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

REPORT OF THE THIRD COMMITTEE

Rapporteur: Mme. Aase Lionees (Norway)

1. The Economic and Social Council, in accordance with the instructions given by the General Assembly during the first part of its first session, adopted, on 3 October 1946, the following resolution recommending that the General Assembly approve, during the second part of the session, the transfer to the United Nations of the powers formerly exercised by the League of Nations under the international Agreements, Conventions and Protocols on narcotic drugs:

"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;

CONSIDERS that, in view of the Resolution of the General Assembly on the relations of the Members of the United Nations with Spain, adopted on 9 February 1946, the Franco Government should not be invited to become a party to 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."

2. To this end the Economic and Social Council submitted, for the approval of the General Assembly, a draft resolution and a draft Protocol together with an annex showing the amendments to be made in the instruments in force in order to ensure this transfer. The Economic and Social Council, at the suggestion of its Drafting Committee, which prepared the texts, requested the Secretariat to scrutinize carefully the results of the work of the Committee and call the attention of the Assembly to any further changes that might be necessary. In carrying out these instructions, the Secretariat examined the draft Protocol and its annex, and suggested a certain number of modifications and corrections.

3. The General Assembly at its forty-sixth plenary meeting held on 31 October 1946 referred the question to the Third Committee for more extensive consideration.

The Third Committee, at its meeting on 2 November 1946, discussed document A/129 containing the results of the work of the Economic and Social Council and the Secretariat. During the course of the discussions the Economic and Social Council and the Secretariat were congratulated on the care with which the documents submitted to the Committee had been prepared. The CHAIRMAN, as well as several members of the Committee, addressed an urgent appeal to the Members of the United Nations to sign the Protocol in question during the present session of the Assembly, in order to avoid any interruption of the international control of narcotics. In this connection it was pointed out that the Secretary-General, acting on the instructions of the Economic and Social Council, had asked those Members of the United Nations who are parties to the Agreements, Conventions and Protocols on narcotic drugs, to give their representatives to the present session of the Assembly full powers to sign the Protocol.

The Committee unanimously adopted the draft Protocol and annex with the amendments suggested by the Secretariat.

The attention of the Committee was called to the paragraph of the draft resolution recommended by the Economic and Social Council to the General

Assembly suspending all action under the Protocol in respect of the Franco Government in Spain. The committee, after discussion, approved the draft resolution, the representatives of the Union of South Africa and Australia abstaining in respect of the paragraph in question.

4. In accordance with the invitation of the President of the General Assembly, the draft Protocol and annex, as approved by the Third Committee, were sent to the Sixth Committee for study in regard to the legal aspects thereof.

The text of the report of the Sixth Committee which was approved by the Third Committee on 15 November is attached to this report.

The Third Committee submits for the approval of the Assembly the following resolution, together with the draft Protocol and annex as drawn up by the Economic and Social Council and in which the changes recommended by the Sixth Committee have been taken into account.

"THE GENERAL ASSEMBLY

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.

INSTRUCTS the Secretary-General to perform the functions conferred upon
him by the Protocol, signed on1946, amending the International
Agreements, Conventions and Protocols relating to narcotic drugs which were
concluded in the years 1912, 1925, 1931 and 1936.

DIRECTS the Economic and Social Council and the Secretary-General in view
of the General Assembly's Resolution on the Relations of Members of the
United Nations with Spain, adopted on 9 February 1946, 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

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.

4. Should the amendments to the Convention relating to Dangerous Drugs of 19 February 1925, or the amendments to the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs of 13 July 1931, come into force before the World Health Organization is in a position to assume its functions under these Conventions, the functions conferred on that Organization by the amendments shall, provisionally, be performed by its Interim Commission.

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

1. The present Protocol shall come into force in respect of each party on the date upon which it has been signed on behalf of that party without reservation as to approval, or upon which an instrument of acceptance has been deposited.
2. 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. The agreements, conventions and protocols to be amended in accordance with the Annex being in the English and French

languages only, the English and French texts of the Annex shall equally be the authentic texts and the Chinese, Russian and Spanish texts will be translations. A certified copy of the Protocol, including the Annex, 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 4.

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.

ANNEX

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 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 and 39 (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."

Article 35 shall read as follows:

"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

Article 34.

Accessions shall be effected by an instrument communicated to the Secretary-General of the United Nations to be deposited in the archives of the Secretariat of the United Nations. The Secretary-General shall at once notify such deposit to all the Members of the United Nations signatories of the Convention and to the signatory non-Member States mentioned in Article 34 as well as to the adherent States."

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

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 "December 15th in each year" shall be substituted for the words "November 1st in 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."

In Articles 14, 20, 21, 23, 26, 31, 32, and 33, "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 1907, 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 of 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".

In Articles V and VII "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 1954.

In Articles 16, 18, 21, 23 and 24, "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
A Article 20".

In paragraph 1 of Article 24 the words "High Contracting Party" shall
be substituted for the words "Member of the League or non-Member State".

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".

APPENDIX

REPORT OF THE SIXTH COMMITTEE TO THE THIRD COMMITTEE
WITH RESPECT TO THE CONVENTIONS ON NARCOTIC DRUGS

1. The Sixth Committee has examined the legal aspects of the report of the Economic and Social Council on the assumption by the United Nations of the powers exercised by the League of Nations under international agreements, conventions and protocols on narcotic drugs.
2. The Economic and Social Council has recommended that, in order to ensure continuity in the international control of narcotic drugs, the General Assembly should approve the assumption by the United Nations of the functions and powers referred to in paragraph 1. The Economic and Social Council has also transmitted to the General Assembly drafts of the necessary legal instruments for accomplishing this object.
3. The international control of narcotic drugs is provided for by six agreements, conventions or protocols dated between 1912 and 1936. The documents proposed for effecting the transfer to the United Nations of the League's functions under these instruments are:
 - (a) a resolution to be adopted by the General Assembly;
 - (b) a Protocol (to be signed by those Members of the United Nations and certain others which are parties to the earlier instruments) for the purpose of effecting, as between the parties, the necessary alterations in those instruments.
4. The Third Committee on 2 November 1946 recommended the General Assembly to adopt without change the draft resolution proposed by the Economic and Social Council, and also to approve the draft Protocol, with certain alterations proposed by the Secretariat (A/129, pages 1-1b).
5. The legal aspects of these matters which seemed to require the attention of the Sixth Committee were the following:
 - (a) does the Protocol effect all the necessary changes in the original instruments, and in proper form?

- (b) is the Protocol itself in proper form?
- (c) what will be the legal position of those parties to the original instruments which do not become parties to the Protocol?

Questions (a) and (b) raise matters of form only. Question (c) involves matters of substance.

6. The principal provision of the Protocol is Article 1, by virtue of which the parties undertake that, as between themselves, they will give effect to certain amendments of the original instruments which are set forth in an Annex. The object of these amendments is to substitute for references to the League of Nations and related organs, wherever they appear, appropriate references to the United Nations, the World Health Organization or its Interim Commission, and related bodies.

7. With regard to question (a) above, it should be pointed out that the amendments required for this purpose are numerous, detailed, technical and entirely formal. Even where, for the sake of convenience in Articles where several changes have had to be made, an apparently new article is substituted, the old text has been faithfully reproduced, even in what may be thought its blemishes, except only insofar as changes have been necessitated by the change-over from the League to the United Nations. In the time now available the Sixth Committee has not been able to make a complete and independent check of the amendments made. It can, however, assure the Third Committee and the General Assembly that every care has been taken to ensure both accuracy and completeness in the amendments made.

8. The Sixth Committee notes that in Section 5 of the Annex an amendment is made to the last sentence in the first paragraph of Article 24 of the Convention of 1936. As expressed, the amendment has the incidental, and apparently unintended, effect of suppressing the first clause of that sentence. In order to effect the formal change which alone is necessary, the Sixth Committee recommends that the reference to paragraph 1 of Article 24 of the Convention of 1936 should be replaced by the following:

"The agreements, conventions and protocols to be amended in accordance with the Annex being in the English and French languages only, the English and French texts of the Annex shall equally be the authentic texts and the Chinese, Russian and Spanish texts shall be translations."

The next sentence should then begin:

"A certified copy of the Protocol, including the Annex,..."

In all other respects the Protocol appears to be entirely in proper form.

13. With regard to question (c) above, it is clearly competent to any member of the parties to the original instruments to make amendments in them which are binding as between themselves. This is exactly what Article 1 of the Protocol does. The effect of Articles 4 and 5 combined is that a state which is a party to the original instrument is eligible to become a party to the Protocol only if (a) it is a Member of the United Nations or (b) the Secretary-General has communicated to it a copy of the Protocol. In view of the resolution of the Economic and Social Council of 3 October 1946 and the similar resolution of 2 November 1946 of the Third Committee in regard to Franco Spain, not all of the parties to the original instruments will become bound, vis a vis the parties to the Protocol, by the new system of international control of narcotic drugs for which the Protocol provides.
14. The question may be asked whether or not, as parties to the original instruments, those states which do not become parties to the Protocol will still remain under any obligations, by virtue of the original instruments, vis a vis those other parties to the original instruments which do become parties to the Protocol. The answer appears to be in the affirmative. It is clear that the actual machinery of international control set up by the original instruments will be altogether dissolved, at any rate from the date at which the Protocol comes into force. Certain parts of the original instruments will thus be a dead letter, so far as concerns any state which is

"In paragraph 1 of Article 24 the words 'High Contracting Party' shall be substituted for the words 'Member of the League or non-Member State.'" (It is noted that the other formal changes required in Article 24 are provided for at the beginning of Section 5 of the Annex).

In all other respects the amendments made by the Annex seem to be in proper form.

9. With regard to question (b) above, it may be noted that the Protocol contains the customary formal parts, dealing with such matters as the States which may become parties to it, and the modes in which they may do so; the coming into force of the amendments set forth in the Annex; the registration of these amendments; and the deposit of authentic texts.

10. The Sixth Committee thinks it desirable to add a provision for bringing into force the Protocol itself as distinct from the amendments to be made by the Annex. For this purpose it recommends that Article 7 should consist of two paragraphs, the existing Article becoming paragraph 2 and the following new paragraph being added:

"1. The present Protocol shall come into force in respect of each party on the date upon which it has been signed on behalf of that party without reservation as to approval, or upon which an instrument of acceptance has been deposited."

11. The Sixth Committee takes note of the fact that, in accordance with Article 9, the Protocol has been drafted, and will be signed, in the five official languages of the United Nations. On the other hand the original instruments which are to be amended in accordance with the Annex are in the English and French languages only. The Sixth Committee recommends that owing to the present technical difficulties the Annex should be drafted in English and French as authentic texts, and should be translated as soon as possible into the other official languages of the United Nations.

12. In order to give effect to this recommendation the Committee proposes that at the end of the first sentence of Article 9 there shall be added the following:

not a party to the Protocol. But it may be pointed out that the Protocol has plainly been drafted on the assumption that, despite the dissolution of the League, those parts of the original instruments which are not amended by the Protocol are still in effective operation. This assumption appears to be correct. There are important obligations (e.g. under the Geneva Convention of 19 February 1925) which do not depend on the continuance of the machinery of international control established under the original instrument.
