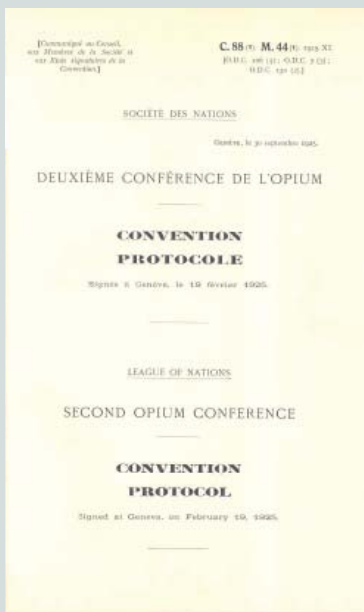


## Lost in the Past: Early 1900s – Towards International Drug Control Treaties

By Akira Fujino  
UNODC Regional Centre



***“The assembly inclines to the view that the Governments which are parties to the International Opium Convention should be asked to agree not to issue licences for the import of opium, or other drugs to which the convention applies, from any country which has not yet ratified and put into force the convention and adopted the system for the control of exports and imports approved by the second assembly in ... the resolution adopted on the 30th September, 1921, and previously approved by the council on the 28th June, 1921.”***  
- Resolution adopted by the Assembly of the League of Nations, September 1922.<sup>i</sup>

Discussions at the League of Nations relating to drug control at the time focused on, among other things, securing adherence to the first international drug control treaty, the International Opium Convention, and on adopting measures to prevent diversion of controlled drugs from licit channels into illicit traffic. That Convention, concluded in 1912, lacked specific binding measures to prevent such diversion. Drugs, such as opium, morphine, heroin and cocaine, trafficked and abused then were products licitly made by pharmaceutical companies. The Advisory Committee on the Traffic in Opium and Other Dangerous Drugs recognized *“the serious nature of the obstacles to the full execution of the International Opium Convention which are presented by the abstention of certain States from adhering to the convention and adopting the measures for putting it into force which have been recommended by the League; in particular the system for the control of imports and exports of drugs.”*<sup>ii</sup> Recommendations for specific measures were, therefore, necessary. The Advisory Committee noted:<sup>iii</sup>

*“In particular, it is convinced that an import certificate system is the most effective method so far suggested by which the States that are parties to the convention can be enabled to carry out their international obligations with regard to the control of imports and exports under the convention.”*

And the Advisory Committee continued to assert that:

*“A State which stands outside that system – and, still more, a State which stands outside the convention all together – hinders, if it does not altogether defeat, the realisation of the aims of the International Opium Convention.”*

The League of Nations, as early as 1920s, already recognized that universal adherence to the Convention and universal application of specific measures were essential in addressing drug trafficking. In pursuing effective controls over international trade in drugs, in addition to considering import and export authorization systems, the League and key Governments realized the need for compilation of statistical data on licit drug shipments in order to uncover any diversions from licit channels into illicit traffic. A letter from the Home Office to the Foreign Office of the United Kingdom<sup>iv</sup> shows that the League of Nations was already making inquiries about discrepancies in statistics:

*“... this [information] may be forwarded to the Secretary-General of the League of Nations in compliance with the request for an explanation of the discrepancies between the British and Japanese statistics which was received from the League last year.”* At the time in 1920s a number of large discrepancies had been uncovered between the statistics of both countries, suggesting major diversions of drugs into illicit traffic in the Far East.

The letter further notes the difficulties in so doing:

*“... [the British Ambassador to Japan] hesitates to press the Japanese Government for further detailed information in view of the large amount of work involved unless the British Government is prepared to furnish corresponding information, giving details of licences issued, individual shipments, and postal declarations ...”*

And it concludes that:

*“It is very important that the cause of the discrepancies should be cleared up. He suggests therefore that in communicating the observations of the Board of Customs to the League of Nations, attention should be called to the desirability of complete statistics of imports and exports being compiled by all countries on a uniform basis and of their publication at frequent intervals ... for the purpose of checking the returns and throwing light on the course of international traffic.”*

At the time, the League of Nations was facing difficulties in obtaining uniform and detailed statistical data, as such details were not specifically provided for as mandatory reporting requirements under the International Opium Convention, coupled with the fact that many key countries were yet to accede to the Convention. In a document of the League<sup>v</sup>, the Advisory Committee on the Traffic in Opium and Other Dangerous



Photo By Library of Congress

Drugs “asks the council to urge the Governments of these States to forward their reports and statistics at the earliest possible moment, calling their attention to the obligations which they have undertaken in this respect under article 21 of the Opium Convention, and to the fact that the recommendations of the committee on these points have been unanimously accepted by the Assembly of the League.”

While that article provided for a mandatory reporting requirement, it did not specify the details required, noting that “[t]hese statistics shall be furnished with as many details and within a period as short as may be considered possible.” The League, therefore, had to rely on voluntary measures and recommendations from it.

Those measures as proposed, such as import and export authorization system and uniform statistical returns system, to control imports and exports of drugs were then subsequently incorporated into the 1925 Second Opium Conference Convention. They are still some of the key control measures today under the 1961 Single Convention on Narcotic Drugs and the 1971 Convention on Psychotropic Substances; and relevant data are processed and published by the International Narcotics Control Board practically in the manner as the above letter 1923 suggested.

At this point, it is noteworthy to observe briefly some attitude of the enforcement agencies at the time. Some customs authorities’ note might perhaps be representative of the common attitude: “No morphia, heroin or cocaine was seized during the above period; but these drugs are smuggled so easily that detection is a matter of the greatest difficulty.” “From a Customs point of view the search for opium has its drawbacks; it brings in no duty while it takes men away from work which would be of real value to the revenue.”<sup>vi</sup>

It is also interesting to observe the environment in which drug trafficking and countermeasures were being taken at the time. The following shows some glimpse of it:

*“The Siamese Minister for Foreign Affairs suggests that extra-territorial rights should be completely waived in cases involving the illicit use of or traffic in opium. Although His Majesty’s Government have largely abandoned such rights in Siam, the Secretary of State is unable to accept this suggestion, more especially since to do so would encourage the Chinese to follow the Siamese in claiming complete liberty of jurisdiction in such cases. On the other hand, the suggestion that Siamese law, in default of any more effective law, should be applied as it stands in the consular courts of all countries enjoying extra-territorial privileges, as it is now in those of Japan, may not be unreasonable.”<sup>vii</sup>* These remarks suggest corruption behind the scenes and also show the need for concrete provisions under universal international drug control treaties.

Under such conditions in early 1900s, Governments steadily came to consensus on practical measures that would prevent diversion of controlled drugs into illicit traffic, and at the same time attempting to ensure that drugs needed for medical purposes were available. These efforts subsequently evolved into a series of international drug control treaties throughout the past century.

**Author’s Note: Texts in italics were reproduced verbatim. Names of individuals are withheld.**

<sup>v</sup>Report to the Council on the Work of the Advisory Committee on the Traffic in Opium and Other Dangerous Drugs during its Fourth Session, held at Geneva, January 8-14, 1923; document C.117 (I) M.65, 1923, XI.

<sup>vi</sup>Ibid.

<sup>vii</sup>Ibid.

<sup>viii</sup>Letter reference 440,715/17 of 4 May 1923 from the Under Secretary of State, Home Office, to the Under Secretary of State, Foreign Office, in file FO 371/9247 63344, Public Record Office, United Kingdom.

<sup>ix</sup>Report to the Council on the Work of the Advisory Committee on the Traffic in Opium and Other Dangerous Drugs during its Fourth Session, op.cit.

<sup>x</sup>Letter dated 4 February 1922 from the Commissioner of Customs to the British Consulate, Foochow, Peking General No. 5 Confidential, No. 98 in file F.O.371 8025, Public Record Office, United Kingdom.

<sup>xi</sup>Letter from the Foreign Office to the Home Office, Opium, Confidential, reference F 1504/421/87 in FO 371/9247 63344, Public Record Office, United Kingdom.