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UNITED NATIONS OPIUM CONFERENCE

SUMMARY RECORD OF THE TENTH MEETING

Held at Headquarters, New York,
on Wednesday, 17 June 1953, at 2.45 p.m.

CONTENTS

President:	Mr. LINDT	Switzerland
Executive Secretary:	Mr. YATES	
Administrative Secretary:	Mr. PASTUHOV	

53-17537

CONSIDERATION OF THE DRAFT PROTOCOL FOR REGULATING THE PRODUCTION OF, INTERNATIONAL AND WHOLESALE TRADE IN, AND USE OF OPIUM: ARTICLES 5, 6, 7, 8, 9, 10, 12, 12 bis, 12 ter, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 (E/2186, E/CONF.14/L.45, 47, 49, 53, 54, 60, 61-63, 65, 69, 70, 74, 77, 79-81, 84) (continued)

Article 5 (E/CONF.14/L.45)

Article 5 was adopted without discussion.

Article 6 (E/CONF.14/L.45)

The PRESIDENT observed that two amendments to the article had been proposed by the Drafting Committee and India respectively (E/CONF.14/L.74 and E/CONF.14/L.77).

Mr. HOSSICK (Canada) asked the Secretariat to define the term "non-narcotic substances" in article 6. He wondered whether codeine was included.

Mr. YATES (Secretariat) explained that the term "narcotic substances" was defined in the Final Act as referring to opium alkaloids falling under the 1931 Convention. That would include codeine which fell under group II of article 1 of the 1931 Convention as well as thebaine which came under group I(b) of article 1 of that Convention. Non-narcotic substances in the draft protocol before the Conference could therefore include neither codeine nor thebaine. The principal alkaloids contained in opium were morphine, codeine, thebaine and papaverine.

Article 6 was taken from article 18 of the 1931 Convention where the term "non-narcotic substances" was interpreted to mean "drugs in group I(b) or group II or not under international control". However, the term "narcotic substances" was not defined in the 1931 Convention and therefore did not include codeine. The practical problem was whether under the article morphine contained in the opium could be converted into codeine. If that was the Conference's intention, a wording such as the following would make that clear:

"A Party may convert, in whole or in part, the morphine contained in such opium, into substances falling under the regime of group II of article 1 of the 1931 Convention, or into substances not falling under international narcotics control....".

With regard to the amendment to article 6 proposed by the Drafting Committee, namely the insertion of the words "under government control" immediately after "may" at the beginning of the article, he felt that doubts might arise as to the exact meaning. It could be interpreted to mean that the export of codeine obtained from the conversion of the morphine was not permitted since the phrase "under government control" in article 18 of the 1931 Convention had been interpreted as excluding export.

Mr. VAILLE (France) pointed out that under article 18 of the 1931 Convention, "each High Contracting Party undertakes that any of the drugs in Group I which are seized by him in the illicit traffic shall be destroyed or converted into non-narcotic substances....". Such opium could therefore be converted into codeine, as was clear from the text of article 6, paragraph 2. He was opposed to any amendment to that text.

Mr. KRISHNAMOORTHY (India) observed that there was a substantial difference between article 6 of the draft protocol and article 18 of the 1931 Convention. Moreover, the point raised by the Secretariat was covered by the term "alkaloids" in paragraph 2 of article 6. As the principle of the export of codeine had already been accepted, article 6 should remain unchanged.

Mr. OR (Turkey) concurred in the views expressed by the French representative. The text suggested by the Executive Secretary would merely serve to confuse the issue since opium contained both morphine and natural codeine.

Mr. HSIA (China) expressed satisfaction with the existing text.

In reply to the PRESIDENT, Mr. MAY (Permanent Central Opium Board) said he had no views to express as he felt that it would be difficult at the present stage to redraft the whole article for the sake of clarity.

Mr. NIKOLIC (Yugoslavia) favoured retention of the article in its existing form.

Mr. RENBORG (Observer from Sweden) considered it dangerous for the Conference to support the theory that codeine was a non-narcotic substance, since it was covered as such by the 1931 Convention. On that point he disagreed both with the French representative and the Secretariat.

Mr. VIALLE (France) said that many substances were considered in specific cases to be narcotic. However, codeine was not a narcotic substance in the generally accepted medical sense of the term.

Mr. YATES (Executive Secretary) pointed out that the use of the term in various conventions had given rise to confusion. It might therefore be advisable for the Conference to make its intention clear. That could be done through an interpretation which would appear in the record.

Mr. KYROU (Greece) moved closure of the debate. The Conference should now discuss the specific amendments to article 6.

The PRESIDENT, in the absence of any objection, considered the debate closed. He felt that the discussion had served to clarify the Conference's intention on the point raised. He considered the amendment proposed by the Drafting Committee to have been adopted. He called on the Indian representative to introduce his amendment to article 6 (E/CONF.14/L.77).

Mr. KRISHNAMOORTHY (India) said that his amendment, proposing the addition of the words "or the alkaloids manufactured therefrom" at the end of paragraph 3, was intended to clarify the text in respect of a principle which had already been decided. Paragraph 3 as it stood was intended to enable a producing State to utilize seized opium and the alkaloids manufactured therefrom for internal consumption or export. The Chairman of the Main Committee had explained that the alkaloids in question were covered by the word "consumed", but there might be a doubt in the future as to the interpretation of the word "consumed". He would prefer the point to be made clear in the Protocol itself, though he would not oppose its inclusion in the Final Act instead.

Mr. VAILLE (France) proposed that the amendment be put to the vote without discussion. During the debate in the Main Committee, the Indian representative had not considered it necessary to have his specific point clarified in the draft protocol itself. Moreover, seized opium usually became part of a State's normal stocks and could therefore not be controlled.

Mr. NIKOLIC (Yugoslavia) supported the French proposal.

Mr. KRISHNAMOORTHY (India) pointed out that the principle of his amendment was consistent with the sense of the discussion in the Main Committee. It was merely a question of setting all doubts at rest.

The Indian amendment was adopted by 14 votes to 7, with 5 abstentions.

Article 6, as amended, was adopted by 22 votes to one.

Mr. VAILLE (France) explained that he had voted against the article because paragraph 3 was illogical. The implication was that while alkaloids could be exported, they could not be consumed.

Article 7 (E/CONF.14/L.49)

The amendment proposed by the Drafting Committee (E/CONF.14/L.74) was adopted without discussion.

Article 7, as amended, was adopted without discussion.

Article 8 (E/CONF.14/L.49)

The amendment proposed by the Drafting Committee (E/CONF.14/L.74) was adopted without discussion.

Mr. ARDALAN (Iran), introducing his amendment (E/CONF.14/L.79), said it did not affect the substance of the article, but was merely intended to facilitate submission of statistics by States which followed different calendar years. Its wording was identical with that contained in the 1925 Convention.

Mr. VAILLE (France) moved that the amendment should be discussed.

The motion was unanimously adopted.

In reply to the PRESIDENT, Mr. NIKOLIC (Yugoslavia), Chairman of the Drafting Committee, explained that the term "calendar year" in article 8 meant the Gregorian calendar year.

Mr. VAILLE (France) observed that it was precisely because calendar years varied in different States that it had been considered advisable to give a specific date.

Mr. KRISHNAMOORTHY (India) suggested that the word "calendar" should be deleted from the article for the sake of uniformity.

Mr. MAY (Permanent Central Opium Board) observed that one of the chief values of the Board's annual report was the inclusion of statistics from comparabl States, based on a calendar year from 1 January to 31 December. Unless that was

the sense of the Iranian amendment, its adoption would complicate the Board's work. It should not be more difficult for a State to submit statistics for a year from 1 January to 31 December than for any other period.

Mr. HSIA (China), Mr. VAN MUYDEN (Switzerland), Mr. WALKER (United Kingdom) and Mr. ANSLINGER (United States of America) favoured retention of the existing text.

Mr. KYROU (Greece) suggested that the matter should be clarified either in the preamble of the draft protocol or in the Final Act. It would be made clear that "year" meant the Gregorian calendar year.

Mr. NIKOLIC (Yugoslavia) supported the suggestion.

The Iranian amendment was rejected by 19 votes to 2, with 6 abstentions.

The PRESIDENT considered the proposal made by the Greek representative to have been accepted. To avoid confusion, the word "calendar" would be deleted from the English text.

Mr. VAILLE (France) said that his delegation's amendment (E/CONF.14/L.67) proposing the deletion of the word "narcotic" before "alkaloids" in paragraph 1 (a) (iii) was self-explanatory.

The French amendment was adopted by 23 votes to none, with one abstention.

Article 8, as amended, was unanimously adopted.

Article 9 (E/CONF.14/L.49)

Article 9 was adopted without discussion.

Article 10 (E/CONF.14/L.49)

Article 10 was adopted without discussion.

Article 12 (E/CONF.14/L.54)

Article 12 was adopted without discussion.

Article 12 bis (E/CONF.14/L.54)

Mr. VAILLE (France) proposed the deletion of the parentheses in section 3 (b) (ii).

It was so agreed.

Article 12 bis, as amended, was adopted by 24 votes to one, with 2 abstentions.

Article 12 ter (E/CONF.14/L.54)

Discussion on article 12 ter was postponed.

Article 13 (E/CONF.14/L.45)

Mr. HOSSICK (Canada) asked for a separate vote on the two paragraphs of the article. His objection was not one of substance as he favoured the principle laid down in article 13. However, the first paragraph seemed redundant since the jurisdiction of the International Court of Justice was recognized in paragraph 2.

Paragraph 1 was adopted by 22 votes to 2, with one abstention.

Mr. KRISHNAMOORTHY (India) observed that the point mentioned by the Canadian representative had been raised in the Drafting Committee where it had been considered necessary that the competence of the International Court should be stated clearly. For that reason, he had voted in favour of paragraph 1.

Paragraph 2 was unanimously adopted.

Article 13 as a whole was adopted by 25 votes to none, with one abstention.

Article 14 (E/CONF.14/L.53)

Mr. PASTUHOV (Secretariat) suggested that the words "Secretary-General, at the request of the" should be inserted immediately before the word "Council".

It was so decided.

Mr. ARDALAN (Iran), introducing his amendment (E/CONF.14/L.62), explained that a number of States would require a translation of the protocol in their own language before they could sign it.

The Iranian amendment was unanimously adopted.

Article 14, as amended, was unanimously adopted.

Article 15 (E/CONF.14/L.45)

Article 15 was adopted without discussion.

Article 16 (E/CONF.14/L.53)

Article 16 was adopted without discussion.

Article 17 (E/CONF.14/L.49)

Mr. KRISHNAMOORTHY (India) introduced his amendment to paragraph 1 (b) (E/CONF.14/L.81).

Mr. RENBORG (Observer from Sweden) noted that the effect of the amendment would be to permit no change at any time in the countries designated by the exporting party when it signed the protocol.

Mr. VAILLE (France) thought the amendment was logical and called for no discussion.

The amendment (E/CONF.14/L.81) was adopted unanimously.

Mr. KRISHNAMOORTHY (India) introducing his amendment (E/CONF.14/L.69), said it was intended to correct what appeared to be an inadvertent omission. The principle that States where the use, import and export of opium for quasi-medical purposes was traditional on 1 January 1950 could continue such use, import and export subject to certain safeguards had been accepted.

The amendment (E/CONF.14/L.69) was adopted unanimously.

The Drafting Committee's textual amendment to paragraph 2 (E/CONF.14/L.74) was adopted.

Mr. ANSLINGER (United States of America), introducing the amendment to paragraph 3 sponsored by the United States jointly with France and Yugoslavia (E/CONF.14/L.60), recalled that it had been abandoned during earlier debate, but should be re-inserted to guard against possible retrogression in the fight to abolish opium-smoking. Without such a specific safeguard, there was a danger that thousands of new smokers could be registered before 30 September, thus nullifying the hard-won gains achieved in the past twenty years.

Mr. KRISHNAMOORTHY (India) did not think it necessary to discuss the amendment as its principle had been agreed upon in the Main Committee and its omission from the text of article 17 had been inadvertent.

The joint amendment (E/CONF.14/L.60) was adopted unanimously.

Article 17 as amended was adopted by 27 votes to none, with 1 abstention.

Article 18 (E/CONF.14/L.53)

The PRESIDENT drew attention to the amendments submitted by the United Kingdom (E/CONF.14/L.61) and the Philippines (E/CONF.14/L.65), and observed that their aim was the same.

Mr. WALKER (United Kingdom) explained that his amendment was intended to reconcile the principle advocated by the Philippine and Mexican representatives with certain limitations of a constitutional nature under which the United Kingdom was bound to consult the governments of its non-metropolitan territories before it could commit them to an international agreement like the protocol.

The United Kingdom Government shared the concern expressed by the Philippine representative regarding the flow of illicit traffic in opium through certain British Non-Self-Governing Territories in the East, in particular Hong Kong and Singapore, en route to the Philippines and other countries in the area. The two colonies were transit points; the opium originated outside their borders, its production having been declared illegal in their territory. The United Kingdom colonial authorities were exerting every effort to curb the illicit traffic and would be glad to co-operate with the Government of the Philippines and any other neighbouring Governments to check that evil.

The United Kingdom Government would naturally be anxious to have the territories for which it was responsible adhere to the protocol. Under article 18 as it stood, that adherence would be delayed in many cases by the need to secure the previous consent of the Governments of dependent territories. As the legislative assemblies of many of the smaller non-metropolitan territories met very infrequently, constitutional ratification of the protocol was likely to be long delayed, thus preventing the accession of other colonies more immediately concerned to suppress illicit opium traffic, such as Hong Kong and Singapore.

Those considerations had led the United Kingdom to present its amendment. He recognized that there was no major difference in the substance of the United Kingdom and Philippine texts, and if the Conference was prepared to approve both of them in principle, he would be willing to attempt to combine them.

Mr. QUINTERO (Philippines) thanked the United Kingdom representative for his remarks concerning the desire of the United Kingdom Government to co-operate in curbing the illicit traffic in opium reaching the Philippines through the British colonies in the area. He would be glad to convey that pledge of co-operation to the Philippine Government.

The Philippine amendment (E/CONF.14/L.65) was admittedly closely related to that of the United Kingdom. Its initial clause reaffirmed the principle approved in the Main Committee, its second clause provided exceptions in order to meet the position of the United Kingdom, while its final sentence facilitated immediate adherence to the protocol by those dependent territories where the problem of constitutional ratification did not arise.

He requested discussion of the two amendments to article 18.

The Conference decided to discuss the amendments by 20 votes to 3, with 2 abstentions.

Mr. WALKER (United Kingdom) was prepared to take the Philippine text as a basis of discussion. The second sentence, however, was somewhat vague: it should state whether a territory having given its consent would be bound by the protocol as from the date when the Secretary-General received notification of that consent. In any case, the procedure for adherence of dependent territories should conform with current practice.

Mr. CONTINI (Secretariat) pointed out that it had been the practice for the territorial clause to become applicable to dependent territories at a specified time, either upon receipt of the relevant notification by the Secretary-General or thirty days after such notification, for example.

Mr. HSIA (China) detected a very important difference between the United Kingdom and Philippine texts with respect to the procedure for accession to the protocol by non-metropolitan territories, depending on whether or not that accession was subject to constitutional ratification. If it was presumed that the United Kingdom would have to declare, at the time of signature, those territories which automatically came under the protocol because they were not bound by constitutional requirements in that respect, that fact should be specifically stated in the article.

The PRESIDENT, having ascertained that the movers of both amendments were willing to work out a joint text, proposed that the meeting should be suspended later for that purpose.

Mr. VAILLE (France) saw no point in combining the two texts if, the United Kingdom having accepted the Philippine amendment as a basis for discussion, the Conference approved that amendment in principle. For his part, he had been prepared to support the United Kingdom text. If the Philippine text were put to the vote, he would request a separate decision on its final sentence and would vote against that sentence. If the Philippine text were accepted as a whole, it would oblige countries having non-metropolitan territories for which no reservations regarding the territorial application clause were needed to enumerate

their non-metropolitan territories in the two categories referred to by the Chinese representative, with the result that the countries prepared to accede to the protocol immediately would be unnecessarily delayed.

Mr. QUINTERO (Philippines) conceded that the procedural aspect was an important feature of his amendment, but did not believe any enumeration of non-metropolitan territories in the two categories would be required. In that connexion, he recalled that the United Kingdom plenipotentiary had signed the 1931 Convention on behalf of all territories of the British Empire which were not members of the League of Nations. In the case of those parts of the British Empire which were League members, they signed the 1931 Convention on their own behalf. A similar formula might be found.

Mr. WALKER (United Kingdom) reiterated that it was the practice of his Government not to commit any dependent territory without its previous consent; therefore, he could not sign on behalf of any such territory. Moreover, the signature of the 1931 Convention could not be taken as a precedent as there had been numerous important developments in the British Commonwealth and Empire in the twenty-two years since then. He very much hoped, however, that by the time the United Kingdom ratified the protocol, the consent of the most important colonies concerned would have been secured.

Mr. UMARI (Iraq) saw no difficulty even if an enumeration were required: the Secretariat's Department on Non-Self-Governing Territories could furnish the necessary information.

The PRESIDENT proposed that the Conference should adjourn debate on article 18, proceed to consider the ensuing articles, then suspend the meeting briefly to allow the representatives of the United Kingdom and the Philippines to work out a joint text of article 18 for discussion by the Conference when it reconvened.

It was so agreed.

Article 19 (E/CONF.14/L.45)

Article 19 was adopted without discussion.

Article 20 (E/CONF.14/L.45)

Article 20 was adopted without discussion.

Article 21 (E/CONF.14/L.45)

Article 21 was adopted without discussion.

Article 22 (E/CONF.14/L.45)

Article 22 was adopted without discussion.

In connexion with article 23 (E/CONF.14/L.45), the PRESIDENT drew attention to a note by the Secretary-General (E/CONF.14/L.63) suggesting the insertion in the protocol of a provision relating to the admissibility or non-admissibility of reservations as recommended by the General Assembly in its resolution 598 (VI), and proposing alternative texts of such a provision.

Mr. VAILLE (France), noting that the Assembly had merely recommended consideration of the insertion of such a reservation clause and that Sub-Committee 1 had decided that it would be superfluous in the protocol as, in practice, only article 18 could give rise to reservations by certain parties, formally proposed that no reservation clause should be included in the protocol. Moreover, there was an apparent contradiction in maintaining a clause stipulating the transitional measures which parties were authorized to adopt in specific circumstances and then introducing a separate reservations clause. Of the two alternative texts suggested by the Secretariat, A would call for an enumeration of all possible reservations while B would uselessly burden the text by prohibiting any reservations.

Mr. KYROU (Greece) shared the French view that the Assembly resolution did not bind the Conference to insert a reservations clause, and pointed out that the advisory opinion of the International Court to which it referred did not authorize a negative clause such as alternative B to bind the parties to an international convention. Accordingly, the Conference should take note of the Assembly recommendation and omit from its protocol any reservations clause.

Mr. YATES (Secretariat) pointed out that long debate on the question in the International Law Commission and other organs had not been conclusive, but that either alternative A or B would satisfy the requirements of the Assembly's resolution. If there were no reservations clause at all, the text of reservations would have to be communicated to each State party to the protocol, leaving that State to draw the legal consequences.

Mr. HOSSICK (Canada) favoured Alternative B because it was in line with Canada's traditional position respecting reservations to international agreements. They were usually unnecessary and had the effect of undermining the value and usefulness of such agreements.

Mr. NIKOLIC (Yugoslavia) questioned whether there was any precedent in international conventions for a negative reservations clause like Alternative B. Apart from the fact that such a clause seemed unusual, article 17 already contained reservations and the final version of article 18 was also likely to constitute a reservations provision.

Mr. USHIROKU (Japan) agreed with the statement of the legal expert of the Secretariat. If the Conference wanted no further reservations, it should make its intention clear by adopting alternative B.

Mr. CONTINI (Secretariat) confirmed the French and Greek views that insertion of a reservations clause was merely recommended for consideration under the Assembly resolution. The Secretariat had prepared its note with that fact in mind.

On the other hand, if no reservations clause were included in the protocol, States parties could make reservations not only in respect of articles 17 or 18, but in respect of any other article. If any other party to the protocol should object to such reservations, the Secretary-General would merely notify all parties of the reservation and of the objection and leave each party to draw the legal consequences. The legal effect of the reservations made by one or more States parties which were not accepted by other States parties had been debated at great length in United Nations legal organs and by jurists in general, but there was no consensus of opinions on that matter. For that reason the Assembly had in effect, recommended that future multilateral conventions should include provisions specifying whether reservations could be made, and if so to which articles they could apply. If that was done in the Protocol, there would be no doubt as to the legal effect of a reservation made by any Party to it.

Mr. VAILLE (France) pointed out that even if the Conference adopted Alternative B, there was nothing to prevent a State from claiming the right to make reservations. The International Law Commission and the International Court had debated the matter endlessly without conclusive results.

On the other hand, Alternative A, containing specific reference to articles 17 and 18, might be satisfactory. In that event, the United Kingdom could make the necessary reservations to article 18 and the original text of that article could be maintained.

Mr. ANSLINGER (United States of America) had understood that all reservations to the protocol were covered in article 17, which provided for transitional measures. It was on that understanding that he had supported the Indian and Pakistani requests to include their reservations in the protocol. Adoption of Alternative A would open the protocol to all kinds of additional reservations; in order to avoid that danger, he would support Alternative B.

Mr. KRISHNAMOORTHY (India) generally agreed with the United States representative, but since the Secretariat appeared to advise insertion of some kind of reservations clause, he would be inclined to favour Alternative A, including specific reference to articles 17 and 18. Paragraph 2 of Alternative A was also valuable inasmuch as withdrawal of a declaration by a State party to the protocol would be tantamount to the withdrawal of its reservation.

The PRESIDENT observed that further legal consultation respecting a reservations clause was apparently necessary. The time allowed to permit the United Kingdom and Philippines representatives to prepare a joint text of article 18 might also be used for that purpose. Accordingly, he would suspend the meeting.

The meeting was suspended at 5.10 p.m. and resumed at 5.35 p.m.

Mr. PASTUHOV (Secretariat) read the proposed revised text of article 18 submitted by the representatives of the United Kingdom and the Philippines, as follows:

"This protocol shall apply to all the Non-Self-Governing, trust, colonial and other non-metropolitan territories for the international relations of which any Party is responsible, except where the previous consent of a non-metropolitan territory is required by the Constitution of the Party or of the non-metropolitan territory, or required by custom. In such case the Party shall endeavour to secure the needed consent of the non-metropolitan territory within the shortest period possible and when that consent is obtained the Party shall notify the Secretary-General. This Protocol shall apply to the territory or territories named in such notification from the date of its receipt by the Secretary-General. In those cases where the previous consent of the non-metropolitan territory is not required, the Party concerned shall, at the time of signature, ratification or accession, declare the non-metropolitan territory or territories to which this Protocol applies."

Mr. QUINTERO (Philippines) expressed his gratitude to the United Kingdom representative for his readiness to understand the position of the Philippine Government. He felt that the difficulties encountered in drafting the text had been smoothed away by the desire of both parties to co-operate.

Mr. WALKER (United Kingdom) thanked the representative of the Philippines for his co-operation in preparing the text and the representative of the Netherlands for his valuable suggestions. Since the three principal parties interested in the question to which the draft article referred had reached agreement, he hoped that the Conference would accept the text, as any alternative version might undo the work which had been done.

Mr. JONKER (Netherlands) expressed his gratitude for the co-operation of the representatives of the Philippines and the United Kingdom.

Mr. VAILLE (France) was prepared to accept the proposed new form for article 18, with the exception of the last sentence. He thought that a separate vote might be taken on that sentence.

Mr. SHEBEA (Lebanon) agreed with the representative of France that the final sentence of the new draft was unsatisfactory. The outstanding difference between the original Philippine and United Kingdom amendments had been precisely that the Philippine amendment had embodied the principle that signature of the Protocol by metropolitan territories should be binding upon dependent territories. That principle appeared now to have been sacrificed. The consent of Non-Self-Governing Territories would now have to be obtained before the protocol could apply to them. If the final sentence were not deleted, as the French representative had suggested, he felt that a further provision should be added requiring that Parties should specifically declare the names of territories to which the Protocol would not apply.

Mr. PHAM HUY TY (Vietnam) agreed with the representatives of France and Lebanon.

Mr. WALKER (United Kingdom) said that he had seconded the proposal for an amended text of article 18 on the understanding that that text should stand or fall as a whole. He would not be able to accept the text if the final sentence were deleted. He therefore renewed his motion for the adoption of that text.

Mr. QUINTERO (Philippines) said that he would be obliged to withdraw his amendment if the final sentence were voted on separately.

The PRESIDENT called for a vote on the amendment to article 18 presented by the representative of the Philippines and the United Kingdom.

The amendment was adopted by 22 votes to 1, with 5 abstentions.

By 26 votes to 1, with 2 abstentions, the text of the amendment submitted by the United Kingdom and the Philippines was adopted as article 18 of the draft protocol.

Mr. NIKOLIC (Yugoslavia) explained that he had voted against the adoption of the new article 18 because he had voted in the Main Committee against the inclusion of the territorial clause in the draft protocol.

Mr. WOULBROUN (Belgium) said that he had abstained from voting in the absence of further instructions from his Government with regard to the next text.

Article 12 ter (E/CONF.14/L.54)

Mr. USHIROKU (Japan) presented an amendment (E/CONF.14/L.70/Rev.1) to article 12 ter. That amendment was rendered necessary by the revision of article 18. Voting in the Main Committee had made it clear that a need was felt to make provision for the application of enforcement measures to territories

excluded from the application of the protocol under article 18, if it became clear that the orium situation in those territories was not satisfactory. But because article 18 had been so amended as to make the protocol legally binding upon all territories the above decision in the main Committee had not been embodied in the provisions. However, since the amended text of article 18 proposed by the United Kingdom and the Philippines had now been adopted again with a resulting effect of placing those territories outside the application of the protocol obligations, he felt that the substance of the decision taken in the Main Committee should now be incorporated in article 12. That was the purpose of the amendment. If sovereign States which were not parties to the protocol were to be subject to enforcement measures, it should be made possible to apply the same procedure to colonial territories in a similar position. If no such provision were included, there would be a serious omission from the protocol.

Mr. VAILLE (France) thought that the proposed Japanese amendment was merely a logical addition to article 12 ter and required no discussion.

The Japanese amendment to article 12 ter (E/CONF.14/L.70/Rev.1) was adopted by 24 votes to 1 with 2 abstentions.

Mr. NIKOLIC (Yugoslavia) said that although he saw the logical connexion between adopting the amendment to article 12 ter since article 18 had been adopted, he had voted against the amendment because he had voted against article 18.

Mr. WALKER (United Kingdom) had abstained from voting, not because he considered the Japanese amendment illogical, but because he intended to vote against article 12 ter.

Article 12 ter was adopted by 26 votes to 2 with one abstention.

Mr. HSIA (China) pointed out that in view of the Japanese amendment, the title of article 12 ter was no longer applicable.

Mr. VAILLE (France) suggested that the article should be entitled "Universal Application".

It was so agreed.

Inclusion of a reservation clause

Mr. VAILLE (France) thought that before a debate was held on the inclusion of a reservation clause, a vote should be taken on the provision which the Secretariat proposed should be added to article 23 (E/CONF.14/L.84). That addition would be a logical consequence of the adoption of article 18. He did not know what position the reservation clause would occupy in the draft protocol, but assumed that it would be placed before article 23.

Mr. ANSLINGER (United States of America) recalled that the paragraph of the original draft protocol referring to reservations had been deleted. He had himself expressed an opinion in favour of that deletion without realizing its full implication. He felt that some provision should be inserted to make clear that no reservations would be possible except those permitted under article 17. He suggested the following text, "Save as is expressly provided in article 17 respecting the declarations therein permitted, and to the extent authorized in article 18 respecting territorial application, no Party may make any reservation respecting any of the provisions of this protocol". A provision so worded should not cause any difficulties for parties finding themselves able to fulfil their obligations in a shorter time than that specified in articles 17 and 18. He hoped that it would solve all the problems arising in that connexion, and he wished to express his gratitude to the Canadian delegation for its assistance in producing the formula.

The PRESIDENT thought that the proposed formula would meet the needs for which it had been designed.

Mr. NIKOLIC (Yugoslavia) was against the principle of allowing reservations, for which he thought ample provision was made in article 17. He did not think that the proposed provision should be discussed.

It was decided by 10 votes to 5, to discuss the proposed draft provision.

Mr. WALKER (United Kingdom) agreed with the general purpose of the proposed provision, but did not understand the reference to article 18, which did not appear to him to be concerned with reservations. That article provided in the first place that the protocol was to apply in respect of all Non-Self-Governing Territories and then went on to cover all the various possible situations in those territories. No reservations would be necessary under it, and he thought that the reference to article 18 should be deleted from the proposed draft.

Mr. HSIA (China) regretted that it had proved necessary to allow reservations to the draft protocol. Since, however, some reservations were to be permitted, his delegation was prepared to accept the United States draft. He pointed out that once reservations were allowed, the signing of the Protocol would become a much more lengthy procedure.

Mr. NIKOLIC (Yugoslavia) pointed out that the United Kingdom representative had expressed himself in favour of the principle of Parties signing the Protocol on behalf of their dependent territories, and then had proceeded to make exceptions which amounted to reservations. He reminded the Conference that the aim of the Protocol was to limit the use of opium to medical and scientific purposes. It had been agreed that certain provisions should not apply to some countries, for example India and Egypt. In principle, he was in favour of making it clear that any exemption from the provisions of the protocol constituted an exception. The United States proposal provided the opportunity for making all kinds of reservations.

The PRESIDENT enquired whether the Secretariat could give any information on the important legal point of whether it was necessary to include a reference to article 18 in the proposed provision.

Mr. CONTINI (Secretariat) said that there was no legal necessity to include a reference to article 18 in the proposed reservation clause, as that article was self-contined. Generally speaking, he would say that reference to either article 17 or article 18 in the reservations clause was permissible but was not required.

Mr. KRISHNAMOORTHY (India) said that his delegation was prepared to accept the United States proposal, but he felt that the description of article 18 as self-contained applied equally to article 17. He drew the attention of the Conference to alternative A of the reservation clauses suggested by the Secretariat (E/CONF.14/L.63), paragraph 2 of which provided for the withdrawal of reservations, a provision which might, he felt, be useful. He suggested that the United States draft might be amended by the inclusion of some provision resembling paragraph 2.

Mr. CONTINI (Secretariat) pointed out that as regards article 17, there was no need to make provision for withdrawal of reservations, as that article already provided an adequate machinery with respect to the declarations permitted by it.

Mr. SHEBEA (Lebanon) was in favour of the United States proposal although, bearing in mind the observations put forward by the Secretariat, he suggested omitting the references to articles 17 and 18. He suggested the inclusion of a provision to the effect that no reservations to the protocol would be acceptable other than those already debated and accepted by the Conference.

Mr. ANSLINGER (United States of America) assured the representative of India that there was nothing in his proposed text to prevent the withdrawal of reservations.

Mr. WALKER (United Kingdom) replying to a question from the President, said that he did not intend formally to move the deletion from the United States draft of the reference to article 18. He had already made his Government's position on the matter quite clear and proposed to abstain from voting on the provision.

Mr.V AILLE (France) suggested that the United States draft should be voted on as a whole.

The United States draft was adopted by 26 votes to none, with 2 abstentions.

The PRESIDENT explained that the text would now become an article in the draft protocol and called for a vote on the text as an article.

The United States proposal was unanimously adopted as an article in the draft protocol.

Additional paragraph to article 23 (E/CONF.14/L.84)

The PRESIDENT pointed out that the adoption of the text proposed by the Secretariat for inclusion in article 23 would be a logical consequence of the adoption of article 18.

The amendment to article 23 proposed by the Secretariat was adopted without discussion.

Terminal wording of the draft protocol (E/CONF.14/L.80.)

Mr.PASTUHOV (Secretariat) read the proposed Secretariat amendment to the terminal wording of the draft protocol (document E/CONF.14/L.80).

The amended terminal wording was adopted without discussion.

The PRESIDENT reminded the Conference that the agenda of the next meeting would include adoption of the draft Final Act, the Protocol as a whole, and the last report of the Credentials Committee.

Mr.WOULBROUN(Belgium) thought that some delegations might not yet have received instructions on their Governments position with regard to accession to the protocol and that a provision should be included in the Final Act to cover that situation. He suggested that the sentence"In witness whereof, the undersigned representatives and observers have signed the present Final Act" (E/CONF.14/L.55/Add.2) should be followed by the formula,"with full reservations as to the position of their governments as regards accession to the protocol".*

It was so agreed.

Mr.[illegible] (Observer from Sweden) thought that in view of the definition of the word "year" in article 8 of the draft protocol, the following sentence should be included in the Final Act: "The Conference declared that wherever the term "year" appears in the protocol , it means the period of time from 1 January to 31 December".

It was so agreed.

The meeting rose at 6:50 p.m.