

**Note  
on  
The International convention 13th, July 1931  
on making and control of harmful habit forming drugs.**

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1. The Ministry of Foreign Affairs in its Note annexed to its letter 11th. May 1934, states that the International Convention 13th, July 1931 on Making and control of harmful habit forming drugs, has been ratified by the Siamese Government, such ratification having been submitted to the Secretary-General of the League of Nations on the 22nd. February 1933 (par. 12 of the Note).

2. The ratification of the International Convention is consequently a "fait accompli". In these conditions, the question subsequently raised by the Note (namely: must the State Council submit the matter concerning ratification to the Assembly of the People's Representatives for approval, or is it sufficient if the State Council simply reports the matter to the said Assembly) is rather difficult to understand.

3. In effect, supposing that it should be agreed now that the first alternative is the constitutional and correct policy (namely: to submit the matter concerning ratification to the Assembly for approval), and supposing that the Assembly will refuse its approval, which should be the position of the Government ? In other words, should not have the question of the Ministry of Foreign Affairs be raised before the ratification notified to the League of Nations, and not after the said ratification ?

4. In any case, there is in the Siamese law nothing concerning ratification. But Section ๕๔ of the Constitution should apply. Section 54 says that it is the King's prerogative to conclude treaties; but that when such Treaties "require the promulgation of a law to enforce their provisions" they must receive the approval of the Assembly. It is assumed that this applies as well to the International Conventions. An International Convention is obviously a kind of Treaty: only that it is not usual to say "to conclude an International Convention" but "to ratify it". Otherwise, the inadmissible consequence might be that International Conventions having more far Teaching con-sequences than a Treaty and requiring developed legislation ( this happens frequently with the League of Nations), should escape the rule and policy of Section ๕๔ and in fact be governed by no rule at all.

5. It is clearly stated in the Note of the Ministry of Foreign Affairs that "we need not to enact a new law nor amend the Harmful Habit Forming Drugs Act, since the said Act of ours is more strict than the formers (Convention, Protocol, Final Act) and we have already preserved the right to apply our existing laws (par. 5)."

6. The conclusion is consequently that this is a case where no promulgation of a law is necessary to enforce the Treaty ( International Convention), the said Convention may be ratified (concluded) by the Government under parag. 1 of

Section 54, without application of parag. 3 of the said section. Report of the matter to the Assembly is sufficient.

7. There is no objection against the draft Notification submitted. But attention is called upon the necessity to annex to the Notification when published in the Government Gazette, or to publish in the Government Gazette as shortly as possible after the promulgation, a translation of the International Convention. Although it is stated by the Note that the new texts will apply to the Government only and not to individuals, the matter will certainly come within the competency of officials and may be brought for some reason before a law Court. It cannot be expected that officials or Courts are bound to refer to an Act in foreign language, especially when an official translation is missing, this allowing any misinterpretations even in good faith. The practice, if not corrected, should certainly call for criticisms by the Assembly one day or the other.

18th May 1934