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Treaty Series No. 13 (1928)

## AGREEMENT

concerning the Manufacture of,  
the Internal Trade in, and the  
Use of Prepared Opium,

WITH PROTOCOL AND FINAL ACT

*Signed at Geneva, February 11, 1925*

*[British ratification deposited, February 17, 1926]*

Presented by the Secretary of State for Foreign Affairs  
to Parliament by Command of His Majesty

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**Agreement\* concerning the Manufacture of, the Internal Trade in, and the Use of Prepared Opium, with Protocol and Final Act.**

*Signed at Geneva, February 11, 1925.*

*[British ratification deposited, February 17, 1926.]*

**AGREEMENT.**

THE British Empire (with India), China, France, Japan, the Netherlands, Portugal and Siam,

Being fully determined to bring about the gradual and effective suppression of the manufacture of, internal trade in and use of prepared opium, as provided for in Chapter II of the International Opium Convention of the 23rd January, 1912, in their Far Eastern Possessions and Territories, including leased or protected territories, in which the use of prepared opium is temporarily authorised; and

Being desirous, on the grounds of humanity and for the purpose of promoting the social and moral welfare of their peoples, of taking all possible steps for achieving the suppression of the use of opium for smoking with the least possible delay;

Having decided to conclude an agreement supplementary to the said International Convention;

Have nominated for this purpose as their plenipotentiaries :

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India :

Sir Malcolm Delevingne, K.C.B., Assistant Under-Secretary  
of State for the Home Department,

And for India :

Mr. Harold Clayton, C.I.E., I.C.S.,

The President of the Chinese Republic :

The President of the French Republic :

Mr. Ed. Daladier, Minister for the Colonies,

\* Ratifications have been deposited as follows :—

British Empire and India, February 17, 1926.

France, April 29, 1926.

The Netherlands, March 1, 1927.

Portugal, September 13, 1926.

His Majesty the Emperor of Japan :

- Mr. Sagataro Kaku, former Civil Governor of the General Government of Taiwan,  
Mr. Yotaro Sugimura, Counsellor of Embassy, Assistant Head of the Imperial Japanese Bureau accredited to the League of Nations,

Her Majesty the Queen of the Netherlands :

- Mr. W. G. van Wettum, former Head of the Opium Régie Department in the Netherlands Indies,  
Mr. de Kat Angelino, Secretary for Chinese Affairs to the Government of the Netherlands Indies,

The President of the Portuguese Republic :

- Mr. A. Bartholomeu Ferreira, Envoy Extraordinary and Minister Plenipotentiary of the Portuguese Republic to the Swiss Federal Council,  
Mr. Rodrigo Rodrigues, Governor of the Province of Macao,

His Majesty the King of Siam :

- H.S.H. Prince Damras, Siamese Chargé d'Affaires at The Hague,

Who, having examined the present situation in regard to the application of Chapter II of the said International Opium Convention in the above-mentioned Far Eastern Possessions and Territories; and

Taking note of the fact that the increase of the smuggling of opium in the greater part of the territories in the Far East since the ratification of the convention is hampering greatly the accomplishment of the gradual and effective suppression of the manufacture of, internal trade in and use of prepared opium, as provided for in the convention, and is even rendering less effective some of the measures already taken for that end; and

Taking into account the different situations of the several countries,

Having deposited their full powers found in good and due form;  
Have agreed as follows :

#### ARTICLE 1.

1. Except as provided in paragraph 3 of this article with regard to retail sale, the importation, sale and distribution of opium shall be a monopoly of the Government and the right to import, sell or distribute opium shall not be leased, accorded or delegated to any persons whatever.

2. The making of prepared opium for sale shall also be made a monopoly of the Government as soon as circumstances permit.

3 (a). The system of employing persons paid by a fixed salary and not by a commission on sales for the retail sale and distribution of opium shall be applied experimentally in those districts where an

effective supervision can be exercised by the administrative authorities.

(b.) Elsewhere the retail sale and distribution of opium shall be conducted only by persons licensed by the Government.

Paragraph (a) need not be applied if a system of licensing and rationing of smokers is in force which affords equivalent or more effective guarantees.

#### ARTICLE 2.

The sale of opium to minors shall be prohibited. All possible steps shall be taken by the contracting Powers to prevent the spread of the habit of opium smoking among minors.

#### ARTICLE 3.

No minors shall be permitted to enter any smoking divan.

#### ARTICLE 4.

The contracting Powers shall limit as much as possible the number of retail shops and, where smoking divans are permitted, the number of divans.

#### ARTICLE 5.

The purchase and sale of "dross," except where the "dross" is sold to the monopoly, is prohibited.

#### ARTICLE 6.

1. The export of opium, whether raw or prepared, from any Possession or Territory into which opium is imported for the purpose of smoking shall be prohibited.

2. The transit through, or trans-shipment in, any such Possession or Territory of prepared opium shall be prohibited.

3. The transit through, or trans-shipment in, any such Possession or Territory of raw opium consigned to a destination outside the Possession or Territory shall also be prohibited unless an import certificate, issued by the Government of the importing country, which can be accepted as affording sufficient guarantees against the possibility of illegitimate use, is produced to the Government of the Possession or Territory.

#### ARTICLE 7.

The contracting Powers shall use their utmost efforts by suitable instruction in the schools, dissemination of literature and otherwise, to discourage the use of prepared opium within their respective territories, except where a Government considers such measures to be undesirable under the conditions existing in its territory.

#### ARTICLE 8.

The contracting Powers undertake to assist one another in their efforts to suppress the illicit traffic by the direct exchange of information and views between the heads of the services concerned.

## ARTICLE 9.

The contracting Powers will examine in the most favourable spirit the possibility of taking legislative measures to render punishable illegitimate transactions which are carried out in another country by a person residing within their territories.

## ARTICLE 10.

The contracting Powers will furnish all information which they can obtain with regard to the number of opium smokers. This information shall be transmitted to the Secretary-General of the League of Nations for publication.

## ARTICLE 11.

The provisions of this agreement shall not apply to opium destined solely for medical and scientific purposes.

## ARTICLE 12.

The contracting Powers agree that they will jointly review from time to time, at such dates as may be mutually agreed, the position in regard to the application of Chapter II of The Hague Convention of the 23rd January, 1912, and of the present agreement. The first meeting shall take place at latest in 1929.

## ARTICLE 13.

The present agreement applies only to the Far Eastern possessions or territories of the contracting Powers, including leased or protected territories, in which the use of prepared opium is temporarily authorised.

At the moment of ratification any contracting Power may declare that its acceptance of the agreement does not include any territory over which it exercises only a protectorate; and may accede subsequently in respect of any protectorate thus excluded by means of a notification of accession deposited with the Secretary-General of the League of Nations, who shall forthwith notify the accession to all the other contracting Powers.

## ARTICLE 14.

The present agreement, of which the French and English texts are both authentic, shall be subject to ratification.

The deposit of ratification shall be made at the Secretariat of the League of Nations as soon as possible.

The agreement shall not come into force until it has been ratified by two Powers. The date of its coming into force shall be the 90th day after the receipt by the Secretary-General of the League of Nations of the second ratification. Thereafter the agreement shall take effect for each contracting Power 90 days after the receipt of its ratification.

The agreement shall be registered by the Secretary-General of the League of Nations upon the day of its coming into force.

## ARTICLE 15.

If one of the contracting Powers should wish to denounce the present agreement, the denunciation shall be notified in writing to the Secretary-General of the League of Nations, who will immediately communicate a copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall take effect only as regards the Power which notified it, and one year after the notification thereof has reached the Secretary-General.

In faith whereof the above-named plenipotentiaries have signed the present agreement.

Done at Geneva the eleventh day of February of nineteen hundred and twenty-five, in a single copy, which shall remain deposited in the archives of the Secretariat of the League of Nations, and of which authenticated copies shall be transmitted to all the contracting Powers.

✓ British Empire :

MALCOLM DELEIVINGNE.

✓ India :

HAROLD CLAYTON.

✓ China :

✓ France :

ED. DALADIER.

✓ Japan :

S. KAKU.

Y. SUGIMURA.

The Netherlands :

v. WETTUM.

A. D. A. DE KAT ANGELINO.

Portugal :

A. M. BARTHOLOMEU FERREIRA.

RODRIGO J. RODRIGUES.

✓ Siam :

DAMRAS.

## PROTOCOL.

The undersigned representatives of the States signatory to the agreement relating to the use of prepared opium signed this day, duly authorised to that effect;

Anxious to ensure the complete and final execution of the obligations, and to strengthen the undertakings assumed by them under article 6 of The Hague Convention of 1912;

Taking note of the fact that the Second Opium Conference has decided to adopt a protocol by which certain Powers are to establish within five years at latest an effective control over the production, distribution and export of raw opium, so as to prevent illicit traffic;

Hereby agree as follows:—

## ARTICLE 1.

The States signatories of the present protocol recognise that the provisions of the agreement signed this day are supplementary to and designed to facilitate the execution of the obligations assumed by the signatory States under article 6 of The Hague Convention of 1912, which obligation remains in full force and effect.

## ARTICLE 2.

As soon as the poppy-growing countries have ensured the effective execution of the necessary measures to prevent the exportation of raw opium from their territories from constituting a serious obstacle to the reduction of consumption in the countries where the use of prepared opium is temporarily authorised, the States signatories of the present protocol will strengthen the measures already taken in accordance with article 6 of The Hague Convention of 1912, and will take any further measures which may be necessary, in order to reduce consumption of prepared opium in the territories under their authority, so that such use may be completely suppressed within a period of not more than fifteen years from the date of the decision referred to in the following article.

## ARTICLE 3.

A commission to be appointed at the proper time by the Council of the League of Nations shall decide when the effective execution of the measures, mentioned in the preceding article, to be taken by the poppy-growing countries has reached the stage referred to in that article. The decision of the commission shall be final.

## ARTICLE 4.

In the event of any of the States signatories of the present protocol finding, at any time during the period of fifteen years referred to in article 2, that the measures to be taken by the poppy-growing countries, referred to in the said article, are no longer being

effectively executed, such State shall have the right to bring the matter to the notice of the Council of the League of Nations. If the Council, whether by the report of a commission appointed by it to investigate and report upon the facts, or by any other information at its disposal, is satisfied that the facts are as stated, the States concerned will be entitled to denounce the present protocol. In that case a conference of the States concerned shall at once be held to consider the action to be taken.

#### ARTICLE 5.

During the year preceding the end of the period of fifteen years referred to in article 2, a special conference of the States signatories of the present protocol shall be held to consider the measures to be taken in regard to habitual addicts whose pathological condition is certified by the medical authorities of the country concerned.

#### ARTICLE 6.

The States signatories of the present protocol will co-ordinate their efforts to effect the complete and final suppression of the use of prepared opium. In order to attain this object as soon as possible the said States, recognising the difficulties at present experienced by certain powers in establishing an effective control over the production, distribution and exportation of raw opium, make a pressing appeal to the poppy-growing countries for the establishment between all the States concerned of a sincere and energetic collaboration which will lead to the termination of the illicit traffic.

#### ARTICLE 7.

The present protocol shall come into force for each of the signatory States at the same time as the agreement relating to the use of prepared opium signed this day.

#### ARTICLE 8.

Any State represented at the conference at which the present protocol was drawn up may accede to it at any time after its coming into force.

Done at Geneva, the eleventh day of February, one thousand nine hundred and twenty-five.

British Empire :

MALCOLM DELEIVINGNE.

India :

HAROLD CLAYTON.

China :



France :

ED. DALADIER.

Japan :

S. KAKU.

Y. SUGIMURA.

The Netherlands :

v. WETTUM.

A. D. A. DE KAT ANGELINO.

Portugal :

A. M. BARTHOLOMEU FERREIRA.

RODRIGO J. RODRIGUES.

Siam :

DAMRAS.

FINAL ACT OF THE CONFERENCE ON THE APPLICATION IN THE FAR EAST  
OF CHAPTER II OF THE INTERNATIONAL OPIUM CONVENTION OF  
JANUARY 23, 1912.

*Convened at Geneva on November 3, 1924.*

The conference convened by the Council of the League of Nations in accordance with the resolution adopted by the Assembly of the League on the 27th September, 1923, met in the offices of the Secretariat of the League on the 3rd November, 1924.

The Governments below enumerated took part in the conference, for which they had appointed the following plenipotentiaries :—

British Empire, with India :

Sir Malcolm Delevingne, K.C.B., Assistant Under-Secretary  
of State for the Home Department,

India :

Mr. John Campbell, C.S.I., O.B.E., I.C.S. (retired),  
Mr. Harold Clayton, C.I.E., I.C.S.,

## China :

- His Excellency Mr. Sao Ke Alfred Sze, Ambassador, Envoy Extraordinary and Minister Plenipotentiary to the United States of America,  
 His Excellency Mr. Wang Kouang Ky, Envoy Extraordinary and Minister Plenipotentiary to Her Majesty the Queen of the Netherlands,  
 His Excellency Mr. Chao-Hsin Chu, Minister Plenipotentiary, Chargé d'Affaires in London,

## France :

- His Excellency Mr. Ed. Daladier, Minister for the Colonies,

## Japan :

- Mr. Sagataro Kaku, former Civil Governor of the General Government of Taiwan,  
 Mr. Yotaro Sugimura, Counsellor of Embassy, Assistant Head of the Imperial Japanese Bureau accredited to the League of Nations,

## The Netherlands :

- Mr. W. G. van Wettum, former Head of the Opium Régie Department in the Netherlands Indies,  
 Mr. de Kat Angelino, Secretary for Chinese Affairs to the Government of the Netherlands Indies,

## Portugal :

- His Excellency Mr. A. Bartholomeu Ferreira, Envoy Extraordinary and Minister Plenipotentiary of the Portuguese Republic to the Swiss Federal Council,  
 Mr. Rodrigo Rodrigues, Governor of the Province of Macao,

## Siam :

- His Serene Highness Prince Damras, Siamese Chargé d'Affaires at The Hague,

At a series of meetings, the conference drew up the supplementary agreement and the protocol which bear this day's date.

The conference, with the exception of the Chinese delegation, further adopted the following resolution :—

“ It has been pointed out to the conference that in some countries the system of licences (or registration) and rationing has been successful in diminishing the number of smokers.

“ At the same time, the conference has found that, in other countries, the contraband trade which equals and even surpasses in extent the legitimate trade, renders the application of this

system difficult, and in the opinion of the Governments in question, useless and in some cases dangerous.

“Accordingly, the conference declares that the possibility of adopting these measures or of maintaining them in those territories where they are now working successfully, depends principally upon the extent of the contraband trade.

“It therefore leaves to the contracting Powers which have not yet applied this system the duty of selecting the moment when circumstances will allow of its adoption and of taking in the meantime all such preparatory measures as they may deem expedient.”

The representative of the British Empire declared that he signed the protocol subject to the following declaration :—

“I declare that my signature of this protocol is subject, in respect of British Protectorates, to the conditions contained in article 13 of the agreement signed this day.”

The representative of Portugal, on signing the agreement, made the following declarations :—

(1.) “The Portuguese Government, while accepting the principle of a monopoly as formulated in article 1, does so, as regards the moment at which the measures provided for in the first paragraph thereof shall come into force, subject to the limitation contained in the second paragraph of the article.

(2.) “The Portuguese Government being bound by a contract consistent with the provisions of The Hague Convention of 1912, will not be able to put into operation the provisions of paragraph 1 of article 6 of the present agreement so long as its obligations under this contract are in force.”

The representative of Siam declared that he signed the agreement subject to the following declaration :—

“The Siamese delegation is instructed to sign the agreement under reservation of article 1, paragraph 3 (a), with regard to the time when this provision shall come into force and of article 5. The reason for these reservations has been stated by the first delegate of Siam on the 14th November, 1924. The Siamese Government is hoping to put into force the system of registration and rationing within the period of three years. After that date, the reservation in regard to article 1, paragraph 3 (a) will fall to the ground.”

In witness whereof, the above-named plenipotentiaries have signed the present Act.

Done at Geneva the eleventh day of February, nineteen hundred and twenty-five, in a single copy, which shall remain deposited in the Secretariat of the League of Nations and of which authenticated

copies shall be transmitted to all the Powers represented at the conference.

British Empire :

MALCOLM DELEVINGNE.

India :

HAROLD CLAYTON.

China :

France :

ED. DALADIER.

Japan :

S. KAKU.

Y. SUGIMURA.

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