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INTERNATIONAL EFFORTS TO CONTROL NARCOTICS

NORMAN ANSLEY

The quality of international relations plays a large hand in the control of narcotics. The author has done graduate work at Stanford University, George Washington University and the University of Maryland. He has been an investigator for the federal government since 1951.—Editor.

Although opium was apparently known to the ancient Sumerians and narcotic bearing plants were used by early inhabitants of the American continents, little is known of trade in these items. Early land trade of the Arabs brought opium to China during the reign of Taitsu, 1280–1295, and later to Persia and India. The earliest sea trade known is that of the Chinese junks that sailed to Malaya for opium grown there.

While the earliest European trade in opium is attributed to the Portuguese who traded with China about 1729, it appears that the English, through the East India Company, engaged in the trade after the victory of Clive at Plassy in 1757. Nor was the United States of America to be guiltless, for the fastest of American clipper ships came to be used in the oriental trade. Even though the trade was illegal, many local Chinese officials tolerated it to their profit. The Imperial Manchu Government objected but the trade continued.

In March, 1839, the Emperor ordered the Chinese Commissioner to Canton, Lin Tse-hsu, to stop the trade and order all opium in Canton to be seized. The British agents withdrew to the Island of Hongkong and Portuguese Macao. The infamous "Opium War" followed. The result was that in 1842 Britain forced China to cede Hongkong, pay for the opium seized at Canton and allow the opium trade to continue at five specified ports. The British sale of opium reversed the previously unfavorable trade balance with China. By shipping opium from India to the "Celestial Empire," they had a product to exchange for tea and silk,—and the British must have their tea.

The fast clippers of India's Wadia Yards and the American clippers from Boston were in demand for this shipping because their speed eliminated the necessity of naval protection and heavy cannon to defend themselves against the powerful pirate fleets along the Chinese coasts.

The first official act by the United States concerning trade in opium appears to be a treaty with Siam in 1833, in which the United States recognized opium as contraband merchandise. This treaty was further implemented by the treaty with Siam of May 29, 1856 in which the United States agreed to restrain American citizens from engaging in the trade.

The first negotiation by the United States with China concerning opium was the treaty of 1844. Known as the Treaty of Wang Hea, it obligated the United States to prevent her citizens from trading in opium and other contraband, and gave to China authority to punish any United States citizen who violated this provision. The American position retrogressed when the United States joined Britain, France and Russia in tariff agreements, as set forth in the Tientsin Treaty with China in 1858. This treaty sanctioned trade in opium.

In 1880, the American Government reversed its position again and entered into a treaty with China in which American citizens were again prohibited from engaging in the trade. As part of a treaty with Korea in 1882, the United States agreed to prohibit American citizens from engaging in opium trade in Korean waters and Korean ports.

The earliest domestic legislation by the United States Government to restrict the importation and manufacture of opium and derivative salts appeared in the Revenue Act of 1890. The act levied a tax of fifty cents per ounce on morphine and all salts thereof, twelve dollars a pound on imported


5 Cecil R. King. The Iniquitous Narcotics Traffic, Congressional Record House of Representatives, Wednesday, July 29, 1933.
smoking opium, and ten dollars a pound on smoking opium manufactured in the United States. The legislation appears to have resulted from a press crusade against the evils of narcotics. The United States Revenue-Marine Service made the first seizure under this law on August 31, 1890. The crew of the U. S. Cutter Wolcott in the Straights of Juan de Fuca boarded the American steamer George E. Starr and seized both opium and vessel. For many years thereafter, the Revenue-Marine cutters, later known as U. S. Coast Guard cutters, patrolled the West Coast to prevent the smuggling of opium and Chinese laborers into this country.7

**MULTILATERAL EFFORTS**

Under public pressure for strong moral legislation and a similar forthright foreign policy, the United States Government took the initiative in calling the first general international conference to control the use of opium (February 1 to 26, 1909). It was a commission of enquiry of the type provided for in the Hague Peace Conference of 1899 and was known as the International Opium Commission. Popular and organized opposition to "white slavery" and the use of alcoholic beverages was running strong in 1909. With more than 60,000 affiliated organizations and an annual budget of over two million dollars, the Anti-Saloon League was a political force of such strength that no politician could turn a deaf ear. Active opposition to vice of any kind was a political asset.8 Such an atmosphere was favorable, indeed encouraging, to those who in 1906 began the movement for an international conference on opium. President Theodore Roosevelt and Secretary of State John Hay held hearings on the subject. The following Secretary of State, Elihu Root, formulated a plan for controlling the oriental commerce in opium.

The American interest was not entirely moralistic. The United States had become a power in the Orient through acquisition of the Philippine Islands. The use of narcotics during the Philippine insurrection and the civil problems created by the native use of opium brought the matter to the attention of the territorial and federal governments. The Civil Governor of the Philippine Islands, William Howard Taft, appointed a commission to investigate the use and traffic in opium. In 1903, the Commission visited Japan, China, Hongkong, French Indochina, Formosa, Java, Saigon, the Straights Settlements, and Burma. The Commission's report ultimately led to the abolition of the importation of opium into the Philippines (except for medicinal purposes). The report of the Commission was completed in 1904,9 and subsequently published in many countries. China again made the use of opium illegal and took measures to enforce it. United States foreign policy opposed the shipping of opium to or from the Philippine Islands. To support this and maintain good diplomatic relations with China, the United States sought the cooperation of other Western powers having territorial and commercial interests in the area.

By 1908 the governments of the United States, Great Britain, France, The Netherlands, Germany, China, Japan, Austria-Hungary, Italy, Siam, Turkey and Portugal were ready to participate. Unfortunately Turkey failed to send a delegate. The preliminary meeting, known as the International Opium Commission, met at Shanghai, China in February, 1909. The purpose was primarily one of inquiry. The Commission concluded unanimously that the vice should be stopped and that traffic in opium for non-medicinal purposes should be discontinued. Later in the year the United States proposed that a formal conference meet at the Hague to take action on these conclusions.

Dr. Hamilton Wright of the Department of State thought it wise for the United States to determine the extent of the use of opium internally before discussing the international aspect. The results were surprising. The United States was importing more than 500,000 pounds of crude opium and 200,000 pounds of smoking opium a year. Medicinal needs were estimated at no more than 50,000 pounds a year.10 The use of opium was then unrestricted. To support the American delegation at Shanghai, Congress passed, on February

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9, 1909, an act forbidding the importation of opium for non-medical purposes. The act, known as the Opium Exclusion Act, became effective on April 1, 1909. It was a nullification of the Tariff Act of 1860 which legalized the importation of smoking opium, following the Tientsin Treaty of 1858.

In his First Annual Message to Congress, December 7, 1909, President William Howard Taft commented:

The results of the Opium Conference held at Shanghai last spring at the invitation of the United States have been laid before the Government. The results show that China is making remarkable progress and admirable efforts toward the eradication of the opium evil and that the governments concerned have not allowed their commercial interests to interfere with a helpful cooperation in this reform. Collateral investigations of the opium question in this country lead me to recommend that the manufacture, sale and use of opium and its derivatives in the United States should be so far as possible more rigorously controlled by legislation.

Before the Hague Convention of 1912, the results of the Shanghai meeting were already noticeable. The British Indian Government and several lesser British and French colonial governments forbade commerce in opium. As the Chinese, British and French action on opium went into force, the opium dealers began to switch to the sale of the more powerful drugs, morphine and cocaine. These drugs were included in the discussions at the Hague.

The International Opium Conference, held at the Hague, began December 1, 1911 and continued through January 23, 1912. It was the hope of those who had met at Shanghai that this convention might establish international agreements supporting their recommendations. However, it was apparent that agreements by those attending the Conference would be useless so long as other countries might take over the trade that participants agreed to discontinue. As a solution, the Conference provided for the addition of other signatories. The Netherlands Government undertook the task of obtaining the agreement of the non-participating nations. Eventually, seventy-two countries signed the Convention. Many signed it at the Peace Conference of Versailles, where it was incorporated as Article 295 of the Treaty. The representatives of thirteen nations (twelve were full delegates) established the foundation for later agreements. Although the agreements contained in the Convention fell short of that which was desired by the United States, they obligated the signatories to enact legislation strictly limiting the trade in opium and related narcotics to medical requirements. Unfortunately, no procedure was established to follow up the excellent intentions stated in the Convention.

The United States Senate acted on the Hague International Opium Convention and Final Protocol on October 18, 1913. It was signed by the President on October 27, 1913. On January 17, 1914 Congress passed supporting legislation, which among other provisions, prohibited the exportation of opium in a manner that would violate the regulations of the importing country. Further support was given by passage of the Harrison Act on December 17, 1914. This Act provided for control over the internal distribution of drugs in accordance with our obligation under the Hague Convention.

In 1920 the Assembly of the League of Nations passed a resolution forming the Advisory Committee on the Traffic in Opium and Other Dangerous Drugs. The English writer, F. P. Walters, describes the proceedings of the conferences at the League as scenes of "violent language and hasty action . . . unknown among other organs of the League." He describes the American delegation as "ruthlessly energetic."

In November 1924, the International Convention on Narcotic Drugs met at Geneva and there instituted a system of import and export documents for international trade in narcotic drugs. The Convention also created the Permanent Central Opium Board to continue the observation of international trade in narcotic drugs. The Board undertook the collection of statistics and was empowered to call for an explanation of unusual trade in narcotics, to investigate, to report to the Council, and in prescribed circumstances apply

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11 Public Law No. 221—60th Congress. Most laws relating to narcotics are now in Title 21, Food and Drugs, United States Code.
an embargo against offending nations. The embargo applied only to the sale of narcotic drugs to the offending nation. The eight members of the Board were chosen for their personal qualifications and served without pay. The Convention was completed on February 19, 1925 and the Board began its duties in 1928.

However, the United States and China withdrew from the Convention. The United States withdrew because there was no plan for direct limitation of the quantities of narcotics—based on needs. China withdrew because the governments of Great Britain, France, the Netherlands, and Portugal would not agree to measures for the progressive and ultimately complete suppression of the use of opium in their territories and would not agree to the adoption of measures that would lead to the early and total suppression of trade in opium. Although the United States and China did not sign the Convention, they have observed its provisions. The Convention did achieve some goals: including agreement by signatories to establish control of the manufacture, sale and movement of drugs, and report to the Permanent Central Opium Board statistics on the amount manufactured, consumed, imported, exported, on hand, and quantities confiscated from illicit traffic. The reports on exports and imports were quarterly, the other reports were annual. Signatories agreed to control imports and exports with government certificates, and to issue a permit to export, only when the exporter had a permit from the importing country. Each country was to estimate their needs for the following year. The Convention included some measures of domestic control over cocoa leaves and added Indian hemp (cannabis, marihuana, and hashish) to the narcotics to be controlled. The Convention came into force on September 28, 1928 and was eventually signed by sixty-two nations.

Although the 1925 Convention brought about some advances over the earlier Hague agreements, it was considered inadequate by China and the United States, and in some respects by other nations. In 1930 the more important manufacturing nations held a conference in London to prepare for a full conference the following year. They devised a quota system for the production of narcotic drugs. The proposal was rejected at the 1931 Conference because other nations recognized it as a means of assuring exclusive right to manufacture narcotic drugs.

The International Convention of 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs met at Geneva and became known as the Convention of 13 July 1931. The Convention met with the intent of reducing the manufacture of narcotic drugs to the level of world medical and scientific needs. From this meeting evolved an unusual system for international control. The estimates submitted under the 1925 agreements were made binding. In addition, those countries that did not submit estimates were bound by estimates made for them by the Supervisory Body, a board of four experts. The Supervisory Body was established to analyze the estimates of each country. Non-signatories were permitted, and encouraged, to submit official estimates. The Supervisory Body was empowered to require further explanations from governments that submitted estimates appearing unreasonable. With the consent of that government, the Supervisory Body could reduce the estimates. (The Board is still functioning. Two of the four members are appointed by the World Health Organization, one by the United Nations Commission on Narcotic Drugs and one by the Permanent Central Opium Board.) Estimates and explanations were ordered to be published openly with the intent and effect of exposing unreasonable estimates to international opinion. This method, coupled with the authority to establish binding estimates for nations that are not parties to the Convention has been effective in reducing the licit production and traffic of narcotic drugs to an amount much closer to the world’s proper needs. The unique feature of this Convention was that upon agreement of twenty-five countries, the provisions became binding upon all nations of the world.

The Convention of 13 July 1931 also provided that the Board should inform all contracting parties immediately if a country exceeded or was about to exceed its estimate. Parties were thereupon obligated to stop shipments to the offending country during the remainder of the year. The Convention also established procedures for including new drugs, developed from alkaloids of opium and coca leaf. The Convention entered into force for the United States on July 9, 1933 and was applied by the League of Nations on January 1, 1934. By October 31, 1955, seventy-four nations were signatories.

Later in 1931, the Conference on the Suppression of Opium-Smoking was held at Bangkok, Siam. To achieve their purpose, the delegates agreed that opium should be sold only from government stores or government controlled stores. It was further agreed that opium would be sold only for cash and not to persons under twenty-one years of age. The Convention was limited geographically to Far East nations, Far East possessions, and territories of contracting parties. The agreement was signed at Bangkok on November 27, 1931. By 1955, fifty-seven nations had become signatories. At Bangkok, recommendations were made that those countries who continued to allow the use of opium adopt a system of licensing and rationing. This was considered a necessary first step toward the ultimate abolition of opium smoking.

In 1936 an attempt was made to bring about some uniformity and certainty in the enforcement of efforts applied against the illicit transportation and sale of narcotics. The Geneva Convention of 26 June 1936 for the Suppression of Illicit Traffic obligated signatories to incorporate certain specified principles into their criminal law. Under terms of the Convention nations were to impose sentences with a deterring effect, and impose prison terms rather than fines; punish conspiracy, attempts, and preparatory acts; punish all within their jurisdiction, whether nationals or foreigners; and make fugitive offenders available for extradition. The terms of the Convention were deliberately vague and general in order to make them acceptable to diverse legal systems. However, only twenty countries have acceded to the Convention. The United States declined to sign because of apparent inadequacies, such as the failure to include smoking opium and the raw materials used in the manufacture of other narcotics among the items in illicit traffic to come under the terms of the Convention. These items were omitted in order to gain the support of some countries who would otherwise have not agreed, but the weak result must be considered close to a failure. Proponents have suggested that the Convention might be the initial document of a series that would concentrate world enforcement, facilitate extradition and mutual efforts, and eliminate areas of criminal refuge in which there is no applicable law, extradition, or effective enforcement. The Convention does not appear to have been responsible for such a trend.

The United Nations

The decline of influence of the League of Nations and the subsequent organization of the United Nations, resulting from World War II, pointed to the desirability of transferring from the League to the U.N. the remaining effective organizations. The Protocol of 11 December 1946 was one of the first such transfers, and in many ways served as a model for following agreements. The United Nations established the Commission on Narcotic Drugs and continued the work of the Permanent Central Opium Board and the Drug Supervisory Body which had functioned so well under the League. The health aspect was transferred from the League’s Office International d’Hygiène Publique to the newly created World Health Organization.

The first major agreement concerning narcotics under the United Nations was the Paris Protocol of 1948. The first and second sessions of the U.N. Commission on Narcotic Drugs had studied the dangerous increase in the misuse of synthetic narcotic drugs. To achieve control over these drugs it was decided to undertake the draft of a new convention, rather than try to amend the 1931 convention. A detailed draft was prepared and

sent to states members of the United Nations and to those non-members who were parties to previous international conventions on narcotic drugs. A number of amendments resulted from the suggestions of the nations thus consulted; and with this careful preparation the Commission on Narcotic Drugs and the Economic and Social Council recommended its adoption by the General Assembly. The members of the Assembly unanimously approved, and the Protocol was opened for signature at the Palais de Chaillot on 19 November 1948. The Paris Protocol came into force on 1 December 1949. By 1956 there were forty-seven signatories, including the eleven principal drug manufacturing countries. By that year, more than thirty synthetic narcotic drugs had been placed under the controls provided by the Protocol. The Paris Protocol has been highly praised, indeed, it has been credited with forestalling large-scale abuse of new addiction-producing analgesics.28

The Future

The next goal of those engaged in the United Nations effort is to bring into effect a single and more encompassing treaty. Such a treaty has been drafted and was opened for signature on 23 June 1953. Most important, it represents a stronger effort to control illegal and overproduction of narcotics at their source; long a goal of United States policy. The essential features of the proposed protocol are these: (1) Raw, medicinal and prepared opium are subject to the control measures; (2) The use of opium is limited to medical and scientific needs; (3) Producing states must establish government agencies to control acreage, production, use, and trade in opium; (4) States growing poppy straw must enact laws ensuring that opium is not produced from such poppies; (5) The only exporters shall be Bulgaria, Greece, India, Iran, Turkey, the Union of Soviet Socialist Republics, and Yugoslavia; and imports shall be only from these states; (6) Estimates of opium requirements shall be submitted to the Permanent Central Board; and, (7) Statistics on the area devoted to poppy production, manufactured, seized, etc., must be reported to the Permanent Central Board. The protocol calls for an end to the use of opium for quasi-medical purposes within fifteen years from the date when the protocol comes into effect. It allows a state to permit opium smoking by an addict under twenty-one years of age if he was registered for that purpose before 30 September 1953. This proposed protocol carries the lengthy and descriptive title “The Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium.” To become effective it must, by its own terms, be signed by twenty-five countries, including three manufacturing states and three producing states. To date, a sufficient number of countries have signed the protocol but it has not become effective because it lacks the ratification by a third producing state. The signatures of the required three manufacturing states have been obtained but only two of the seven producing states have yet supported it. It is certainly to be hoped that the necessary signature will be obtained, for this protocol is a necessary step toward the ultimate elimination of the illicit traffic in narcotic drugs.

There will be, of course, many more problems. Communist China has become a major exporter of heroin. It has used heroin and a synthetic drug known as hiripon to support the Communist movement in Japan. China has prohibited the use of heroin by its own people; in other words, heroin is for export only.29 Many other nations have difficulty with internal enforcement problems; in some cases, particularly in the Middle East, these have directly involved national economic problems. The Bureau of Narcotics, under the Treasury Department, has always been a small organization concentrating on the international problem and attempting to coordinate the efforts of state and local departments. In recent years it has developed an excellent training program for other police agencies. To facilitate international cooperation, the Bureau has assigned agents to strategic locations overseas. Last year the Bureau renewed its membership in the International Criminal Police Organization which has been effective in many cases involving international traffic.30

27 Narcotic Drug Control INTERNATIONAL CONCILIA-
    TION. New York: Carnegie Endowment for Inter-
29 Richard Lawrence Grace Deverall, Red
30 The NEW YORK TIMES, August 29, 1958, p. 12.
     The U. S. dues are $11,000. The U. S. joined in 1938 but let its membership lapse in 1950.
The possibility of stopping the wholesale illicit traffic in narcotic drugs is a reality. The protocol of 23 June 1953 would be a useful step in that direction, and lacks only the signature of a producing nation. Methods for determining the country of origin of illicit heroin and opium are known to the forensic chemists of the United Nation's laboratory at Palais de Nations in Geneva. Many of the international traffickers are known to the police of various nations, and their arrest can be brought about by stricter municipal law, especially laws prohibiting engaging in illegal traffic involving other nations. Sixty-eight states have either prohibited diacetylmorphine or adopted a policy of prohibition; and the United Nations is continuing to encourage more widespread adoption of such laws. The International Police Organization and the Universal Postal Union will continue their support. The World Health Organization is continuing to work in the development of medical techniques. Educational efforts by the Social and Economic Council may play a major part in the prevention of addiction to coca leaf chewing, opium smoking, and the use of heroin. Enforcement efforts against international smuggling in gold, counterfeiting, and white slavery will also take its toll of those engaged in the illicit narcotics trade. Close observation of smuggling by seamen may reduce the illegal transportation of these drugs. Most difficult at this time is a solution to the problem created by Chinese exports of opium and diacetylmorphine. Britain finds itself unable to stop the heavy traffic through Hongkong, the port she once seized in a war fought to keep China open to British opium shipped from India. Perhaps the solution to this phase of the international problem must await a more favorable time. Other Communist nations which are cooperating in international efforts to suppress the illicit traffic have not openly brought pressure to bear upon China in this respect. Perhaps this may involve the question of diplomatic recognition of China and her admission into the United Nations.

China remains as the only major uncooperative power. Other nations may lack the means or the method; shortcomings that may be remedied through United Nations assistance and help from friendly states. Some countries will occasionally find themselves unable to control the problem because of internal disorder, such as now exists in Syria. When China rejoins the international effort to suppress the illegal use of narcotics, success may finally be attainable.

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