

"The Contracting Parties agree to send to the Permanent Central Board, within three months after the end of each year, as accurate statistics as possible of: (1) the total quantity of raw opium produced; (2) the total quantity consumed, during that year."

### III. Article 4, Last Paragraph of the "Measures".

This article provides that, should the imports of raw opium received in any country during the current year have exceeded the amounts specified in the estimate furnished by that country, the Central Board shall call the attention of the Governments specially to that fact, and each Government undertakes not to export any further consignments of raw opium to the said country during the same year unless a revised estimate of its requirements shall have been furnished by the country.

The countries producing raw opium are prepared to enter into and observe an undertaking of this nature in so far as it is possible for them to do so, having regard to the difficulties — sometimes very great — of controlling their very long frontiers. Obviously it would be for the Central Board to see that the Governments concerned are notified in good time if the imports specified have been exceeded and if a revised estimate has been allowed. Subject to the limits of the original estimate or of any revised estimate, the importing country shall be at liberty to obtain these stocks wherever it pleases.

The undertaking might be drafted as follows:

“Should the imports of raw opium into any country during the current year exceed the amounts specified in the estimate furnished by that country, the Permanent Central Board shall call the attention of the Governments specially to the fact, and the Contracting Parties undertake in such a case, so far as the controlling of their frontiers permits, not to allow the export of any further consignments of raw opium to the said country during the same year unless a revised estimate of its requirements shall have been furnished by the country.”

#### IV. *Article 5 of the “Measures” and Article 20-E of the American Suggestions.*

The above articles deal with the case of a country which furnishes no estimate of its requirements in raw opium or furnishes an estimate which appears to the Central Board to be greatly in excess of the reasonable requirements of the country. In such case, the Board would fix the amounts of the reasonable requirements of that country after taking into account all relevant factors. The Board would notify the amount so fixed to all Governments, and the latter would agree not to allow the export to that country of amounts which, taken in conjunction with the exports from other countries, would exceed the amounts fixed by the Board.

There was at first some discussion as to the desirability of retaining the word “reasonable” to describe the requirements in question. It was stated that the expression should be retained, as it represented the requirements or the quantities referred to in Article 1 of the “Measures”. Most of the members of the Sub-Committee, however, considered that the use of the word would involve the introduction in the future agreement of a vague and indefinite term which would be likely to give rise to confusion or misunderstanding, since “reasonable” requirements were simply the requirements for medical and scientific purposes of every description referred to in Article 1; they thought that it was better, therefore, to keep only the latter expression. It was also pointed out, on this occasion, that paragraph XIII of Article 7 of the “Measures” spoke of “amounts . . . reasonably required for . . . medical and scientific needs”, from which it must be understood that “amounts . . . reasonably required” were regarded as supplementary to “medical and scientific needs”. Such, however, is not the case, as they are identical.

As regards the principle underlying this question, the Governments producing raw opium would be prepared to deal with the matter in the same way as with the preceding question; they would undertake, so far as the controlling of their frontiers permitted, not to allow exports of raw opium in excess of the amounts specified.

The article might therefore be drafted as follows:

“If any country furnishes no estimate of its requirements or furnishes an estimate which appears to the Permanent Central Board to be greatly in excess of the medical and scientific requirements of the country — whether for domestic consumption or for manufacture or trade — the Board shall fix the amounts of such requirements and shall notify all Governments of the amounts so fixed. The Contracting Parties agree, so far as the controlling of their frontiers permits, not to allow the export to that country of amounts of raw opium which, taken in conjunction with the exports from other countries, will exceed the amounts fixed by the Board.”

A discussion followed as to the conditions in which it would be desirable for the Central Board to exercise its control and to take any of the important decisions in question. It was decided to suggest that, should these powers actually be conferred upon the Central Board:

1. It should be composed of members half belonging to the producing countries and half to the consuming countries;
2. The decisions of the nature referred to should be taken by it only after it had been in existence for two, three or four years, in order that it might have adequate data for its estimates;
3. Before such decisions are taken, an enquiry should be held the results of which should be made public.

#### V. *Article 6 of the “Measures”.*

This article provides that if any country which has commercial relations, in the matter of any one of the substances mentioned in the Convention, with a country for which an amount has been fixed for its imports by the Permanent Central Board considers that the amount so fixed is too low, the Government of the exporting country shall have the right to demand that a special conference of all the countries which have such relations with the importing country shall be summoned to consider whether the limitation fixed shall be put into force.

The Sub-Committee thought that such a provision was neither useful nor expedient and that it should be omitted, but as it did not know the reasons for which this proposal had been made, it did not think it advisable to submit a formal request for its deletion.

VI. *Article 7, paragraph XIII, of the "Measures" (Part II, Article 20-L, of the American Suggestions).*

"In the case of a country which is not a party to the Convention, the contracting parties undertake to allow the export to such a country of any of the substances covered by the Convention only in such amounts as may be fixed by the Permanent Central Board as corresponding to the medical and scientific needs of the country, whether for domestic consumption or for manufacture or commerce. The Central Board will inform the various Governments of the amounts fixed for the country in question and will supply them with data from time to time concerning exports and re-exports to the said country."

The countries producing raw opium would be prepared to accept a clause such as the above.

VII. *Article 20-A (2) of the American Suggestions.*

This clause provides that the producing countries shall furnish annually to the Central Board, not later than April 1st for the calendar year beginning January 1st following, estimates of raw opium in respect of their production and requirements for the following purposes:

- Domestic consumption for all purposes;
- Domestic consumption for medical and scientific purposes;
- Export for all purposes;
- Export for medical and scientific purposes.

It was found on examination, in the case of production especially, that these estimates could not be furnished before September 1st for the current year. This date was therefore agreed to, and it was decided that requirements should be indicated under two headings only: domestic consumption and export. To meet the wish expressed by the United States delegation, it was, however, agreed that the representatives of the Sub-Committee on the Co-ordination Committee would draw its attention to the request for more complete information formulated in this article of the American draft.

The Chinese delegation pointed out that the Chinese authorities would have difficulties in furnishing the statistics in question in view of the extra-territorial rights which many foreigners enjoyed in China; it also directed attention to the fact that domestic consumption was prohibited in China.

The article might be drafted as follows:

"The Contracting Parties shall furnish annually to the Permanent Central Board, not later than September 1st for the current year, in respect of raw opium, estimates of their total production and of their total requirements: (1) for domestic consumption for all purposes; (2) for export for all purposes."

In respect of all the questions dealt with in the present report, the Persian delegation renewed its general reservation to the effect that Persia will only agree to a convention on condition that its proposals, as formulated in the "Note on Persian Opium" presented by the Persian delegation (Document O.D.C.24), are adopted.

This covers all the questions to be dealt with in the Sub-Committee's first report.

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Annex 21.

O.D.C. 99.

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SUPPLEMENTARY REPORT OF SUB-COMMITTEE B

*Adopted on February 4th, 1925.*

The Sub-Committee considered the following questions:

Article 1 and the suggestions of the United States of America thereon;

The appointment of a Commission of Enquiry and Investigation. (Submitted by the delegate of the United States of America.)

Proposals submitted by:

- Document O.D.C. 20, Australia;
- Document O.D.C. 20 and 20 (a), Austria;
- Document O.D.C. 20, Cuba

relating to the limitation and prohibition of the growth of poppy and coca-leaf.

Document O.D.C.24, Persian Memorandum.

*Article 1.*

A Sub-Committee of Sub-Committee B discussed this article at considerable length and, on the proposals of the delegate of the United States of America being submitted to a vote, it was clearly demonstrated that no State, except the United States of America, could accept them unconditionally or without reservation or further investigation.

The delegate of the United States of America then submitted a motion for the appointment of a Committee of Enquiry in the following terms:

"Having noted with interest the reports submitted by Persia, Turkey, the Kingdom of the Serbs, Croats and Slovenes, Greece and Egypt setting forth the economic and political difficulties

with which their Governments are confronted in their efforts to obtain an effective control over the production of opium; and

“Recognising that in some cases the situation as described may require international co-operation:

“Sub-Committee B recommends to the Conference that careful consideration be given to the question of the appointment of a Commission to visit the countries mentioned above for the purpose of making a careful study of all the problems connected with the production of, traffic in and use of opium in these countries, and especially with reference to the possibility of substituting therefor the cultivation of other agricultural products, the development of mineral resources, the improvement of transportation facilities, and such other measures as may be deemed necessary to the end that the production of and traffic in raw and prepared opium within the countries mentioned and the exportation of such products therefrom shall be limited to strictly medicinal and scientific purposes.

“The Commission shall be appointed in a manner to be determined by the Conference with the approval of the producing countries concerned, and it shall consider carefully the reports which have been submitted to the Conference by the Governments of Persia, Turkey, the Kingdom of the Serbs, Croats and Slovenes, Greece and Egypt. To the Conference shall also be referred the questions of the number and qualifications of the members of the Commission and of the steps to be taken to obtain the funds necessary to meet the expenses of the Commission for the purpose as described above.

“The Commission shall be instructed to make its report in a manner to be determined by the Conference. The report, together with the recommendations of the Commission, shall be communicated to the Powers signatory to the Convention. The signatory Powers, especially the Governments of Persia, Turkey, the Kingdom of the Serbs, Croats and Slovenes, Greece and Egypt, agree to give due consideration to the report and recommendations of the Commission.”

The Committee accepted this proposal on the understanding that the Committee should be appointed under the auspices of the League of Nations, which should pay the expenses of the Commission.

The delegate of the United States of America reserved this point for further discussion.

The delegate of the United States of America urged that Article 1 of the Suggestions of the United States of America be accepted in principle first and the Commission of Enquiry to follow, but the article was not to be held in abeyance pending the report of the Commission of Enquiry; and that it should be included in the Convention, not the Preamble. Countries which were not in a position to accept the proposal immediately could make reservations as to the time when and the conditions under which they would be prepared to give it complete and effective application in their territories.

At subsequent meetings the whole of the suggested amendments of Article 1 were reconsidered. As the result of this discussion, the following motion was adopted (the delegate for the United States of America abstained from voting):

“The Sub-Committee discussed at considerable length the suggestion of the United States of America for amendment of Article 1.

“Only two delegates (those of China and Egypt) were able to accept the United States proposals unconditionally.

“An amendment in the following terms made by the Indian delegation was also considered:

“ ‘The Contracting Parties shall enact effective laws or regulations for the control of the production and distribution of raw opium and the suppression of its abusive use. In particular, they shall undertake effective measures to prevent any export of raw opium not specifically permitted by the provisions of this Convention.’

“This was accepted unconditionally by three delegates (India, Greece and the Kingdom of the Serbs, Croats and Slovenes), Turkey and Persia made reservations, whilst Egypt desired an amendment to insert ‘for other than medical and scientific purposes’.

“The delegate of the United States of America was unable to accept any amendment of its original proposal. As no compromise was possible, the Committee regrets to report that it was unable to arrive at any agreement.

“Non-producing countries were not consulted.”

#### *Australian, Cuban and Austrian Proposals.*

As the Australian proposal was the most definite and comprehensive, it was taken as the basis for discussion. It recommends that the production or the growth of the raw materials in all countries which did not at present produce poppy or coca-leaf should be prohibited.

It was explained by the Vice-Chairman that Sub-Committee D had passed the following resolution:

“The Committee realised that this proposition imposed a very heavy obligation on non-producing countries, but, as restriction of production was the only practical method of combating the evil, agreed to the Australian proposal in principle but on the following conditions:

“1. That the producing countries agreed to reduce their production.

“2. That the interests of the consuming countries were fully protected in the matter of their obtaining adequate supplies to meet their reasonable requirements for medical and scientific purposes.”

This resolution was accepted by the producing countries, but the conditions laid down by Sub-Committee D were not acceptable to the producing countries. The delegate of the United



States of America was also unable to accept the resolution without further instructions from his Government, but subsequently explained that he could accept it in principle on certain conditions to be stated later.

In view of this result, the Committee was unable to arrive at an agreed decision on the Cuban and Austrian proposals.

*Persian Memorandum.*<sup>1</sup>

The Sub-Committee agreed to the following resolution:

“The Sub-Committee, having given consideration to the Persian Memorandum (Document O.D.C. 24), particularly those clauses relating to:

Revenues	pages 8 and 9
Persian policy	page 20
General policy	page 21
Unconditional assurances	page 22
Source of funds	page 24
Moratorium	page 25
Customs	page 25

“Fully appreciates the difficulties confronting Persia in immediately carrying out the desire to reduce the production of opium in Persia to amounts needed for medical and scientific purposes in Persia and for export for the same purposes.

“It therefore recommends to the Conference the following resolution:

“ ‘The Conference has had presented for its consideration a very complete and valuable memorandum prepared by the Government of Persia setting forth in a clear and comprehensive manner the existing situation in Persia with regard to the production and trade in opium and the numerous measures — agricultural, economic and financial — which, *in the opinion of the Persian Government*, must necessarily be carried out before any effective scheme for the reduction and control of production can be introduced in that country. *The memorandum points out that these measures require for their initiation the obtaining by the Persian Government of financial assistance from the Powers which this Conference is not in a position to secure. The Conference considers that a case for enquiry has been made out and therefore recommends to the Council of the League of Nations that a Committee of Experts with the necessary qualifications be sent under the auspices of the League to make a full enquiry into the facts as stated in the memorandum as well as into the practicability of the proposed measures and their suitability for the attainment of the end in view — namely, the effective control and limitation of the production of opium in Persia in accordance with the terms of the Convention to be adopted by this Conference, in the hope that, in the event of the case of the Persian Government being established, the report of the said Committee may demonstrate that adequate guarantees as to the probable success of the proposed measures are obtainable to justify the taking of the measures proposed by the Government of Persia, and, if necessary, the issue of a loan in the money markets of the world for the purpose of providing the Government of Persia with the financial assistance required, or such assistance as the Commission may find to be required.*’ ”

At a subsequent meeting of the Sub-Committee the Persian delegate — H. H. Prince Arfaed-Dowleh — stated that, apart from the United States proposal, the English text of which he had sent to Teheran and to which he had received his Government's reply, he could not, without referring to his Government, accept any part of the report which directly concerned Persia. He made a special reservation with regard to the following passage in the above-mentioned resolution: “In the hope that, in the event of the case of the Persian Government being established”, as he believed and maintained that his Government's standpoint was quite correct and had been established.

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Annex 22.

O.D.C. 75 (I).

REPORT OF SUB-COMMITTEE C.

*Approved by the Sub-Committee on January 30th, 1925.*

Sub-Committee C, having considered the information of the delegate of Bolivia regarding the innocuous use of coca-leaves by the Bolivian people, came to the conclusion that the limitation of the production of coca-leaves to the amount necessary for medical and scientific purposes cannot be realised, as it would imply the absolute prohibition of the harmless consumption of coca-leaves in several South-American States. In Java this limitation of the production of coca-leaves would also be inadvisable, as it would imply the extirpation of all coca-shrubs used by the natives as living hedges, the leaves of which are never consumed nor exported.

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<sup>1</sup> See Annexes to Minutes of Sub-Committee B.

The Sub-Committee proceeded then to examine the limitation of the production of coca-leaves for export purposes, which also proved not to be feasible in the coca-growing South American countries, as no distinction exists between the production for domestic consumption and for export purposes. In Java such limitation was declared to be quite possible, as, apart from the coca-shrubs used as living hedges, coca-leaves are solely produced as a secondary product on plantations for export purposes; domestic consumption, as mentioned before, is unknown in Java. If all coca-producing countries would agree to do the same, and, moreover, if all countries which do not grow coca-leaves at present will abstain from coca-growing in the future, the Government of the Netherlands Indies would be willing and able to limit the production of coca-leaves for export purposes. As such an agreement did not appear to be possible at that time, the Sub-Committee finally agreed upon the method of indirect limitation of the production for export purposes by the application of the system of import certificates and export authorisations on each exportation or importation of coca-leaves; in this way the traffic in coca-leaves will be brought under strict national control and also under the supervision of the Central Board. The Sub-Committee is convinced that by this means the end arrived at by the Conference may satisfactorily be accomplished. It therefore proposes to the Conference to adopt, in conformity with the suggestions of the Advisory Committee, the following conclusions:

1. Article 2 of the Hague Convention of 1912 shall be extended to apply to coca-leaves;
2. The system of import certificates and export authorisations shall be extended to apply to coca-leaves.

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Annex 23.

O. D. C. 77.

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REPORT OF SUB-COMMITTEE D.

Rapporteur: Mr. SHEPHERD, Delegate of Australia.

The Sub-Committee decided to proceed with its work independently of the other Sub-Committees and that the Rapporteur should endeavour to ascertain what was being done by the other Sub-Committees.

The Advisory Committee's suggestions were taken as the basis for discussion.

PART I OF ADVISORY COMMITTEE'S PROPOSALS.

*Article 1.*

The Committee accepted in principle the Advisory Committee's recommendations. The American proposals were examined, and the absence of any reference to heroin was noted. Note was also taken of the provisions for the supply of the estimates under the various headings as set out in these proposals.

The opinion of the Sub-Committee was that these proposals concerned more particularly other Sub-Committees. The understanding was that the consuming countries were prepared to supply the particulars in such form as might be agreed to by the producing countries.

*Article 2.*

The Advisory Committee's proposals were agreed to in principle on the understanding that the article would be interpreted in the light of the provisions as set out in Annex 2, paragraph 6, of the Advisory Committee's report.

It was further stipulated that the interests of the consuming countries must be fully protected in the event of short supplies or through combinations of producers or manufacturers so that the non-consuming countries should not be penalised in the matter of prices or adequate supplies for medical or scientific purposes. In connection with Article 2, the Sub-Committee could not accept the American proposal which provided for the fixing of quantities by the Central Board.

*Article 3.*

This was agreed to in principle, with the reservation that a suggestion should be made to the Conference that half the members of the Central Board should consist of representatives of consuming countries who were neither producers nor manufacturers.

*Article 4.*

The Sub-Committee was unable to accept the obligation to supply quarterly statistics as stipulated in the Advisory Committee's recommendations and the proposals in Article 20-D of the American proposals, because it was impossible in some countries to supply these statistics every three months, especially in regard to manufacture and wholesale stocks. Moreover, it was understood that producing countries were only able to supply their statistics yearly, and it was not thought necessary for producing countries to supply them more frequently. It was agreed to supply the statistics within six months, not three months, as mentioned in paragraph (b). The Sub-Committee agreed to incorporate the suggestion in Section I, paragraph (a), of the American proposals that the *source and destination* of imports should be specified, but statistics should only be supplied yearly.

(b) The question of wholesale stocks "in Government or in private hands" was considered to be really a question for the producing countries, but there was no objection to the proposal.

*divert the consignment and shall contain the same particulars as are required by Article 3 or Article 13 to be stated in an export authorisation, together with the name of the country from which the consignment was originally exported; and all the provisions of Article 3 or Article 13 which are applicable to an export authorisation shall be applicable equally to the diversion certificate. Further, the Government of the country authorising the diversion of the consignment shall detain the copy of the original export authorisation or diversion certificate which accompanied the consignment on arrival in its territory and shall return it to the Government which issued it, at the same time notifying the name of the country to which the diversion has been authorised.*

*In cases where the transport is being effected by air, the provisions of this Article shall not be applicable if the aircraft passes over the territory of the third country without landing. If the aircraft lands in the territory of the said country, the provisions of this Article shall be applied so far as the circumstances permit.*

*The provisions of this article shall not apply to transport of the substances by post.*

## VII.

A consignment of any of the substances covered by the Convention, as amended by this Agreement, which is landed in any country and placed in a bonded warehouse shall not be allowed by the Government of that country to be withdrawn from the bonded warehouse unless an import certificate, issued by the Government of the country of destination and certifying that the importation is approved, is produced to the authorities having jurisdiction over the bonded warehouse. A special authorisation shall be issued by the Government in respect of each consignment so withdrawn and shall take the place of the export authorisation for the purpose of the preceding provisions of this Agreement.

## VIII.

*Any consignment of the substances covered by the Convention, as amended by this Agreement, while passing in transit through the territories of a country or whilst being stored there in a bonded warehouse, may not be subjected to any process which would alter the nature of the substances in question, or, without the permission of the competent authorities, the packing.*

## SECTION 2.

*Recommendation proposed for Adoption by the Conference.*

That each Government should forbid the conveyance in any ship sailing under its flag of any consignment of the substances covered by the Convention as amended by this Agreement:

1. Unless an export authorisation has been issued in respect of such consignment in accordance with the provisions of the Convention as so amended and the consignment is accompanied by an official copy of such authorisation, or of any diversion certificate which may be issued;
2. To any destination other than the destination mentioned in the export authorisation or diversion certificate.

## SECTION 3.

Article 7 (VI) of the Advisory Committee's proposals:

"In Article 10 the words 'The Contracting Powers shall control' shall be substituted for 'The Contracting Powers shall use their best endeavours to control or to cause to be controlled', and the words 'The Contracting Parties shall adopt' shall be substituted for 'The Contracting Powers shall use their best endeavours to adopt or cause to be adopted'.

"The words 'or shall make to the competent authorities an official declaration that they are so engaged' shall be omitted,

"The words 'This rule shall not necessarily apply to medical prescriptions and to sales by duly authorised chemists' shall be omitted."

and Articles 10 and 11 of the proposals submitted by the United States of America:

*Article 10.* — "The Contracting Parties shall control all persons manufacturing, importing, selling, distributing or exporting morphine, cocaine or their respective salts or derivatives as well as the buildings in which these persons carry on such industry or trade.

"With this object, the Contracting Parties shall:

- "(a) Confine the manufacture of morphine, cocaine and their respective salts and derivatives to those establishments and premises alone which have been licensed for the purpose or obtain information respecting the establishments and premises in which these drugs are manufactured and keep a register of them;
- "(b) Require that all persons engaged in the manufacture, import, sale, distribution, or export of morphine, cocaine or their respective salts or derivatives shall obtain a licence or permit to engage in these operations;
- "(c) Require that such persons shall enter in their books the quantities manufactured, the imports, sales and all other distribution, and exports of morphine, cocaine and their respective salts and derivatives."

*Article II.* — "The Contracting Parties shall take measures to prohibit, as regards their internal trade, the delivery of morphine, cocaine and their respective salts and derivatives to any unauthorised persons."

*are approved* (subject to redaction of the wording of the Committee of Redaction) with the following exception: (1) no recommendation is made on the proposal to add the words "and derivatives" which had been referred to Sub-Committee F; (2) instead of the omission of the words "This rule shall not necessarily apply, etc." at the end of Article 10 of the Hague Convention, it is proposed that these words should be replaced by the following: "This requirement shall not necessarily apply either to supplies of medical practitioners to their patients or to sales by duly authorised chemists on medical prescriptions, if the medical prescriptions are duly filed and preserved by the medical practitioner or chemist".

It is not possible to settle the text of Article 20, as proposed to be amended by the United States of America, until it is known what decisions have been taken by the Conference in regard to the production of raw opium or coca-leaves.

Sub-Committee E recommends that Part II (1) of the proposals of the Opium Advisory Committee and Article 20-F of the proposals submitted by the United States of America should be replaced by Article 9 of the First Opium Conference Agreement. The delegate of the United States of America makes a reservation in favour of the original proposal.

The Norwegian proposals, Part II, paragraph 2, (Document O.D.C. 20):

"The Norwegian Government cannot accede to the proposal for the deletion of the last sentence in Article 10 of the Hague Convention if that is to be taken to mean that chemists would have to enter in their books, together with the name of the purchaser, each consignment of opium, etc., or of drugs containing the foregoing substances, and to notify the authorities of the facts. Such a provision would be too drastic and is not essential for the purposes of control. It would, moreover, appear to be impracticable. While dealing with this subject, we desire to state that pharmacies in Norway are regularly inspected by the authorities and that the licence system at present governing the opening of pharmacies in that country is, from the standpoint of control, equivalent to a State Monopoly."

*are covered* by the amendment to Article 10 of the Hague Convention proposed above.

The Austrian proposals (Document O.D.C. 20 (a))

"The Federal Government is unable to agree to the proposal contained in Nos. III and VIII of Section IX to the effect that when a copy of the export licence does not accompany the consignment, the Government issuing the export licence shall send a copy to the Government of the importing country. The Federal Government thinks that a measure of this kind would merely give excessive work to the authorities concerned without appreciably contributing to the suppression of illicit traffic. As the Federal Government has already ventured to point out when submitting its report for the year 1923, it is in principle prepared to issue licences in quadruplicate. In its opinion it would be well to render this rule universal and to lay down that one of these copies should accompany each consignment. Should the Governments of an exporting country so request, it might further be laid down that the copy of the export licence accompanying the goods should be returned to the Government in question with an affidavit by the Government of the importing country to the effect that the importation has actually taken place.

"As regards the proposal contained in No. I — namely, that, in the case of a consignment of narcotics passing in transit through the territory of a third country without being removed from the ship or conveyance in which it is being conveyed, a declaration should be made to the authorities of the country of transit of the contents of the consignment and the country for which it is destined — the Federal Government feels that it should point out that the authorities of the country through which the goods pass are not in a position to apply the provisions concerning the control in traffic in narcotics to goods transported in closed receptacles which are not removed from the means of transport — which, in other words, remain during transit under Customs seal. The control of such consignments by the authorities of the countries through which they pass would be going too far and would not, moreover, produce any results unless part at least of some of the packages chosen at ransom were to be examined. The authorities of a country of transit are not, however, entitled — unless they have serious suspicions concerning the contents — to open these packages. It should, moreover, be borne in mind that, according to the Convention for the Simplification of Customs Formalities, concluded on November 3rd, 1923, all excessive or useless formalities should be avoided. In the opinion of the Federal Government, a copy of the export certificate accompanying the goods should be sufficient to warrant the consignment."

*are covered* by the decisions taken on Part II of the Opium Advisory Committee's proposals.

The Egyptian proposals (Document O.D.C. 44, paragraph 3), were withdrawn.

It is provisionally recommended that Article 4 of the Hague Opium Convention should be suppressed. The delegate of the United States of America reserved the right to bring the matter up at a later date.

The extension of Article 2 of the Hague Convention to include coca-leaves, as suggested in the proposals of the Opium Advisory Committee and the United States of America, was accepted.

## Appendix II.

### Model Form of Import Certificate.

#### INTERNATIONAL OPIUM CONVENTION.

#### CERTIFICATE OF OFFICIAL APPROVAL OF IMPORT.

I hereby certify that the Ministry of..... being the Ministry charged with the administration of the law relating to the dangerous drugs to which the International Opium Convention of..... applies, has approved the importation by

- a) (Name, address and business of importer). (a) .....
- b) (Exact description and amount of drug to be imported). Of (b) .....
- c) (Name and address of firm in exporting country from which the drug is to be obtained). From (c) .....
- d) (State any special conditions to be observed, e.g., not to be imported through the post), subject to the following conditions :

(a) .....  
and is satisfied that the consignment proposed to be imported is required:  
(1) For legitimate purposes (in the case of raw opium) <sup>1</sup>  
(2) Solely for medicinal or scientific purposes (in the case of drugs to which Chapter III of the Convention applies).

On behalf of the Ministry of.....

Signature.....

Date ..... Official Rank .....

### Annex 25.

O.D.C./S.C.F./5. (1).

#### REPORT OF SUB-COMMITTEE F

ON THE ENQUIRIES CARRIED OUT BY THE HEALTH COMMITTEE AT THE REQUEST OF THE ADVISORY COMMITTEE ON THE TRAFFIC IN OPIUM INTO THE LEGITIMATE REQUIREMENTS IN NARCOTIC DRUGS.

Chairman and Rapporteur: Dr. H. CARRIÈRE.

The Conference set up a special Sub-Committee, composed of medical, pharmaceutical and statistical experts, "to consider the report of the Health Committee of the League of Nations regarding the medical requirements in narcotics and all other information which has been collected by the Preparatory Committee of the Second Opium Conference or which may be placed at the disposal of the Sub-Committee."

This Sub-Committee carefully considered the report submitted to it and instructed me to report on the matter to the First Committee. But before doing so it seems to me that it would be useful to give a brief account of the problem.

The Advisory Committee on the Traffic in Opium was of opinion that, in order to provide a reliable basis for the study of the limitation of the production of narcotics, with which the Second Conference had to deal, it was essential to know what were the amounts of these products required for the legitimate needs of the world. A Mixed Commission, composed of members of the Advisory Committee and of the Health Committee of the League of Nations, was instructed to examine this problem, taking as a basis the data obtained from the various Governments by the Opium Section of the League of Nations. After defining the expression "legitimate requirements" and recognising that the only legitimate requirements were medicinal and scientific requirements, the Sub-Committee thought it was justified in fixing these requirements, calculated in terms of raw opium with 10 per cent of morphine, at the round figure of 600 milligrammes per head per year.

The Mixed Sub-Committee's report having been submitted to the Health Committee, the latter after carefully examining the data on which it was based, considered that the figure of 600 mg. was too high and reduced it to 450 mg. subject to the proviso, however, that this figure should be considered as a maximum, and, since it had been based solely on the estimates furnished by countries possessing a highly developed system of medical assistance, it could only apply to countries in which similar conditions obtained.

<sup>1</sup> Where the use of prepared opium has not yet been suppressed and it is desired to import raw opium for the manufacture of prepared opium, the certificate should be to the effect that the raw opium to be imported is required for the purpose of manufacturing prepared opium for use under Government restrictions pending complete suppression and that it will not be re-exported.

The Preparatory Committee of the Second Opium Conference, after noting the report of the Health Committee, requested the Chairman of that Committee to pursue these enquiries and to complete the data on which the figure of 450 mg. is based, so as to be able to justify this figure before the future Conference and to authorise the Health Section to take the necessary measures in order to obtain such supplementary information.

The Health Committee readily complied with this request and endeavoured to complete its documentation on this subject by applying to a new source — *i.e.*, it sought to ascertain the consumption of opium and opiates in hospitals and by sickness insurance societies. It was believed that the data supplied by these establishments would attain a greater degree of accuracy than those derived from general enquiries, and that it would be possible to obtain from them data applicable to the whole population. The data collected from a number of establishments and given in Document C. H. 264 were submitted to a critical examination by an expert in this matter — Professor Knaffi-Lenz. The estimates which Professor Knaffi-Lenz was able to form after having studied these data show a remarkable concordance and approximate very nearly the figure of 400 mg. of raw opium per head per year. This concordance tends to show that the figure of 450 mg. based on the data furnished by the various Governments was not wholly arbitrary. For the details of these estimates, reference should be made to Document C.H. 264 quoted above. It should be noted that Table V (page 15) contains certain errors of calculation or printing which should be corrected; for example, in the case of Belgium, the quantity of cocaine is 9 mm. (instead of one) and, in the case of Poland, 6 mm. (instead of 10). The Health Committee therefore believed it was justified in adopting it, and has explained its point of view in a report communicated to the Chairman of the Preparatory Committee. This report was submitted to Sub-Committee F for examination, and the latter embodied the result of this scrutiny in the following recommendations, after a full discussion both of the report itself and of the documents on which it is based:

“The Sub-Committee of the International Opium Conference set up to examine the report of the Health Committee of the League of Nations regarding the legitimate needs of opium and its derivatives;

“Considers that these requirements might be fixed at the round figure of 450 mg. of raw opium at 10 per cent of morphine per head per year;

“It being understood, however:

“That this figure represents a maximum, and as it was established solely on the basis of estimates furnished by countries possessing a highly developed system of medical assistance, it can only be applied to countries where similar conditions obtain;

“That, since this figure is primarily intended to serve as a basis for the reduction of the world production of opium and the manufacture of its derivatives, it must be considered solely from this point of view and not from the point of view of the consumption in each individual country.

“The Sub-Committee would, moreover, point out:

“That the figure of 450 mg. only very inadequately allows for the quantities of morphine necessary for the manufacture of codein, as the requirements of this alkaloid vary widely in different countries and only a few States have supplied accurate information with regard to it;

“That the figure of 450 mg. must be considered as applying only to the normal legitimate requirements and not to certain exceptional circumstances, such as wars or epidemics, which may considerably increase the sum total of these requirements.”

The Health Committee's report also contains data regarding the legitimate requirements in cocaine.

The Committee, after examining the data (also to be found in Document C.H. 264) supplied by a certain number of States, allowed a round figure of 7 mg. per head and per year for the legitimate requirements in cocaine. Sub-Committee F considered that it could agree to the figure of 7 mg. but qualified its agreement by the reservations formulated above regarding opium and its derivatives.

The present report, when submitted to Sub-Committee F, was accepted by the majority of its members. One of them, however, voted against it, giving the following reasons:

“Any attempt at estimating the requirements of the world in narcotics should be finally given up, because such an estimate must be based on data applicable to certain countries only.

“Moreover, such a limitation of narcotics would have serious drawbacks for patients on account of the increase in prices which would result and of the probability that part of these indispensable drugs would be monopolised for purposes of contraband.

“It would seem that a close supervision by a Central Board of the statistics referred to in Article 4 of the proposal would provide a sufficient and more reliable basis for effectively combating the abuse of narcotics.”

Another member of the Sub-Committee stated that, while admitting the possibility of fixing legitimate requirements of narcotics, he could not agree to the figures contained in the present report.

## Annex 26.

*Translation.*

### REPORT OF SUB-COMMITTEE F.

*adopted on January 28th, 1925.*

Rapporteur: Prof. PERROT, Delegate of France.

Sub-Committee F received instructions from the plenary meeting of the Second Opium Conference to examine a number of points mainly bearing upon the definitions contained more particularly in Chapters I and III of the suggestions submitted by the United States of America and upon the questions raised by the application of the provisions of the Convention to the various toxic substances under discussion, including both those already known and those which science might discover possessing similar properties.

The Sub-Committee took as a basis of its investigations the text of the International Hague Convention, examining in respect of each article submitted to its consideration the modifications or additions proposed by the various delegations.

#### *First Question.*

#### LEGITIMATE REQUIREMENTS AS REGARDS OPIUM, COCA-LEAVES AND THEIR ALKALOIDS.

This question was the subject of a special report by the Chairman of the Sub-Committee, which has already been distributed to Sub-Committees A, B, C, and D and to which there is no reason to revert here.

#### *Second Question.*

#### CODEIN.

In order more particularly to facilitate the preparation of statistics of the manufacture and utilisation of opium for medical and scientific purposes, the delegate of the United States asked that codein should be included among the substances covered by the laws and regulations of the Convention. It was agreed, after a discussion, that codein was a derivative of morphine and that its properties prohibited it from being either medically or scientifically reckoned among narcotics, but that, as dangerous substances with trade names similar to codein (eucodal, dicodide) were like codein products obtained from morphine, it was desirable to define what was to be understood by derivatives and to draft paragraph (e) of Article 14 in such form that no new product possessing habit-forming narcotic properties might either now or in the future be excluded from the provisions of the Convention.

In view, however, of the use of large quantities of morphine in the manufacture of codein and possibly of other non-narcotic derivatives, it is very necessary to be able to control the quantity of morphine thus used.

On the proposal of the French delegation, the Committee adopts the following resolution:

“In order to exercise as strict a control as possible over the manufacture of narcotic alkaloids of opium and the coca-leaf, the Contracting Parties undertake to adopt any measures enabling them to ascertain the quantity of these alkaloids transformed into non-narcotic derivatives.”

#### *Third Question.*

#### DEFINITIONS.

Discussion on this point was confined to the technical import of the terms employed. No alterations were made which weakened the definitions of the International Hague Convention (Chapter III), but it was decided to make the addition proposed by the American delegation to Article 14. Ecgonine, which is, so to speak, a secondary raw material in the manufacture of cocaine, cannot possibly be confused with any substance under this name, but it seemed to all the delegates that this substance must necessarily come under the provisions adopted for the manufacture and traffic in noxious drugs.

The Committee finally adopted the following definitions, which it had been asked to give by the plenary meeting:

By *coca-leaf* is understood:

The leaf of *erythroxyton coca Lamarck* and the *erythroxyton novegranatense (Morris) Hieronymus* and their varieties of the family of erythroxytonaceas and the leaf of other species of this genus from which it may be found possible to extract cocaine either directly or by chemical transformation.

Any other vegetable raw material which may serve for the preparation of cocaine will be put in the same position as coca-leaves.



By *cocaine* is understood:

Methyl-benzoyl laevo-ecgonine (Alpha D.20 = 16°4 in 20 per cent solution of chloroform) of which the formula is  $C_{17}H_{21}NO_4$ .

The Sub-Committee observes that the scientific definition accompanied by the formula and the rotatory power quite certainly applies equally to *synthetic cocaine*.

#### Fourth Question.

#### ARTICLE 14.

As regards the examination of this extremely important article, in respect of which Sub-Committee F had been furnished with numerous documents, the Sub-Committee decided to entrust the preparatory work to a small Committee of specially appointed experts, specifying, of course, that all the delegates of Sub-Committee F might be present at its deliberations.

The Rapporteur of this expert Committee was requested to submit to Sub-Committee F as soon as he could, as clear a statement as possible of the view of the different delegates showing the solutions favoured more or less unanimously by the members entrusted with this mission.

Before starting the actual discussion of Article 14, Sub-Committee F, reverting to the word "derivatives" which the American delegation had added to most of the articles (*e.g.*, Articles 9, 10, 11, 12, 13 and paragraph 1 of Article 14) decided to reject the insertion of this word in the articles of the Convention, since, if the expression was not limited exclusively to the dangerous derivatives aimed at by the Convention which are already known or may be discovered, this expression would constitute in the case of some of those derivatives a serious technical error. By allowing this word to stand, we should end by including within the scope of those provisions of the Convention products which have a totally different medicinal effect or which are in any case not dangerous in the sense of those drugs we are considering.

For the same reason, the Sub-Committee also asks those responsible for drafting the American plan to add the word "certain" in the third line of paragraph 1, supposing the preamble became an official document of the Convention, and to say "that the use of opium and *certain* opium products."

In the first paragraph of Article 14 the Sub-Committee accepts the addition proposed in the American draft of the words "*distribution, delivery*".

This paragraph will therefore run as follows:

"The Contracting Parties shall apply the laws and regulations respecting manufacture, import, sale, distribution, delivery, or export to morphine, cocaine, and their respective salts."

The Sub-Committee draws the Drafting Committee's attention to this paragraph and asks whether the word "re-exportation" could not be introduced in order that every kind of transaction, including return to the country of origin, in case of non-acceptance for example, may be provided for.

Sub-paragraph (a), referring to medicinal opium, is unchanged, but the Committee inserts in (b) the definition of crude cocaine and ecgonine as follows:

" . . . to *crude cocaine*, to *laevo-ecgonine* (Alpha) D.20°=45° 6 in 5 per cent solution of water of which the formula is  $C_9H_{15}O_3NH_2$  or considered as raw material, and to all the derivatives of laevo-ecgonine which might serve industrially for its recovery."

The Sub-Committee then proceeded to consider the other paragraphs of Article 14.

The old paragraph (b), which now becomes (c) and which deals with official preparations, gave rise to a lively discussion and numerous proposals. Some countries, particularly France, observed that, while they associated themselves unreservedly with the establishment of severe measures with a view to overcoming the drug habit and its mischievous and terrible effects, it was at the same time necessary not to hamper the perfectly honest and legitimate practice of pharmacy, both for domestic purposes within the country and in relation to export.

From the very beginning of the discussion many delegates suggested that a special paragraph relating to possible exemptions should be added at the end of this article, and this point of view finally prevailed.

With this reservation, the adoption of the text of the Hague Convention was decided on without modification.

The text is as follows:

"(e) . . . to all preparations (official and non-official, including the so-called anti-opium remedies) containing more than 0.2 per cent of morphine, or more than 0.1 per cent of cocaine."

The Sub-Committee considered that, the Hague Convention having served since 1912 to establish the present practice, which is already consecrated by use, no new fact could justify the alteration of this wording.

Paragraph (d), which was formerly (c), refers to heroin, and the Sub-Committee decided unanimously, with the abstention of the United States of America, that it was not competent to suppress this alkaloid. Only on the recommendation of a medical enquiry throughout the whole world could its entire suppression be decided upon. Nevertheless, impressed by the terrible ravages of the heroin habit, especially in the United States of America, the Sub-Committee, in contrast to the stipulations of the previous article as regards morphine and cocaine, adopted the suppression of the percentage, which means, in practice, that it is impossible to sell to the public any preparation containing even the smallest quantity of heroin without a medical prescription.

For this reason some of the delegates found it necessary to observe that they were not empowered to accept this modification and that, although they associated themselves personally with the high motives which inspired the change, they made a reservation regarding their Government's acceptance of this suppression of the tolerance extended to other narcotic alkaloids.

At the same time, many of the delegates considered that it would be well to proceed, first, to the reduction, and then, no doubt, to the removal of heroin from therapeutics throughout the world.

With regard to the wording of the paragraph, the German delegate justly observed that the word "heroin" could not stand by itself in the text of the Convention, since it was the property of the commercial firm and had not come into public use; it was therefore desirable to refer to this product by its chemical name of *diacetylmorphine*, putting in brackets the names (diamorphine, heroin) by which it is still known in commerce.

The following is the text of paragraph (c), now paragraph (d):

"Diacetylmorphine (diamorphine, heroin), its salts and preparations."

Sub-Committee F drew the attention of the Drafting Committee to the need of substituting the word "diacetylmorphine" for the word "heroin" in all the articles in which the term is used.

Article (e), formerly (d), the final aim of which is to bring within the Convention all derivatives other than those already mentioned and, indeed, all products which might, in the future, be classed among narcotics of the nature of morphine, cocaine and their salts, was only discussed in order to establish in what way the noxious effects of this possible new derivative would be officially ascertained, and, finally, Sub-Committee F adopted a method, which it submits for the approval of the plenary Conference:

"... to any new derivative of morphine or cocaine, to any other alkaloid of opium or the coca-leaf, and to any other narcotic drug which may be declared in the manner following to be liable to similar abuse and productive of like ill-effects.

"The existence of these ill-effects and abuses shall be declared by the International Health Office, after consultation with the Health Committee of the League of Nations. In the event of such a declaration, the Health Committee of the League of Nations shall communicate it to the Council of the League, which shall inform the Governments and recommend their acceptance of it.

"Any Contracting Party accepting the decision shall notify its acceptance to the Secretary-General of the League of Nations and, as soon as ten Powers have done so, the product in question shall be regarded as included in the Convention so far as such Contracting Parties are concerned."

The Sub-Committee then proceeded to examine the various draft texts of exemption proposed by different members.

Objections were raised in particular by the delegate for Spain, who wished to introduce by name the exempted preparations and even, if possible, to have lists drawn up showing the products which would or would not be affected by the Convention.

Various notes were, furthermore, referred to the Sub-Committee, but it would take too long to enumerate them in this report.

Summarising, the Committee thought that the text of the Convention should not be overburdened and that, as usage differed in the various countries, it would be extremely difficult to establish limitative lists.

Lastly, the initial proposal of the Belgian delegate allowed for the exemption of preparations from which, by reason of their medicinal and complex composition, the narcotic alkaloids in question could not be industrially recovered and which could not lead to the formation of dangerous habits.

The following is the text of this proposal:

"When the Office International d'Hygiène Publique, after consultation with the Health Committee of the League of Nations, shall have declared that certain preparations containing narcotic alkaloids referred to in this Convention cannot give rise to the drug habit on account of the medicaments with which these narcotics are compounded and which preclude the recovery of the narcotics;

"The Health Committee of the League of Nations shall transmit this decision to the Council of the League, which will communicate to all the High Contracting Parties the names of these preparations in order that they may be regarded by the latter as exempted from the provisions of the present Convention."

Finally, the delegates for France and Belgium, supporting a wish expressed in the note from the International Pharmaceutical Federation, proposed to exempt from a compulsory medical prescription certain medicines for urgent use (Dover powder, Sydenham laudanum, tincture of opium), irrespective of their strength, provided that the quantity supplied on a single occasion does not exceed 25 centigrammes of officinal opium.

Both delegates, who claim more than twenty years' experience as inspectors of pharmacies, urged the adoption of their proposal, which, moreover, does not represent any real danger to public health. On the contrary, it is a question of enabling a sick person cruelly attacked by a painful affection to obtain immediate relief before the arrival of a doctor.

In spite of the opposition of some of the members, particularly the delegate for the Dominican Republic, the Sub-Committee adopted the following text by 7 votes to 4, with 3 abstentions:

"The following opiate officinal preparations may be delivered to the public, on the responsibility of the chemist, and as medicines for urgent use, but only in maximum doses corresponding to 25 centigrammes of officinal opium and subject to the book-keeping regulations with regard to narcotics: tincture of opium, Sydenham laudanum and Dover powder."

Lastly, in consequence of remarks made by its members during the reading of the various articles of the Convention, the Sub-Committee wishes to draw the attention of the Drafting Committee of the future Convention to the advisability of defining and employing identical terms, particularly in the repetition of the words "sale, distribution, cession, delivery" employed in various articles such as Articles 9, 10, 10(b), 11, and 14.

The Sub-Committee will next proceed to consider the question of Indian hemp and of its derivatives and will submit a special report on this subject.

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## Appendix.

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### NOTE BY THE BELGIAN DELEGATION.

Before Committee F is finally dissolved I should like to make a statement. The whole Conference and our Sub-Committee of Experts in particular have been restricted in their work by the question of competence. Delegations must, however, in view of future deliberations, be allowed to express an opinion on those points of view which they would have liked to see accepted and which they refrained from defending merely because they wished to avoid unnecessary discussion.

I. In the draft which it submitted to the Conference the Belgian delegation formulated the provisions of Article 14 regarding the supply of officinal preparations:

"The provisions of Article 14 shall apply to: all preparations containing more than 0.05 g.s morphine or more than 0.025 grs cocaine."

In making this proposal, the Belgian delegation — as it has already stated — desired to assist pharmacists in their work and to prohibit the dispensing, without a medical prescription, of certain quantities of narcotics — the quantities varying according to the volume or weight of the preparation.

The Belgian delegation did not feel able to insist on its proposal in view of the opposition of its colleagues:

"The provisions of 1912 have not given rise to abuse, and, furthermore, it is difficult to depart from figures which have become the basis of certain important commercial usages."

Nevertheless, we still consider it desirable that Article 14 should fix a limit for narcotics in terms of absolute weight.

II. *The Fixing of the Opium Figures.* — During the discussion of this first item on our agenda, our Sub-Committee pointed out how difficult it was to determine this figure owing to the insufficiency of the data available concerning the consumption of codein.

At our last meeting we adopted the following recommendation on the proposal of the French delegation:

"In order to exercise as strict a control as possible over the manufacture of the narcotic alkaloids of opium and the coca-leaf, the Contracting Parties undertake to adopt all possible measures enabling them to ascertain the quantity of these alkaloids transformed into non-narcotic derivatives."

The Belgian delegation sought in vain to obtain the addition at the end of the paragraph of the words "and their international distribution".

This referred to the case of narcotics transformed into products not included in the Convention.

The Belgian delegation considers that information covering the international distribution of these products would, without unduly burdening either manufacturers or the agents of internal control, be of undoubted value, both to national statistics and to the international control of the drug traffic.

III. One last point obviously involves the question of competence. It is none the less of interest. It refers to the supply of hypodermic syringes.

It is hardly necessary to enter into details: without syringes there can be no injections and no addicts to morphine or heroin.

As M. Daladier very rightly remarked in his speech on January 21st, "The hypodermic syringe is a much greater danger than the opium smoker's pipe".

It would be expedient to consider whether the supply of hypodermic syringes should not, like the injected medicament, be made conditional upon a medical prescription.

## MINORITY REPORT OF SUB-COMMITTEE F.

Presented by Surgeon-General Rupert BLUE, M.D., D.P.H., Member of the United States Delegation.

While the delegation of the United States is not in accord with all the recommendations set forth in the draft report of Sub-Committee F submitted by the Rapporteur (Professor Perrot), I desire, on behalf of the delegation, to express my deep appreciation of the uniform courtesy and attentive consideration with which this Sub-Committee has received the suggestions of the United States, and to present for consideration, under reservations made from time to time and duly noted in the minutes, a statement in the nature of a minority report regarding the points at issue. I would suggest that the following statement accompany the Rapporteur's report when this Sub-Committee accounts to the Conference for the work it was assigned in order that the Conference may readily understand the several points at issue and may take such action in the premises as may be deemed advisable.

## STATEMENT.

*Codeine.*

1. It is recommended that the word "codeine" be inserted after the word "morphine" in Articles 9, 10 (paragraphs (a) and (b)), 11, 12, 13 and 14.

One of the most important objects of the Convention is to ensure that accurate data regarding the manufacture and consumption of opium and its derivatives shall be collected and recorded. Otherwise a correct accounting of the final disposition of opium and its products cannot be ascertained. It is therefore urged that the suggestion indicated above be adopted. In any event, it would seem highly desirable that codeine should be included in the Convention for statistical purposes if for no other reason. In support of this view attention is invited to the following statement made by the Health Section of the League of Nations:

"The Mixed Sub-Committee points out again that, in view of the large quantities of codeine prescribed in certain countries, it would be well to include this alkaloid in the enquiries and, in general, all the derivatives of opium employed in therapeutics. (See Document A.32, 1924, II, Annex 5, page 22)."

*Derivatives.*

2. It is recommended that the word "derivatives" be re-inserted in Articles 9, 10, 11, 12, 13, and 14 of the Suggestions of the United States.

The deletion of the word "derivatives" from the articles referred to, as recommended in the report of the Rapporteur, renders impossible an accurate accounting to be made with regard to the course and disposition of consignments of opium. If derivatives of the raw material are not accounted for, the effectiveness of any convention which may be concluded would be seriously impaired. It may be mentioned that statistics collected by the Advisory Committee on the Traffic in Opium indicate that only six States have so far tabulated returns respecting codeine, and these figures are for the most part not reliable.

*Heroin.*

3. It is recommended that an article providing for the suppression of the manufacture of heroin be included in the Convention. (See Article 9-A of the Suggestions of the United States.)

The United States delegation has noted with interest the recommendations submitted by the Sub-Committee regarding the limitation of the use of heroin and would respectfully urge the Conference to take advantage of the present opportunity to place a ban upon this noxious drug in the manner indicated in Document O.D.C./C.R./13<sup>1</sup>. In further support of the proposal to suppress the manufacture of heroin, reference may be made to the report of the Health Section of the League of Nations:

"Diacetyl morphine (heroin) is a very dangerous drug, still more toxic than morphine and still more dangerous as regards the forming of the drug habit. Since the pharmacologists and clinical practitioners admit that heroin can be dispensed with in therapeutics, the Mixed Sub-Committee recommends the possibility of entirely forbidding its manufacture should be considered." (See Document 32 (1924) II, page 22.)

The foregoing statement not only constitutes a strong endorsement of the views entertained by the delegation of the United States regarding the suppression of the manufacture of heroin but would also seem to afford the answer to the statement that sufficient evidence has not been obtained to warrant the suppression of the manufacture of the drug at the present time.

<sup>1</sup> See Verbatim Record of the Thirteenth Plenary Meeting of the Conference.

### *Morphine and Cocaine.*

4. It is recommended that the following text be substituted in Article 14, paragraph (b), for that contained in the Rapporteur's report:

“(c) . . . to all preparations (officinal and non-officinal, including the so-called anti-opium remedies) containing more than one-quarter of a grain of morphine or more than one-quarter of a grain of cocaine to the ounce.”

If the text of the Hague Convention regarding the exemption of preparations containing 0.2 per cent of morphine and 0.1 per cent of cocaine is adopted as recommended by the report of the Rapporteur, a druggist may dispense these strong solutions of narcotics without a medical prescription. Had the percentages been reduced to one-quarter of the amounts indicated in the Hague Convention it would have served the purpose intended without the danger of creating addiction among uniformed purchasers. The attention of the Conference is invited to the following opinion of the Health Section of the League of Nations regarding the danger to be apprehended from the dispersing of strong solutions containing morphine and cocaine:

“In the report (see Document C.H.264) submitted to the Mixed Committee and to the Health Committee we pointed out that this provision was, to a certain extent, likely to promote illicit traffic, owing to the fact that a proportion of narcotics which might be proved to be considerable was thus withdrawn from supervision.”

In support of the high percentage of these drugs exempted, it was urged that persons who became ill suddenly should be permitted to obtain relief without calling a physician and that everyone should be accorded the right to purchase narcotics from chemists at any time. In our opinion, this would be a most decided step backward, as it might create addiction among certain classes as well as permit illicit traffic in cocaine and morphine. The amount exempted in the amendment proposed above would appear to be ample for the immediate relief of any person who might need an opiate while away from home.

### *Medicinal Opium to be dispensed without a Prescription.*

5. It is recommended that the following text be substituted for that proposed by the delegates for France and Belgium with regard to the exemption from medical prescription of certain medicines irrespective of their strength, provided the quantity supplied on a single occasion does not exceed 50 centigrams of officinal opium:

“The following opiated officinal preparations may be delivered to the public on the responsibility of the chemist without a medical prescription and as medicines for urgent use, but only in small quantities corresponding to 12 centigrams of officinal opium, subject to the bookkeeping regulations with regard to narcotics, tincture of opium, Dover powder, and Sydenham laudanum.”

It is believed that the quantities of medicinal opium permitted to be dispensed without a medical prescription under the Sub-Committee's proposed amendment is excessive and is not warranted by conditions obtaining in any country. If 50 centigrams of officinal opium may be delivered without a medical prescription, as recommended by the Committee, the question naturally arises: “Why place any restriction upon the distribution of opium products?” As it would be possible for a person to obtain 8 grains of opium at a single purchase, the same individual, by proceeding from one chemist's shop to another, might obtain enough opium in a single day to satisfy the demands of a dozen addicts. No doubt the restriction which the delegation suggests might inconvenience the customer, but physicians will generally agree that 12 centigrams of tincture of opium contain sufficient opium to relieve any acute case of illness. Opium is, of course, palliative, not curative, in its action, and it does positive harm in many cases of disease, aside from its tendency to create addiction.

### *Medicinal and Scientific Needs of the World.*

6. It is recommended that the Conference do not embody in the Convention any provision fixing the amount of opium and cocaine necessary to supply the medicinal and scientific needs of the world.

While the necessity for the establishment of a basis for estimating the requirements of each country is fully appreciated, the advisability of a Convention fixing the requirements is questionable for the reason that a recommendation of this Conference would serve the purpose equally as well and avoid the delays consequent upon a revision in the future of such a provision in the Convention.

## REPORT OF SUB-COMMITTEE F CONCERNING INDIAN HEMP.

Rapporteur: Prof. PERROT, Delegate of France.

Sub-Committee F, to which the full Conference had submitted the question of Indian hemp and various preparations derived from it, known under the names of *hashich*, *chira*, *charas*, etc., has considered the reports of the delegates for Egypt and Turkey.

The abuse of these preparations (which are chewed or eaten) and the smoking of the drug are specially dangerous, since their immoderate use due to addiction leads to troubles at least as serious as those caused in similar conditions by the use of opium and its derivatives.

Moreover, certain preparations now frequently contain opium and highly toxic substances, such as *nux vomica*, *datura*, *cantharides* etc., which greatly adds to the dangers of such preparations.

A number of Governments have already brought Indian hemp and preparations of Indian hemp under the regulations for dangerous drugs, and have in this way restricted traffic in these substances exclusively to medical and scientific requirements. The quantity required for these latter purposes would appear to represent only a very small part of the total output. The actual proportion can only be accurately determined by statistics.

Sub-Committee F is of the opinion that the campaign against these narcotic products must be organised on international lines.

It should, however, be remembered that all derivatives of hemp are capable of providing, in addition to products injurious to public health, fibres which can be used in industry (cloth, cordage, matting, etc.) and that the oil seeds may also be employed for domestic purposes.

That being the case, it would not appear to be an easy matter to limit the amount grown. An effort should, however, be made to adopt drastic measures with a view to prohibiting the growing of specially poisonous species and completely abolishing the traffic in the resin.

While effective practical measures could apparently be taken fairly easily in highly developed countries this is not the case as regards Central Africa and Central Asia.

The growing of Indian hemp is prohibited by the Ottoman Government and the Governments of Egypt, Greece and a few other countries, while the protecting Powers have issued severe measures in Africa to achieve the same result — measures the enforcement of which will serve as a test of their administrative capacity and their influence on the natives of the centre and south of the continent.

The Sub-Committee appointed a Committee of Experts to examine the question and to submit proposals. The latter thought that it was necessary to distinguish three points of view: (1) the establishment of a definition of Indian hemp; (2) the establishment of a distinction between the raw material and the resin extracted by various processes, the latter constituting the most dangerous drug; (3) the question of restricting its use to medical and scientific needs.

After discussion, and after consideration of the observations of the delegates of Great Britain and India, the following definition, which is in conformity with the terms used in the British Pharmacopœia, was adopted, together with an addition concerning various appellations in use in the different countries.

(a) "By Indian hemp is understood the *dried* flowering or *fruiting tops* of the *distillate* plant *cannabis sativa* L., from which the resin has not been extracted, under whatever name they may be designated in commerce."

The question of the raw resin (*charas*) gave rise to a long discussion, and the Sub-Committee, on being consulted, decided in principle that it would be well to recommend that all traffic in it should be prohibited as well as traffic in all preparations of which it forms the basis. The Sub-Committee considered that it was impossible to designate them all by reason of the numerous and varied names by which they are known in the different countries and decided merely to designate them as a whole, mentioning some of the best known among them: *hashish* (Arabian and Egyptian), *esrar* (Turkish), *chira* (Tunisian), and *diamba* (Brazilian).

The Rapporteur observed that as this raw resin and the preparations derived therefrom were not susceptible of any medical usage, there was no reason why the proposal should not be adopted. The Sub-Committee, however, desired to reserve the question of possible medical utilisation and in the end adopted the following text:

(b) "The use of Indian hemp and the preparations derived therefrom may only be authorised for medical and scientific purposes. The raw resin (*charas*), however, which is extracted from the female tops of the *cannabis sativa* L., together with the various preparations (*hashish*, *chira*, *esrar*, *diamba*, etc.) of which it forms the basis, not being at present utilised for medical purposes and only being susceptible of utilisation for harmful purposes, in the same manner as other narcotics, may not be produced, sold, traded in, etc., under any circumstances whatsoever.

## Appendix.

### INDIAN HEMP.

*Note by the Indian Delegation.*

January 23rd, 1925.

The Government of India are in full sympathy with the proposal to bring the international traffic in the drug Indian hemp under international control. Even before the matter was mooted in the recent *questionnaire* on the subject circulated by the Advisory Committee, the Government of India had already taken various steps with a view to examining and strengthening, where necessary, the strict control of this traffic which already exists in India. They had asked the maritime Provincial Governments, within whose competence the matter partly lies, to ensure a very close scrutiny of all applications for export permits, and had subsequently, in March 1924, addressed all the Provincial Governments in the matter of bringing the drugs in question under international control.

When the proposal of the Egyptian delegation had been added by the Conference to its agenda and had been considered by Sub-Committee F, the Indian delegation, after the adjournment, telegraphed to the Government of India to ascertain to what extent they are likely to find it possible in practice to accept the methods of control suggested by that Sub-Committee.

The reply of the Government of India has now been received. They state that they would be able to co-operate by controlling export on the import certificate system; in this way, export would be confined to cases covered by import certificates issued by the Governments of the importing countries.

The Government of India have not yet had time to consult Provincial Government and the Governments of the Indian States on the further question of controlling, in the manner suggested by Sub-Committee F, the production and sale and use of these drugs within the borders of India itself. The control already exercised by the Provincial Governments over the production, transport and sale of these drugs is of a very stringent nature. Charas is not prepared in India but is imported from Central Asia; import is controlled by licence. The production of ganja is prohibited except in small areas, the product of which is controlled by the excise authorities. The Government of India, however, at the present stage of their examination of the subject, point out various serious difficulties of an administrative order in confining the use of hemp drugs to medical and scientific purposes; for example, there are social and religious customs which naturally have to be considered, and there is the doubt whether the total prohibition of drugs easily preparable from a wild-growing plant could in practice be made effective.

For these reasons, the Indian delegation is glad to be able to promise the co-operation of its Government in limiting the export of Indian hemp to the needs of the importing countries as certified by their Governments by means of the import certificate system, but would be unable, in existing circumstances, to accept a proposal that the articles of the Convention should include the full extent of the suggestions put forward by Sub-Committee F in so far as they affect the methods of internal restriction applied by the various Governments in India.

### Annex 29.

O. D. C. 100.

#### SUPPLEMENTARY REPORT OF SUB-COMMITTEE F.

1. In pursuance of the wish expressed by the President of the Second Conference, Sub-Committee F examined the Egyptian delegation's proposal. (See Verbatim Record of the Eighth Plenary Meeting.)

The Egyptian delegate recognised that the first two paragraphs of Resolution (e)<sup>1</sup> gave him full satisfaction. He stated that he could not accept the third paragraph, which he asked to have deleted, as he could not approve of the provision that once a decision on the part of the technical bodies appointed for the purpose had been obtained, the formal approval of ten powers should be required before it became effective.

Notwithstanding the assent of a certain number of delegates, it was decided that, as the report had been finally adopted, it could not be changed and that the Egyptian delegate should raise the question in the Plenary Conference.

2. The Rapporteur of Sub-Committee F, speaking on behalf of several of the members of the Sub-Committee, then pointed out that the wording of the Hague Convention (Chapter III) concerning the definition of medicinal opium contained a technical error.

The words "which has been heated" should be deleted as incorrect, as the process actually employed is a preliminary dessication for the purpose of placing exports in the same analytical conditions. The article should therefore be worded as follows:

"By medicinal opium is understood: raw opium which, *after dessication at +60° C.* contains not less than 10 per cent of morphine, etc."

The Committee adopted this wording.

3. In order to make the definition of raw opium in Chapter I clearer, the Committee also adopted the addition of the words: "Whatever its content of morphine" at the end of the paragraph.

4. At the request of the Drafting Committee, a discussion was opened with a view to defining what should be understood by the term "crude cocaine".

<sup>1</sup> See the Report of Sub-Committee F (Annex 26).



The following text was unanimously adopted:

“By crude cocaine is understood all products extracted from the coca-leaf which can directly or indirectly serve for the preparation of cocaine.”

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**Annex 30.**

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O. C. S. 9.

**REPORT OF THE COMMITTEE OF SIXTEEN.**

The Committee of Sixteen held four meetings. It appointed a Sub-Committee of Five, which made the following report, to which the Committee of Sixteen has nothing to add.

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 DELEIVINGNE.
	Lord CECIL.
France	M. DALADIER.
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.”

Annexe 31.

C. 88. M. 44. 1925. XI.  
[O.D.C. 106 (3) ; O.D.C. 7 (2) ;  
O.D.C. 130 (1).]

GENÈVE, le 23 février 1925.

DEUXIÈME CONFÉRENCE DE L'OPIMUM

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CONVENTION -- PROTOCOLE -- ACTE FINAL

*Genève, le 19 février 1925*

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SECOND OPIUM CONFERENCE

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CONVENTION -- PROTOCOL -- FINAL ACT

*Geneva, February 19th, 1925*

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## CONVENTION

Considérant que l'application des dispositions de la Convention de La Haye du 23 janvier 1912 par les Parties contractantes a eu des résultats de grande importance, mais que la contrebande et l'abus des substances visées par la Convention continuent encore sur une grande échelle;

Convaincues que la contrebande et l'abus de ces substances ne peuvent être supprimés effectivement qu'en réduisant d'une façon plus efficace la production et la fabrication de ces substances et en exerçant sur le commerce international un contrôle et une surveillance plus étroits que ceux prévus dans ladite Convention;

Désireuses de prendre de nouvelles mesures en vue d'atteindre le but visé par ladite Convention et de compléter et de renforcer ses dispositions;

Conscientes que cette réduction et ce contrôle exigent la coopération de toutes les Parties contractantes;

Confiantes que cet effort humanitaire recevra l'adhésion unanime des pays intéressés;

Les Hautes Parties contractantes ont décidé de conclure une Convention à cet effet et ont désigné pour leurs plénipotentiaires :

[*Suivent les noms des Chefs d'Etats et de leurs plénipotentiaires.*]

qui, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes :

### CHAPITRE I. — DÉFINITIONS.

#### Article 1<sup>er</sup>.

Aux fins de la présente Convention, les Parties contractantes conviennent d'accepter les définitions suivantes :

*Opium brut.* — Par « opium brut », on entend le suc, coagulé spontanément, obtenu des capsules du pavot somnifère (*Papaver somniferum L.*) et n'ayant subi que les manipulations nécessaires à son emballage et à son transport, quelle que soit sa teneur en morphine.

*Opium médicinal.* — Par « opium médicinal », on entend l'opium qui a subi les préparations nécessaires pour son adaptation à l'usage médical, soit en poudre ou granulé, soit en forme de mélange avec des matières neutres, selon les exigences de la pharmacopée.

*Morphine.* — Par « morphine », on entend le principal alcaloïde de l'opium ayant la formule chimique  $C_{17}H_{19}NO_3$ .

*Diacétylmorphine.* — Par « diacétylmorphine », on entend la diacétylmorphine (diamorphine, héroïne) ayant la formule  $C_{21}H_{23}NO_5$ .

*Feuille de coca.* — Par « feuille de coca », on entend la feuille de l'*Erythroxylon Coca Lamarck*, de l'*Erythroxylon novo-granatense* (Morris) Hieronymus et de leurs variétés, de la famille des erythroxyllacées et la feuille d'autres espèces de ce genre dont la cocaïne pourrait être extraite directement ou obtenue par transformation chimique.

*Cocaïne brute.* — Par « cocaïne brute », on entend tous produits extraits de la feuille de coca qui peuvent, directement ou indirectement, servir à la préparation de la cocaïne.

*Cocaïne.* — Par « cocaïne », on entend l'éther méthylique de la benzoylecgonine lévogyre ( $[\alpha]_D^{20} = -16.4$ ) en solution chloroformique à 20 % ayant la formule  $C_{17}H_{21}NO_4$ .

*Ecgonine.* — Par « ecgonine », on entend l'ecgonine lévogyre ( $[\alpha]_D^{20} = -45.6$  en solution aqueuse à 5 %) ayant la formule  $C_8H_{15}NO_3 \cdot H_2O$ , et tous les dérivés de cette ecgonine qui pourraient servir industriellement à sa régénération.

*Chanvre indien.* — Par « chanvre indien », on entend la sommité séchée, fleurie ou fructifère, des pieds femelles du *Cannabis sativa L.* de laquelle la résine n'a pas été extraite, sous quelque dénomination qu'elle soit présentée dans le commerce.

## CONVENTION

Taking note of the fact that the application of the provisions of the Hague Convention of January 23rd, 1912, by the Contracting Parties has produced results of great value, but that the contraband trade in and abuse of the substances to which the Convention applies still continue on a great scale ;

Convinced that the contraband trade in and abuse of these substances cannot be effectually suppressed except by bringing about a more effective limitation of the production or manufacture of the substances, and by exercising a closer control and supervision of the international trade, than are provided for in the said Convention ;

Desirous therefore of taking further measures to carry out the objects aimed at by the said Convention and to complete and strengthen its provisions ;

Realising that such limitation and control require the close co-operation of all the Contracting Parties ;

Confident that this humanitarian effort will meet with the unanimous adhesion of the nations concerned :

Have decided to conclude a Convention for this purpose.

The High Contracting Parties have accordingly appointed as their Plenipotentiaries :

[Here follow the names of heads of States and their Plenipotentiaries.]

who, after communicating their full powers, found in good and due form, have agreed as follows :

### CHAPTER I. — DEFINITIONS.

#### Article I.

The Contracting Parties agree to adopt the following definitions for the purposes of the present Convention :

*Raw Opium.* — “Raw opium” means the spontaneously coagulated juice obtained from the capsules of the *Papaver somniferum L.*, which has only been submitted to the necessary manipulations for packing and transport, whatever its content of morphine.

*Medicinal Opium.* — “Medicinal opium” means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the national pharmacopœia, whether in powder form or granulated or otherwise or mixed with neutral materials.

*Morphine.* — “Morphine” means the principal alkaloid of opium having the chemical formula  $C_{17}H_{19}NO_3$ .

*Diacetylmorphine.* — “Diacetylmorphine” means diacetylmorphine (diamorphine, heroin) having the formula  $C_{21}H_{23}NO_5$ .

*Coca Leaf.* — “Coca leaf” means the leaf of the *Erythroxylon Coca Lamarck* and the *Erythroxylon novo-granatense* (Morris) Hieronymus and their varieties, belonging to the family of Erythroxylaceæ and the leaf of other species of this genus from which it may be found possible to extract cocaine either directly or by chemical transformation.

*Crude Cocaine.* — “Crude cocaine” means any extract of the coca leaf which can be used directly or indirectly for the manufacture of cocaine.

*Cocaine.* — “Cocaine” means methyl-benzoyl lævo-ecgonine ( $[\alpha]_D^{20} = -16.4$ ) in 20 per cent solution of chloroform, of which the formula is  $C_{17}H_{21}NO_4$ .

*Ecgonine.* — “Ecgonine” means lævo-ecgonine ( $[\alpha]_D^{20} = -45.6$  in 5 per cent solution of water), of which the formula is  $C_8H_{15}NO_3 \cdot H_2O$ , and all the derivatives of lævo-ecgonine which might serve industrially for its recovery.

*Indian Hemp.* — “Indian hemp” means the dried flowering or fruiting tops of the pistillate plant *Cannabis sativa L.* from which the resin has not been extracted, under whatever name they may be designated in commerce.

## CHAPITRE II. — CONTROLE INTÉRIEUR DE L'OPIMUM BRUT ET DES FEUILLES DE COCA.

### Article 2.

Les Parties contractantes s'engagent à édicter des lois et règlements, si cela n'a pas encore été fait, pour assurer un contrôle efficace de la production, de la distribution et de l'exportation de l'opium brut ; elles s'engagent également à réviser périodiquement et à renforcer, dans la mesure où cela sera nécessaire, les lois et règlements sur la matière qu'elles auront édictés en vertu de l'article 1<sup>er</sup> de la Convention de La Haye de 1912 ou de la présente Convention.

### Article 3.

Les Parties contractantes limiteront, en tenant compte des différences de leurs conditions commerciales, le nombre des villes, ports ou autres localités par lesquels l'exportation ou l'importation de l'opium brut ou de feuilles de coca sera permise.

## CHAPITRE III. — CONTROLE INTÉRIEUR DES DROGUES MANUFACTURÉES.

### Article 4.

Les dispositions du présent chapitre s'appliquent aux substances suivantes :

- a) A l'opium médicinal ;
- b) A la cocaïne brute et à l'ecgonine ;
- c) A la morphine, diacétylmorphine, cocaïne et leurs sels respectifs ;
- d) A toutes les préparations officinales et non officinales (y compris les remèdes dits anti-opium) contenant plus de 0,2 % de morphine ou plus de 0,1 % de cocaïne ;
- e) A toutes les préparations contenant de la diacétylmorphine ;
- f) Aux préparations galéniques (extrait et teinture) de chanvre indien ;
- g) A tout autre stupéfiant auquel la présente Convention peut s'appliquer, conformément à l'article 10.

### Article 5.

Les Parties contractantes édicteront des lois ou des règlements efficaces de façon à limiter exclusivement aux usages médicaux et scientifiques la fabrication, l'importation, la vente, la distribution, l'exportation et l'emploi des substances auxquelles s'applique le présent chapitre. Elles coopéreront entre elles afin d'empêcher l'usage de ces substances pour tout autre objet.

### Article 6.

Les Parties contractantes contrôleront tous ceux qui fabriquent, importent, vendent, distribuent ou exportent les substances auxquelles s'applique le présent chapitre, ainsi que les bâtiments où ces personnes exercent cette industrie ou ce commerce.

A cet effet, les Parties contractantes devront :

- a) Limiter aux seuls établissements et locaux pour lesquels une autorisation existe à cet effet la fabrication des substances visées par l'article 4 b), c), g) ;
- b) Exiger que tous ceux qui fabriquent, importent, vendent, distribuent ou exportent lesdites substances, soient munis d'une autorisation ou d'un permis pour se livrer à ces opérations ;
- c) Exiger de ces personnes la consignation sur leurs livres des quantités fabriquées, des importations, exportations, ventes et tous autres modes de cession desdites substances. Cette règle ne s'appliquera pas nécessairement aux quantités dispensées par les médecins, non plus qu'aux ventes faites sur ordonnance médicale par des pharmaciens dûment autorisés, si les ordonnances sont, dans chaque cas, dûment conservées par le médecin ou le pharmacien.

## CHAPTER II. — INTERNAL CONTROL OF RAW OPIUM AND COCA LEAVES.

### *Article 2.*

The Contracting Parties undertake to enact laws and regulations to ensure the effective control of the production, distribution and export of raw opium, unless laws and regulations on the subject are already in existence; they also undertake to review periodically, and to strengthen as required, the laws and regulations on the subject which they have enacted in virtue of Article 1 of the Hague Convention of 1912 or of the present Convention.

### *Article 3.*

Due regard being had to the differences in their commercial conditions, the Contracting Parties shall limit the number of towns, ports or other localities through which the export or import of raw opium or coca leaves shall be permitted.

## CHAPTER III. — INTERNAL CONTROL OF MANUFACTURED DRUGS.

### *Article 4.*

The provisions of the present Chapter apply to the following substances :

- (a) Medicinal opium ;
- (b) Crude cocaine and ecgonine ;
- (c) Morphine, diacetylmorphine, cocaine and their respective salts ;
- (d) All preparations officinal and non-officinal (including the so-called anti-opium remedies) containing more than 0.2 per cent of morphine or more than 0.1 per cent of cocaine ;
- (e) All preparations containing diacetylmorphine ;
- (f) Galenical preparations (extract and tincture) of Indian hemp ;
- (g) Any other narcotic drug to which the present Convention may be applied in accordance with Article 10.

### *Article 5.*

The Contracting Parties shall enact effective laws or regulations to limit exclusively to medical and scientific purposes the manufacture, import, sale, distribution, export and use of the substances to which this Chapter applies. They shall co-operate with one another to prevent the use of these substances for any other purposes.

### *Article 6.*

The Contracting Parties shall control all persons manufacturing, importing, selling, distributing or exporting the substances to which this Chapter applies, as well as the buildings in which these persons carry on such industry or trade.

With this object, the Contracting Parties shall :

- (a) Confine the manufacture of the substances referred to in Article 4 (b), (c) and (g) to those establishments and premises alone which have been licensed for the purpose.
- (b) Require that all persons engaged in the manufacture, import, sale, distribution, or export of the said substances shall obtain a licence or permit to engage in these operations ;
- (c) Require that such persons shall enter in their books the quantities manufactured, imports, exports, sales and all other distribution of the said substances. This requirement shall not necessarily apply either to supplies dispensed by medical practitioners or to sales by duly authorised chemists on medical prescriptions, provided in each case that the medical prescriptions are filed and preserved by the medical practitioner or chemist.

#### *Article 7.*

Les Parties contractantes prendront des mesures pour prohiber, dans leur commerce intérieur, toute cession à des personnes non autorisées ou toute détention par ces personnes des substances auxquelles s'applique le présent chapitre.

#### *Article 8.*

Lorsque le Comité d'hygiène de la Société des Nations, après avoir soumis la question au Comité permanent de l'Office international d'hygiène publique de Paris pour en recevoir avis et rapport, aura constaté que certaines préparations contenant les stupéfiants visés dans le présent chapitre ne peuvent donner lieu à la toxicomanie, en raison de la nature des substances médicamenteuses avec lesquelles ces stupéfiants sont associés et qui empêchent de les récupérer pratiquement, le Comité d'hygiène avisera de cette constatation le Conseil de la Société des Nations. Le Conseil communiquera cette constatation aux Parties contractantes, ce qui aura pour effet de soustraire au régime de la présente Convention les préparations en question.

#### *Article 9.*

Toute Partie contractante peut autoriser les pharmaciens à délivrer au public, de leur propre chef et à titre de médicaments pour l'usage immédiat en cas d'urgence, les préparations officinales opiacées suivantes : teinture d'opium, laudanum de Sydenham, poudre de Dover ; toutefois, la dose maximum qui peut, dans ce cas, être délivrée, ne doit pas contenir plus de 0,25 gr. d'opium officinal, et le pharmacien devra faire figurer dans ses livres, conformément à l'article 6 c), les quantités fournies.

#### *Article 10.*

Lorsque le Comité d'hygiène de la Société des Nations, après avoir soumis la question au Comité permanent de l'Office international d'hygiène publique de Paris pour en recevoir avis et rapport, aura constaté que tout stupéfiant auquel la présente Convention ne s'applique pas est susceptible de donner lieu à des abus analogues et de produire des effets aussi nuisibles que les substances visées par ce chapitre de la Convention, le Comité d'hygiène informera le Conseil de la Société des Nations et lui recommandera que les dispositions de la présente Convention soient appliquées à cette substance.

Le Conseil de la Société des Nations communiquera cette recommandation aux Parties contractantes. Toute Partie contractante qui accepte la recommandation signifiera son acceptation au Secrétaire général de la Société des Nations, qui en avisera les autres Parties contractantes.

Les dispositions de la présente Convention deviendront immédiatement applicables à la substance en question dans les relations entre les Parties contractantes qui auront accepté la recommandation visée par les paragraphes précédents.

### CHAPITRE IV. — CHANVRE INDIEN.

#### *Article 11.*

1. En addition aux dispositions du chapitre V de la présente Convention, qui s'appliqueront au chanvre indien et à la résine qui en est extraite, les Parties contractantes s'engagent :

a) A interdire l'exportation de la résine obtenue du chanvre indien et les préparations usuelles dont la résine est la base (telles que hachich, esrar, chira et djamba) à destination de pays qui en ont interdit l'usage et, lorsque l'exportation en est autorisée, à exiger la production d'un certificat d'importation spécial délivré par le gouvernement du pays importateur et attestant que l'importation est approuvée pour les fins spécifiées dans le certificat et que la résine ou les dites préparations ne seront pas réexportées ;

b) A exiger, avant de délivrer, pour du chanvre indien, le permis d'exportation visé à l'article 13 de la présente Convention, la production d'un certificat d'importation spécial délivré par le gouvernement du pays importateur et attestant que l'importation est approuvée et est destinée exclusivement à des usages médicaux ou scientifiques ;

2. Les Parties contractantes exerceront un contrôle efficace de nature à empêcher le trafic international illicite du chanvre indien et, en particulier, de la résine.



*Article 7.*

The Contracting Parties shall take measures to prohibit, as regards their internal trade, the delivery to or possession by any unauthorised persons of the substances to which this Chapter applies.

*Article 8.*

In the event of the Health Committee of the League of Nations, after having submitted the question for advice and report to the Permanent Committee of the Office international d'Hygiène publique in Paris, finding that any preparation containing any of the narcotic drugs referred to in the present Chapter cannot give rise to the drug habit on account of the medicaments with which the said drugs are compounded and which in practice preclude the recovery of the said drugs, the Health Committee shall communicate this finding to the Council of the League of Nations. The Council will communicate the finding to the Contracting Parties, and thereupon the provisions of the present Convention will not be applicable to the preparation concerned.

*Article 9.*

Any Contracting Party may authorise the supply to the public by chemists, at their own discretion, as medicines, for immediate use in urgent cases, of the following opiate officinal preparations: tincture of opium, Sydenham laudanum and Dover powder. The maximum dose, however, which may be supplied in such cases must not contain more than 25 centigrammes of officinal opium, and the chemist must enter in his books the quantities supplied, as provided in Article 6 (c).

*Article 10.*

In the event of the Health Committee of the League of Nations, after having submitted the question for advice and report to the Permanent Committee of the Office international d'Hygiène publique in Paris, finding that any narcotic drug to which the present Convention does not apply is liable to similar abuse and productive of similar ill-effects as the substances to which this Chapter of the Convention applies, the Health Committee shall inform the Council of the League accordingly and recommend that the provisions of the present Convention shall be applied to such drug.

The Council of the League shall communicate the said recommendation to the Contracting Parties. Any Contracting Party which is prepared to accept the recommendation shall notify the Secretary-General of the League, who will inform the other Contracting Parties.

The provisions of the present Convention shall thereupon apply to the substance in question as between the Contracting Parties who have accepted the recommendation referred to above.

CHAPTER IV. — INDIAN HEMP.

*Article 11.*

1. In addition to the provisions of Chapter V of the present Convention, which shall apply to Indian hemp and the resin prepared from it, the Contracting Parties undertake:

(a) To prohibit the export of the resin obtained from Indian hemp and the ordinary preparations of which the resin forms the base (such as hashish, esrar, chiras, djamba) to countries which have prohibited their use, and, in cases where export is permitted, to require the production of a special import certificate issued by the Government of the importing country stating that the importation is approved for the purposes specified in the certificate and that the resin or preparations will not be re-exported;

(b) Before issuing an export authorisation under Article 13 of the present Convention, in respect of Indian hemp, to require the production of a special import certificate issued by the Government of the importing country and stating that the importation is approved and is required exclusively for medical or scientific purposes.

2. The Contracting Parties shall exercise an effective control of such a nature as to prevent the illicit international traffic in Indian hemp and especially in the resin.

## CHAPITRE V. — CONTROLE DU COMMERCE INTERNATIONAL.

### Article 12.

Chaque Partie contractante exigera qu'une autorisation d'importation distincte soit obtenue pour chaque importation de l'une quelconque des substances auxquelles s'applique la présente Convention. Cette autorisation indiquera la quantité à importer, le nom et l'adresse de l'importateur, ainsi que le nom et l'adresse de l'exportateur.

L'autorisation d'importation spécifiera le délai dans lequel devra être effectuée l'importation ; elle pourra admettre l'importation en plusieurs envois.

### Article 13.

1. Chaque Partie contractante exigera qu'une autorisation d'exportation distincte soit obtenue pour chaque exportation de l'une quelconque des substances auxquelles s'applique la présente Convention. Cette autorisation indiquera la quantité à exporter, le nom et l'adresse de l'exportateur, ainsi que le nom et l'adresse de l'importateur.

2. La Partie contractante exigera, avant de délivrer cette autorisation d'exportation, qu'un certificat d'importation, délivré par le gouvernement du pays importateur et attestant que l'importation est approuvée, soit produit par la personne ou la maison qui demande l'autorisation d'exportation.

Chaque Partie contractante s'engage à adopter, dans la mesure du possible, le certificat d'importation dont le modèle est annexé à la présente Convention.

3. L'autorisation d'exportation spécifiera le délai dans lequel doit être effectuée l'exportation et mentionnera le numéro et la date du certificat d'importation, ainsi que l'autorité qui l'a délivré.

4. Une copie de l'autorisation d'exportation accompagnera l'envoi et le gouvernement qui délivre l'autorisation d'exportation en enverra copie au gouvernement du pays importateur.

5. Lorsque l'importation aura été effectuée, ou lorsque le délai fixé pour l'importation sera expiré, le gouvernement du pays importateur renverra l'autorisation d'exportation endossée à cet effet au gouvernement du pays exportateur. L'endos spécifiera la quantité effectivement importée.

6. Si la quantité effectivement exportée est inférieure à celle qui est spécifiée dans l'autorisation d'exportation, mention de cette quantité sera faite par les autorités compétentes sur l'autorisation d'exportation et sur toute copie officielle de cette autorisation.

7. Si la demande d'exportation concerne un envoi destiné à être déposé dans un entrepôt de douane du pays importateur, l'autorité compétente du pays exportateur pourra accepter, au lieu du certificat d'importation prévu ci-dessus, un certificat spécial par lequel l'autorité compétente du pays importateur attestera qu'elle approuve l'importation de l'envoi dans les conditions susmentionnées. En pareil cas, l'autorisation d'exportation précisera que l'envoi est exporté pour être déposé dans un entrepôt de douane.

### Article 14.

En vue d'assurer dans les ports-francs et dans les zones franches l'application et l'exécution intégrale des dispositions de la présente Convention, les Parties contractantes s'engagent à appliquer les lois et règlements en vigueur dans le pays, aux ports-francs et aux zones franches situés sur leurs territoires et à y exercer la même surveillance et le même contrôle que dans les autres parties de leurs territoires, en ce qui concerne les substances visées par ladite Convention.

Toutefois, cet article n'empêche pas une des Parties contractantes d'appliquer aux dites substances des dispositions plus énergiques dans les ports-francs et les zones franches que dans les autres parties de son territoire.

### Article 15.

1. Aucun envoi de l'une quelconque des substances visées par la présente Convention, si cet envoi est exporté d'un pays à destination d'un autre pays, ne sera autorisé à traverser un troisième pays — que cet envoi soit, ou non, transbordé du navire ou du véhicule utilisé — à moins que la copie de l'autorisation d'exportation (ou le certificat de déroutement, si ce certificat a été délivré conformément au paragraphe suivant) qui accompagne l'envoi ne soit soumis aux autorités compétentes de ce pays.

## CHAPTER V. — CONTROL OF INTERNATIONAL TRADE.

### *Article 12.*

Each Contracting Party shall require a separate import authorisation to be obtained for each importation of any of the substances to which the present Convention applies. Such authorisation shall state the quantity to be imported, the name and address of the importer and the name and address of the exporter.

The import authorisation shall specify the period within which the importation must be effected and may allow the importation in more than one consignment.

### *Article 13.*

1. Each Contracting Party shall require a separate export authorisation to be obtained for each exportation of any of the substances to which the present Convention applies. Such authorisation shall state the quantity to be exported, the name and address of the exporter and the name and address of the importer.

2. The Contracting Party, before issuing such export authorisation, shall require an import certificate, issued by the Government of the importing country and certifying that the importation is approved, to be produced by the person or establishment applying for the export authorisation.

Each Contracting Party agrees to adopt, so far as possible, the form of import certificate annexed to the present Convention.

3. The export authorisation shall specify the period within which the exportation must be effected, and shall state the number and date of the import certificate and the authority by whom it has been issued.

4. A copy of the export authorisation shall accompany the consignment, and the Government issuing the export authorisation shall send a copy to the Government of the importing country.

5. The Government of the importing country, when the importation has been effected, or when the period fixed for the importation has expired, shall return the export authorisation, with an endorsement to that effect, to the Government of the exporting country. The endorsement shall specify the amount actually imported.

6. If a less quantity than that specified in the export authorisation is actually exported, the quantity actually exported shall be noted by the competent authorities on the export authorisation and on any official copy thereof.

7. In the case of an application to export a consignment to any country for the purpose of being placed in a bonded warehouse in that country, a special certificate from the Government of that country, certifying that it has approved the introduction of the consignment for the said purpose, may be accepted by the Government of the exporting country in place of the import certificate provided for above. In such a case, the export authorisation shall specify that the consignment is exported for the purpose of being placed in a bonded warehouse.

### *Article 14.*

For the purpose of ensuring the full application and enforcement of the provisions of the present Convention in free ports and free zones, the Contracting Parties undertake to apply in free ports and free zones situated within their territories the same laws and regulations, and to exercise therein the same supervision and control, in respect of the substances covered by the said Convention, as in other parts of their territories.

This Article does not, however, prevent any Contracting Party from applying, in respect of the said substances, more drastic provisions in its free ports and free zones than in other parts of its territories.

### *Article 15.*

1. No consignment of any of the substances covered by the present Convention which is exported from one country to another country shall be permitted to pass through a third country, whether or not it is removed from the ship or conveyance in which it is being conveyed, unless the copy of the export authorisation (or the diversion certificate, if such a certificate has been issued in pursuance of the following paragraph) which accompanies the consignment is produced to the competent authorities of that country.

2. Les autorités compétentes d'un pays par lequel un envoi de l'une quelconque des substances visées par la présente Convention est autorisé à passer prendront toutes les mesures nécessaires pour empêcher le déroutement dudit envoi vers une destination autre que celle qui figure sur la copie de l'autorisation d'exportation (ou sur le certificat de déroutement) qui accompagne cet envoi, à moins que le gouvernement de ce pays n'ait autorisé ce déroutement au moyen d'un certificat spécial de déroutement. Un certificat de déroutement ne sera délivré qu'après réception d'un certificat d'importation, conformément aux dispositions de l'article 13, et émanant du gouvernement du pays à destination duquel on se propose de dérouter ledit envoi; ce certificat contiendra les mêmes renseignements que ceux qui, selon l'article 13, doivent être mentionnés dans l'autorisation d'exportation, ainsi que le nom du pays d'où cet envoi a été primitivement exporté. Toutes les dispositions de l'article 13 qui sont applicables à une autorisation d'exportation s'appliqueront également aux certificats de déroutement.

En outre, le gouvernement du pays autorisant le déroutement de l'envoi devra conserver la copie de l'autorisation primitive d'exportation (ou le certificat de déroutement) qui accompagnait ledit envoi au moment de son arrivée sur le territoire dudit pays et le retourner au gouvernement qui l'a délivré en notifiant en même temps à celui-ci le nom du pays à destination duquel le déroutement a été autorisé.

3. Dans les cas où le transport est effectué par la voie aérienne, les dispositions précédentes du présent article ne seront pas applicables si l'aéronef survole le territoire du tiers pays sans atterrir. Si l'aéronef atterrit sur le territoire dudit pays, lesdites dispositions seront appliquées dans la mesure où les circonstances le permettront.

4. Les alinéas 1 à 3 du présent article ne préjudicient pas aux dispositions de tout accord international limitant le contrôle qui peut être exercé par l'une des Parties contractantes sur les substances visées par la présente Convention, lorsqu'elles seront expédiées en transit direct.

5. Les dispositions du présent article ne s'appliqueront pas au transport de substances par la poste.

#### *Article 16.*

Si un envoi de l'une des substances visées par la présente Convention, est débarqué sur le territoire d'une Partie contractante et déposé dans un entrepôt de douane, il ne pourra être retiré de cet entrepôt sans qu'un certificat d'importation, délivré par le gouvernement du pays de destination et certifiant que l'importation est approuvée, soit présenté à l'autorité dont dépend l'entrepôt de douane. Une autorisation spéciale sera délivrée par cette autorité, pour chaque envoi ainsi retiré, et remplacera l'autorisation d'exportation visée aux articles 13, 14 et 15.

#### *Article 17.*

Lorsque les substances visées par la présente Convention traverseront en transit les territoires d'une Partie contractante, ou y seront déposées en entrepôt de douane, elles ne pourront être soumises à aucune opération qui modifierait, soit leur nature, soit, sauf permission de l'autorité compétente, leur emballage.

#### *Article 18.*

Si l'une des Parties contractantes estime impossible de faire application de l'une quelconque des dispositions du présent chapitre à son commerce avec un autre pays, en raison du fait que ce dernier n'est pas partie à la présente Convention, cette Partie contractante ne sera obligée d'appliquer les dispositions du présent chapitre que dans la mesure où les circonstances le permettent.

### CHAPITRE VI. — COMITÉ CENTRAL PERMANENT.

#### *Article 19.*

Un Comité central permanent sera nommé, dans les trois mois qui suivront l'entrée en vigueur de la présente Convention.

Le Comité central comprendra huit personnes qui, par leur compétence technique, leur impartialité et leur indépendance inspireront une confiance universelle.

Les membres du Comité central seront nommés par le Conseil de la Société des Nations.

Les Etats-Unis d'Amérique et l'Allemagne seront invités à désigner chacun une personne pour participer à ces nominations.

En procédant à ces nominations, on prendra en considération l'importance qu'il y a à faire figurer dans le Comité central, en proportion équitable, des personnes ayant une connaissance de la question des stupéfiants, dans les pays producteurs et manufacturiers, d'une part, et dans les pays consommateurs, d'autre part, et appartenant à ces pays.

Les membres du Comité central n'exerceront pas des fonctions qui les mettent dans une position de dépendance directe de leurs gouvernements.

Les membres du Comité exerceront un mandat d'une durée de cinq ans et seront rééligibles.

Le Comité élira son président et fixera son règlement intérieur.

Le quorum fixé pour les réunions du Comité sera de quatre membres.

Les décisions du Comité relatives aux articles 24 et 26 devront être prises à la majorité absolue de tous les membres du Comité.

2. The competent authorities of any country through which a consignment of any of the substances covered by the present Convention is permitted to pass shall take all due measures to prevent the diversion of the consignment to a destination other than that named in the copy of the export authorisation (or the diversion certificate) which accompanies it, unless the Government of that country has authorised that diversion by means of a special diversion certificate. A diversion certificate shall only be issued after the receipt of an import certificate, in accordance with Article 13, from the Government of the country to which it is proposed to divert the consignment, and shall contain the same particulars as are required by Article 13 to be stated in an export authorisation, together with the name of the country from which the consignment was originally exported. All the provisions of Article 13 which are applicable to an export authorisation shall be applicable equally to the diversion certificate.

Further, the Government of the country authorising the diversion of the consignment shall detain the copy of the original export authorisation (or diversion certificate) which accompanied the consignment on arrival in its territory, and shall return it to the Government which issued it, at the same time notifying the name of the country to which the diversion has been authorised.

3. In cases where the transport is being effected by air, the preceding provisions of this Article shall not be applicable if the aircraft passes over the territory of the third country without landing. If the aircraft lands in the territory of the said country, the said provisions shall be applied so far as the circumstances permit.

4. Paragraphs 1 to 3 of this Article are without prejudice to the provisions of any international agreement which limits the control which may be exercised by any of the Contracting Parties over the substances to which the present Convention applies when in direct transit.

5. The provisions of this Article shall not apply to transport of the substances by post.

#### *Article 16.*

A consignment of any of the substances covered by the present Convention which is landed in the territory of any Contracting Party and placed in a bonded warehouse shall not be withdrawn from the bonded warehouse unless an import certificate, issued by the Government of the country of destination and certifying that the importation is approved, is produced to the authorities having jurisdiction over the bonded warehouse. A special authorisation shall be issued by the said authorities in respect of each consignment so withdrawn and shall take the place of the export authorisation for the purpose of Articles 13, 14 and 15 above.

#### *Article 17.*

No consignment of the substances covered by the present Convention while passing in transit through the territories of any Contracting Party or whilst being stored there in a bonded warehouse may be subjected to any process which would alter the nature of the substances in question or, without the permission of the competent authorities, the packing.

#### *Article 18.*

If any Contracting Party finds it impossible to apply any provision of this Chapter to trade with another country by reason of the fact that such country is not a party to the present Convention, such Contracting Party will only be bound to apply the provisions of this Chapter so far as the circumstances permit.

### CHAPTER VI. — PERMANENT CENTRAL BOARD.

#### *Article 19.*

A Permanent Central Board shall be appointed, within three months from the coming into force of the present Convention.

The Central Board shall consist of eight persons who, by their technical competence, impartiality and disinterestedness, will command general confidence.

The members of the Central Board shall be appointed by the Council of the League of Nations.

The United States of America and Germany shall be invited each to nominate one person to participate in these appointments.

In making the appointments, consideration shall be given to the importance of including on the Central Board, in equitable proportion, persons possessing a knowledge of the drug situation, both in the producing and manufacturing countries on the one hand and in the consuming countries on the other hand, and connected with such countries.

The members of the Central Board shall not hold any office which puts them in a position of direct dependence on their Governments.

The members shall be appointed for a term of five years, and they will be eligible for re-appointment.

The Central Board shall elect its own President and shall settle its rules of procedure.

At meetings of the Board, four members shall form a quorum.

The decisions of the Board relative to Articles 24 and 26 shall be taken by an absolute majority of the whole number of the Board.

*Article 20.*

Le Conseil de la Société des Nations, d'accord avec le Comité, prendra les dispositions nécessaires pour l'organisation et le fonctionnement du Comité, en vue de garantir la pleine indépendance de cet organisme dans l'exécution de ses fonctions techniques, conformément à la présente Convention, et d'assurer, par le Secrétaire général, le fonctionnement des services administratifs du Comité.

Le Secrétaire général nommera le secrétaire et les fonctionnaires du Comité central, sur la désignation dudit Comité et sous réserve de l'approbation du Conseil.

*Article 21.*

Les Parties contractantes conviennent d'envoyer chaque année, avant le 31 décembre, au Comité central permanent prévu à l'article 19, les évaluations des quantités de chacune des substances visées par la Convention à importer sur leurs territoires, en vue de leur consommation intérieure au cours de l'année suivante pour des fins médicales, scientifiques et autres.

Ces chiffres ne doivent pas être considérés comme ayant, pour le gouvernement intéressé, un caractère obligatoire, mais seront donnés au Comité central à titre d'indication pour l'exercice de son mandat.

Dans le cas où des circonstances obligeraient un pays à modifier, au cours de l'année, ses évaluations, ce pays communiquera au Comité central les chiffres révisés.

*Article 22.*

1. Les Parties contractantes conviennent d'envoyer chaque année au Comité central, trois mois (dans les cas prévus au paragraphe c), cinq mois) au plus tard après la fin de l'année, et de la manière qui sera indiquée par le Comité, des statistiques aussi complètes et exactes que possible, relatives à l'année précédente :

a) De la production d'opium brut et de feuilles de coca ;

b) De la fabrication des substances visées au chapitre III, article 4 b) c) g), de la présente Convention et des matières premières employées pour cette fabrication. La quantité de ces substances, employée à la fabrication d'autres dérivés non visés par la Convention, sera déclarée séparément ;

c) Des stocks de substances visées par les chapitres II et III de la présente Convention, détenus par les négociants en gros ou par l'Etat, en vue de la consommation dans le pays, pour des besoins autres que les besoins de l'Etat ;

d) De la consommation, en dehors des besoins de l'Etat, des substances visées aux chapitres II et III de la présente Convention ;

e) Des quantités des substances visées par la présente Convention qui auront été confisquées à la suite d'importations et d'exportations illicites ; ces statistiques indiqueront la manière dont on aura disposé des substances confisquées, ainsi que tous autres renseignements utiles relatifs à la confiscation et à l'emploi fait des substances confisquées.

Les statistiques visées *sub litteris a, b, c, d, e*, seront communiquées par le Comité central aux Parties contractantes.

2. Les Parties contractantes conviennent d'envoyer au Comité central, de la manière qui sera prescrite par celui-ci, dans les quatre semaines qui suivront la fin de chaque période de trois mois, et pour chacune des substances visées par la présente Convention, les statistiques de leurs importations et de leurs exportations, en provenance et à destination de chaque pays au cours des trois mois précédents. Ces statistiques seront, dans les cas qui pourront être déterminés par le Comité, envoyées par télégramme, sauf si les quantités descendent au-dessous d'un minimum qui sera fixé pour chaque substance par le Comité central.

3. En fournissant les statistiques, conformément au présent article, les gouvernements indiqueront séparément les quantités importées ou achetées en vue des besoins de l'Etat, afin qu'il soit possible de déterminer les quantités requises dans le pays pour les besoins généraux de la médecine et de la science. Le Comité central n'aura aucun pouvoir de poser des questions ou d'exprimer une opinion quelconque quant aux quantités importées ou achetées en vue des besoins de l'Etat ou quant à l'usage qui en sera fait.

4. Au sens du présent article, les substances détenues, importées ou achetées par l'Etat en vue d'une vente éventuelle, ne sont pas considérées comme véritablement détenues, importées ou achetées pour les besoins de l'Etat.

*Article 20.*

The Council of the League of Nations shall, in consultation with the Board, make the necessary arrangements for the organisation and working of the Board, with the object of assuring the full technical independence of the Board in carrying out its duties under the present Convention, while providing for the control of the staff in administrative matters by the Secretary-General.

The Secretary-General shall appoint the secretary and staff of the Board on the nomination of the Board and subject to the approval of the Council.

*Article 21.*

The Contracting Parties agree to send in annually before December 31st, to the Permanent Central Board set up under Article 19, estimates of the quantities of each of the substances covered by the Convention to be imported into their territory for internal consumption during the following year for medical, scientific and other purposes.

These estimates are not to be regarded as binding on the Government concerned, but will be for the purpose of serving as a guide to the Central Board in the discharge of its duties.

Should circumstances make it necessary for any country, in the course of the year, to modify its estimates, the country in question shall communicate the revised figures to the Central Board.

*Article 22.*

1. The Contracting Parties agree to send annually to the Central Board, in a manner to be indicated by the Board, within three (in the case of paragraph (c), five) months after the end of the year, as complete and accurate statistics as possible relative to the preceding year, showing :

(a) Production of raw opium and coca leaves ;

(b) Manufacture of the substances covered by Chapter III, Article 4 (b) (c) and (g) of the present Convention and the raw material used for such manufacture. The amount of such substances used for the manufacture of other derivatives not covered by the Convention shall be separately stated ;

(c) Stocks of the substances covered by Chapters II and III of the present Convention in the hands of wholesalers or held by the Government for consumption in the country for other than Government purposes ;

(d) Consumption, other than for Government purposes, of the substances covered by Chapters II and III of the present Convention ;

(e) Amounts of each of the substances covered by the present Convention which have been confiscated on account of illicit import or export ; the manner in which the confiscated substances have been disposed of shall be stated, together with such other information as may be useful in regard to such confiscation and disposal.

The statistics referred to in paragraphs (a) to (e) above shall be communicated by the Central Board to the Contracting Parties.

2. The Contracting Parties agree to forward to the Central Board, in a manner to be prescribed by the Board, within four weeks after the end of each period of three months, the statistics of their imports from and exports to each country of each of the substances covered by the present Convention during the preceding three months. These statistics will, in such cases as may be prescribed by the Board, be sent by telegram, except when the quantities fall below a minimum amount which shall be fixed in the case of each substance by the Board.

3. In furnishing the statistics in pursuance of this Article, the Governments shall state separately the amounts imported or purchased for Government purposes, in order to enable the amounts required in the country for general medical and scientific purposes to be ascertained. It shall not be within the competence of the Central Board to question or to express any opinion on the amounts imported or purchased for Government purposes or the use thereof.

4. For the purposes of this Article, substances which are held, imported, or purchased by the Government for eventual sale are not regarded as held, imported or purchased for Government purposes.



### Article 23.

Afin de compléter les renseignements fournis au Comité central au sujet de l'affectation définitive donnée à la quantité totale d'opium existant dans le monde entier, les gouvernements des pays où l'usage de l'opium préparé est temporairement autorisé fourniront chaque année au Comité, de la manière qui sera prescrite par celui-ci, outre les statistiques prévues à l'article 22, trois mois au plus après la fin de l'année, des statistiques aussi complètes et exactes que possible, relatives à l'année précédente :

- 1) De la fabrication d'opium préparé et des matières premières employées à cette fabrication ;
- 2) De la consommation d'opium préparé.

Il est entendu que le Comité n'aura aucun pouvoir de poser des questions ou d'exprimer une opinion quelconque au sujet de ces statistiques et que les dispositions de l'article 24 ne seront pas applicables en ce qui touche aux questions visées par le présent article, sauf si le Comité vient à constater l'existence, dans une mesure appréciable, de transactions internationales illicites.

### Article 24.

1. Le Comité central surveillera d'une façon constante le mouvement du marché international. Si les renseignements dont il dispose le portent à conclure qu'un pays donné accumule des quantités exagérées d'une substance visée par la présente Convention et risque ainsi de devenir un centre de trafic illicite, il aura le droit de demander des explications au pays en question par l'entremise du Secrétaire général de la Société des Nations.

2. S'il n'est fourni aucune explication dans un délai raisonnable, ou si les explications données ne sont pas satisfaisantes, le Comité central aura le droit d'attirer, sur ce point, l'attention des gouvernements de toutes les Parties contractantes ainsi que celle du Conseil de la Société des Nations, et de recommander qu'aucune nouvelle exportation des substances auxquelles s'applique la présente Convention, ou de l'une quelconque d'entre elles, ne soit effectuée, à destination du pays en question, jusqu'à ce que le Comité ait signalé qu'il a obtenu tous les apaisements quant à la situation dans ce pays en ce qui concerne lesdites substances. Le Comité central notifiera en même temps au gouvernement du pays intéressé la recommandation qu'il a faite.

3. Le pays intéressé pourra porter la question devant le Conseil de la Société des Nations.

4. Tout gouvernement d'un pays exportateur qui ne sera pas disposé à agir selon la recommandation du Comité central pourra également porter la question devant le Conseil de la Société des Nations.

S'il ne croit pas devoir le faire, il informera immédiatement le Comité central qu'il n'est pas disposé à se conformer à la recommandation du Conseil, en donnant, si possible, ses raisons.

5. Le Comité central aura le droit de publier un rapport sur la question et de le communiquer au Conseil, qui le transmettra aux gouvernements des Parties contractantes.

6. Si, dans un cas quelconque, la décision du Comité central n'est pas prise à l'unanimité, les avis de la minorité devront également être exposés.

7. Tout pays sera invité à se faire représenter aux séances du Comité central au cours desquelles est examinée une question l'intéressant directement.

### Article 25.

Toutes les Parties contractantes auront le droit, à titre amical, d'appeler l'attention du Comité sur toute question qui leur paraîtra nécessiter un examen. Toutefois, le présent article ne pourra être interprété comme étendant les pouvoirs du Comité.

### Article 26.

En ce qui concerne les pays qui ne sont pas parties à la présente Convention, le Comité central pourra prendre les mesures spécifiées à l'article 24 dans le cas où les renseignements dont il dispose le portent à conclure qu'un pays donné risque de devenir un centre de trafic illicite ; dans ce cas, le Comité prendra les mesures indiquées dans l'article en question en ce qui concerne la notification au pays intéressé.

Les alinéas 3, 4 et 7 de l'article 24 s'appliqueront dans ce cas.

### Article 27.

Le Comité central présentera chaque année au Conseil de la Société des Nations un rapport sur ses travaux. Ce rapport sera publié et communiqué à toutes les Parties contractantes.

Le Comité central prendra toutes les mesures nécessaires pour que les évaluations, statistiques, renseignements et explications dont il dispose, conformément aux articles 21, 22, 23, 24, 25 ou 26 de la présente Convention, ne soient pas rendus publics d'une manière qui pourrait faciliter les opérations des spéculateurs ou porter atteinte au commerce légitime de l'une quelconque des Parties contractantes.

#### *Article 23.*

In order to complete the information of the Board as to the disposal of the world's supply of raw opium, the Governments of the countries where the use of prepared opium is temporarily authorised shall, in a manner to be prescribed by the Board, in addition to the statistics provided for in Article 22, forward annually to the Board, within three months after the end of the year, as complete and accurate statistics as possible relative to the preceding year showing :

- (1) The manufacture of prepared opium, and the raw material used for such manufacture ;
- (2) The consumption of prepared opium.

It is understood that it shall not be within the competence of the Board to question or to express any opinion upon these statistics, and that the provisions of Article 24 are not applicable to the matters dealt with in this Article, except in cases where the Board may find that illicit international transactions are taking place on an appreciable scale.

#### *Article 24.*

1. The Central Board shall continuously watch the course of the international trade. If the information at its disposal leads the Board to conclude that excessive quantities of any substance covered by the present Convention are accumulating in any country, or that there is a danger of that country becoming a centre of the illicit traffic, the Board shall have the right to ask, through the Secretary-General of the League, for explanations from the country in question.

2. If no explanation is given within a reasonable time or the explanation is unsatisfactory, the Central Board shall have the right to call the attention of the Governments of all the Contracting Parties and of the Council of the League of Nations to the matter, and to recommend that no further exports of the substances covered by the present Convention or any of them shall be made to the country concerned until the Board reports that it is satisfied as to the situation in that country in regard to the said substances. The Board shall at the same time notify the Government of the country concerned of the recommendation made by it.

3. The country concerned shall be entitled to bring the matter before the Council of the League.

4. The Government of any exporting country which is not prepared to act on the recommendation of the Central Board shall also be entitled to bring the matter before the Council of the League.

If it does not do so, it shall immediately inform the Board that it is not prepared to act on the recommendation, explaining, if possible, why it is not prepared to do so.

5. The Central Board shall have the right to publish a report on the matter and communicate it to the Council, which shall thereupon forward it to the Governments of all the Contracting Parties.

6. If in any case the decision of the Central Board is not unanimous, the views of the minority shall also be stated.

7. Any country shall be invited to be represented at a meeting of the Central Board at which a question directly interesting it is considered.

#### *Article 25.*

It shall be the friendly right of any of the Contracting Parties to draw the attention of the Board to any matter which appears to it to require investigation, provided that this Article shall not be construed as in any way extending the powers of the Board.

#### *Article 26.*

In the case of a country which is not a party to the present Convention, the Central Board may take the same measures as are specified in Article 24, if the information at the disposal of the Board leads it to conclude that there is a danger of the country becoming a centre of the illicit traffic ; in that case the Board shall take the action indicated in the said Article as regards notification to the country concerned.

Paragraphs 3, 4 and 7 of Article 24 shall apply in any such case.

#### *Article 27.*

The Central Board shall present an annual report on its work to the Council of the League. This report shall be published and communicated to all the Contracting Parties.

The Central Board shall take all necessary measures to ensure that the estimates, statistics, information and explanations which it receives under Articles 21, 22, 23, 24, 25 or 26 of the present Convention shall not be made public in such a manner as to facilitate the operations of speculators or injure the legitimate commerce of any Contracting Party.

## CHAPITRE VII. — DISPOSITIONS GÉNÉRALES

### *Article 28.*

Chacune des Parties contractantes s'engage à rendre passibles de sanctions pénales adéquates, y compris, le cas échéant, la confiscation des substances, objet du délit, les infractions aux lois et règlements relatifs à l'application des dispositions de la présente Convention.

### *Article 29.*

Les Parties contractantes examineront dans l'esprit le plus favorable la possibilité de prendre des mesures législatives pour punir des actes commis dans le ressort de leur juridiction en vue d'aider ou d'assister à la perpétration, en tout lieu situé hors de leur juridiction, d'un acte constituant une infraction aux lois en vigueur en ce lieu et ayant trait aux objets visés par la présente Convention.

### *Article 30.*

Les Parties contractantes se communiqueront, par l'intermédiaire du Secrétaire général de la Société des Nations, si elles ne l'ont déjà fait, leurs lois et règlements concernant les matières visées par la présente Convention, de même que les lois et règlements qui seraient promulgués pour la mettre en vigueur.

### *Article 31.*

La présente Convention remplace, entre les Parties contractantes, les dispositions des chapitres I, III et V de la Convention signée à La Haye le 23 janvier 1912. Ces dispositions resteront en vigueur entre les Parties contractantes et tout Etat partie à la Convention de La Haye, et qui ne serait pas partie à la présente Convention.

### *Article 32.*

1. Afin de régler, autant que possible, à l'amiable les différends qui s'élèveraient entre les Parties contractantes au sujet de l'interprétation ou de l'exécution de la présente Convention et qui n'auraient pu être résolus par la voie diplomatique, les Parties en litige pourront, préalablement à toute procédure judiciaire ou arbitrale, soumettre ces différends, pour avis consultatif, à l'organisme technique que le Conseil de la Société des Nations désignerait à cet effet.

2. L'avis consultatif devra être formulé dans les six mois à compter du jour où l'organisme dont il s'agit aura été saisi du différend, à moins que, d'un commun accord, les Parties en litige ne décident de proroger ce délai. Cet organisme fixera le délai dans lequel les Parties auront à se prononcer à l'égard de son avis.

3. L'avis consultatif ne liera pas les Parties en litige, à moins qu'il ne soit accepté par chacune d'elles.

4. Les différends qui n'auraient pu être réglés ni directement, ni, le cas échéant, sur la base de l'avis de l'organisme technique susvisé, seront portés, à la demande d'une des Parties au litige, devant la Cour permanente de Justice internationale, à moins que, par application d'une convention existante ou en vertu d'un accord spécial à conclure, il ne soit procédé au règlement du différend par voie d'arbitrage ou de toute autre manière.

5. Le recours à la Cour de Justice sera formé ainsi qu'il est prévu à l'article 40 du Statut de la Cour.

6. La décision prise par les Parties au litige de le soumettre, pour avis consultatif, à l'organisme technique désigné par le Conseil de la Société des Nations, ou de recourir à l'arbitrage, sera communiquée au Secrétaire général de la Société et, par ses soins, aux autres Parties contractantes, qui auront le droit d'intervenir dans la procédure.

7. Les Parties au litige devront porter devant la Cour permanente de Justice internationale tout point de droit international ou toute question d'interprétation de la présente Convention qui pourra surgir au cours de la procédure devant l'organisme technique ou le tribunal arbitral dont cet organisme ou ce tribunal estimerait, sur demande d'une des Parties, que la solution préalable par la Cour est indispensable pour le règlement du différend.

### *Article 33.*

La présente Convention, dont les textes français et anglais feront également foi, portera la date de ce jour et sera, jusqu'au 30 septembre 1925, ouverte à la signature de tout Etat représenté à la Conférence où fut élaborée la présente Convention, de tout Membre de la Société des Nations et de tout Etat à qui le Conseil de la Société des Nations aura, à cet effet, communiqué un exemplaire de la présente Convention.

## CHAPTER VII. — GENERAL PROVISIONS.

### *Article 28.*

Each of the Contracting Parties agrees that breaches of its laws or regulations by which the provisions of the present Convention are enforced shall be punishable by adequate penalties, including in appropriate cases the confiscation of the substances concerned.

### *Article 29.*

The Contracting Parties will examine in the most favourable spirit the possibility of taking legislative measures to render punishable acts committed within their jurisdiction for the purpose of procuring or assisting the commission in any place outside their jurisdiction of any act which constitutes an offence against the laws of that place relating to the matters dealt with in the present Convention.

### *Article 30.*

The Contracting Parties shall communicate to one another, through the Secretary-General of the League of Nations, their existing laws and regulations respecting the matters referred to in the present Convention, so far as this has not already been done, as well as those promulgated in order to give effect to the said Convention.

### *Article 31.*

The present Convention replaces, as between the Contracting Parties, the provisions of Chapters I, III and V of the Convention signed at The Hague on January 23rd, 1912, which provisions remain in force as between the Contracting Parties and any States Parties to the said Convention which are not Parties to the present Convention.

### *Article 32.*

1. In order as far as possible to settle in a friendly manner disputes arising between the Contracting Parties in regard to the interpretation or application of the present Convention which they have not been able to settle through diplomatic channels, the parties to such a dispute may, before resorting to any proceedings for judicial settlement or arbitration, submit the dispute for an advisory opinion to such technical body as the Council of the League of Nations may appoint for this purpose.

2. The advisory opinion shall be given within six months commencing from the day on which the dispute has been submitted to the technical body, unless this period is prolonged by mutual agreement between the parties to the dispute. The technical body shall fix the period within which the parties are to decide whether they will accept the advisory opinion given by it.

3. The advisory opinion shall not be binding upon the parties to the dispute unless it is accepted by each of them.

4. Disputes which it has not been found possible to settle either directly or on the basis of the advice of the above-mentioned technical body shall, at the request of any one of the parties thereto, be brought before the Permanent Court of International Justice, unless a settlement is attained by way of arbitration or otherwise by application of some existing convention or in virtue of an arrangement specially concluded.

5. Proceedings shall be opened before the Permanent Court of International Justice in the manner laid down in Article 40 of the Statute of the Court.

6. A decision of the parties to a dispute to submit it for an advisory opinion to the technical body appointed by the Council of the League of Nations, or to resort to arbitration, shall be communicated to the Secretary-General of the League of Nations and by him to the other Contracting Parties, which shall have the right to intervene in the proceedings.

7. The parties to a dispute shall bring before the Permanent Court of International Justice any question of international law or question as to the interpretation of the present Convention arising during proceedings before the technical body or arbitral tribunal, decision of which by the Court is, on the demand of one of the parties, declared by the technical body or arbitral tribunal to be necessary for the settlement of the dispute.

### *Article 33.*

The present Convention, of which the French and English texts are both authentic, shall bear to-day's date and shall be open for signature until the 30th day of September, 1925, by any State represented at the Conference at which the present Convention was drawn up, by any Member of the League of Nations, and by any State to which the Council of the League of Nations shall have communicated a copy of the Convention for this purpose.

## CHAPITRE VII. — DISPOSITIONS GÉNÉRALES

### *Article 28.*

Chacune des Parties contractantes s'engage à rendre passibles de sanctions pénales adéquates, y compris, le cas échéant, la confiscation des substances, objet du délit, les infractions aux lois et règlements relatifs à l'application des dispositions de la présente Convention.

### *Article 29.*

Les Parties contractantes examineront dans l'esprit le plus favorable la possibilité de prendre des mesures législatives pour punir des actes commis dans le ressort de leur juridiction en vue d'aider ou d'assister à la perpétration, en tout lieu situé hors de leur juridiction, d'un acte constituant une infraction aux lois en vigueur en ce lieu et ayant trait aux objets visés par la présente Convention.

### *Article 30.*

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2. L'avis consultatif devra être formulé dans les six mois à compter du jour où l'organisme dont il s'agit aura été saisi du différend, à moins que, d'un commun accord, les Parties en litige ne décident de proroger ce délai. Cet organisme fixera le délai dans lequel les Parties auront à se prononcer à l'égard de son avis.

3. L'avis consultatif ne liera pas les Parties en litige, à moins qu'il ne soit accepté par chacune d'elles.

4. Les différends qui n'auraient pu être réglés ni directement, ni, le cas échéant, sur la base de l'avis de l'organisme technique susvisé, seront portés, à la demande d'une des Parties au litige, devant la Cour permanente de Justice internationale, à moins que, par application d'une convention existante ou en vertu d'un accord spécial à conclure, il ne soit procédé au règlement du différend par voie d'arbitrage ou de toute autre manière.

5. Le recours à la Cour de Justice sera formé ainsi qu'il est prévu à l'article 40 du Statut de la Cour.

6. La décision prise par les Parties au litige de le soumettre, pour avis consultatif, à l'organisme technique désigné par le Conseil de la Société des Nations, ou de recourir à l'arbitrage, sera communiquée au Secrétaire général de la Société et, par ses soins, aux autres Parties contractantes, qui auront le droit d'intervenir dans la procédure.

7. Les Parties au litige devront porter devant la Cour permanente de Justice internationale tout point de droit international ou toute question d'interprétation de la présente Convention qui pourra surgir au cours de la procédure devant l'organisme technique ou le tribunal arbitral dont cet organisme ou ce tribunal estimerait, sur demande d'une des Parties, que la solution préalable par la Cour est indispensable pour le règlement du différend.

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### *Article 29.*

The Contracting Parties will examine in the most favourable spirit the possibility of taking legislative measures to render punishable acts committed within their jurisdiction for the purpose of procuring or assisting the commission in any place outside their jurisdiction of any act which constitutes an offence against the laws of that place relating to the matters dealt with in the present Convention.

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### *Article 31.*

The present Convention replaces, as between the Contracting Parties, the provisions of Chapters I, III and V of the Convention signed at The Hague on January 23rd, 1912, which provisions remain in force as between the Contracting Parties and any States Parties to the said Convention which are not Parties to the present Convention.

### *Article 32.*

1. In order as far as possible to settle in a friendly manner disputes arising between the Contracting Parties in regard to the interpretation or application of the present Convention which they have not been able to settle through diplomatic channels, the parties to such a dispute may, before resorting to any proceedings for judicial settlement or arbitration, submit the dispute for an advisory opinion to such technical body as the Council of the League of Nations may appoint for this purpose.

2. The advisory opinion shall be given within six months commencing from the day on which the dispute has been submitted to the technical body, unless this period is prolonged by mutual agreement between the parties to the dispute. The technical body shall fix the period within which the parties are to decide whether they will accept the advisory opinion given by it.

3. The advisory opinion shall not be binding upon the parties to the dispute unless it is accepted by each of them.

4. Disputes which it has not been found possible to settle either directly or on the basis of the advice of the above-mentioned technical body shall, at the request of any one of the parties thereto, be brought before the Permanent Court of International Justice, unless a settlement is attained by way of arbitration or otherwise by application of some existing convention or in virtue of an arrangement specially concluded.

5. Proceedings shall be opened before the Permanent Court of International Justice in the manner laid down in Article 40 of the Statute of the Court.

6. A decision of the parties to a dispute to submit it for an advisory opinion to the technical body appointed by the Council of the League of Nations, or to resort to arbitration, shall be communicated to the Secretary-General of the League of Nations and by him to the other Contracting Parties, which shall have the right to intervene in the proceedings.

7. The parties to a dispute shall bring before the Permanent Court of International Justice any question of international law or question as to the interpretation of the present Convention arising during proceedings before the technical body or arbitral tribunal, decision of which by the Court is, on the demand of one of the parties, declared by the technical body or arbitral tribunal to be necessary for the settlement of the dispute.

### *Article 33.*

The present Convention, of which the French and English texts are both authentic, shall bear to-day's date and shall be open for signature until the 30th day of September, 1925, by any State represented at the Conference at which the present Convention was drawn up, by any Member of the League of Nations, and by any State to which the Council of the League of Nations shall have communicated a copy of the Convention for this purpose.

*Article 34.*

La présente Convention est sujette à ratification. Les instruments de ratification seront déposés auprès du Secrétaire général de la Société des Nations, qui en notifiera le dépôt aux Membres de la Société des Nations signataires de la Convention, ainsi qu'aux autres Etats signataires.

*Article 35.*

A partir du 30 septembre 1925, tout Etat représenté à la Conférence où fut élaborée la présente Convention et non signataire de celle-ci, tout Membre de la Société des Nations et tout Etat auquel le Conseil de la Société des Nations en aura, à cet effet, communiqué un exemplaire, pourra adhérer à la présente Convention.

Cette adhésion s'effectuera au moyen d'un instrument communiqué au Secrétaire général de la Société des Nations, et qui sera déposé dans les archives du Secrétariat. Le Secrétaire général notifiera immédiatement ce dépôt aux Membres de la Société des Nations signataires de la Convention, et aux autres Etats signataires, ainsi qu'aux Etats adhérents.

*Article 36.*

La présente Convention n'entrera en vigueur qu'après avoir été ratifiée par dix Puissances, y compris sept des Etats qui participeront à la nomination du Comité central, en conformité à l'article 19, dont au moins deux Etats membres permanents du Conseil de la Société des Nations. La date de son entrée en vigueur sera le quatre-vingt-dixième jour après la réception, par le Secrétaire général de la Société des Nations, de la dernière des ratifications nécessaires. Ultérieurement, la présente Convention prendra effet, en ce qui concerne chacune des Parties, quatre-vingt-dix jours après la réception de la ratification ou de la notification de l'adhésion.

Conformément aux dispositions de l'article 18 du Pacte de la Société des Nations, le Secrétaire général enregistrera la présente Convention le jour de son entrée en vigueur.

*Article 37.*

Un recueil spécial sera tenu par le Secrétaire général de la Société des Nations, indiquant quelles Parties ont signé ou ratifié la présente Convention, y ont adhéré ou l'ont dénoncée. Ce recueil sera constamment ouvert aux Parties contractantes et aux Membres de la Société, et publication en sera faite aussi souvent que possible, suivant les indications du Conseil.

*Article 38.*

La présente Convention pourra être dénoncée par notification écrite, adressée au Secrétaire général de la Société des Nations. La dénonciation deviendra effective un an après la date de sa réception par le Secrétaire général et n'aura d'effet qu'en ce qui concerne l'Etat dénonçant.

Le Secrétaire général de la Société des Nations portera à la connaissance de chacun des Membres de la Société des Nations signataires de la Convention ou y ayant adhéré, et des autres Etats qui sont signataires ou qui y ont adhéré, toute dénonciation reçue par lui.

*Article 39.*

Tout Etat participant à la présente Convention pourra déclarer, soit au moment de sa signature, soit au moment du dépôt de sa ratification ou de son adhésion, que son acceptation de la présente Convention n'engage pas, soit l'ensemble, soit tel de ses protectorats, colonies, possessions ou territoires d'outre-mer soumis à sa souveraineté ou à son autorité, ou pour lequel il a accepté un mandat de la Société des Nations, et pourra, ultérieurement et conformément à l'article 35, adhérer séparément au nom de l'un quelconque de ses protectorats, colonies, possessions ou territoires d'outre-mer, exclus par une telle déclaration.

La dénonciation pourra également s'effectuer séparément pour tout protectorat, colonie, possession ou territoire d'outre-mer ; les dispositions de l'article 38 s'appliqueront à cette dénonciation.

En foi de quoi les plénipotentiaires sus-mentionnés ont signé la présente Convention.

FAIT à Genève, le dix-neuf février 1925, en une seule expédition qui sera déposée dans les archives du Secrétariat de la Société des Nations ; copie certifiée conforme en sera remise à tous les Etats représentés à la Conférence et à tout Membre de la Société des Nations.



*Article 34.*

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations, who shall notify their receipt to the Members of the League which are signatories of the Convention and to the other signatory States.

*Article 35.*

After the 30th day of September, 1925, the present Convention may be acceded to by any State represented at the Conference at which this Convention was drawn up and which has not signed the Convention, by any Member of the League of Nations, or by any State to which the Council of the League of Nations shall have communicated a copy of the Convention for this purpose.

Accession shall be effected by an instrument communicated to the Secretary-General of the League of Nations to be deposited in the archives of the Secretariat. The Secretary-General shall at once notify such deposit to all the Members of the League of Nations signatories of the Convention and to the other signatory States.

*Article 36.*

The present Convention shall not come into force until it has been ratified by ten Powers, including seven of the States by which the Central Board is to be appointed in pursuance of Article 19, of which at least two must be permanent Members of the Council of the League. The date of its coming into force shall be the ninetieth day after the receipt by the Secretary-General of the League of Nations of the last of the necessary ratifications. Thereafter, the present Convention will take effect in the case of each Party ninety days after the receipt of its ratification or of the notification of its accession.

In compliance with the provisions of Article 18 of the Covenant of the League of Nations, the Secretary-General will register the present Convention upon the day of its coming into force.

*Article 37.*

A special record shall be kept by the Secretary-General of the League of Nations showing which of the Parties have signed, ratified, acceded to or denounced the present Convention. This record shall be open to the Contracting Parties and the Members of the League at all times; it shall be published as often as possible, in accordance with the directions of the Council.

*Article 38.*

The present Convention may be denounced by an instrument in writing addressed to the Secretary-General of the League of Nations. The denunciation shall become effective one year after the date of the receipt of the instrument of denunciation by the Secretary-General, and shall operate only in respect of the Contracting Party which makes it.

The Secretary-General of the League of Nations shall notify the receipt of any such denunciations to all Members of the League of Nations signatories of or adherents to the Convention and to the other signatory or adherent States.

*Article 39.*

Any State signing or acceding to the present Convention may declare, at the moment either of its signature, ratification or accession, that its acceptance of the present Convention does not include any or all of its colonies, overseas possessions, protectorates, or overseas territories under its sovereignty or authority, or in respect of which it has accepted a mandate on behalf of the League of Nations, and may subsequently accede, in conformity with the provisions of Article 35, on behalf of any such colony, overseas possession, protectorate or territory excluded by such declaration.

Denunciation may also be made separately in respect of any such colony, overseas possession, protectorate or territory, and the provisions of Article 38 shall apply to any such denunciation.

In faith whereof the above-named Plenipotentiaries have signed the present Convention.

DONE at Geneva, the nineteenth day of February, one thousand nine hundred and twenty-five, in a single copy, which will remain deposited in the archives of the Secretariat of the League of Nations; certified copies will be transmitted to all the States represented at the Conference and to all Members of the League of Nations.

Annexe.

MODÈLE DE CERTIFICAT D'IMPORTATION

CONVENTION INTERNATIONALE DE L'OPIMUM

N°

*Certificat officiel d'importation.*

Nous certifions par la présente que le Ministère du.....charge de l'application de la loi sur les stupéfiants visés par la Convention internationale de l'opium a approuvé l'importation par :

a) Nom, adresse et profession de l'importateur.

a).....

b) Description exacte du stupéfiant et quantité destinée à l'importation.

de b).....

c) Nom et adresse de la maison du pays exportateur qui fournit le stupéfiant.

en provenance de c).....

d) Indiquer toutes les conditions spéciales à observer ; mentionner, par exemple, que le stupéfiant ne doit pas être expédié par la poste.

sous réserve des conditions suivantes d).....

.....

et déclarons que l'envoi destiné à l'importation est nécessaire :

- 1) pour les besoins légitimes (dans le cas d'opium brut et de la feuille de coca) <sup>1</sup> ;
- 2) pour des besoins médicaux ou scientifiques exclusivement (dans le cas des stupéfiants visés par le chapitre III de la Convention, et du chanvre indien).

Pour le ministre et par son ordre.....

(Signé).....

(Titre).....

(Date).....

<sup>1</sup> Les pays qui n'ont pas supprimé l'habitude de fumer l'opium et qui désirent importer de l'opium brut pour la fabrication de l'opium préparé doivent délivrer des certificats établissant que l'opium brut réservé à l'importation est destiné à la fabrication de l'opium préparé, que les fumeurs sont soumis aux restrictions gouvernementales, en attendant la suppression complète de l'opium et que l'opium importé ne sera pas réexporté.

Annex

MODEL FORM OF IMPORT CERTIFICATE

INTERNATIONAL OPIUM CONVENTION

No.

*Certificate of Official Approval of Import.*

I hereby certify that the Ministry of .....being the Ministry charged with the administration of the law relating to the dangerous drugs to which the International Opium Convention of ( ) applies, has approved the importation by

(a) Name, address and business of importer.

(a) .....

(b) Exact description and amount of drug to be imported.

of (b) .....

(c) Name and address of firm in exporting country from which the drug is to be obtained.

from (c) .....

(d) State any special conditions to be observed, e.g. not to be imported through the post.

subject to the following conditions

(d) .....

and is satisfied that the consignment proposed to be imported is required :

- (1) For legitimate purposes (in the case of raw opium and the coca leaf) <sup>1</sup> ;
- (2) Solely for medicinal or scientific purposes (in the case of drugs to which Chapter III of the Convention applies and Indian hemp).

Signed on behalf of the Ministry of.....

(Signature).....

(Official Rank).....

(Date).....

<sup>1</sup> Where the use of prepared opium has not yet been suppressed and it is desired to import raw opium for the manufacture of prepared opium, the certificate should be to the effect that the raw opium to be imported is required for the purpose of manufacturing prepared opium for use under Government restrictions pending complete suppression, and that it will not be re-exported.

## PROTOCOLE

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Les soussignés, représentants de certains des Etats signataires de la Convention relative aux stupéfiants, signée à la date d'aujourd'hui, et dûment autorisés à cet effet ;

Prenant acte du Protocole signé le onze février mil neuf cent vingt-cinq par les représentants des Etats signataires de l'Accord signé le même jour relativement à l'usage de l'opium préparé.

Conviennent des dispositions suivantes :

### I.

Les Etats signataires du présent Protocole, reconnaissant qu'ils ont le devoir, aux termes du chapitre I de la Convention de La Haye, d'exercer sur la production, la distribution et l'exportation de l'opium brut, un contrôle suffisant pour arrêter le trafic illicite, s'engagent à prendre les mesures nécessaires pour empêcher complètement, dans un délai de cinq ans à dater de ce jour, que la contrebande de l'opium ne constitue un obstacle sérieux à la suppression effective de l'usage de l'opium préparé dans les territoires où cet usage est temporairement autorisé.

### II.

La question de savoir si l'engagement mentionné à l'article I a été complètement exécuté sera décidée, à la fin de ladite période de cinq ans, par une Commission qui sera constituée par le Conseil de la Société des Nations.

### III.

Le présent Protocole entrera en vigueur, pour chacun des Etats signataires, en même temps que la Convention relative aux stupéfiants, signée à la date d'aujourd'hui. Les articles 33 et 35 de la Convention sont applicables au présent Protocole.

En foi de quoi le présent Protocole a été dressé à Genève le dix-neuf février 1925 en un seul exemplaire qui sera déposé dans les archives du Secrétariat de la Société des Nations et dont copie certifiée conforme sera remise à tous les Etats représentés à la Conférence et à tout Membre de la Société des Nations.

## PROTOCOL

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The undersigned, representatives of certain States signatory to the Convention relating to Dangerous Drugs signed this day, duly authorised to that effect ;

Taking note of the Protocol signed the eleventh day of February one thousand nine hundred and twenty-five by the representatives of the States signatory to the Agreement signed on the same day relating to the Use of Prepared Opium :

Hereby agree as follows :

### I.

The States signatory to the present Protocol, recognising that under Chapter I of the Hague Convention the duty rests upon them of establishing such a control over the production, distribution and exportation of raw opium as would prevent the illicit traffic, agree to take such measures as may be required to prevent completely, within five years from the present date, the smuggling of opium from constituting a serious obstacle to the effective suppression of the use of prepared opium in those territories where such use is temporarily authorised.

### II.

The question whether the undertaking 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 Council of the League of Nations.

### III.

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. Articles 33 and 35 of the Convention are applicable to the present Protocol.

In faith whereof the present Protocol was drawn up at Geneva the nineteenth day of February 1925, in a single copy, which will remain deposited in the archives of the Secretariat of the League of Nations; certified copies will be transmitted to all States represented at the Conference and to all Members of the League of Nations.

## ACTE FINAL

La seconde Conférence internationale de l'opium, convoquée en exécution de la résolution de l'Assemblée de la Société des Nations, en date du 27 septembre 1923, s'est réunie le 17 novembre 1924 au Palais des Nations, à Genève.

La résolution de l'Assemblée était conçue dans les termes suivants :

« L'Assemblée, ayant constaté avec satisfaction que, conformément à l'espoir exprimé par la quatrième résolution adoptée par l'Assemblée de 1922, la Commission consultative a fait connaître que les renseignements actuellement disponibles permettent aux gouvernements intéressés d'examiner, en vue de la conclusion d'un accord, la question de la limitation des quantités de morphine, d'héroïne ou de cocaïne et de leurs sels respectifs qui pourront être manufacturées ; de la limitation des quantités d'opium brut et de feuilles de coca qui pourront être importées, tant à cet effet que pour d'autres besoins médicaux et scientifiques ; et enfin, de la limitation de la production d'opium brut et de feuilles de coca, destinée à l'exportation, aux quantités nécessaires pour les besoins médicaux et scientifiques dont il s'agit, prie le Conseil — afin de donner leur effet aux principes formulés par les délégués des États-Unis d'Amérique et de suivre la ligne de conduite adoptée par la Société des Nations sur la recommandation de la Commission consultative — d'inviter les gouvernements intéressés à envoyer des représentants munis de pleins pouvoirs à une Conférence qui sera tenue à cet effet, si possible immédiatement après la Conférence mentionnée dans la résolution V.

« L'Assemblée prie également le Conseil d'examiner s'il ne serait pas opportun d'étendre l'invitation à cette Conférence à tous les pays qui sont membres de la Société ou parties à la Convention de 1912, en vue d'obtenir leur adhésion aux principes dont pourraient s'inspirer tous les accords à conclure éventuellement ».

Le Conseil de la Société des Nations a nommé aux fonctions de président de la Conférence :

Son Excellence M. Herluf ZAHLE, envoyé extraordinaire et ministre plénipotentiaire de Danemark à Berlin.

Le Secrétaire général de la Société des Nations a nommé aux fonctions de secrétaire générale de la Conférence :

Dame Rachel CROWDY.

Les États suivants ont pris part à la Conférence et ont, à cet effet, désigné des délégations composées des membres indiqués ci-dessous :

### ALBANIE

*Délégué :*

M. Benoît BLINISHTI.

Consul général en Suisse. Directeur du secrétariat permanent auprès de la Société des Nations.

### ALLEMAGNE

*Délégués :*

Son Excellence M. H. VON ECKARDT.

Envoyé extraordinaire et ministre plénipotentiaire.

M. G. ASCHMANN.

Consul général à Genève.

Le docteur ANSELMINO.

Conseiller supérieur de régence à l'Office d'hygiène du Reich.

## FINAL ACT

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The Second International Opium Conference, convoked in accordance with the resolution of the Assembly of the League of Nations dated September 27th, 1923, met on November 17th, 1924, at the Palais des Nations, Geneva.

The resolution of the Assembly was in the following terms :

“The Assembly, having noted with satisfaction that, in accordance with the hope expressed in the fourth resolution adopted by the Assembly in 1922, the Advisory Committee has reported that the information now available makes it possible for the Governments concerned to examine, with a view to the conclusion of an agreement, the question of the limitation of the amounts of morphine, heroin or cocaine and their respective salts to be manufactured ; of the limitation of the amounts of raw opium and the coca leaf to be imported for that purpose and for other medicinal and scientific purposes ; and of the limitation of the production of raw opium and the coca leaf for export to the amount required for such medicinal and scientific purposes, requests the Council — as a means of giving effect to the principles submitted by the representatives of the United States of America, and to the policy which the League, on the recommendation of the Advisory Committee, has adopted — to invite the Governments concerned to send representatives with plenipotentiary powers to a conference for this purpose, to be held, if possible, immediately after the conference mentioned in Resolution V.

“The Assembly also suggests, for the consideration of the Council, the advisability of enlarging this conference so as to include all countries which are Members of the League or Parties to the Convention of 1912, with a view to securing their adhesion to the principles that may be embodied in any agreement reached.”

The Council of the League nominated as President of the Conference :

His Excellency M. Herluf ZAHLE, Envoy Extraordinary and Minister Plenipotentiary of Denmark to Berlin.

The Secretary-General of the League of Nations nominated as Secretary-General of the Conference :

Dame Rachel CROWDY.

The following States participated in the Conference, and for this purpose appointed the delegations, whose members are set out below :

### ALBANIA.

*Delegate :*

M. Benoit BLINISHTI.

Consul-General in Switzerland; Director of the Permanent Secretariat accredited to the League of Nations.

### GERMANY.

*Delegates :*

His Excellency M. H. von ECKARDT.

Envoy Extraordinary and Minister Plenipotentiary.

M. G. ASCHMANN.

Consul-General at Geneva.

Doctor ANSELMINO.

Senior Government Counsellor at the Health Department of the Reich.



## ETATS-UNIS D'AMÉRIQUE

### *Délégués :*

L'honorable Stephen G. PORTER.

Président de la Commission des Affaires étrangères de la Chambre des représentants.

Le très Révérend Charles H. BRENT, Evêque.

### *Délégués suppléants :*

M. Rupert BLUE.

Chirurgien-général adjoint.

Mrs. Hamilton WRIGHT.

Mr. Edwin L. NEVILLE.

## AUSTRALIE

### *Délégué :*

Mr. M. L. SHEPHERD, I.S.O.

Secrétaire officiel du Commonwealth d'Australie en Grande-Bretagne.

## BELGIQUE

### *Délégués :*

Son Excellence M. Fernand PELTZER.

Envoyé extraordinaire et Ministre plénipotentiaire en Suisse.

D<sup>r</sup> F. De MYTTENAERE.

Inspecteur principal des pharmacies.

## BOLIVIE

### *Délégué :*

Le Docteur Arturo PINTO-ESCALIER.

Premier secrétaire de la légation de Bolivie en France.

## BRESIL

### *Délégués :*

Le docteur Humberto GOTTUZO.

Médecin en chef de l'assistance aux aliénés à Rio-de-Janeiro.

Le docteur Pedro PERNAMBUCO.

Professeur agrégé à la Faculté de médecine de l'Université de Rio-de-Janeiro.

## EMPIRE BRITANNIQUE

### *Délégués :*

Le très hon. Vicomte CECIL OF CHELWOOD, K.C.

Sir Malcolm DELEIVINGNE, K.C.B.

Sous-Secrétaire d'Etat adjoint.

### *Experts :*

M. G. D. KIRWAN.

Du Ministère de l'Intérieur.

M. M. D. PERRINS.

Du Ministère de l'Intérieur.

M. H. W. MALKIN, C.B.

Conseiller juridique adjoint au « Foreign Office. »

## BULGARIE

### *Délégué :*

M. Dimitri MIKOFF.

Chargé d'affaires en Suisse.

## CANADA

### *Délégués :*

L'honorable Henri S. BELAND, B.A., M.D.

Membre du Conseil privé du Roi, Ministre d'Hygiène, Ministre de la Démobilisation.

Le Docteur J. A. AMYOT.

Vice-Ministre d'Hygiène.

M. le docteur W. A. RIDDELL, Ph.D.

« Advisory officer » du Canada auprès de la Société des Nations.

UNITED STATES OF AMERICA.

*Delegates :*

The Honourable Stephen G. PORTER.

Chairman of the Committee on Foreign Affairs, House of Representatives.

The Right Reverend Charles H. BRENT, Bishop.

*Substitute Delegates :*

Mr. Rupert BLUE.

Assistant Surgeon-General.

Mrs. Hamilton WRIGHT.

Mr. Edwin L. NEVILLE.

AUSTRALIA.

*Delegate :*

Mr. M. L. SHEPHERD, I.S.O.

Official Secretary for the Commonwealth of Australia in Great Britain.

BELGIUM.

*Delegates :*

His Excellency M. Fernand PELTZER.

Envoy Extraordinary and Minister Plenipotentiary in Switzerland.

Doctor F. De MYTTENAERE.

Chief Inspector of Pharmacies.

BOLIVIA.

*Delegate :*

Doctor Arturo PINTO-ESCALIER.

First Secretary of the Bolivian Legation in France.

BRAZIL.

*Delegates :*

Doctor Humberto GOTTUZO.

Medical Director of the Rio de Janeiro Mental Hospital.

Doctor Pedro PERNAMBUCO.

Professor in the Faculty of Medicine at the University of Rio de Janeiro.

BRITISH EMPIRE.

*Delegates :*

The Rt. Hon. Viscount CECIL OF CHELWOOD, K.C.

Sir Malcolm DELEIVINGNE, K.C.B.

Assistant Under-Secretary of State.

*Experts :*

Mr. G. D. KIRWAN.

Home Office.

Mr. M. D. PERRINS.

Home Office.

Mr. H. W. MALKIN, C.B.

Assistant Legal Adviser to the Foreign Office.

BULGARIA.

*Delegate :*

M. Dimitri MIKOFF.

Chargé d'Affaires in Switzerland.

CANADA.

*Delegates :*

The Honourable Henri S. BELAND, B.A., M.D.

Member of the King's Privy Council, Minister of Health, Minister of Soldier Civil Re-establishment.

Doctor J. A. AMYOT.

Deputy Minister of Health.

Doctor W. A. RIDDELL, Ph.D.

Advisory Officer of the Dominion of Canada for the League of Nations.

## CHILI

*Délégué :*

M. le docteur Eugène SUAREZ-HERREROS.

## CHINE

*Délégués :*

Son Excellence M. Sao-Ke Alfred SZE.

Ambassadeur extraordinaire et Ministre plénipotentiaire à Washington.

Son Excellence M. Wang Kouang KY.

Envoyé extraordinaire et Ministre plénipotentiaire à La Haye.

Son Excellence M. Chao-Hsin CHU.

Ministre plénipotentiaire. Chargé d'affaires à Londres.

*Conseiller et expert :*

Le professeur D<sup>r</sup> W. W. WILLOUGHBY.

Professeur de sciences politiques à l'Université Johns Hopkins.

*Experts :*

Le docteur Venfour TCHOU.

Secrétaire à la légation de Chine à Washington.

Mr. Tchou CHE-TSIEN.

Secrétaire à la légation de Chine à Paris.

Mr. William HSIEH.

Secrétaire à la légation de Chine à La Haye.

Le docteur Telly Koo.

Secrétaire au Ministère des Affaires étrangères.

## CUBA

*Délégué :*

Son Excellence M. le docteur Aristides de AGUERO Y BETHANCOURT.

Envoyé extraordinaire et Ministre plénipotentiaire à Berlin et à Vienne.

## DANEMARK

*Délégué :*

Son Excellence M. Andreas OLDENBURG.

Envoyé extraordinaire et Ministre plénipotentiaire en Suisse. Représentant du Gouvernement royal auprès de la Société des Nations.

## VILLE LIBRE DE DANTZIG<sup>1</sup>

*Délégué :*

Le docteur W. CHODZKO.

Ancien ministre de l'Hygiène publique. Délégué du Gouvernement polonais à l'Office international d'hygiène.

*Conseiller technique :*

Docteur Karl STADE.

Conseiller d'Etat. Chef de l'Administration sanitaire à Dantzig.

## REPUBLIQUE DOMINICAINE

*Délégué :*

Le docteur L. M. BETANCES.

Docteur en médecine et en science. Biologiste au Laboratoire d'embryogénie au Collège de France.

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<sup>1</sup> La délégation de la Ville libre s'est retirée avant la clôture de la Conférence.

CHILE.

*Delegate :*

Doctor Eugène SUAREZ-HERREROS.

CHINA.

*Delegates :*

His Excellency M. Sao-Ke Alfred SZE.

Ambassador Extraordinary and Minister Plenipotentiary at Washington.

His Excellency M. Wang Kouang KY.

Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Excellency M. Chao-Hsin CHU.

Minister Plenipotentiary; Chargé d'Affaires in London.

*Counsellor and Expert :*

Professor Dr. W. W. WILLOUGHBY.

Professor of Political Science at the Johns Hopkins University.

*Experts :*

Doctor Venfour TCHOU.

Secretary of the Chinese Legation at Washington.

M. Tchou CHE-TSIEN.

Secretary of the Chinese Legation in Paris.

M. William HSIEH.

Secretary of the Chinese Legation at The Hague.

Doctor Telly Koo.

Secretary at the Ministry for Foreign Affairs.

CUBA.

*Delegate :*

His Excellency Doctor Aristides de AGUERO Y BETHANCOURT.

Envoy Extraordinary and Minister Plenipotentiary at Berlin and Vienna.

DENMARK.

*Delegate :*

His Excellency M. Andreas OLDENBURG.

Envoy Extraordinary and Minister Plenipotentiary in Switzerland; Representative of the Royal Government accredited to the League of Nations.

FREE CITY OF DANZIG.<sup>1</sup>

*Delegate :*

Doctor W. CHODZKO.

Former Minister of Health; Delegate of the Polish Government to the Office international d'Hygiène.

*Expert :*

Doctor Karl STADE.

Councillor of State; Head of the Health Administration at Danzig.

DOMINICAN REPUBLIC.

*Delegate :*

Doctor L. M. BETANCES.

Doctor of Medicine and Science; Biologist at the Embryology Laboratory of the Collège de France.

<sup>1</sup> The Delegation of the Free City withdrew before the end of the Conference.

## EGYPTE

*Délégué :*

Le Docteur Mohamed Abdel Salam EL GUINDY.

Secrétaire de la légation royale d'Egypte à Paris et à Bruxelles. Délégué du Gouvernement égyptien à l'Office international d'hygiène.

*Délégués suppléants :*

Le docteur A. H. MAHFOUZ Bey.

Directeur adjoint des hôpitaux généraux du Gouvernement, Département de l'Hygiène publique, Le Caire.

Mohamed KAMEL Bey.

Sous-directeur au Ministère de l'Agriculture.

## ESPAGNE

*Délégués :*

Son Excellence M. Emilio de PALACIOS.

Envoyé extraordinaire et Ministre plénipotentiaire en Suisse.

Le docteur Francisco BUSTAMANTE ROMERO.

Chef des services pharmaceutiques du Ministère de l'Intérieur.

Le docteur Antonio PAGADOR Y GOMEZ DE LEÓN.

Docteur en médecine, Barcelone.

*Délégué suppléant :*

M. Juan de ARENZANÁ.

Consul à Genève.

## FINLANDE

*Délégué :*

M. Urho TOIVOLA.

Secrétaire de légation. Directeur du secrétariat finlandais auprès de la Société des Nations.

## FRANCE

*Délégué :*

Son Excellence M. DALADIER.

Ministre des Colonies.

Son Excellence M. CLINCHANT.

Ministre plénipotentiaire. Sous-directeur de l'Asie au Ministère des Affaires étrangères.

*Délégués suppléants :*

M. DUCHÊNE.

Directeur des affaires politiques au Ministère des Colonies.

M. KIRCHER.

Directeur des douanes et régie d'Indo-Chine.

M. PERROT.

Inspecteur des pharmacies. Professeur et vice-doyen de la Faculté de pharmacie de Paris.

M. BOURGOIS.

Consul.

*Experts.*

M. CHÉRON.

Administrateur des colonies.

## GRÈCE

*Délégué :*

M. Vassili DENDRAMIS.

Chargé d'affaires à Berne.

*Expert :*

Le professeur Em. J. EMMANUEL.

Professeur de chimie pharmaceutique à l'Université d'Athènes. Membre du Conseil supérieur d'hygiène publique de Grèce.

## HONGRIE

*Délégué :*

M. Zoltán BARANYAI.

Directeur du secrétariat royal hongrois auprès de la Société des Nations.

## EGYPT.

*Delegate :*

Doctor Mohamed Abdel Salam El GUINDY.

Secretary of the Royal Egyptian Legation at Paris and Brussels; Delegate of the Egyptian Government at the "Office international d'Hygiène."

*Substitute Delegates :*

Doctor A. H. MAHFOUZ Bey.

Assistant Director of the Government General Hospitals, Public Health Department, Cairo.

Mohamed KAMEL Bey.

Assistant Director of the Ministry of Agriculture.

## SPAIN.

*Delegates :*

His Excellency M. Emilio de PALACIOS.

Envoy Extraordinary and Minister Plenipotentiary in Switzerland.

Doctor Francisco BUSTAMANTE ROMERO.

Head of the Pharmaceutical Service of the Ministry for the Interior.

Doctor Antonio PAGADOR y GOMEZ DE LEÓN.

Doctor of Medicine at Barcelona.

*Substitute Delegate :*

M. Juan de ARENZANA.

Consul at Geneva.

## FINLAND.

*Delegate :*

M. Urho TOIVOLA.

Secretary of Legation; Director of the Finnish Secretariat accredited to the League of Nations.

## FRANCE.

*Delegate :*

His Excellency M. DALADIER.

Minister of the Colonies.

His Excellency M. CLINCHANT.

Minister Plenipotentiary; Assistant Director for Asia at the Ministry for Foreign Affairs.

*Assistant Delegates :*

M. DUCHÊNE.

Director of Political Affairs at the Ministry for the Colonies.

M. KIRCHER.

Director of Customs and Excise in Indo-China.

M. PERROT.

Inspector of Pharmacies; Professor and Vice-Doyen of the Pharmacy Faculty of Paris.

M. BOURGOIS.

Consul.

*Expert :*

M. CHÉRON.

Colonial Administrator.

## GREECE.

*Delegate :*

M. Vassili DENDRAMIS.

Chargé d'Affaires at Berne.

*Expert :*

Professor Em. J. EMMANUEL.

Professor of Pharmaceutical Chemistry at the University of Athens; Member of the Supreme Council of Public Health, Greece.

## HUNGARY.

*Delegate :*

M. Zoltán BARANYAI.

Director of the Royal Hungarian Secretariat accredited to the League of Nations.

## INDE

### *Délégués :*

M. J. CAMPBELL, C.S.I., O.B.E., I.C.S. (en retraite)

M. H. CLAYTON, C.I.E., I.C.S.

M. J. C. WALTON.

### *Expert :*

M. G. A. Levett YEATS, C.I.E., I.S.O., V.D.

## ETAT LIBRE D'IRLANDE

### *Délégué :*

M. Michael MACWHITE.

Représentant de l'Etat libre d'Irlande auprès de la Société des Nations.

## ITALIE

### *Délégués :*

Son Excellence M. Alfredo FALCIONI.

Ancien ministre de la Justice.

Le professeur Comm. Pietro SPICA.

Directeur de l'Institut de chimie pharmaceutique de l'Université de Padoue.

Le docteur Comm. Guido FABRIS.

Sous-directeur des douanes et de l'administration des Contributions indirectes.

## JAPON

### *Délégués :*

M. Sagataro KAKU.

Ancien gouverneur civil du Gouvernement général de Taïwan.

M. Yotaro SUGIMURA.

Conseiller d'ambassade. Chef-adjoint du Bureau impérial du Japon à la Société des Nations.

### *Conseillers techniques :*

Le Docteur Mikinosuke MIYAJIMA.

Le docteur Mitsuzo TSURUMI.

## LUXEMBOURG

### *Délégué :*

M. Charles VERMAIRE.

Consul à Genève.

## NICARAGUA

### *Délégué :*

Le docteur A. SOTTILE.

Consul à Genève.

## PAYS-BAS

### *Délégués :*

Son Excellence le Jonkheer J. LOUDON.

Docteur en sciences politiques. Envoyé extraordinaire et Ministre plénipotentiaire en France.

M. W. G. van WETTUM.

Président de la Commission consultative de l'opium et autres drogues nuisibles de la Société des Nations.

D<sup>r</sup> J. B. M. COEBERGH.

Inspecteur principal du service de la Santé publique.

M. A. D. A. de Kat ANGELINO.

Secrétaire pour les Affaires chinoises au Gouvernement des Indes néerlandaises.

### *Conseiller technique :*

M. H. van Ebbenhorst TENGBERGEN.

## PERSE

### *Délégué :*

Son Altesse le prince Mirza Riza Khan ARFA-ED-DOVLEH.

Ambassadeur. Ancien ministre de la Justice.



## INDIA.

### *Delegates :*

Mr. J. CAMPBELL, C.S.I., O.B.E., I.C.S (retired).

Mr. H. CLAYTON, C.I.E., I.C.S.

Mr. J. C. WALTON.

### *Expert :*

Mr. G. A. LeveTT YEATS, C.I.E., I.S.O., V.D.

## IRISH FREE STATE.

### *Delegate :*

Mr. Michael MACWHITE.

Representative of the Irish Free State accredited to the League of Nations.

## ITALY.

### *Delegates :*

His Excellency M. Alfredo FALCIONI.

Former Minister for Justice.

Professor Comm. Pietro SPICA.

Director of the Institute of Pharmaceutical Chemistry at the University of Padua.

Doctor Comm. Guido FABRIS.

Vice-Director of Customs and Indirect Taxation.

## JAPAN.

### *Delegates :*

M. Sagataro KAKU.

Former Civil Governor of the Government-General of Taiwan.

M. Yotaro SUGIMURA.

Counsellor of Embassy; Assistant Head of the Imperial Japanese Bureau to the League of Nations.

### *Experts :*

Doctor Mikinosuke MIYAJIMA.

Doctor Mitsuzo TSURUMI.

## LUXEMBURG.

### *Delegate :*

M. Charles VERMAIRE.

Consul at Geneva.

## NICARAGUA.

### *Delegate :*

Doctor SOTTILE.

Consul at Geneva.

## NETHERLANDS.

### *Delegates :*

His Excellency le Jonkheer J. LOUDON.

Doctor of Political Science; Envoy Extraordinary and Minister Plenipotentiary in France.

M. W. G. van WETTUM.

Chairman of the Advisory Committee of the League of Nations on the Traffic in Opium and Other Dangerous Drugs.

Dr. J. B. M. COEBERGH.

Chief Inspector, Public Health Service.

M. A. D. A. de Kat ANGELINO.

Secretary for Chinese Affairs to the Government of the Dutch Indies.

### *Expert :*

M. H. van Ebbenhorst TENGBERGEN.

## PERSIA.

### *Delegate :*

His Highness Prince Mirza Riza Khan ARFA-ED-DOWLER.

Ambassador; Former Minister for Justice.

## POLOGNE

### *Délégué :*

Le docteur W. CHODZKO.

Ancien ministre de l'Hygiène publique. Délégué du Gouvernement polonais à l'Office international d'hygiène.

## PORTUGAL

### *Délégués :*

Son Excellence M. Bartholomeu FERREIRA.

Envoyé extraordinaire et Ministre plénipotentiaire en Suisse.

Son Excellence le docteur Rodrigo RODRIGUES.

Gouverneur de Macao.

## ROUMANIE

### *Délégué :*

Son Excellence M. N. P. COMNENE.

Envoyé extraordinaire et Ministre plénipotentiaire en Suisse.

### *Délégués suppléants :*

M. E. TIMCIUC.

Consul général.

M. D. MORIAUD.

Vice-consul à Genève.

## ROYAUME DES SERBES, CROATES ET SLOVÈNES

### *Délégués :*

Son Excellence M. M. JOVANOVITCH.

Envoyé extraordinaire et Ministre plénipotentiaire en Suisse.

M. Milivoyo PILYA.

Inspecteur au Ministère du Commerce.

### *Expert :*

M. Dragan MILITCHEVITCH.

Secrétaire de la confédération des corporations industrielles du Royaume des Serbes, Croates et Slovènes.

## SIAM

### *Délégués :*

Son Altesse le Prince CHAROON.

Envoyé extraordinaire et Ministre plénipotentiaire en France.

Son Altesse Sérénissime le prince DAMRAS.

Chargé d'affaires à La Haye.

## SUÈDE

### *Délégué :*

Le docteur Erik Rudolf SJØSTRAND.

Conseiller pour les Affaires sociales, en résidence à Genève.

## SUISSE

### *Délégués :*

M. DINICHERT.

Ministre plénipotentiaire. Chef de la division des Affaires étrangères du Département politique fédéral.

Le docteur CARRIÈRE.

Chef du Service fédéral de l'Hygiène publique.

M. PÉQUIGNOT.

Adjoint au chef de la division du commerce du Département fédéral de l'Economie publique.

M. HULFTEGGER.

Premier secrétaire du directoire de l'Union suisse du commerce et de l'industrie.

### *Conseiller technique :*

M. SECRETAN.

Secrétaire à la division des Affaires étrangères au Département politique fédéral.

POLAND.

*Delegate :*

Doctor W. CHODZKO.

Former Minister of Health; Delegate of the Polish Government to the Office international d'Hygiène.

PORTUGAL.

*Delegates :*

His Excellency M. Bartholomeu FERREIRA.

Envoy Extraordinary and Minister Plenipotentiary in Switzerland.

His Excellency Doctor Rodrigo RODRIGUES.

Governor of Macao.

ROUMANIA.

*Delegate :*

His Excellency M. N. P. COMNENE.

Envoy Extraordinary and Minister Plenipotentiary in Switzerland.

*Substitute Delegates :*

M. E. TIMCIUC.

Consul-General.

M. D. MORIAUD.

Vice-Consul at Geneva.

KINGDOM OF THE SERBS, CROATS AND SLOVENES.

*Delegates :*

His Excellency M. M. JOVANOVIČH.

Envoy Extraordinary and Minister Plenipotentiary in Switzerland.

M. Milivojo PILYA.

Inspector at the Board of Trade.

*Expert :*

M. Dragan MILITCHEVIČH.

Secretary to the Confederation of Industrial Corporations of the Kingdom of the Serbs, Croats and Slovenes.

SIAM.

*Delegates :*

His Highness Prince CHAROON.

Envoy Extraordinary and Minister Plenipotentiary in France.

His Serene Highness Prince DAMRAS.

Chargé d'Affaires at The Hague.

SWEDEN.

*Delegatē :*

Doctor Erik Rudolf SjöSTRAND.

Adviser for Social Questions, in residence at Geneva.

SWITZERLAND.

*Delegates :*

M. DINICHERT.

Minister Plenipotentiary; Head of the Foreign Affairs Division of the Federal Political Department.

Doctor CARRIÈRE.

Head of the Federal Public Health Service.

M. PÉQUIGNOT.

Assistant Head to the Commercial Division of the Department for Public Economy.

M. HULFTEGGER.

First Secretary at the Directorate of the Swiss Union of Commerce and Industry.

*Expert :*

M. SECRETAN.

Secretary at the Foreign Affairs Department of the Federal Political Department.

## TCHÉCOSLOVAQUIE

*Délégué :*

Son Excellence M. F. VEVERKA.

Envoyé extraordinaire et Ministre plénipotentiaire en Suisse. Délégué permanent auprès de la Société des Nations.

*Délégué suppléant :*

M. Jean REISSER.

Premier secrétaire de légation.

## TURQUIE

*Délégués :*

Mehmed SUREYA Bey.

Sous-Secrétaire d'Etat au Ministère de l'Agriculture.

Professeur NOURIDDIN Bey.

Professeur de chimie agricole à l'école supérieure d'agriculture de Constantinople.

## URUGUAY

*Délégué :*

Son Excellence M. Enrique BUERO.

Envoyé extraordinaire et Ministre plénipotentiaire en Suisse.

## VENEZUELA

*Délégué :*

Le docteur Francisco J. DUARTE.

Consul à Genève.

La Conférence a tenu ses séances entre le 17 novembre 1924 et le 19 février 1925.

La Conférence a adopté la Convention relative aux stupéfiants en date de ce jour.

La Conférence a également adopté le Protocole en date de ce jour.

La Conférence a adopté, en outre, les résolutions suivantes :

### I.

La Conférence reconnaît que, pour permettre à la Convention relative aux stupéfiants, signée ce jour, de produire son plein et entier effet, il est essentiel qu'elle reçoive une application aussi étendue que possible dans les colonies, possessions, protectorats et territoires dont il est fait mention à l'article 39 de la Convention. En conséquence, la Conférence exprime le ferme espoir que les gouvernements intéressés prendront, dans le délai le plus rapproché, les dispositions nécessaires à cet effet et que le nombre desdits colonies, possessions, protectorats et territoires, soustraits à l'action de la Convention, pourra être réduit au minimum.

### II.

La Conférence recommande que chaque gouvernement envisage la possibilité d'interdire le transport, par des navires portant son pavillon, de tout envoi de l'une des substances visées par la Convention :

1. A moins qu'une autorisation d'exportation n'ait été délivrée pour cet envoi, conformément aux dispositions de la Convention, et que l'envoi ne soit accompagné d'une copie officielle de cette autorisation ou de tout certificat de déroutement qui pourra être délivré ;

2. A toute destination autre que celle indiquée dans l'autorisation d'exportation ou le certificat de déroutement.

## CZECHOSLOVAKIA.

*Delegate :*

His Excellency M. F. VEVERKA.

Envoy Extraordinary and Minister Plenipotentiary in Switzerland ; Permanent Delegate accredited to the League of Nations.

*Substitute Delegate :*

M. Jean REISSER.

First Secretary of Legation.

## TURKEY.

*Delegates :*

Mehmed SUREYA Bey.

Under-Secretary of State at the Ministry of Agriculture.

Professor NOURIDDIN Bey.

Professor of Agricultural Chemistry at the School of Agriculture of Constantinople.

## URUGUAY.

*Delegate :*

His Excellency M. Enrique BUERO.

Envoy Extraordinary and Minister Plenipotentiary in Switzerland.

## VENEZUELA.

*Delegate :*

Doctor Francisco J. DUARTE.

Consul at Geneva.

The Conference held meetings between November 17th, 1924, and February 19th, 1925.

The Conference adopted the Convention relating to Dangerous Drugs which bears to-day's date.

The Conference also adopted the Protocol bearing to-day's date.

The Conference also adopted the following resolutions :

### I.

The Conference recognises that, to enable the Convention relating to Dangerous Drugs, signed this day, to produce its full effect, it is essential that it should be applied as widely as possible in the colonies, possessions, protectorates and territories mentioned in Article 39 of the Convention. The Conference accordingly expresses the earnest hope that the Governments concerned will take the necessary steps to that end with as little delay as possible, and that the number of such colonies, possessions, protectorates or territories excluded from the operation of the Convention may be reduced to a minimum.

### II.

The Conference recommends that each Government should consider the possibility of forbidding the conveyance in any ship sailing under its flag of any consignment of the substances covered by the Convention :

(1) Unless an export authorisation has been issued in respect of such consignment in accordance with the provisions of the Convention, and the consignment is accompanied by an official copy of such authorisation, or of any diversion certificate which may be issued ;

(2) To any destination other than the destination mentioned in the export authorisation or diversion certificate.

### III.

La Conférence recommande à tous les Etats de coopérer aussi étroitement que possible en vue de la suppression du trafic illicite et de donner aux autorités compétentes, chargées de l'application des lois sur la répression du trafic, l'autorisation d'entrer en communication directe avec les autorités compétentes des autres pays.

### IV.

La Conférence signale l'intérêt qu'il y aurait, dans certains cas, à exiger, des négociants qui auront reçu du gouvernement une licence en vue de faire le commerce des substances visées par la Convention, de fournir une caution adéquate en espèces ou garantie de banque suffisante pour servir de garantie efficace contre toute opération de trafic illicite de leur part.

### V.

La Conférence prie le Conseil de la Société des Nations d'examiner la suggestion qui a été présentée au cours des débats, notamment par la délégation de Perse, et tendant à la nomination d'une Commission qui serait chargée de visiter, s'ils le désirent, certains pays producteurs d'opium, en vue de procéder, en collaboration avec eux, à une étude attentive des difficultés qu'entraîne la limitation de la production de l'opium dans ces pays, et de donner son avis sur les mesures qui pourraient être prises pour permettre de la limiter aux quantités nécessaires pour les besoins médicaux et scientifiques.

### VI.

La Conférence prie le Conseil de la Société des Nations d'inviter le Comité d'hygiène à examiner dès à présent s'il y aurait lieu de consulter l'Office international d'hygiène publique au sujet des produits visés par les articles 8 et 10 afin que, s'il en est ainsi, une première décision quant aux préparations ne pouvant donner lieu à la toxicomanie et une première recommandation quant à tout autre stupéfiant susceptible d'être soumis aux dispositions de la Convention, puissent être notifiées aussitôt que ladite Convention entrera en vigueur.

### VII.

La Conférence prie le Conseil de la Société des Nations de bien vouloir décider de faire rentrer dans les dépenses du Secrétariat celles du Comité et de ses services administratifs.

Il est bien entendu que les Parties contractantes qui ne sont pas membres de la Société participeront dans ces dépenses sur une échelle fixée d'accord avec le Conseil.

Au moment de signer le présent Acte, le délégué de la Perse a fait la déclaration suivante :

« Le délégué de la Perse, agissant conformément aux instructions de son Gouvernement, déclare signer la Convention *ad referendum* et sous réserve de la satisfaction qui sera donnée par la Société des Nations à la demande de la Perse exposée dans son mémorandum ».

Au moment de signer le présent Acte, le délégué de Siam a fait la déclaration suivante :

« En signant la Convention et le présent Acte final, la délégation siamoise déclare que, n'ayant pas d'instructions au sujet du chanvre indien, qui ne figurait pas primitivement à l'ordre du jour de la Conférence, la délégation siamoise est tenue de formuler une réserve au chapitre III en ce qui concerne les préparations galéniques du chanvre indien et aux chapitres IV et V uniquement en ce qui concerne le chanvre indien. »

En foi de quoi, les délégués ont signé le présent Acte.

FAIT à Genève, le dix-neuf février mil neuf cent vingt-cinq, en simple expédition qui sera déposée dans les archives du Secrétariat de la Société des Nations; copie conforme en sera remise à tous les Etats représentés à la Conférence.

### III.

The Conference recommends that all States should co-operate as closely as possible with one another in the suppression of the illicit traffic, and that they should authorise the competent authorities charged with the administration of the law on the subject to communicate directly with the corresponding authorities in other countries.

### IV.

The Conference draws attention to the advisability in certain cases of requiring dealers who are licensed by the Government to trade in the substances covered by the Convention to deposit or give sureties for a sum of money sufficient to serve as an effective guarantee against their engaging in the illicit traffic.

### V.

The Conference asks the Council of the League of Nations to examine the suggestion which has been made in the course of its proceedings, in particular by the Persian delegation, that a commission should be appointed to visit certain opium-producing countries, should those countries so desire, for the purpose of making a careful study (in collaboration with the Governments of those countries) of the difficulties connected with the limitation of the production of opium in those countries and advising as to the measures which could be taken to make it possible to limit the production of opium in those countries to the quantities required for medical and scientific purposes.

### VI.

The Conference asks the Council of the League of Nations to invite the Health Committee to consider immediately whether it would be expedient to consult the International Health Office regarding the products mentioned in Articles 8 and 10, in order that, if so, a decision concerning preparations which cannot give rise to the drug habit and a recommendation concerning all other drugs which might come under the provisions of the Convention may be notified immediately upon the entry into force of the said Convention.

### VII.

The Conference requests the Council of the League of Nations to decide to include in the expenses of the Secretariat the expenses of the Central Board and its administrative services.

It is understood that those Contracting Parties which are not Members of the League will bear their share of the expenses in accordance with a scale to be drawn up by agreement with the Council.

At the moment of signing the present Act, the delegate of Persia made the following declaration :

“ The Persian Delegate, acting on instructions from his Government, declares that he signs the Convention *ad referendum* and subject to the League of Nations acceding to Persia's request as set forth in its memorandum. ”

At the moment of signing the present Act, the delegate of Siam made the following declaration :

“ In signing the Convention and the present Final Act, the Siamese delegation wishes to declare that, having no instructions on the subject of Indian hemp, which was not originally on the agenda of the Conference, the Siamese delegation is obliged to make reservation of Chapter III in regard to galenical preparations of Indian hemp and of Chapters IV and V solely in regard to Indian hemp. ”

In faith whereof the delegates have signed the present Act.

DONE at Geneva, the nineteenth day of February one thousand nine hundred and twenty-five, in a single copy, which shall be deposited in the archives of the Secretariat of the League of Nations and of which authenticated copies shall be delivered to all States represented at the Conference.