

TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS.

INTERPRETATION OF CERTAIN ARTICLES OF THE 1931 CONVENTION
FOR LIMITING THE MANUFACTURE AND REGULATING
THE DISTRIBUTION OF NARCOTIC DRUGS.

C.L.87.1934.XI.

I. LETTER, DATED JUNE 15TH, 1934, FROM THE SECRETARY-GENERAL TO
STATES PARTIES TO THE CONVENTION.¹

Geneva, June 15th, 1934.

I have the honour to inform you that, on the proposal of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs, the Council of the League of Nations instructed me, on January 20th, 1934,² to call the attention of all Governments parties to the 1931 Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs to a defect in the drafting of paragraph 2 of Article 10 and to certain points regarding the interpretation of Article 11 and Article 17.

The Advisory Committee pointed out, with regard to *Article 10*, that it was the intention of the 1931 Conference that any export of diacetylmorphine or its salts or any preparations containing them should be consigned to the Government of the importing country; and this is implied in the provision contained in paragraph 3 of Article 10 that any quantity so imported shall be distributed by the Government of the importing country. By some oversight in the drafting of paragraph 2, the words "is consigned to the Government Department indicated in the certificate" ("soit adressée à l'administration officielle indiquée dans le certificat"), which were inserted to give effect to this intention, are made to refer, not to the consignment exported, but to the request for the export made by the Government of the importing country.

In these circumstances, Article 10 should be interpreted, in accordance with the Advisory Committee's recommendation, which was approved by the Council, as though the words "the quantity so exported" were inserted before the words "is consigned". This interpretation does, in fact, represent the intention of those who framed the Convention.

With regard to *Article 11*, the question was raised whether it was as clear from the English text ("any product obtained from") as from the French text ("tout produit dérive de") that this article applies, not only to any product manufactured from any of the phenanthrene alkaloids of opium or the ecgonine alkaloids of the coca leaf, but also to any substance having a chemical structure identical with that of any such product which is produced by a synthetic process. In the Advisory Committee's opinion, it was undoubtedly the intention of the Conference that the article should apply to such synthetic substances, as appears from the records of the Conference and from the French text.

With regard to *Article 17*, there is a divergence between the English and French texts of paragraph (b) of this article. The English text uses the phrase "quantities disposed of during the quarter" and the French text "quantités utilisées au cours du trimestre". In the Advisory Committee's opinion, the Minutes of the Conference show that the English text more correctly represents the intention of the Conference. A question was also raised in the Committee as to the meaning of the phrase "disposed of". In the opinion of the Advisory Committee, the Minutes of the Conference show that the phrase was intended to be used in a general sense as equivalent to "sold, exported or otherwise disposed of"—that is to say "vendues, exportées ou ayant fait l'objet d'une autre affectation". The word "utilisées" should also be understood, therefore, in the above sense: "vendues, exportées ou ayant fait l'objet d'une autre affectation".

In these circumstances, I should be grateful if, in accordance with the recommendation of the Advisory Committee, as approved by the Council, you would be good enough to inform me—if possible, before December 31st, 1934—whether you accept these interpretations, in order that the Convention may be applied in accordance with the proposals of the Advisory Committee. Should no communication be received before the date mentioned, your Government will be regarded as having accepted the interpretations in question.

For the Secretary-General:
(Signed) E. E. EKSTRAND,
Director of the Opium Traffic and
Social Questions Sections.

¹ The letter was also transmitted to States which were not at the time parties to the Convention, but might later become so.

² See *Official Journal*, February 1934 (Part I), page 159.

2. SUMMARY OF THE REPLIES RECEIVED FROM GOVERNMENTS TO THE LETTER FROM THE SECRETARY-GENERAL, DATED JUNE 15TH, 1934.

Geneva, March 2nd, 1935.

I. The following Governments have accepted the interpretation of Articles 10, 11 and 17 given by the Advisory Committee:

United States of America (August 14th, 1934).
 Belgium (July 18th, 1934).
 Bulgaria (July 19th, 1934).
 Canada (December 29th, 1934).
 Chile (December 13th, 1934).
 China (November 28th, 1934).
 Danzig (through Poland, January 7th, 1935).
 Egypt (August 22nd, 1934).
 Germany (November 16th, 1934).
 India (September 12th, 1934).
 Irish Free State (July 13th, 1934).
 Italy (July 16th, 1934).
 Lithuania (December 31st, 1934).
 Mexico (August 21st, 1934).
 Persia (undated. received February 12th, 1935).
 Siam (October 15th, 1934).
 Sudan (July 2nd, 1934).
 Sweden (October 17th, 1934).
 Turkey (August 26th, 1934).
 Venezuela (July 11th, 1934).

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II. The following are replies received from other Governments:

Australia (August 27th, 1934).

Article 10 is at present being interpreted by the Commonwealth authorities in accordance with the recommendation of the Advisory Committee. In regard to Articles 11 and 17, the Government of the Commonwealth sees no objection to the interpretation which it is desired should be placed on these articles, but, as the provisions of such articles also concern the State Governments in Australia, it has been necessary to consult them. The replies of the State Governments are as follows:

New South Wales Queensland Tasmania Victoria Western Australia	}	Accept the interpretation of the Advisory Committee.
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South Australia. On December 10th, 1934, the Government of the Commonwealth of Australia informed the Secretariat that the provisions of Article 17 of the Convention will be dealt with by Regulations, and that the desired interpretation will be adhered to in the framing of such Regulations. A copy of an Act, assented to on November 29th, 1934, to regulate the manufacture, distribution, etc., of certain dangerous drugs, was enclosed in this letter.

United Kingdom (November 26th, 1934).

With reference to your Circular Letter 87.1934.XI, of June 15th last, I am directed by Secretary Sir John Simon to inform you that His Majesty's Government accept the interpretation of Articles 10 and 17 recommended by the Opium Advisory Committee and approved by the Council.

2. As regards Article 11, substances other than synthetic cocaine produced by synthetic process but identical in chemical structure with products manufactured from the phenanthrene alkaloids of opium and the ecgonine alkaloids of the coca leaf have not, up to the present, been brought under control in the United Kingdom. His Majesty's Government in the United Kingdom, however, take note of the interpretation placed upon the words "any product obtained from" in the first paragraph of Article 11 and will be prepared to take the necessary action to control such substances if and when the need arises.

(Signed) C. W. ORDE.

France (June 18th, 1934).

[Translation.]

By Circular Letter 87.1934.XI, dated June 15th, you were good enough to ask me to inform you whether the French Government accepted the interpretations given by the Advisory Opium Committee to Articles 10, 11 and 17 of the 1931 Convention for limiting the Manufacture of Narcotic Drugs, as set out in the Circular Letter.

I have the honour to inform you that the French Government accepts these interpretations, which are as follows:

Article 10. — Exports of diacetylmorphine must be consigned to the Government of the importing country

Article 11. — The expression " produits dérivés " (" products obtained from ") covers products produced by a synthetic process.

Article 17. — The word " utilisées " should be understood to mean " vendues, exportées ou ayant fait l'objet d'une autre affectation " (" sold, exported or otherwise disposed of ").

I would add, in connection with the application of Article 10, that it would be advisable for the Secretariat of the League of Nations to draw the attention of importing countries to the desirability of indicating on the import certificate the Government department to which the goods should be consigned.

For the Minister for Foreign Affairs and by authorisation.

(Signed) R. MASSIGLI,
Minister Plenipotentiary,
Head of the French League of Nations
Service.

Hungary (December 22nd, 1934).

[Translation.]

With reference to your Circular Letter 87.1934.XI, of June 15th, 1934, I have the honour, on my Government's instructions, to inform you that the amendment to the text of the Convention in question would appear to be a matter for legislation, consequently, my Government is not in a position tacitly to accept the amendment. It is of opinion that this should be effected by means of a supplementary act.

As the question is still under consideration, my Government is unable to reply at present. It will only be in a position to do so after December 30th.

(Signed) BALLA,
Secretary of Legation,
Chargé d'Affaires ad interim.

Poland (August 16th, 1934).

[Translation.]

In reply to your Circular Letter 87.1934.XI, of June 15th, 1934, I have the honour to make the following communication.

The Polish authorities have interpreted Article 10, paragraph 2, in the sense indicated in the above-mentioned letter. The text of the Polish translation of the Convention, as published in the *Legal Gazette of the Polish Republic*, No. 12, February 12th, 1934, is as follows: " a przesyłka zostanie skierowana pod adresem organu rządowego, oznaczonego w świadectwie wwozu " There can be no other interpretation of this translation.

With regard to Article 17 the word " zużytkowane, " corresponding to the French " utilisées, " is used in the Polish translation. This expression should, of course, be interpreted in the widest sense, however, in conformity with the English text, and should cover quantities " sold, exported or otherwise disposed of "

The competent authorities will not be in a position to express any opinion with regard to the interpretation of Article 11 until this question has been studied from the theoretical standpoint.

(Signed) E. RACZYŃSKI,
Envoy Extraordinary and
Minister Plenipotentiary,
Delegate to the League of Nations.

Poland (October 9th, 1934).

[Translation.]

With reference to my letter of August 16th last, No. 161/128/34, I have the honour to make the following communication.

As interpreted by the Polish Government, Article 11 of the 1931 Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs applies to all substances having a chemical structure identical with that of any of the products mentioned in the Convention which are produced by a synthetic process. This is brought out clearly by the provisions of Chapter I of the Convention.

(Signed) E. RACZYŃSKI,
Envoy Extraordinary and
Minister Plenipotentiary,
Delegate to the League of Nations.

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III. The following Governments have acknowledged the receipt of Circular Letter 87.1934.XI.

Argentine Republic (August 28th, 1934).
Bolivia (July 17th, 1934).
Costa Rica (July 3rd, 1934).
Ecuador (December 19th, 1934).
Guatemala (August 1st, 1934).
Haiti (July 14th, 1934).
Liechtenstein (June 18th, 1934).
Uruguay (July 31st, 1934).

In addition to a formal acknowledgment, the Governments of Costa Rica, Guatemala and Uruguay state that the contents of the Circular Letter have been communicated to the competent Health authorities, the Government of Guatemala adding that the reply of the Public Health authorities will be communicated to the Secretariat in due course.