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AND
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TRANSFER TO THE UNITED NATIONS OF POWERS EXERCISED
BY THE LEAGUE OF NATIONS UNDER THE CONVENTIONS
ON NARCOTIC DRUGS

REPORT SUBMITTED BY THE DRAFTING COMMITTEE ON NARCOTIC DRUGS
TO THE ECONOMIC AND SOCIAL COUNCIL

The Drafting Committee on Narcotic Drugs was appointed by the Economic and Social Council to examine the changes required in the relevant international conventions to give effect to the decision of the General Assembly that the United Nations should assume the functions exercised by the League of Nations in regard to the international control of narcotic drugs.

The Committee had before it an admirable document prepared by the Secretariat, summarizing all the relevant material and including a draft Protocol and Resolutions, and several Delegations had furnished valuable observations. The Committee came to the conclusion that as there are six international instruments involved it would be desirable to append to the Protocol a statement showing the precise amendments needed in each of these instruments; it also agreed that its duty was to recommend the minimum changes required in the Conventions to give effect to the object in view.

I have the honour, on behalf of the Committee, to present to the Council a draft Protocol with Annex which has received the unanimous approval of the Committee, together with two draft Resolutions - one which it hopes the Council will pass and another which it suggests should be submitted to the Assembly with the draft Protocol.

The Drafting Committee has done its best to ensure that all the necessary amendments have been made but in view of the complexity of the subject it would be glad if the Secretariat would carefully scrutinize the results of the Committee's work and call the attention of the Assembly to any further changes that may be necessary.

There was only one matter of importance about which there was a division of opinion among members of the Committee. Some members, particularly the representatives of the U.S.S.R., China and Czechoslovakia, expressed a strong opinion that it would be inappropriate that the United Nations should invite the Spanish Government to become a party to the new Protocol. Other members were not in agreement and thought that in any case this was not a matter of drafting but one which should be considered by the Economic and Social Council. The representative of Peru made a reservation with regard to the substance of the proposal to the effect that his Government considered that no discrimination should be made against any State which had signed the international conventions on narcotic drugs in existence prior to the establishment of the United Nations. It was generally agreed, however, that if the Economic and Social Council decided to exclude Spain, effect could be given to this intention by adding to the draft resolution to be submitted to the General Assembly an additional paragraph in the following terms:

"The General Assembly instructs the Secretary-General to perform the functions conferred upon him by the Protocol, signed on 1946, amending the International Agreements, Conventions and Protocols relating to narcotic drugs which were concluded in the years 1912, 1925, 1931 and 1936.

"In view of its Resolution on the Relations of Members of the United Nations with Spain, adopted on 9 February 1946, the General Assembly directs the Economic and Social Council and the Secretary-General to suspend all action under this Protocol and the above mentioned Agreements, Conventions and Protocols with respect to the Franco Government in Spain so long as this Government is in power."

The effect of this Resolution if passed by the General Assembly would relieve the Economic and Social Council and the Secretary-General from sending any communication on the subject of narcotic drugs to the Franco Government

whether Spain is referred to in the Conventions as a Contracting Party or under any other designation.

Signed: S. W. HARRIS
Chairman
Drafting Committee on Narcotic Drugs

DRAFT RESOLUTION FOR SUBMISSION TO THE ECONOMIC AND SOCIAL COUNCIL

THE ECONOMIC AND SOCIAL COUNCIL,

To ensure continuity in the international control of narcotic drugs,

RECOMMENDS that the General Assembly approve the assumption by the United Nations of the functions and powers exercised by the League of Nations in respect of narcotic drugs, as provided in the attached draft Resolution and draft Protocol;

REQUESTS the Secretary-General to inform the Members of the United Nations of this recommendation in order that their representatives at the next Session of the General Assembly may be given authority to sign the Protocol;

INVITES the present members of the Permanent Central Board and of the Supervisory Body to continue for the time being in office, to ensure the continuance of the control of narcotic drugs;

REQUESTS that the necessary financial provisions may be made by the General Assembly to enable the Permanent Central Board and the Supervisory Body to carry on their functions under the Conventions; and

INVITES the Commission on Narcotic Drugs to advise the Council as to the procedure to be followed in making future appointments to the Permanent Central Board.

DRAFT RESOLUTION TO BE SUBMITTED TO THE ASSEMBLY

THE GENERAL ASSEMBLY OF THE UNITED NATIONS

Desirous of continuing and developing the international control
of narcotic drugs

APPROVES the Protocol which accompanies this Resolution;

URGES that it shall be signed without delay by all the states
who are Parties to the Agreements, Conventions and Protocols mentioned
in the Annex, and

RECOMMENDS that, pending the entry into force of the aforesaid
Protocol, effect be given to its provisions by the Parties to any of
these Agreements, Conventions and Protocols.

DRAFT PROTOCOL AMENDING THE AGREEMENTS, CONVENTIONS AND
PROTOCOLS ON NARCOTIC DRUGS CONCLUDED AT THE HAGUE ON
23 JANUARY 1912, AT GENEVA ON 11 FEBRUARY 1925,
AND 19 FEBRUARY 1925, AND 13 JULY 1931, AT BANGKOK
ON 27 NOVEMBER 1931, AND AT GENEVA ON 26 JUNE 1936.

The States Parties to the present Protocol, considering that under the international Agreements, Conventions and Protocols relating to narcotic drugs which were concluded on 23 January 1912, 11 February 1925, 19 February 1925, 13 July 1931, 27 November 1931 and 26 June 1936, the League of Nations was invested with certain duties and functions for whose continued performance it is necessary to make provision in consequence of the dissolution of the League, and considering that it is expedient that these duties and functions should be performed henceforth by the United Nations and the World Health Organization or its Interim Commission, have agreed upon the following provisions:

ARTICLE I

The States Parties to the present Protocol undertake that as between themselves they will, each in respect of the instruments to which it is a party, and in accordance with the provisions of the present Protocol, attribute full legal force and effect to, and duly apply the amendments to those instruments which are set forth in the Annex to the present Protocol.

ARTICLE II

1. It is agreed that during the period preceding the entry into force of the Protocol in respect of the International Convention relating to Dangerous Drugs of 19 February 1925, and in respect of the International Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs of 13 July 1931, the Permanent Central Board and the

Supervisory Body as at present constituted shall continue to perform their functions. Vacancies in the membership of the Permanent Central Board may during this period be filled by the Economic and Social Council.

2. The Secretary-General of the United Nations is authorized to perform at once the duties hitherto discharged by the Secretary-General of the League of Nations in connection with the Agreements, Conventions and Protocols mentioned in the Annex to the present Protocol.

3. States which are parties to any of the instruments which are to be amended by the present Protocol are invited to apply the amended texts of those instruments so soon as the amendments are in force even if they have not yet been able to become Parties to the present Protocol.

ARTICLE III

The functions conferred upon The Netherlands Government under Articles 21 and 25 of the International Opium Convention signed at The Hague on 23 January 1912, and entrusted to the Secretary-General of the League of Nations with the consent of The Netherlands Government by a Resolution of the League of Nations Assembly dated 15 December 1920, shall henceforward be exercised by the Secretary-General of the United Nations.

ARTICLE IV

As soon as possible after this Protocol has been opened for signature the Secretary-General shall prepare texts of the Agreements, Conventions and Protocols revised in accordance with the present Protocol and shall send copies for their information to the Government of every Member of the United Nations and every non-Member State to which this Protocol has been communicated by the Secretary-General.

ARTICLE V

The present Protocol shall be open for signature or acceptance by any of the States Parties to the Agreements, Conventions and Protocols on narcotic drugs on 23 January 1912, 11 February 1925, 19 February 1925, 13 July 1931, 27 November 1931 and 26 June 1936, to which the

Secretary-General of the United Nations has communicated a copy of the present Protocol.

ARTICLE VI

States may become Parties to the present Protocol by

- (a) signature without reservation as to approval,
- (b) signature subject to approval followed by acceptance or
- (c) acceptance.

Acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

ARTICLE VII

The amendments set forth in the Annex to the present Protocol shall come into force in respect of each Agreement, Convention and Protocol when a majority of the parties thereto have become parties to the present Protocol.

ARTICLE VIII

In Accordance with Article 102 of the Charter of the United Nations, the Secretary-General of the United Nations will register and publish the amendments made in each instrument by the present Protocol on the dates of the entry into force of these amendments.

ARTICLE IX

The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations Secretariat. A certified copy shall be sent by the Secretary-General to each of the States Parties to the Agreements, Conventions and Protocols on narcotic drugs of 23 January 1912, 11 February 1925, 19 February 1925, 13 July 1931, 27 November 1931 and 26 June 1936, as well as to all States Members of the United Nations and non-Member States mentioned in Article IV.

IN FAITH WHEREOF the undersigned, duly authorized, have signed the present Protocol on behalf of their respective governments on the dates appearing opposite their respective signatures.

DONE at , this day of
. 1946.

1. AGREEMENT CONCERNING THE MANUFACTURE OF, INTERNAL TRADE IN, AND USE OF PREPARED OPIUM WITH PROTOCOL AND FINAL ACT, SIGNED AT GENEVA ON 11 FEBRUARY 1925.

In Articles 10, 13, 14 and 15 of the Agreement the Secretary-General of the United Nations shall be substituted for the Secretary-General of the League of Nations and the Secretariat of the United Nations shall be substituted for the Secretariat of the League of Nations.

In Articles 3 and 4 of the Protocol, the Economic and Social Council of the United Nations shall be substituted for the Council of the League of Nations.

2. INTERNATIONAL CONVENTION RELATING TO DANGEROUS DRUGS WITH PROTOCOL SIGNED AT GENEVA ON 19 FEBRUARY 1925.

For Article 8, the following Article shall be substituted:

"In the event of the World Health Organization, on the advice of an expert committee appointed by it, 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 World Health Organization shall communicate this finding to the Economic and Social Council of the United 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."

For Article 10 the following Article shall be substituted:

"In the event of the World Health Organization, on the advice of an expert committee appointed by it, 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 World Health Organization shall inform the Economic and Social Council accordingly and recommend that the provisions of the present Convention shall be applied to such drug."

"The Economic and Social Council 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 United Nations, 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."

In the third paragraph of Article 19 "the Economic and Social Council of the United Nations" shall be substituted for "the Council of the League of Nations."

The fourth paragraph of Article 19 shall be deleted.

In Articles 20, 24, 27, 30, 32, 34, and 38 (1) "the Economic and Social Council of the United Nations" shall be substituted for "the Council of the League of Nations" and "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations", wherever these words occur.

In Article 32 "the International Court of Justice" shall be substituted for "the Permanent Court of International Justice."

Article 34 shall read as follows:

"The present Convention is subject to ratification. As from 1 January 1947 the instruments of ratification shall be deposited with the Secretary-General of the United Nations, who shall notify their receipt to all the Members of the United Nations and the non-Member States to which the Secretary-General has communicated a copy of the Convention."

In the first paragraph of Article 35 the words "by any Member of the United Nations, or by any non-Member States mentioned in Article 34" shall be substituted for the words "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."

The second paragraph of Article 35 shall read as follows:

"The present Convention may be acceded to by any Member of the United Nations or non-Member State mentioned in Article 34."

Article 37 shall read as follows:

"A special record shall be kept by the Secretary-General of the United Nations showing which states have signed, ratified, acceded to or denounced the present Convention. This record shall be open for inspection and shall be published from time to time as may be directed."

The second paragraph of Article 38 shall read as follows:

"The Secretary-General of the United Nations shall notify the receipt of any such denunciations to all the Members of the United Nations and to the States mentioned in Article 34."

3. INTERNATIONAL CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS WITH PROTOCOL OF SIGNATURE, SIGNED AT GENEVA ON 13 JULY 1931.

In Article 5, paragraph 1, the words "to all the Members of the League of Nations and to the non-Member States mentioned in Article 27" shall be replaced by the words "to all the Members of the United Nations and to the non-Member States mentioned in Article 28."

For the first sub-paragraph of paragraph 6 of Article 5, the following sub-paragraph shall be substituted:

"The estimates will be examined by a Supervisory Body consisting of four members. The World Health Organization shall appoint two members and the Commission on Narcotic Drugs of the Economic and Social Council and the Permanent Central Board shall each appoint one member. The Secretariat of the Supervisory Body shall be provided by the Secretary-General of the United Nations who will ensure close collaboration with the Permanent Central Board."

In Article 5, paragraph 7, the words "15 December of each year" shall be substituted for the words "1 November of each year"; and the words "through the intermediary of the Secretary-General of the United Nations to all the Members of the United Nations and non-Member

States referred to in Article 28" shall be substituted for the words "through the intermediary of the Secretary-General, to all the Members of the League of Nations and non-Member States referred to in Article 27".

For paragraphs 2, 3, 4, and 5 of Article 11 the following paragraphs shall be substituted:

2. "Any High Contracting Party permitting trade in or manufacture for trade of any such product to be commenced, shall immediately send a notification to that effect to the Secretary-General of the United Nations, who shall advise the other High Contracting Parties and the World Health Organization."

3. "The World Health Organization, acting on the advice of an expert committee appointed by it, will thereupon decide whether the product in question is capable of producing addiction (and is in consequence assimilable to the drugs mentioned in sub-group (a) of Group I), or whether it is convertible into such a drug (and is in consequence assimilable to the drugs mentioned in sub-group (b) of Group I or in Group II)."

4. "In the event of the World Health Organization, on the advice of the expert committee appointed by it, deciding that the product is not itself a drug capable of producing addiction, but is convertible into such a drug, the question whether the drug in question shall fall under sub-group (b) of Group I or under Group II shall be referred for decision to a body of three experts competent to deal with the scientific and technical aspects of the matter, of whom one member shall be selected by the Government concerned, one by the Commission on Narcotic Drugs of the Economic and Social Council, and the third by the two members so selected."

5. "Any decision arrived at in accordance with the two preceding paragraphs shall be notified to the Secretary-General of the United Nations, who will communicate it to all States Members of the United Nations and the non-Member States mentioned in Article 28."

In paragraphs 6 and 7 of Article 11, "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations".

In Articles 14, 20, 21, 23, 26, 29, 30, 31, 32, 33 and 34, "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations".

In Article 21 for the words "by the Advisory Committee on Traffic in Opium and other Dangerous Drugs" shall be substituted the words "by the Commission on Narcotic Drugs of the Economic and Social Council".

For the second paragraph of Article 25 the following paragraph shall be substituted:

"In case there is no such agreement in force between the Parties, the dispute shall be referred to arbitration or judicial settlement. In the absence of agreement on the choice of another tribunal, the dispute shall, at the request of any one of the Parties, be referred to the International Court of Justice, if all the Parties to the dispute are Parties to the Statute, and, if any of the Parties to the dispute is not a Party to the Statute, to an arbitral tribunal constituted in accordance with the Hague Convention of 18 October 1937, for the Pacific Settlement of International Disputes".

For the last paragraph of Article 26 the following paragraph shall be substituted:

"The Secretary-General shall communicate to all States Members of the United Nations or non-Member States mentioned in Article 28 all declarations and notices received in virtue of the present Article".

Article 28 shall read as follows:

"The present Convention is subject to ratification. As from 1 January 1947, the instruments of ratification shall be deposited with the Secretary-General of the United Nations, who shall notify their receipt to all the Members of the United Nations and to the non-Member States to which the Secretary-General has communicated a copy of the Convention".

Article 29 shall read as follows:

"The present Convention may be acceded to on behalf of any Member

of the United Nations or any non-Member State mentioned in Article 28. The instruments of accession shall be deposited with the Secretary-General of the United Nations, who shall notify their receipt to all the Members of the United Nations and to the non-Member States mentioned in Article 28."

In the first paragraph of Article 32 the last sentence shall read as follows:

"Each denunciation shall operate only as regards the High Contracting Party on whose behalf it has been deposited".

The second paragraph of Article 32 shall read as follows:

"The Secretary-General shall notify all the Members of the United Nations and non-Member States mentioned in Article 28 of any denunciation received".

In the third paragraph of Article 32 the words "High Contracting Parties" shall replace the words "Members of the League or non-Member States bound by the present Convention".

In Article 33 the words "High Contracting Party" and "High Contracting Parties" shall replace the words "Member of the League of Nations or non-Member State bound by this Convention" and "Members of the League of Nations or non-Member States bound by this Convention".

4. AGREEMENT FOR THE CONTROL OF OPIUM SMOKING IN THE FAR EAST. WITH FINAL ACT. SIGNED AT BANGKOK ON 27 NOVEMBER 1931.

In Article 7 "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations".

5. INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF ILLICIT TRAFFIC IN DANGEROUS DRUGS SIGNED AT GENEVA ON 26 JUNE 1936.

In Article 16, 18, 21, 23, 24 and 25, "the Secretary-General of the United Nations" shall be substituted for "the Secretary-General of the League of Nations".

For Article 17, paragraph 2, the following paragraph shall be substituted:

"In case there is no such agreement between the Parties, the dispute shall be referred to arbitration or judicial settlement. In the absence of agreement on the choice of another tribunal, the dispute shall, at the request of any one of the Parties, be referred to the International Court of Justice, if all the Parties to the dispute are Parties to the Statute, and, if any of the Parties to the dispute is not a Party to the Statute, to an arbitral tribunal constituted in accordance with the Hague Convention of 18 October 1907, for the Pacific Settlement of International Disputes".

Paragraph 4 of Article 18 shall read as follows:

"The Secretary-General shall communicate to all the Members of the United Nations and to the non-Member States mentioned in Article 20 all declarations and notices received in virtue of this Article".

Article 20 shall read as follows:

"The present Convention is subject to ratification. As from 1 January 1947, the instruments of ratification shall be deposited with the Secretary-General of the United Nations, who shall notify their receipt to all the Members of the United Nations and the non-Member States to which the Secretary-General has communicated a copy of the Convention".

Paragraph 1 of Article 21 shall read as follows:

"The present Convention shall be open to accession on behalf of any Member of the United Nations or non-Member State mentioned in Article 20".

In Article 24 the last sentence of paragraph 1 shall read as follows:

"Each denunciation shall operate only as regards the High Contracting Party on whose behalf it has been deposited".

The second paragraph of Article 24 shall read as follows:

"The Secretary-General shall notify all the Members of the United Nations and non-Member States mentioned in Article 20 of any denunciations received".

In the third paragraph of Article 24 the words "High Contracting Parties" shall replace the words "Members of the League or non-Member States bound by the present Convention".

Article 25 shall read as follows:

"Request for the revision of the present Convention may be made at any time by any High Contracting Party by means of a notice addressed to the Secretary-General of the United Nations. Such notice shall be communicated by the Secretary-General to the other High Contracting Parties and, if endorsed by not less than one-third of them, the High Contracting Parties agree to meet for the purpose of revising the Convention".
