

UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
LIMITED

E/CONF.14/L.23  
29 May 1953  
ENGLISH  
ORIGINAL: FRENCH

UNITED NATIONS OPIUM CONFERENCE  
Main Committee  
Agenda item 6

CONSIDERATION OF THE DRAFT PROTOCOL FOR REGULATING THE PRODUCTION  
OF, INTERNATIONAL AND WHOLESALE TRADE IN, AND USE OF OPIUM  
(E/2186, ANNEX)

France: amendments to the amendment submitted  
by Switzerland (E/CONF.14/L.20)

Chapter V, section 12:

1. In paragraph 2, delete the words "through the Secretary-General of the United Nations" in lines 12 and 13.

2. Insert the following between paragraphs 2 and 3:

2 (A) If the Board has reason to believe that a local inquiry would contribute to its knowledge of the situation, it may decide to send to the country or territory in question a person or a commission of inquiry to be appointed by it for the purpose, subject to the express consent of the government concerned; if the latter does not reply to the Board's request within four months, its failure to reply shall be [regarded as] [deemed to be] a refusal.

(B) If the Board considers it desirable, it may call the attention of a government, either confidentially or publicly, to that government's failure to carry out [satisfactorily] [in practice] an important provision of the Protocol or to a highly unsatisfactory narcotic drug situation in one of the territories under its control.

(C) The Board may also ask a government to adopt such remedial measures as may appear to be necessary in the light of circumstances for the implementation of the provisions of this Protocol.

(D) If the Board finds that the failure of a State to carry out [satisfactorily] [in practice] the provisions of this Protocol seriously impedes the control of narcotic drugs in another State or in any territory of another State, it may take the following measures [or such of them as it considers likely to contribute effectively to improving the situation in the country or territory in question]:

- (i) It may call the attention of the Parties and of the Council to the matter.

The Board may call the attention of all the Parties and the Council to the matter.

- (ii) It may make a public statement.

The Board may state that in its opinion a Party has failed to carry out the obligations it has assumed under this Protocol and that any other State has failed to take the necessary steps to prevent the narcotic drug situation in any of its territories from possibly prejudicing the effective control of narcotic drugs in one or more territories of other Parties.

(E) If the Board finds

- (i) That the study of the estimates and statistics furnished under sections ... shows [that a Party has failed to carry out the obligations it has assumed under this Protocol] [or that another State is seriously impeding the effective application of this Protocol] [that a State is not carrying out an important provision of this Protocol],
- (ii) Or that [in particular] excessive quantities of narcotic drugs are accumulating in any country or territory or that there is a danger of that country or territory becoming a centre of the illicit traffic,

[it] [the Board] may, in accordance with the provisions of the Conventions of 1925 and 1931, recommend an import and/or export embargo either for a specified period or until the Board shall be satisfied as to the situation in the country or territory in question with regard to the narcotic drug or drugs covered by the embargo.

- (F) (1) If the import and export returns addressed or communicated to the Board under sections ... show that the quantity exported or authorized for export to any country or territory is in excess of the total estimates defined in section ... for that country or territory, plus its reported exports;
- (11) If the Board considers that [a Party has been so negligent in carrying out the obligations it has assumed under the protocol or that any other State so seriously impedes its effective application] [that a State is so negligent in carrying out the obligations it has assumed under this Protocol] that the control of the illicit traffic in narcotic drugs is gravely hindered thereby; or
- (111) In the case referred to in sub-paragraph (E)(11) of this section, the Board may announce its intention, in the case referred to in sub-paragraph (1), of imposing an embargo on the import and, in the case referred to in sub-paragraphs (11) and (111), on the import and/or export of all narcotic drugs from or to the country or territory in question, unless the State in question adopts the necessary remedial measures or all measures which are, in the opinion of the Board, likely to ensure the enforcement of the provisions of this Protocol and which shall be indicated in the Board's statement. The Board may set a time-limit for the introduction and execution of the remedial measures in question."

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