

Report of the British delegates to the International Opium Conference held at The Hague, December, 1911-January, 1912.

Contributors

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REPORT
OF THE
BRITISH DELEGATES
TO THE
INTERNATIONAL OPIUM
CONFERENCE

HELD AT
THE HAGUE, DECEMBER 1911—JANUARY 1912.

*Presented to both Houses of Parliament by Command of His Majesty.
November 1912.*

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Report of the British Delegates to the International Opium Conference held at The Hague, December 1911–January 1912.

British Delegates to the International Opium Conference to Sir Edward Grey.

Sir,

WE, the British delegates at the International Opium Conference at The Hague, have the honour to submit to you our report on the proceedings and results of the conference. We have already transmitted to you (on the 24th January)* the convention and the final protocol in which the labours of the conference resulted, and we now submit two volumes containing respectively (a) minutes of the conference sessions, and (b) memoranda or other papers laid before the conference by the various delegations. We also annex an unofficial English summary of the minutes.†

2. The conference was called together at the instance of the United States Government, whose object was to give the force of law and international agreement to the proposals contained in the resolutions of the International Opium Commission which assembled at Shanghai in 1899, and to "the essential corollaries derived therefrom." That Government accordingly put forward the following tentative programme for discussion by the conference:—

(a.) The advisability of effective national laws and regulations to control the production, manufacture, and distribution of opium, its derivatives and preparations.

(b.) The advisability of restricting the number of ports through which opium may be shipped by opium-producing countries.

(c.) The means to be taken to prevent, at the port of departure, the shipment of opium, its derivatives and preparations, to countries that prohibit, or wish to prohibit or control, their entry.

(d.) The advisability of reciprocal notification of the amount of opium, its derivatives and preparations, shipped from one country to another.

(e.) Regulation by the Universal Postal Union of the transmission of opium, its derivatives and preparations, through the mails.

(f.) *The restriction or control of the cultivation of the poppy, so that the production of opium will not be undertaken by countries which at present do not produce it, to compensate for the reduction being made in British India and China.*

(g.) The application of the pharmacy laws of the Governments concerned to their subjects in the consular districts, concessions, and settlements in China.

(h.) *The propriety of restudying treaty obligations and international agreements under which the opium traffic is at present conducted.*

(i.) *The advisability of uniform provisions of penal laws concerning offences against any agreements that the Powers may make in regard to opium production and traffic.*

(j.) The advisability of uniform marks of identification of packages containing opium in international transit.

(k.) The advisability of permits to be granted to exporters of opium, its derivatives and preparations.

(l.) *The advisability of reciprocal right of search of vessels suspected of carrying contraband opium.*

(m.) *The advisability of measures to prevent the unlawful use of a flag by vessels engaged in the opium traffic.*

(n.) *The advisability of an International Commission to be entrusted with the carrying out of any international agreement concluded.*

3. The clauses given in italics had, however, been the subject of objection by other Powers. His Majesty's Government could not admit the discussion of clauses (h), (l),

* "Miscellaneous, No. 2 (1912)."

† Copies of each of these documents will be placed in the Libraries of both Houses of Parliament.

(m), and (n), while, on the other hand, they laid it down as a condition of their participation in the conference that it should also deal with the question of stringent restrictions on the manufacture and trade in morphia and cocaine, and this condition was accepted by the other participating Powers.

The Italian Government, again, suggested that the conference might advantageously deal with drugs produced from the hemp plant (*Cannabis sativa* or *indica*).

4. Our instructions emphasised the fact that His Majesty's Government held it essential that "the conference should thoroughly and completely deal with the question of restricting the manufacture, sale, and distribution of morphia and cocaine." "This, indeed," you added, "is a subject to which His Majesty's Government attach especial importance in view of the spread of the morphia and cocaine habit in India, in China, and in other Eastern countries. Indian and Chinese experience shows that legislation against the importation of morphia and cocaine must fail to be thoroughly effective owing to the ease with which it can be evaded in practice, and consequently suggests the desirability of co-operation on the part of the home and foreign Governments in the shape of control over manufacture and distribution." We were therefore to use our best efforts "to secure the assistance of the Governments represented at the conference towards obtaining this end."

5. Our instructions went on to indicate the various points (specified above) in the original American tentative programme for the conference to which His Majesty's Government had taken exception and which therefore they were not prepared to discuss. We were further told that the following matters should also be considered as excluded from treatment by the conference:—

(1.) The arrangements made between His Majesty's Government and China respecting the progressive restriction of the importation and production of opium in China.

(2.) All other existing treaties between the two countries.

(3.) Any resolution specifically affecting the domestic regulation of the production and use of opium and cognate questions of internal administration in India or any portion of the British dominions.

We were, therefore, to refuse to discuss these subjects, although not precluded from communicating to the conference, if desired, any information in regard to systems of regulation in India or the colonies that might be of assistance in its labours.

6. In accordance with this last proviso, Sir William Meyer submitted to the conference a paper dealing with the measures taken by the Government of India to control and restrict the consumption of raw opium in India proper, and a second paper treating of the policy adopted in Burmah, where the usual method of consumption is the smoking of prepared opium. This latter memorandum also referred to the measures taken by the Government of India against the smoking habit in the rest of India. At a later stage a memorandum was likewise put in showing the methods taken in British colonies, mainly those in the Far East, to restrict the consumption of opium, morphia, and cocaine. These memoranda are included in the official report of the proceedings of the conference,* but as we shall have occasion to refer to them, we append copies of them (Appendices I to III).

7. Later we received supplementary suggestions as to the measures which His Majesty's Government thought it desirable that we should propose to the conference in the matter of restricting the manufacture of, and trade in, morphia and cocaine, and these will be referred to later on.

8. The conference assembled on the 1st December, 1911 (*first session*), and, after a speech of welcome from his Excellency M. de Marees van Swinderen, the Netherlands Minister of Foreign Affairs, who was subsequently elected honorary president of the conference, Bishop Brent, the leader of the American delegation, was unanimously elected to the actual presidency—on the proposal of M. Cremer, the first delegate for the Netherlands, supported by Sir Cecil Clementi Smith and M. von Müller, the first delegate for Germany—and delivered an eloquent inaugural address.

9. The *second session* (4th December) was occupied by the framing of rules of procedure and the constitution of committees, viz. :—

(a.) A Programme Committee, consisting of one member from each delegation, which was to prepare and submit to the conference a programme of work, based on the original draft programme of the United States Government as modified by the objections made

* The first of these three documents is given, in the form of a speech, on p. 28 of Vol. I of the "Actes et Documents," the second and third appear in the second volume.

in respect thereto by other Powers. This programme was also to deal with the supplementary proposals made by Great Britain on the subject of morphine and cocaine, and by Italy in regard to hemp drugs. It was further decided that any additional matter on which the conference might later embark should likewise be a subject of preliminary examination by the programme committee.

(b.) A Drafting Committee ("Comité de Rédaction"), consisting of five (afterwards six) members, and including representatives of Great Britain, Germany, Holland, and Russia, and subsequently of the United States. The original reference to this committee was to draft into proper conventional form the resolutions passed by the conference, but later on, as will be seen, its functions were considerably enlarged.

(c.) A press committee, consisting of three members, whose duty it was to decide what information should be communicated to the press, it having been resolved that the meetings of the conference should be private.

(d.) A fourth committee, the Technical Committee, though never formally constituted, also assumed shape, and eventually definite recognition. It consisted of the medical and scientific members of the various delegations.

10. It was also definitely decided at this session that, while French must as usual be the official language of the conference, each delegate might speak in his own language, and that translations of French documents might be furnished to those delegates who desired to have them. As a matter of fact, owing to the large number of delegates who understood English better than French, most of the speeches were made in English, even the French and German delegates frequently repeating in English what they had already said in French, and there was likewise an English summary of the proceedings, though it was always understood that the French text was the only authoritative one, and that the English version was a summary rather than a translation. We feel it only right to take this opportunity of placing on record our sense of the courtesy and consideration with which the other delegations accepted the situation.

11. At the *third session* (7th December) a warning note was sounded by the French and Portuguese delegations in regard to the difficulties that might arise owing to the small number of countries represented at the conference, and the danger of outside Powers deriving profit from the self-denying ordinances which the participating Powers might impose upon themselves in regard to trade in opium, &c.; and it may be mentioned here that at the fourth session a resolution was carried, on the proposal of the Persian delegate, that all the conclusions arrived at by the conference should be presented to outside Powers with a view to their co-operation being obtained. Ultimately (as will be subsequently explained) this difficulty was met in another way by providing that before the convention drawn up by the conference is ratified, the non-participating Powers of Europe and America should be invited to give their signatures to it, and thus place themselves on the same footing as the original signatory Powers.

12. Definitions of the terms "raw," "prepared," and "medicinal" opium, which had been submitted by the Programme Committee, after report by the Technical Committee, were then accepted. These definitions were those which now find place at the head of chapters 1, 2, and 3 of the convention; but there was a further paragraph in the definition of raw opium which extended its application to what is known commercially as powdered and granulated opium. This latter paragraph, as submitted by the Programme Committee, departed from the terms drawn up by the Technical Committee, and, inasmuch as in this altered form it appeared to include under "raw opium" what were in effect medicinal or officinal substances, this paragraph was subsequently struck out, leaving the definition of raw opium as it now stands. The result is that powdered or granulated opium would only be "raw opium" if it did not fall under one of the other definitions, *i.e.*, in so far as it was merely the raw product of the poppy simply powdered or granulated. To render this point quite clear, and in accordance with instructions received from you, we made a specific declaration to this effect at the twenty-first session (17th January). After some discussion it was then decided to ask the Technical Committee to report whether any further alteration of the definition of raw opium was desirable. The committee held that the declaration made on behalf of the British delegation might be deemed sufficient, or else that some maximum percentage of morphine would have to be introduced; the former alternative was endorsed by the conference as a whole at the twenty-third session.

It may be added that, apart from this particular point, the definitions as they now stand follow the broad lines between opium eaten and opium smoked, which has always been adopted in India. Opium which is eaten is "raw" opium, while smoking preparations are "prepared" opium.

13. At the *third session* approval was also given to the heads of discussion which the Programme Committee had thought suitable in respect to raw and prepared opium; and a resolution that the participating Governments ought to enact effective laws and regulations for the control of the production and distribution of *raw opium* was proposed by the British delegation.

14. At the *fourth session* (8th December) the consideration of this resolution was continued, and included some discussion on the information contained in the first of the reports above mentioned (Appendix I). Finally the resolution was carried unanimously, and forms the basis of article 1 of the present convention, the concluding proviso, *à moins que des lois ou des règlements existants n'aient déjà réglé la matière*, having been added here as in some other articles.

15. The British delegation then presented a resolution to the effect that each participating Government should strictly limit the number of places through which raw opium may be exported or imported. The German delegation opposed this proposal on the ground that while it might be suitable for countries with a limited number of seaports, and where opium was received or sent out in bulk, it could not be applied to Germany, with its extended land frontiers and its network of railways, where, moreover, opium was often sent in small quantities in the same package with other chemicals. At the *fifth session* (11th December), therefore, they proposed an amendment, which made the resolution run thus: "That every Government participating in the conference shall limit, as far as is consistent with its own trade conditions, the number of places through which the exportation or importation of raw opium shall be allowed." The resolution as thus amended was carried unanimously, and forms the basis of article 2 of the convention.

16. At this (*fifth*) session the British delegation moved a resolution to the effect that the participating Governments should adopt measures—

(1.) To prevent the export of raw opium to countries that had prohibited its entry; and

(2.) Similarly to control the export of raw opium to countries which restricted its import.

The Portuguese delegation proposed the insertion of the words "by special agreement or otherwise" after the words "adopt measures," appealing to the precedent afforded by the negotiations between Great Britain and China on the subject of Indian opium. The Chinese delegation demurred to this amendment on the ground that the circumstances in regard to Indian opium were special, and that there was no reason why a similar procedure should be followed with reference to other Powers whose territories did not produce opium on a large scale.

As we pointed out in the course of the debate, the real point at issue was the observance by Portugal, along with the other treaty Powers, of the Anglo-Chinese agreement of the 8th May, 1911, for in that case the Portuguese could only deal with Indian opium "certificated" for export to China, and from the Chinese point of view it did not matter through what precise channel such opium came into China. We, therefore, accepted the Portuguese amendment, and thus amended, the resolution was carried, though China, the United States, and Persia reserved their votes.

17. Later (at the twenty-first and twenty-second sessions), on the second reading of article 3 of the convention, which reproduced the terms of the resolution, the Chinese moved the omission of the words "by special agreement or otherwise" (*par convention spéciale ou autrement*), and in view of the emphatic declaration they then made that, so amended, the article would not be used to affect existing treaties, we supported their amendment, which was carried, with a dissent by Portugal, subsequently withdrawn at the twenty-fourth session.

18. To revert to the fifth session, the British delegation next proposed a resolution to the effect that each participating Government should notify all consignments of raw opium to such other participating Governments as might desire the information, but after some criticism this was withdrawn as impossible of general application.

19. The next resolution we moved was that every package containing raw opium intended for export should be so marked as to indicate its contents, and this was accepted with a German amendment that it should only apply to packages exceeding 5 kilog. in weight, the Germans explaining that they could not deal with smaller packages, the bulk of whose contents often consisted of other matters besides opium. The resolution as finally passed forms the basis of article 4 of the convention.

20. The British delegation then proposed a resolution that each participating

Government should prohibit the export and import of raw opium save through the agency of specially authorised persons, and this was passed with an amendment suggested by the German delegation substituting the word "duly" for "specially." The resolution as thus amended forms the basis of article 5 of the convention.

21. The last resolution we proposed on this subject was that measures should be taken by the Universal Postal Union for regulating the transmission of raw opium through the post. This was carried, but does not find place in the articles of the convention, on the ground that the conference had no power to bind the Postal Union. It figures, therefore, as an expression of opinion (*vœu*) in clause (1) of the final protocol.

22. The report of the Programme Committee on the matters to be discussed under the head of medicinal opium, morphine, and cocaine, &c., was then approved, and some discussion took place in regard to the fourth section of their proposed agenda, which simply specified anti-opium remedies without mentioning points which might be discussed thereunder. The action subsequently taken in regard to this matter will be found stated in paragraph 47, and was in accord with a suggestion made by us at this stage.

23. At the *sixth session* (the 12th December), the conference took up the subject of *prepared opium*, and the Netherlands delegation moved a resolution that the participating Powers should prohibit, as a general rule, the importation and exportation of this species of opium, subject to a proviso that, in certain circumstances, it might be allowed on board ship for the personal use of the crew during the voyage. On discussion this proviso was withdrawn, and the original resolution was passed with one negative vote in the following form: *Les Gouvernements participants à la conférence s'engagent à prohiber l'importation et l'exportation d'opium préparé.* The resolution forms the basis of the first part of article 7 of the convention.

24. The American delegation then brought forward a series of further resolutions on the subject of prepared opium. Dr. Hamilton Wright had previously declared that these would not be put if the main part of the Dutch resolution above referred to was passed unanimously; but as one vote had been given against it, he held himself at liberty to proceed with his resolutions. The first of these was to the effect that such of the participating Powers as had not already prohibited the exportation of prepared opium should do so, or else should restrict the number of places through which prepared opium might be exported. After some amendments moved by ourselves and the Chinese delegation with the object of eliminating Portuguese opposition, the resolution was unanimously passed in the following terms:—

"Il est convenu que les pays représentés qui ne sont pas encore prêts à prohiber l'exportation de l'opium préparé la prohiberont aussitôt que possible, et restreindront en attendant le nombre de localités par lesquelles l'opium préparé pourra être exporté."

This resolution now figures in the convention, partly in article 7 and partly as clause (a) of article 8.

25. The next American resolution was that the Governments represented should forbid the exportation of prepared opium to such countries as may forbid its entry, and that no prepared opium should be shipped to a country which wishes to restrict the entry of the drug unless in accordance with the regulations of the receiving country. This resolution was carried unanimously and forms the basis of clauses (b) and (c) of article 8 of the convention.

26. Two further resolutions of the American delegation were carried without opposition, and laid down (1) that any prepared opium which might be exported from one of the participating countries should bear a special mark of identification, and (2) that the export of prepared opium should only be allowed to specially authorised persons. These resolutions form the basis of clauses (d) and (e) of article 8 of the convention.

27. The concluding American resolution, brought forward at this session, was that the Universal Postal Union should prohibit the transmission of prepared opium through the post. It was, however, pointed out that the conference had no power to bind the Postal Union in this manner, and the resolution was consequently carried in the following form:—

Qu'il est à désirer que des mesures soient adoptées par l'Union postale universelle pour réglementer la transmission de l'opium préparé par la poste.

It now finds place, like the similar resolution on the subject of raw opium, as a *vœu* in the final protocol, clause 1 (3).

28. At the *seventh session* (13th December) the last American resolution on the subject of prepared opium was brought forward, and passed, with an amendment suggested by the Japanese delegation, in the following form:—

Il est convenu que tous les Gouvernements représentés à la conférence prendront des mesures pour la suppression graduelle et efficace de la fabrication, de la distribution et de l'usage de l'opium préparé, en tenant compte des conditions différentes de chacun des pays en cause.

It forms the basis of article 6 of the convention.

29. It may be conveniently mentioned here that at the tenth session (18th December), the Persian delegate brought forward a resolution that prepared opium found in transit between one country and another should be considered contraband, and forthwith destroyed. After some discussion as to whether this resolution should be referred to the Programme Committee, or dealt with at once by the conference, the latter course was adopted. It was then pointed out by ourselves and by the French delegation that the proposal was an impracticable one, and that it would involve the right of searching vessels, which was one of the items in the original American programme to which His Majesty's Government had taken exception. Finally the resolution was negatived.

30. The most important business of the seventh, eighth, and ninth sessions was the carrying by the British delegation of a series of resolutions in respect of morphia and cocaine, and it will be convenient to deal with these together in later paragraphs. The other matters dealt with at these sessions which have not hitherto been mentioned were the following:—

31. *Seventh session* (13th December). The first part of this session was of an informal character, and devoted to the reception of the Dutch and British anti-opium societies who had expressed a desire to attend. The Dutch representative spoke very briefly, and Sir Matthew Dodsworth, the president of the British society, delivered an eloquent and tactful speech which produced a very good impression on the conference.

32. During the *eighth session* (14th December) the Chinese delegation submitted a report on the subject of the measures taken to suppress opium in China. In the course of his introductory remarks, their spokesman, Mr. T'ang Kwo-an, referred to the intelligence reported in the "Times" that one incident of the revolutionary movement had been a revival of opium cultivation in Yünnan and Szechuan. He said that if this was true, it was only a regrettable incident of the present situation, and that when order was re-established, the Chinese Government would pursue its anti-opium measures with still greater energy than before.

33. M. Guesde (France) enquired (*a*) which of the countries not represented at the conference had refused an invitation to be present; (*b*) which States, while not attending the conference, had declared themselves ready to adhere to its proposals; and (*c*) what States had not been invited at all. M. Guesde pointed out, as justifying these questions, that Peru and Bolivia might quite well set up as cocaine producers, and that Trieste might become a port of transport for the drugs whose abuses the conference wishes to check. These observations were supported by the Russian and Portuguese delegations; and M. Cremer, on behalf of the Dutch delegation, said that his Government was ready to invite the Governments not represented to associate themselves with the proposals of the conference. No categorical answer was given to the questions put, and the matter was dropped for the moment.

34. We now return to the subject of morphia and cocaine. In view of the fact that it was on the initiative of His Majesty's Government that measures in respect of these drugs had become an integral part of the conference programme, it was obviously for the British delegation to suggest the specific restrictions to be adopted; and in the memorandum referred to in paragraph 7 above we were informed that His Majesty's Government considered that such action might be on the following lines:—

(1.) All manufacturers of, and dealers in, morphia and cocaine shall be required to take out a licence. Persons manufacturing or dealing in the above articles without licence shall be liable to penalty.

(2.) All such manufacturers and dealers will be required to keep a record of all transactions in such drugs, including the names and addresses of all persons from whom they obtain or to whom they sell them, and the quantity involved in each transaction. This record shall be open to inspection and verification by a Government officer.

(3.) It is advisable to prohibit the sale of these drugs except to persons authorised to purchase the same by licence or otherwise.

(4.) The Customs shall be empowered to detain imported consignments, except in transit, of the above drugs, until satisfied that the consignee is a licensed manufacturer or dealer, or a person duly authorised to receive the drugs.

(5.) Exportation to foreign countries, whether adhering to the convention or not, and to other portions of the British Empire to be permitted only upon production to the Customs authorities of a certificate from the country of destination that the consignee is authorised to import the drugs either in accordance with the stipulations of the convention or with local laws or regulations which, in the opinion of the Customs authorities, are equally stringent.

35. Opposition to action on these lines was only to be anticipated, and since Germany has a practical monopoly of cocaine production, and claimed to have a satisfactory system of domestic control, her delegates were reluctant to embark on further measures that might sacrifice a lucrative German industry for the benefit of outside countries not represented at the conference. Their contention was that foreign countries should look after themselves by tightening their systems of police and customs control or by some similar measures.

36. With a view to facilitate progress, and before introducing any resolutions on the subject in the full conference, we accordingly held private meetings with our German colleagues, endeavouring, as far as possible, to meet their views and answer their arguments, and pointing out in particular the impossibility—having regard to the facilities and lucrative character of the contraband trade—of a country like India or China trusting to internal prohibition alone. It was essential, we urged, that producing countries should also co-operate to make the pernicious contraband traffic which had sprung up as difficult as possible.

37. Our German colleagues met us in a friendly spirit, and we arrived at a substantial agreement on the following lines:—

(1.) The first of the conditions quoted above was accepted; but it was not thought necessary to make any special reference to penalties for action without licence, such penalties being a matter for domestic legislation.

(2.) The second condition was also accepted as regards record of all transactions by licensed persons; but with a stipulation that this condition need not be applied to medical prescriptions or to sales by duly licensed pharmacists. It was also held unnecessary to state specifically that the register to be kept should be open to inspection by Government officers, that being a matter for each individual country to determine.

It must of course be borne in mind that the action proposed by the conference could only represent the minimum to which all the participating Powers were ready to agree, and that there is nothing to prevent any individual Power from taking more drastic action on its own account.

(3.) The third condition, as to prohibiting the sale of the drugs save to authorised persons, was accepted.

(4.) In regard to the fourth condition, the Germans were unable to accept any provision which would impose specific obligations on their Customs Department, on the ground that the circumstances of their country, with its extended frontiers and enormous railway systems, would render such action oppressive. It was agreed, however, that each Government should take steps, in accordance with its commercial conditions, to prevent the importation of morphine and cocaine save when consigned to persons authorised to receive the drugs.

(5.) Condition 5 the Germans objected to on the ground that the conference contained the representatives of twelve Powers only, and that it was at present quite unknown how far outside Powers would adhere to its proposals. It would be impossible, they urged, for such a limited number of Powers to set up as regulators of traffic to the rest of the world, or for a country within the convention to claim to judge the character of the internal regulations of one outside it.

The Germans agreed, however, that the participating Governments should undertake to prohibit the export of morphine and cocaine to the territories of other participating Governments, unless the consignee was licensed to receive the drugs under the laws of the importing country; and that, to give practical effect to this, each receiving country which desired to avail itself of this provision should furnish information to the Governments of exporting countries as to the persons licensed by it.

38. Having obtained agreement on these important points, we introduced a series of resolutions at the seventh, eighth, and ninth conference sessions. These resolutions were prefaced by a speech by Sir Cecil Clementi Smith (seventh session), in which he pointed out that the proposals put forward were in effect a carrying out of the policy indicated in regard to morphine and other derivatives of opium in No. 5 of the resolutions of the Shanghai Commission. The British Government regarded this matter as so important that they decided not to take part in the conference unless the other Powers also accepted its special urgency. Great Britain had already taken energetic steps to aid China in the gigantic task which she had undertaken in the matter of opium suppression, but such action would be of no avail if it merely led to the use of still more pernicious drugs. It was therefore necessary to adopt the most drastic measures possible in order to stamp out this serious vice, which was doing so much harm to the populations of the Far East, and also, he believed, to the United States.

Sir Cecil's speech was vigorously supported by Dr. Wu Lien-Teh, of the Chinese delegation, who gave a vivid picture of the harm done by morphine and cocaine in China, and later on Sir William Collins (eighth session), emphasised the divergences between the small quantities of opium and morphine required for *bonâ fide* medical purposes and the relatively large amounts produced.

At the ninth session again, Mr. Max Müller, speaking with special reference to the subject of restrictions on exportation, laid stress on the necessity for obtaining international co-operation, and pointed out how desirable it was that there should be a unanimous agreement on this point, with which object the British delegation had been willing to drop certain proposals which had appeared to it to be desirable, but to which it could not expect to secure general assent.

39. The British proposals, with some amendments which were usually of a purely verbal character, were carried unanimously, and they formed the basis of articles 9-18 of the *original draft* of the convention, as reproduced below:—

CHAPITRE III.—*Opium médicinal, Morphine, Cocaïne, &c.*

Définitions.—Par “opium médicinal” on entend :

L'opium brut qui a été chauffé à 60 degrés centigrades, en poudre ou granulé, mélangé, s'il est nécessaire, avec des matières neutres et ne contenant pas moins de 10 pour cent de morphine.

Par “morphine” on entend :

Le principal alcaloïde de l'opium, ayant la formule chimique $C_{17} H_{19} N O_3$

Par “cocaïne” on entend :

Le principal alcaloïde des feuilles de l'*Erythroxylon coca*, ayant la formule $C_{17} H_{21} N O_4$.

Par “héroïne” on entend :

La diacétyl-morphine, ayant la formule $C_{21} H_{23} N O_5$.

Par “codéïne” on entend :

Un autre alcaloïde de l'opium, la méthyl-morphine, ayant la formule $C_{18} H_{21} N O_3$.

ARTICLE 9.

Les Puissances contractantes édicteront des lois ou des règlements sur la pharmacie de façon à limiter la fabrication, la vente et l'emploi de la morphine, de la cocaïne et de leurs sels respectifs aux seuls usages médicaux et légitimes, à moins que des lois existantes n'aient déjà réglé la matière. Elles coopéreront avec les autres Gouvernements afin d'empêcher leur usage pour tout autre objet.

ARTICLE 10.

Les Puissances contractantes limiteront, par des lois, aux seuls établissements et locaux qui auront été désignés à cet effet, la fabrication de la morphine, de la cocaïne et de leurs sels respectifs.

ARTICLE 11.

Les Puissances contractantes exigeront que tous ceux qui fabriquent, importent, vendent, distribuent et exportent la morphine, la cocaïne et leurs sels respectifs, soient munis d'un permis pour se livrer à ces opérations.

ARTICLE 12.

Les Puissances contractantes exigeront des fabricants et commerçants munis de ces permis la consignation sur leurs livres de toutes transactions concernant la fabrication, l'importation, la vente, la distribution et l'exportation de la morphine, de la cocaïne et de leurs sels respectifs. Cette règle ne s'appliquera pas forcément aux prescriptions médicales, et aux ventes faites par des pharmaciens dûment autorisés.

ARTICLE 13.

Les Puissances contractantes entreprendront de faire contrôler ces fabricants et commerçants ainsi que les bâtiments où ils exercent cette industrie ou ce commerce.

ARTICLE 14.

Les Puissances contractantes prohiberont dans leur commerce intérieur toute cession de morphine, de cocaïne et de leurs sels respectifs, à toutes personnes non autorisées.

ARTICLE 15.

Les Puissances contractantes interdiront, en tenant compte des différences de leurs conditions commerciales, l'importation de la morphine, de la cocaïne et de leurs sels respectifs à d'autres qu'à des personnes autorisées.

ARTICLE 16.

Les Puissances contractantes s'engagent à prohiber, *par des conventions spéciales ou autrement*, l'exportation de la morphine, de la cocaïne et de leurs sels respectifs de leurs pays et colonies vers les pays, colonies ou territoires à bail des autres Puissances contractantes sauf dans le cas où le destinataire aura reçu un permis accordé conformément aux lois du pays importateur l'autorisant à importer ces drogues.

Cependant tout Gouvernement désirant profiter des stipulations de cet article devra donner de temps en temps aux Gouvernements des pays exportateurs des renseignements relatifs aux personnes auxquelles des permis d'importation auront été accordés pour la morphine, la cocaïne et leurs sels respectifs.

ARTICLE 17.

Les Puissances contractantes appliqueront les lois et règlements de fabrication, d'importation, de vente ou d'exportation de la morphine, de la cocaïne et de leurs sels respectifs :

- (a.) A l'opium médicinal ;
- (b.) A toutes les préparations (officinales et non officinales y compris les remèdes dits anti-opium) contenant plus de .2 pour cent de morphine ou plus de .1 pour cent de cocaïne ;
- (c.) A l'héroïne, ses sels et préparations contenant plus de .1 pour cent de héroïne ;
- (d.) A la codéine, ses sels et préparations contenant plus de .4 pour cent de codéine ;
- (e.) A tout nouveau dérivé de la morphine, de la cocaïne ou de leurs sels respectifs ou à tout autre alcaloïde de l'opium qui pourrait à la suite de recherches scientifiques donner lieu à des abus analogues et avoir pour résultat les mêmes effets nuisibles.

ARTICLE 18.

Les Puissances contractantes examineront la possibilité de prendre des mesures rendant passible de peines la possession illégale de l'opium brut, de l'opium préparé, de la morphine, de la cocaïne et de leurs sels respectifs, à moins que des lois existantes n'aient déjà réglé la matière.

(Translation.)

CHAPTER III.—*Medicinal Opium, Morphine, Cocaine, &c.*

Definitions.—By “ medicinal opium ” is understood :

Raw opium which has been heated to 60 degrees centigrade, powdered or granulated, mixed, if necessary, with neutral substances and containing not less than 10 per cent. of morphine.

By “ morphine ” is understood :

The principal alkaloid of opium, expressed by the chemical formula $C_{17} H_{19} N O_3$.

By “ cocaine ” is understood :

The principal alkaloid of the leaves of *Erythroxylon coca* expressed by the formula $C_{17} H_{21} N O_4$.

By “ heroine ” is understood :

Morphine-diacetylate, expressed by the formula $C_{21} H_{23} N O_5$.

By “ codeine ” is understood :

Another alkaloid of opium, morphine-methylate, expressed by the formula $C_{18} H_{21} N O_3$.

ARTICLE 9.

The contracting Powers shall issue pharmacy laws or regulations in such a manner as to limit the manufacture, sale, and use of morphine, cocaine, and their respective salts to medical and legitimate uses only, unless there be laws in existence which have already regulated this question. They shall co-operate with the other Governments in order to prevent their use for any other object.

ARTICLE 10.

The contracting Powers shall limit by laws to establishments and premises, which shall have been designated for this purpose, the manufacture of morphine, cocaine, and their respective salts.

ARTICLE 11.

The contracting Powers shall require that all who manufacture, import, sell, distribute, and export morphine, cocaine, and their respective salts, be furnished with a licence allowing them to engage in these transactions.

ARTICLE 12.

The contracting Powers shall require from manufacturers and merchants provided with such licences an account in their books of all transactions concerning the manufacture, importation, sale, distribution, and exportation of morphine, cocaine, and their respective salts. This rule shall not necessarily apply to medical prescriptions and to sales made by duly authorised pharmacists.

ARTICLE 13.

The contracting Powers shall undertake to cause these manufacturers and merchants, as well as the premises where they carry on this industry or commerce, to be controlled.

ARTICLE 14.

The contracting Powers shall prohibit in their internal commerce, all delivery of morphine, cocaine, and their respective salts, to any but authorised persons.

ARTICLE 15.

Due regard being had to the differences in the commercial conditions, the contracting Powers shall forbid the importation of morphine, cocaine, and their respective salts by unauthorised persons.

ARTICLE 16.

The contracting Powers bind themselves to prohibit, by special conventions or otherwise, the exportation of morphine, cocaine, and their respective salts, from their countries and colonies to the countries, colonies or leased territories of the other contracting Powers, except in the case where the consignee shall have received a licence granted according to the laws of the importing country authorising him to import these drugs.

However, every Government wishing to profit by the stipulations of this article shall give from time to time to the Governments of exporting countries information relative to persons to whom licences to import shall have been granted with respect to morphine, cocaine, and their respective salts.]

ARTICLE 17.

The contracting Powers shall apply the laws and regulations for the manufacture, importation, sale, or exportation of morphine, cocaine, and their respective salts :

- (a.) To medicinal opium ;
- (b.) To all preparations (official or non-official, including the so-called anti-opium remedies) containing more than 0·2 per cent. of morphine, or more than 0·1 per cent. of cocaine ;
- (c.) To heroine, its salts and preparations containing more than 0·1 per cent. of heroine.
- (d.) To codeine, its salts and preparations containing more than 0·4 per cent. of codeine.
- (e.) To any new derivative of morphine, cocaine, or their respective salts or to any other alkaloid of opium, which may appear on scientific enquiry to be liable to similar abuse and productive of like ill-effects.

ARTICLE 18.

The contracting Powers shall examine the possibility of taking measures to make it a penal offence to be in illegal possession of raw opium, prepared opium, morphine, cocaine, and their respective salts, unless laws on the subject are already in existence.

40. The only important contemporary amendment, as compared with the original resolutions, consisted in the interpolation of the clause italicised in article 16, which was moved as an amendment by the German delegation at the ninth session and accepted by us. For the definitions and article 17 we were indebted to the labours of the Technical Committee.

41. Of the above draft articles, No. 9, which was based on a resolution proposed by Sir William Collins at the eighth session, figures as article 9 of the final convention, and No. 18 corresponds to article 20. Nos. 10-16 form the basis of final articles 10-13, but only after they had undergone very important modifications at a subsequent stage, which will be referred to later on.

42. No. 17, corresponding to final article 14, also underwent subsequent modifications, which may be conveniently dealt with here. In the first place clause (d), which contains a reference to codeine, has been omitted, and consequently there is no mention of codeine in the definition at the head of the chapter. This amendment was moved by the German delegation at the twelfth session, on the ground that there was no evidence that the drug in question was calculated to produce a mania or give rise to habituation. The resolution was supported by the Russian delegation ; but opposed by our own, by the Americans, and by the Chinese, on the ground that, although the abuse of codeine was not so generally recognised as in the case of morphine and cocaine, there was not wanting evidence of its occurrence. On a division, the amendment was lost by 8 votes to 2.

43. At the twenty-third session, however (19th January), when the article came up for second reading, the Germans again brought forward their amendment, and stated that if it were rejected they could not vote for the following clause (now article 14 (d)), on the ground that the introduction of codeine as a drug which at present called for special measures, would indicate that other drugs might be penalised without adequate reason. The majority of the delegates abstained from voting, largely because their scientific members were not present. Finally, however, for the sake of unanimity the proposal was carried, and the references to codeine omitted.

44. A further German amendment which inserted the words *généralement reconnues* after the words *recherches scientifiques* in what is now article 14 (d) was at the same time carried, its desirability being generally apparent.

45. It may be explained here that the original resolution on which draft article 17, as given in paragraph 39, was based, made no specific mention of anti-opium remedies. The circumstances in which this reference was inserted in clause (b) of the draft article, and in article 14 (b) of the final convention, are stated in paragraph 47.

46. We need only add at present, that when the resolution which formed the basis of draft article 11 (paragraph 39) came under consideration, the American delegation suggested that the licence system therein contemplated should apply also to instruments used for the injection of morphine and cocaine. This was, however, opposed by the German delegation, on the ground that there was no special set of instruments set apart for use in connection with these drugs, and, the objection being supported by Sir William Collins, the proposal was dropped.

47. At the *eleventh session* (19th December) the French delegation brought forward a resolution to the effect that it was desirable to take measures against so-called anti-opium remedies, which for the most part contained opium, morphine, or cocaine. After some discussion, during which Dr. Wu-Lien-Teh showed, from a series of analyses that had been made in regard to a number of these remedies, that nearly all of them contained opium or morphine, even though in some cases warranted not to do so, the resolution was passed unanimously in the following form:—

“La conférence, constatant que, dans les pays où des efforts ont été faits pour combattre l’abus de l’opium, on a été amené à faire usage de soi-disant remèdes anti-opium, contenant de l’opium, de la morphine ou de la cocaïne, décide que les Gouvernements participants prendront contre ces remèdes dangereux des mesures analogues à celles qui sont proposées contre l’opium, la morphine, la cocaïne et contre leurs sels respectifs.”

The substance of this resolution has been embodied in article 14 (b) of the final convention, which lays down that any preparations, whether styled anti-opium remedies or not, containing more than .2 per cent. of morphine or .1 per cent. of cocaine, shall be treated in the same way as those drugs.

48. The Chinese delegation then submitted a series of resolutions having special reference to China, and to the Powers having special treaties with the Chinese Government. These resolutions had been discussed with us before they were presented, and had been worded in accordance with suggestions we had made.

The first two resolutions were to the effect that:—

(1.) The participating Governments agree to co-operate with the Chinese Government in the prevention of the smuggling of opium, morphine, cocaine, &c., from their colonies in the Far East, or from their leased territories in China into Chinese territory, while the Chinese Government will similarly co-operate towards the prevention of such smuggling from China into the colonies and territories in question.

(2.) With a view to giving practical effect to the principle embodied in resolution No. 9 of the Shanghai commission, the Chinese Government will enact pharmaceutical laws for its subjects, regulating the sale and distribution of morphine, cocaine, &c., and will communicate these laws to the treaty Powers represented at the conference. These Powers will, if they find the said laws acceptable, take the necessary steps for applying them to their own nationals in China.

These two resolutions were carried as they stood.

49. The third resolution was to the effect that the participating Governments would undertake to adopt all necessary measures to restrict and control the smoking of opium in their leased territories, settlements, or concessions in China, and to suppress any opium-smoking divans, &c., that might still exist there, as also to prohibit the smoking of opium in places of public amusement and houses of ill-fame.

To this resolution the German delegation moved an amendment, which was adopted, to the effect that the suppression of opium-smoking divans, &c., should take place *pari passu* with similar measures adopted by the Chinese Government in its own territories.

50. The fourth resolution, as carried with a verbal amendment suggested by the French delegation, proposed that the participating Powers should take effective measures for the gradual reduction, *pari passu* with similar measures taken by the Chinese Government, of the number of shops dealing in opium, which may still exist

in their leased settlements, territories or concessions, and that they should adopt suitable and effective measures for the restriction and control of the retail trade in opium in these areas.

51. The fifth resolution, after some alteration in the original wording which took place after discussion thereon, was to the following effect :—

“The participating Governments possessing post offices of their own in China undertake to adopt stringent measures to prevent the illegal importation into China, as well as the transmission from one part of China to another through the agency of their aforesaid post offices, of opium, whether raw or prepared, of morphine, cocaine, and their respective salts, and of the other substances dealt with in the convention.”

52. All these resolutions, subject to the amendments above indicated, passed without opposition, but Siam and Persia abstained from voting as not having treaties with China. The resolutions were originally embodied, as having special reference to the conditions of China and to circumstances which did not affect some of the conference Powers, in a separate supplementary convention. The articles now figure as Nos. 15 to 19 of Chapter IV in the final convention, and in signing the convention the Siamese and Persian delegates indicated that they did so with a reserve on the subject of these articles, since they have no special treaties with China.

53. The Drafting Committee then put before the conference three documents, comprising :—

(a.) Draft articles of a convention embodying the general resolutions already passed on the subject of opium, raw and prepared, morphine, cocaine, &c.

(b.) Draft articles on the subject of ratification, adhesion, and denunciation.

(c.) A draft final protocol.

A preliminary reading was then given to document (a), and some verbal amendments were introduced.

54. At the *twelfth session* (20th December) the conference proceeded to the discussion of the first portion of document (b), which dealt with the procedure in regard to ratification, adhesion, coming into force, and denunciation in respect of the convention. The procedure submitted for discussion was as follows :—

(1.) There would be a *premier dépôt des ratifications* at The Hague as soon as several signatory Powers were prepared to ratify.

(2.) The remaining participating Powers would ratify subsequently by written notification.

(3.) All outside Powers should then be invited to adhere.

(4.) The convention would come into force a year after the Netherlands Government had received the ratifications of all the contracting Powers and the adhesion of all the outside Powers above mentioned.

(5.) If, however, matters were not so far advanced two years after the signing of the convention, all the Powers that had by that time ratified or adhered were to be invited to send delegates to a fresh conference at The Hague to consider the conditions under which the convention might nevertheless be wholly or partially enforced.

(6.) A subsequent denunciation of the convention by any Power would apply only to that Power, and would come into effect a year after notice of denunciation had been given.

55. In regard to the first condition above mentioned, we proposed, to expedite matters, that the convention should in any case be ratified by the participating Powers within six months, and, subject to an American amendment which extended the period to one year, this was carried. As regards the third condition, we also procured an amendment providing that invitation to the outside Powers should take place after the *premier dépôt* instead of after universal ratification, and that the *premier dépôt* might have effect as soon as six Powers were ready to ratify.

56. The discussion of the draft did not proceed further before our Christmas recess, but at the *thirteenth session* (21st December) we presented an important amendment with reference to the manner in which the convention was to come into force, which is given in paragraph 64 *infra*. This amendment was referred to the Drafting Committee, whose powers were extended so as to enable it not merely to put into conventional form the substance of resolutions already accepted by the conference, but to add such additional articles as seemed necessary for the purposes of completing the convention.

57. Reference had been made in more than one of the earlier sessions of the conference to the difficulty in regard to dealing with "Indian hemp." As previously stated, the Italian Government had put this subject forward as one of the matters which the conference should consider, but it appeared that the Italian delegation was not to present any specific proposal in regard to hemp drugs, but rather to leave it to the conference as a whole to take such measures in regard to these as it might deem expedient.

58. The subject was therefore referred to the Programme Committee, but that body was of the unanimous opinion that no useful purpose would be served by entering on the discussion of such a question, in which many interests might be involved, without careful study and consideration. M. Cremer, its chairman, therefore announced to the conference that, having regard to these circumstances, and to the facts that—(a) the conference was not in possession of the statistics necessary for adequate treatment of the subject; * (b) it was difficult to obtain a scientific definition of the preparations that would have to be dealt with; (c) the delegates had no instructions in regard to the discussion of this matter; (d) it appeared sufficient for the countries threatened by the abuse of hemp drugs to take internal measures against them—the Programme Committee considered it sufficient to recommend the adoption of the following resolution in the form of a *vœu*:—

"Il est à désirer que les Gouvernements participants étudient la question du chanvre indien au point de vue statistique et scientifique, dans le but de régler éventuellement, par leur législation intérieure ou pour un accord international, les abus de son emploi."

This resolution was accordingly introduced by the Netherlands delegation, and was carried, with an amendment proposed by us substituting for the word *éventuellement* the words *si la nécessité s'en fait sentir*.

59. The next matter for consideration was a resolution by the American delegation which had been brought forward and received some discussion at the twelfth session. This was to the effect that the participating Powers should communicate to one another, through the medium of the Netherlands Government, texts of existing and future laws and regulations bearing on matters dealt with in the convention; as also statistical information in regard to the trade in raw and prepared opium, morphine, and cocaine, and their respective salts, hemp drugs, and any other drugs or preparations dealt with in the convention.

The mention of hemp drugs was now deleted from the resolution, and, as regards the exchange of statistical information, an amendment, moved by our delegation and accepted by the Americans, to the effect that the statistics should be based, not only on Customs reports, but also on the registers of sale kept by persons licensed to carry on trade in the drugs concerned, was carried with a single negative vote. Our object, as we explained, was not in any way to divulge the statistics of individual firms, but, by grouping these together, to obtain information which would be very valuable as a supplement to the Customs returns. Later on, however (seventeenth session), when article 21 of the convention, which was based on this resolution, came up for final consideration, the German delegation pointed out that in some cases, as in regard to heroine, the trade was so largely in the hands of a single firm that to give the statistics proposed would in effect amount to divulging private affairs; and, recognising the justice of this view, the conference brought back the article to the scope of the original resolution by merely prescribing in general terms the submission of statistical information in regard to trade in the drugs mentioned.

60. The conference adjourned after the *fourteenth session* (22nd December) for the Christmas recess.

61. We had now been sitting for about three weeks, and had, as it seemed, come to a final agreement in regard to most of the matters with which we had been called upon to deal. The resolutions covering the ground which forms the basis of the first five chapters of the final convention had been reduced to article form and passed, and although some further modifications might be necessary, there was no reason to suppose that these would involve any material change of substance. We had in fact, as one of the French delegates epigrammatically remarked, painted in our picture, and what principally remained was to deal with the best manner of framing it—in other words, with the procedure to be laid down in regard to the ratification of the convention,

* It may be noted in this connection that the suggestion for the inclusion of hemp drugs in the conference programme was not brought to the notice of His Majesty's Government till about a fortnight before the conference met.

its coming into force, the adhesion of outside Powers, and the methods and effects of denunciation. These matters raised difficult points, in regard to which there were a number of proposals still to be considered; but as the Drafting Committee was to reassemble some days before the full conference in order to consider and report upon them, and was to be assisted by the eminent international jurist, M. Asser, whose valuable services had been procured by the kind offices of the Netherlands Foreign Minister, there was every reason to believe that the conference, on coming together again, would be able to terminate its labours very speedily.

62. When, however, we reassembled on the 8th January, we were confronted by a very different state of things. Owing to certain new proposals which had been put forward on behalf of the German delegation, the Drafting Committee had found itself confronted with questions of substance, which exceeded the limits even of its extended reference, in regard to what may be called the "effectuating" clauses of the convention, *i.e.*, the articles relating to adhesion, ratification, coming into force, &c. The committee had therefore of necessity confined itself to setting forth, and commenting upon, the various proposals made, in a very full and lucid report which dealt with other matters also, and which was formally received at the *fifteenth session* (9th January).

63. In that report the committee put before us :—

(i.) The original "effectuating" draft, as amended by the alterations made in that portion of it which the conference had considered at the twelfth session (*vide* paragraph 54.) Apart from some minor verbal modifications, the only point of difference between the draft as it then stood and that which the committee now submitted to us, was the omission of the condition, inserted at our suggestion, that ratification should take place within a year. This omission had been made at the instance of M. Asser, from whom the committee received most valuable assistance, on the ground that it was not expedient to tie down sovereign States to a fixed time condition as regards ratification, which circumstances might preclude some of them from fulfilling.

It will be convenient hereafter to refer to this draft as the primary scheme. As the committee justly remarked, this scheme was silent on the important points of the legislation required by the convention, and the date on which such legislation should come into force.

64.—(ii.) (a.) The primary scheme as modified by the further British amendment referred to at the close of paragraph 55 above, which dealt with those matters, and which in its final form was as follows :—

(1.) The convention would come into force, as regards matters which did not require legislation, as soon as possible, in any case within six months of its ratification by the participating Powers.

(2.) Laws necessary to give effect to the convention should be drawn up as soon as possible, but the date on which they would come into force was to be the subject of an agreement between the Powers, and to depend on the extent to which outside Powers materially interested had adhered.

The insertion of this last stipulation was rendered necessary by the fact that the participating Powers were so few in number, and in order to meet the objections raised as to particular Powers sacrificing their trade interests by embarking on legislation which other Powers might not adopt. We also desired to ensure that if the fresh conference, proposed by condition (5) of the primary scheme (paragraph 54) became necessary, it should be confined to this point only. Generally speaking also, we desired, as the committee observed, to give practical effect to the decisions of the conference with the least possible delay.

65.—(ii.) (b.) Some further amendments to the project, as thus modified, suggested by the French delegation. That delegation pointed out that measures which in Western countries would require legislation would in some Eastern countries, as, for instance, in French Indo-China, be brought into effect by administrative enactment. Such enactments were consequently equivalent to the "laws" of Europe; but whereas the British scheme laid down that the coming into force of laws should be the subject of an agreement between the participating Powers, and should depend on the extent to which outside Powers materially interested might adhere, administrative regulations were to be put into effect without any such qualification. The French delegation therefore proposed that in the event of the agreement contemplated in regard to laws not being obtained, Governments which had meanwhile proceeded by administrative enactments

might withdraw or modify them. The French contention as to the equivalence, in certain circumstances, of administrative enactments and laws, was one which we were bound to accept.

66.—(iii.) M. Delbrück, the German delegate on the Committee, had submitted a new scheme, the main lines of which were as follows:—

(a.) Immediately after the signature of the convention by the conference delegates, all the outside Powers of Europe and America were to be invited to adhere.

(b.) When all these Powers had thus adhered to the convention, the process of ratification by all the Powers now concerned would commence, and would be carried into effect as soon as possible.

(c.) Adherence and ratification should be not merely for the home territories of any Power, but for its colonies and other outside possessions and protectorates also.

(d.) The convention would come into force a year after the completion of ratification by all the Powers concerned.

(e.) If, however, matters had not advanced to the ratification stage two years after the date of the signing of the convention by the delegates, a fresh conference should be held to consider conditions under which the convention might nevertheless be brought into force, wholly or in part.

This project, which we shall refer to hereafter as the German scheme, involved an entirely new principle, viz., the subordination of ratification to adhesion; but M. Asser did not think there was any objection in principle to this, although his own preference was for the usual method.

67. The reasons brought forward by M. Delbrück in support of his proposal were that the circumstances were unprecedented, since some of the matters dealt with by the conference were of world-wide interest, and could not be adequately carried out by the small number of Powers represented at the conference, especially in view of the fact that some of the non-represented Powers occupied a very important position in regard to the questions under discussion, as, for instance, Turkey in regard to raw opium, and Bolivia and Peru (where the coca plant is principally produced) in regard to cocaine. M. Delbrück argued further that, as regards Germany, the convention would require the ratification of the Reichstag, and that it would be difficult to obtain such ratification while the attitude of outside Powers was unknown.

On the other hand, Sir William Collins had pointed out that this scheme as it stood, making ratification dependent on the adherence of *all* outside Powers of Europe and America, was likely to lead to indefinite delay in regard to the practical enforcement of the measures on which the conference had agreed.

68. The Drafting Committee also reported difficulties which had arisen as to the exact significance of the words "importation" and "exportation," as used in article 5 of the convention, on the subject of raw opium, and also in articles 7 and 8, and in some of the articles in chapter 3, in regard to prepared opium, morphine, cocaine, &c.

69. The remaining portions of the committee's report dealt mainly with—

(a.) The wording of a number of the articles already agreed on, in regard to which the suggestions of the committee were subsequently in large measure accepted.

(b.) A proposal for bringing the special Chinese articles into the main convention.

(c.) The submission of a fresh draft final protocol.

70. Apart from the important questions which had been thus raised by the report of the Drafting Committee, we were also faced with a serious difficulty in regard to the morphine and cocaine articles, into which the German delegation, as a result of the conferences they had had with their Government in Berlin, were now desirous of introducing important modifications. We had thus, as will be seen, to face fresh problems of a serious character, which involved not merely private conference with other delegations, but in some cases references to His Majesty's Government. Unfortunately we were deprived at this juncture of the guidance of Sir Cecil Clementi Smith, whose health had not permitted him to return to The Hague after the Christmas recess.

71. The *sixteenth session* (10th January) dealt mainly with matters which have already been reported on, such as the transfer of the special Chinese articles to the main convention.

72. At the *seventeenth session* (11th January) the report of the Drafting Committee on the various "effectuating" proposals came up for discussion. M. Delbrück gave a clear exposition of the circumstances which had led to the propounding of the German scheme, in the course of which he laid stress on the fact that ratification of the conven-

tion by the Reichstag would make it an integral part of the German *corpus juris*, while in the United States, for example, even if the convention were ratified by the Senate, its provisions would remain ineffective until applied by internal legislation.

73. The course of the discussion, in which various delegations took part, had convinced us that the British amendment to the primary scheme had been superseded by the new proposals now put forward. As we more than once indicated to the conference, our object throughout was to insist on the practical and expeditious enforcement of the measures that had already been agreed to, rather than on questions of form; and as between the primary and the German schemes, the latter had the advantage that the agreement of outside Powers was to be sought immediately after the signing of the convention, while under the former that process would not be commenced till six at least of the conference Powers had ratified. We accordingly requested instructions as to whether we should negotiate on the basis of the German scheme, while endeavouring to shorten the periods before the convention should come into force, and to substitute "substantial" for "unanimous" adhesion of outside Powers.

74. At the *eighteenth session* (12th January) the adjourned debate on the subject of the "effectuation" procedure was opened by M. Brenier (France), who pointed out that the divergent schemes before the conference arose from a conflict of ideas. The German delegation, looking to the great difficulties of embarking on the measures approved by the conference without adhesion of outside Powers, held that the obtainment of such adhesion was the first object to be aimed at; other delegations, concerned chiefly with getting the convention into force as soon as possible, objected to the delay which the German method would involve. In order to bridge the differences between these divergent ideas, M. Brenier suggested a compromise scheme and proposed that the Drafting Committee should present a definite proposal in regard to ratification, adhesion, and the coming into force of the convention.

The American delegation proposed an amendment, which was carried, directing the committee to have regard to all the proposals which had been made, but not to express approval of any one of them.

75. The Drafting Committee, which had been materially aided in its fresh deliberations by the kind assistance of M. van Swinderen as well as of M. Asser, then put forward a scheme following in some respects the lines of the German proposal. The main lines of the scheme as it was thus to be altered are shown below, the clauses italicised being those which we considered necessary in order to make the scheme a satisfactory one from our point of view:—

(1.) As soon as the convention had been signed, the outside Powers of Europe and America were to be invited to sign it also. No reference was now made to the word "adhesion" as being an unsuitable term to use in the circumstances proposed.

(2.) As soon as these supplementary signatures had been obtained, ratification would be proceeded with.

(3.) *If, however, all the outside Powers had not signed by the 31st December, 1912, the Powers that had signed, whether originally or by way of supplementary signature, should send representatives to The Hague to consider whether ratification might not nevertheless be proceeded with.* Our object here was to cut short the delay which might be caused by refusal to sign, or procrastination in agreeing to sign, on the part of some of the outside Powers.

(4.) *The convention was to come into force two months after the completion of the ratification process.* (The Drafting Committee's original scheme said six months.)

(5.) Laws, &c., necessary to give effect to the provisions of the convention should be drawn up and presented to the Parliaments concerned within six months of the convention coming into force.

(6.) *The date on which such legislation should come into force would, however, be the subject of agreement between the signatory Powers.*

We thus met the point which had been raised by the Board of Trade that restrictions should not be enforced until each State had had an opportunity of considering the extent to which other Powers were prepared to move in the same direction.

(7.) *In the event of grave difficulties arising in regard to the putting into force of the convention as a whole, or of the laws, &c., specifically contemplated thereby, a fresh conference should be summoned to obtain agreement on these matters.*

76. We indicated, in addressing you on the subject of these amendments, that we thought the procedure proposed would present material advantages in coping with the

difficulties of a situation in which the representatives of only a few Powers were endeavouring to deal with matters some of which were of universal concern. We also observed that the French Delegation would, for the reasons stated in paragraph 65, propose to place administrative ordinances on the same footing as laws with reference to conditions (5) to (7), and that we must admit the justice of this proposal.

77. The committee accepted our amendments (with the small change of two months into three in regard to clause 4 above) and also that of the French Delegation; and at the *nineteenth session* (15th January) the chairman of the Drafting Committee put the scheme before the conference as the best method of reconciling the differences of view indicated in his speech at the eighteenth session. The scheme was received with general favour, although at this stage several of the delegations, our own included, could not definitely commit themselves to its acceptance pending instructions from their Governments. The delegations which had reserved their acceptance of the scheme when first put forward, in due course received the assent of their Governments to its adoption, and the scheme has formed the basis, with some verbal modifications, of articles 22-24 of the convention.

78. At the *nineteenth session* the final protocol as revised by the Drafting Committee, was also accepted on first reading.

79. At the *twentieth session* (16th January) the German delegation brought forward the amendments to the morphine and cocaine articles of which preliminary mention has been made in paragraph 70 above. We had had a meeting with the German delegates on the subject on the 9th January, at which they had explained to us, as they now proceeded to do to the full conference, that on returning to Berlin for the Christmas recess and discussing matters with their Government, it had been found that the categorical form in which the original articles were drawn up was not suited to the constitution and conditions of the Empire, for while the convention would have to be ratified by the Reichstag, so becoming a part of the German law, the matters with which these articles dealt were, for the most part, within the sphere not of the Imperial Government or legislature, but of the individual States. The Bundesrat was accordingly not likely to put before the Reichstag, nor was the latter likely to ratify, articles which would thus encroach upon State autonomy. The German delegates further explained to us that in a number of the individual States the method of controlling chemical or dangerous industries was not by licensing, but simply by requiring notification to the authorities, who could then intervene if their intervention seemed called for. It was to suit this method that amendments in the wording of the old articles 10 and 11 were now proposed to be introduced.

80. Having taken note of these considerations, we proceeded to discuss the amendments on their merits, and pointed out that we could not accept them as they stood, since they whittled down the original articles far too much.

In the original German draft of the amended articles the categorical terms "*limiteront*," "*exigeront*," &c., had been replaced by such formulæ as "*auront soin, dans la mesure du possible, de faire contrôler, exiger*," &c. Further, whereas the original article 10 laid down that the manufacture of morphine, cocaine, &c., should only take place in premises specially set apart for the purpose, the German amendment merely provided that the authorities should take note of such premises. Again, whereas the original article 11 required producers of, and dealers in, the drugs in question to obtain a licence, the German amendment allowed them, as an alternative, merely to apprise the authorities that they were embarking on these operations, and this alternative was placed first as if to show that it would be the more usual course.

81. After considerable discussion it was provisionally agreed that:—

(1.) Instead of such expressions as *auront soin, dans la mesure du possible*, the word employed should be the equivalent of the English *will use their best endeavours*, or of the German *nach Möglichkeit darauf Bedacht nehmen*.

We proposed *s'efforceront* as the proper French equivalent, and our German colleagues, though at first reluctant to accept this rendering, on the ground that it seemed to imply an undesirable amount of coercion, ultimately, after several meetings, agreed to it.

(2.) As regards original article 10, the former provisions should stand, provided that, as an alternative, Governments which so desired might simply keep themselves informed of the premises in which manufacture was carried on, and maintain a register of them.

(3.) As regards original article 11 again, the licensing method should come first, with an official notification to the authorities as an alternative.

82. The final result of our conferences with the German delegates will be seen from the text of the German amendments as actually presented to the conference which is given below. It represents the substance of what we provisionally agreed to on the 9th January, with some verbal modifications subsequently arrived at:—

ARTICLE 10.

(Old Article 13.)

“Les Puissances contractantes s’efforceront de faire contrôler tous ceux qui fabriquent, importent, vendent, distribuent et exportent la morphine, la cocaïne et leurs sels respectifs, ainsi que les bâtiments où ces fabricants et commerçants exercent cette industrie ou ce commerce.

“A cet effet, les Puissances contractantes s’efforceront de prendre les mesures suivantes:—

(Old Article 10.)

“(a.) Limiter aux seuls établissements et locaux qui auront été désignés à cet effet la fabrication de la morphine, de la cocaïne et de leurs sels respectifs, ou s’informer dans quels établissements et locaux la morphine, la cocaïne et leurs sels respectifs sont fabriqués, et d’en tenir un registre.

(Old Article 11.)

“(b.) Exiger que tous ceux qui fabriquent, importent, vendent, distribuent et exportent la morphine, la cocaïne et leurs sels respectifs se muniront d’un permis pour se livrer à ces opérations, ou aviseront officiellement les autorités.

(Old Article 12.)

“(c.) Exiger de ces fabricants et commerçants la consignation sur leurs livres des quantités fabriquées, des importations, des ventes, de toute autre cession et des exportations de la morphine, de la cocaïne et de leurs sels respectifs. Cette règle ne s’appliquera pas forcément aux prescriptions et aux ventes faites par des pharmaciens dûment autorisés.

ARTICLE 11 (Old Article 14).

“Les Puissances contractantes prohiberont dans leur commerce intérieur toute cession de morphine, de cocaïne et de leurs sels respectifs à toutes personnes non autorisées.

ARTICLE 12 (Old Article 15).

“Les Puissances contractantes, en tenant compte des différences de leurs conditions, s’efforceront de restreindre l’importation de la morphine, de la cocaïne et de leurs sels respectifs aux personnes autorisées.

ARTICLE 13 (Old Article 16).

“Les Puissances contractantes s’efforceront de prendre des mesures pour que l’exportation de la morphine, de la cocaïne et de leurs sels respectifs de leurs pays, et colonies et territoires à bail vers les pays, colonies et territoires à bail des autres Puissances contractantes n’ait lieu que dans le cas où le destinataire aura reçu un permis accordé conformément aux lois du pays importateur l’autorisant à importer ces drogues.

“A cet effet tout Gouvernement pourra donner de temps en temps aux Gouvernements des pays exportateurs des renseignements relatifs aux personnes auxquelles des permis d’importation de morphine, de cocaïne et de leurs sels respectifs auront été accordés.”

(Translation.)

ARTICLE 10.

(Old Article 13.)

“The contracting Powers shall use their best endeavours to cause to be controlled all persons manufacturing, importing, selling, distributing, and exporting morphine, cocaine, and their respective salts, as well as the buildings in which these manufacturers and traders carry on such industry or trade.

“With this object, the contracting Parties shall use their best endeavours to take the following measures :—

(Old Article 10.)

“(a.) To confine the manufacture of morphine, cocaine, and their respective salts to those establishments and premises alone which have been appointed for this purpose, or to obtain information respecting the establishments and premises in which these drugs are manufactured and to keep a register of them.

(Old Article 11.)

“(b.) To require that all persons engaged in the manufacture, importation, sale, distribution, or exportation of morphine, cocaine, and their respective salts shall be furnished with a licence to engage in these operations, or shall inform the authorities officially.

(Old Article 12.)

“(c.) To require that such manufacturers and traders shall enter in their books the quantities manufactured, imports, sales and all other distribution, and exports of morphine, cocaine, and their respective salts. This rule shall not necessarily apply to prescriptions and to sales by duly authorised chemists.

ARTICLE 11 (Old Article 14).

“The contracting Powers shall prohibit, as regards their internal trade, the delivery of morphine, cocaine, and their respective salts to any unauthorised persons.

ARTICLE 12 (Old Article 15).

“Due regard being had to the differences in their conditions, the contracting Powers shall use their best endeavours to restrict to authorised persons the importation of morphine, cocaine, and their respective salts.

ARTICLE 13 (Old Article 16).

“The contracting Powers shall use their best endeavours to take measures to ensure that morphine, cocaine, and their respective salts shall not be exported from their countries, colonies, and leased territories to the countries, colonies, and leased territories of the other contracting Powers, except when the consignee has received a licence issued in accordance with the laws of the importing country authorising him to import these drugs.

“With this object each Government may communicate from time to time to the Governments of the exporting countries information respecting the persons to whom licences for the importation of morphine, cocaine, and their respective salts have been granted.”

83. Immediately after this first meeting, we informed you that each delegation had agreed to submit the draft as thus amended to its Government, and that we proposed, subject to your approval, to state, when the matter came up in conference, that we much preferred the original articles, and should only accept the revised scheme in order to preserve unanimity. You replied that you deprecated the amendments, as they would greatly diminish the utility of the convention; but that if acceptance was the sole method of arriving at an agreement, you reluctantly authorised us to give it, on condition that the convention should provide that the enforcement of the restrictions it contemplated should not be obligatory on any one Government until there was likelihood of steps being taken in the same direction by the other participating States, as well as by the most important of the outside Powers.

84. The provisions necessary to guard against this danger having been obtained by the revised scheme in respect of the effectuating clauses—*vide* article 24 of the convention—we were able to inform the German delegates that if they proposed the amendments indicated in paragraph 82, we would not oppose them, though we could not give our willing consent. The amendments were consequently, as has been stated, introduced at the *twentieth session*, with an explanatory speech by Dr. Grünwald, in which, while explaining the circumstances that had given rise to the amendments, and urging the desirability of assenting to them for the sake of obtaining complete and

cordial unanimity, he said that the modifications proposed were really of a verbal character, to suit German conditions, and would not in any way affect the spirit of the original resolutions.

85. We took note of this declaration, expressed the hope that the practical application of the articles as revised would be the same in Germany as would have been the case if the articles had been adopted in their original form, and intimated that our Government, in order to secure unanimity in this important matter, were prepared to accept the German amendments if they met with approval from other delegations, but could accept them only with regret. The conference then voted on the first reading and, with some verbal amendments, the articles as redrafted were accepted, seven voting for, and four abstaining. They form the basis of articles 10 to 13 of the convention.

86. At the twentieth session the difficulty in regard to the meaning to be attached to the terms "importation" and "exportation," as used in the convention, on which the Drafting Committee had reported, as indicated in paragraph 68, also came before the conference. We had had a considerable amount of private discussion with the German delegates on this subject. Our position throughout the discussion was that we did not see any need for a definition of the terms, and that, so far as we were concerned, we desired to give them the widest possible application. Our German colleagues, on the contrary, were, for reasons which they explained fully, anxious that the conference should embody in the text of the convention specific definitions of the terms "importation" and "exportation." Several attempts were made to frame a definition which would meet the wishes of both parties, as a minimum for the conference to lay down, but without success. The question was discussed at some length at this and at the *twenty-first session* (17th January), and it was finally suggested that the German delegation should make a declaration stating what meaning their Government proposed to attach to the terms, and that this declaration should figure in the minutes of the conference. This suggestion was fortunately adopted by the German Government and at the *twenty-second session* (18th January), the German delegation made the following declaration, which thus solved the matter in accordance with the view that no specific definition was necessary, while at the same time it indicated the limits within which the German Government was prepared to act:—

"Après l'échange de vues qui à ce sujet a eu lieu au sein de Comité de Rédaction et dans la vingtième et vingt et unième séances plénières, la délégation allemande est prête à renoncer à une définition; cependant la délégation tient à constater que le Gouvernement allemand interprète les dispositions de la convention ainsi qu'il suit:—

"(1.) Chaque Gouvernement pourra définir les mots 'importation' et 'exportation' selon ses propres conditions, et en tenant compte de sa législation intérieure.

"(2.) Les mesures que les Gouvernements prendront pour exécuter les stipulations de la convention quant à l'importation et à l'exportation peuvent être limitées aux actes purement commerciaux, et ne se rapporteront pas forcément aux transactions des transporteurs et expéditeurs.

*"(3.) Les Puissances contractantes ne sont pas obligées d'instituer un contrôle de l'importation ou de l'exportation à la frontière, ou par les organes de la douane."**

87. The only other business not already referred to, dealt with at the twenty-first session, was the insertion of a denunciation article (article 25 of the convention) which follows the original scheme of the Drafting Committee, and the commencement of the second reading of the convention as a whole.

88. At the *twenty-fifth session* (22nd January) we made the following declaration on the subject of the application of the convention to His Majesty's dominions:—

"Nous déclarons que les articles de la présente convention, si elle est ratifiée par le Gouvernement de Sa Majesté, s'appliqueront à l'Empire des Indes britanniques, à Ceylan

* (TRANSLATION).—“After the exchange of views on this subject which has taken place in the Drafting Committee and at the twentieth and twenty-first plenary sessions, the German delegation is ready to abandon a definition; the delegation desires, however, to record that the German Government interprets the provisions of the convention as follows:—

"(1.) Each Government may define the words 'importation' and 'exportation' according to its own circumstances, and having regard to its internal legislation.

"(2.) The measures to be taken by the Governments to carry out the provisions of the convention in regard to importation and exportation may be restricted to purely commercial actions, and will not necessarily relate to the transactions of carriers and shippers.

"(3.) The contracting Powers are not obliged to institute a control of importation or exportation at the frontier, or by means of the customs."

*aux établissements des Détroits, à Hong Kong et à Wei-hai Wei, sous tous les rapports, de la même façon qu'il s'appliqueront au Royaume-Uni de Grande-Bretagne et d'Irlande; mais le Gouvernement de Sa Majesté se réserve le droit de signer ou de dénoncer séparément ladite convention ou nom de toute dominion, colonie, dépendance et protectorat de Sa Majesté outre que ceux qui ont été spécifiés.**

This declaration was appended as a reserve when we signed the convention.

89. The Portuguese delegates also made the declaration that in signing the convention, they desired it to be understood—

(1.) That the stipulations of the convention would not affect those of existing treaties, conventions, or agreements to which Portugal was a party, or any advantages which she obtained by most-favoured-nation clauses.

(2.) That further action in regard to the limitation of the number of ports from which raw and prepared opium could be exported, with reference to articles 2 and 8 (a), could not be undertaken by Portugal, since Macao was already the only Portuguese port of export in the Far East.

(3.) That as regard the provisions of articles 4 and 8 (d), in regard to marking exported packages of raw or prepared opium so as to indicate the nature of their contents, the Portuguese Government reserved to itself the right of placing special marks on such packages in addition to any uniform marks that might be adopted as of international application.

The convention and the final protocol were read for the last time this session.

90. At the *twenty-sixth and last session* (23rd January) M. Brenier (France) notified the conference that he would place against his signature the words:—

“Sous réserve d'une ratification, ou d'une dénonciation, éventuellement séparée et spéciale, en ce qui concerne les protectorats français.” (With the proviso that, in the case of the French protectorate, the ratification, or denunciation, may be a separate and special act.)

91. Some discussion had taken place at the two previous sessions in regard to the publication of the convention, and it was now indicated by the Netherlands delegation that his Excellency M. de Marees van Swinderen, as Dutch Foreign Minister and honorary president of the conference, was of opinion that it might be published immediately after signature—a course which was accordingly adopted.

92. After the minutes of previous sessions which had still to undergo this process had been ratified, M. Cremer (Netherlands) proposed a vote of thanks to Bishop Brent, as president of the conference, which was seconded by M. von Müller (Germany) and by M. Sanches de Miranda (Portugal); and after valedictory addresses by the president and honorary president (M. van Swinderen), the conference was declared closed, and the delegates plenipotentiaries proceeded to sign the convention and the final protocol.

93. In signing the convention reservations were made, as already indicated, by our own delegation in regard to separate ratification or denunciation in respect of any portion of His Majesty's dominions, colonies, dependencies, or protectorates other than the United Kingdom, India, Ceylon, Straits Settlements, Hong Kong, and Wei-hai Wei; similarly by the French delegation in regard to French protectorates; by the delegates of Persia and Siam in regard to articles 15 to 19; and by the Persian delegate alone in regard to article 3 (a).

94. We may now fittingly consider how far, and with what extension, the recommendations contained in the resolutions of the Shanghai Commission of 1909 have found place in the present convention.

The first of the Shanghai resolutions was as follows:—

“That the International Opium Commission recognises the unswerving sincerity of the Government of China in their efforts to eradicate the production and consumption of opium throughout the Empire; the increasing body of public opinion among their own subjects by which these efforts are being supported; and the real, though unequal, progress already made in a task which is one of the greatest magnitude.”

* (TRANSLATION).—“We declare that the articles of the present convention, if ratified by His Britannic Majesty's Government, shall apply to the Government of British India, Ceylon, the Straits Settlements, Hong Kong, and Wei-hai Wei in every respect in the same way as they shall apply to the United Kingdom of Great Britain and Ireland; but His Britannic Majesty's Government reserve the right of signing or denouncing separately the said convention in the name of any dominion, colony, dependency, or protectorate of His Majesty other than those which have been specified.”

There was no necessity for framing any article in this sense. The good faith of the Chinese Government was of course assumed by the conference.

95. The *second* of the Shanghai resolutions was as follows :—

“That in view of the action taken by the Government of China in suppressing the practice of opium-smoking, and by other Governments to the same end, the International Opium Commission recommends that each delegation concerned move its own Government to take measures for the gradual suppression of the practice of opium-smoking in its own territories and possessions, with due regard to the varying circumstances of each country concerned.”

This policy has found place in article 6 of the convention, which extends the policy of effective suppression to the production, internal distribution and use of prepared opium. It was recognised that such policy could, in the case of some countries, be only of gradual application, and that the repressive measures contemplated must be suitable to the varying circumstances of the countries concerned.

96. The *third* of the Shanghai resolutions was as follows :—

“That the International Opium Commission finds that the use of opium in any form otherwise than for medical purposes is held by almost every participating country to be a matter for prohibition or for careful regulation; and that each country in the administration of its system of regulation purports to be aiming, as opportunity offers, at progressively increasing stringency. In recording these conclusions, the International Opium Commission recognises the wide variations between the conditions prevailing in the different countries, but it would urge on the attention of the Governments concerned the desirability of a re-examination of their systems of regulation in the light of the experience of other countries dealing with the same problem.”

Read with the resolution preceding it, this resolution was meant to apply mainly to raw opium primarily used for eating, and this matter is dealt with in article 1 of the convention.

97. We may point out, with reference to resolutions 2 and 3 of the Shanghai Commission, that—

(1.) Article 20 of the convention pledges the contracting Powers to investigate the possibility of making penal regulations against the illegal possession of opium and other drugs dealt with by the convention, if such measures have not already been taken.

(2.) The first part of article 17, and article 18, impose upon the contracting Powers having treaties with China the obligation (a) of taking measures to restrict and control opium-smoking in their leased territories and settlements in China; and (b) of gradually restricting, *pari passu* with Chinese action in the territories adjoining, the number of shops for the sale of opium, which may still exist in such leased territories, &c. They are also to adopt such effective measures in these leased territories for the restriction and control of the retail trade in opium generally.

98. The *fourth* resolution of the Shanghai Commission was as follows :—

“That the International Opium Commission finds that each Government represented has strict laws which are aimed directly or indirectly to prevent the smuggling of opium, its alkaloids, derivatives, and preparations into their respective territories; in the judgment of the International Opium Commission it is also the duty of all countries to adopt reasonable measures to prevent at ports of departure the shipment of opium, its alkaloids, derivatives, and preparations, to any country which prohibits the entry of any opium, its alkaloids, derivatives, and preparations.”

99. Putting aside for the moment alkaloids and derivatives of opium, as being more suitable for discussion in connection with the Commission's resolution 5, the policy here suggested in regard to raw and prepared opium has been carried into effect, with a far wider scope, in articles 2-5 and 7-8 of the convention. These articles lay down that—

(1.) The prohibition of exportation of raw or prepared opium to a country which prohibits the entry of such opium shall be of a general character, and not merely confined to seaports. (Articles 3 (a) and 8 (b).)

(2.) Where a country has not altogether prohibited the entry of such opium, but desires to place such entry under special restrictions, the exporting country shall co-operate in the enforcement of these restrictions, as, for instance, has been done by India in regard to China (Articles 3 (b) and 8 (c).)

(3.) The number of places through which opium may be exported, and in the case of raw opium imported also, shall be limited—in the case of prepared opium absolutely; in the case of raw opium as far as possible. (Articles 2 and 8 (a).)

(4.) The exportation, and in the case of raw opium the importation also, shall be confined to the agency of duly authorised persons. (Articles 5 and 8 (e).)

(5.) As a check on the evasion of these conditions, every consignment in excess of 5 kilog. of raw opium designed for exportation, and every such consignment of prepared opium shall be specially marked. (Articles 4 and 8 (d).)

100. Further, under article 7 the entire suppression of the export and import trade in prepared opium is aimed at, either at once or, in the case of export, as soon as possible, so that in the future the traffic in this class of opium will be limited, in so far as it exists at all, to the interior commerce of each State.

101. Then, again, article 15 lays special stress on the adoption of measures, in concert with the Chinese Government, for preventing the smuggling of opium and the other drugs mentioned by the convention between Chinese territory and the adjoining territories or neighbouring possessions of the treaty Powers.

Further, article 19 lays down that the contracting Powers which possess post-offices in China shall take effective measures to prohibit the illegal importation or transmission of postal packages containing raw or prepared opium.

102. Resolution No. 5 of the Shanghai Commission runs as follows:—

“That the International Opium Commission finds that the unrestricted manufacture, sale, and distribution of morphine already constitute a grave danger, and that the morphine habit shows signs of spreading: the International Opium Commission, therefore, desires to urge strongly on all Governments that it is highly important that drastic measures should be taken by each Government in its own territories and possessions to control the manufacture, sale, and distribution of this drug, and also of such other derivatives of opium as may appear on scientific enquiry to be liable to similar abuse and productive of like ill-effects.”

The policy advocated by this resolution finds its effect, with a far wider application, in Chapter III of the convention, which covers not merely (a) morphine, but (b) cocaine, (c) the salts of morphine and cocaine, (d) medicinal opium, (e) heroine and its salts, (f) all preparations containing more than .2 per cent. of morphine or .1 per cent. of cocaine and heroine, and (g) every other derivative of the above drugs which generally recognised scientific research may find to be giving rise to the same evil effects as the parent drugs (definition clause to Chapter III and article 14).

103. In regard to these drugs, the contracting Powers pledge themselves:—

I. Generally—

(a.) To limit by law or regulation the manufacture, sale, and use of the drugs in question to medical and legitimate purposes, and to co-operate with one another to prevent their use for other objects (article 9).

(b.) To use their best endeavours to control the persons who manufacture, import, sell, distribute, or export the drugs, as well as the buildings in which such processes are carried on (article 10).

II. Specifically—

(a.) *As regards internal regulations*—(1.) To require the manufacture of the drugs in question to be carried out in licensed premises, or at any rate to register such premises (article 10 (a)).

(2.) To require that all persons who manufacture, import, sell, distribute or export the drugs shall do so under general or specific permission, or shall at any rate apprise the authorities of their actions (article 10 (b)).

(3.) To require from all persons engaged in manufacture, importation, sale, distribution, or export a quantitative record of their transactions, provided that such records need not be required in the case of deliveries consequent on medical prescription, or of sales by duly authorised pharmacists (article 10 (c)).

(4.) To prohibit in their internal trade all delivery of the drugs to persons not duly authorised to receive them (article 11).

(b.) *As regards international traffic*—(1.) To use their best endeavours, due regard being had to the differences of their conditions, to confine the import of the drugs to authorised persons (article 12).

(2.) To use their best endeavours to prevent export of the drugs to other countries, except where the consignees in the country of destination are duly authorised to receive the drugs; and with this object any Government can communicate to the Government of an exporting country lists of persons authorised to obtain the drugs (article 13).

104. Stipulations of the above character are of special importance, as recognising that, owing to the facility with which the drugs in question can be smuggled, it is not sufficient for a country like India or China to forbid their importation or possession save for recognised medical purposes. Such internal legislation must be assisted by international co-operation in the shape of control over manufacture and distribution in the producing countries, and this has now been agreed to.

105. Article 20, again, pledges the contracting Powers, as in the case of opium, to consider the possibility of making penal the illegal possession of morphine, cocaine, &c., while the provisions of articles 15 and 19, which have special relation to China and have been cited in paragraph 101 above, apply to these drugs as well as to opium.

106. Shanghai resolution No. 6 is as follows:—

“That as the International Opium Commission is not constituted in such a manner as to permit the investigation from a scientific point of view of anti-opium remedies and of the properties and effects of opium and its products, but deems such investigation to be of the highest importance, the International Opium Commission desires that each delegation shall recommend this branch of the subject to its own Government for such action as that Government may think necessary.”

The conference decided that the best method of dealing with this matter was to treat so-called anti-opium remedies which contain more than .2 per cent. of morphine or .1 per cent. of cocaine in the same way as other preparations of like character, *vide* article 14 (b). In short, the production, distribution, and sale of anti-opium remedies will be confined to their use, if such there be, for legitimate medical purposes.

107. No. 7 of the Shanghai resolutions was as follows:—

“That the International Opium Commission strongly urges all Governments possessing concessions or settlements in China, which have not yet taken effective action towards the closing of opium divans in the said concessions and settlements, to take steps to that end, as soon as they may deem it possible, on the lines already adopted by several Governments.”

This object is attained by the latter part of article 17, which engages the contracting Powers having treaties with China to suppress smoking-shops in their leased territories and settlements in China, *pari passu* with like action in the Chinese territories adjoining, and to prohibit the smoking of opium in places of public amusement and houses of ill-fame.

108. Resolution No. 8 of the Shanghai Commission was as follows:—

“That the International Opium Commission recommends strongly that each delegation move its Government to enter into negotiations with the Chinese with a view to effective and prompt measures being taken in the various foreign concessions and settlements in China for the prohibition of the trade and manufacture of such anti-opium remedies as contain opium or its derivatives.”

As above observed, the anti-opium remedies in question come within the scope of chapter III of the convention, as well as of articles 15 and 19, *i.e.*, the object which the commission had in view in desiring to prevent the growing up of any trade in such remedies in the settlements and concessions is thus attained.

109. Article 9 of the Shanghai resolutions ran as follows:—

“That the International Opium Commission recommends that each delegation move its Government to apply its pharmacy laws to its subjects in the consular districts, concessions, and settlements in China.”

Article 16 of the convention has met the desire here expressed in a somewhat different way. It will be for the Chinese Government in the first instance to enact suitable pharmaceutical laws for its own subjects in regard to the drugs dealt with in chapter III of the convention, and to communicate these laws to the treaty Powers. The latter, in so far as they are parties to the convention, will then, if they consider these laws suitable, take the necessary steps for applying them to their own nationals.

110. To sum up, the Shanghai Commission directed itself mainly to the subject of the opium traffic in the Far East, and was primarily concerned with rendering assistance to the opium suppression movement which the Chinese Government had lately initiated. The present convention goes far beyond this. It has dealt with morphine, cocaine, &c., as well as with opium; and in prescribing measures for confining the use of the two first-mentioned drugs, and the others referred to in chapter III, to legitimate medical purposes, for placing the production and distribution of raw opium under rigid control, and for restricting, with a view to eventual extinction, the trade in in prepared opium, it has, for the first time, laid down as a principle of international morality that the various countries concerned cannot stand alone in these measures. It is not sufficient for a particular State to take adequate measures for the protection of its own subjects; it is also essential that it should assist the efforts of other countries by preventing undesirable importation of drugs into their borders.

111. In order to give adequate effect to this principle, practical unanimity in regard to the measures possible and desirable was of course essential; and accordingly less stringent measures than had at one time seemed possible in the matter of morphine, cocaine, &c., were reluctantly agreed to rather than run the risk of losing this portion of the convention altogether.

112. The acceptance of restrictive measures in regard to morphine and cocaine stands to the credit of the British Government, which had already made the first important advance in regard to international co-operation in the matter of opium by the Anglo-Chinese agreements under which the exportation of opium from India to China will cease, having in the meantime undergone progressive diminution, by the year 1917, or at a previous date, if the Chinese Government similarly accelerate the disappearance of local production. This earnest of good-will, involving great pecuniary sacrifices on the part of the Indian Empire, materially helped us in urging on the conference the general principles which inspired the convention, since it showed the disinterested sincerity by which His Majesty's Government were actuated. As matters now stand, even if the difficulties to which we shall presently allude should impair or delay the full fruition of the labours of the conference, the fact will remain that it has marked an important step in international ethics, and has brought the matters which have been under discussion to such a position that international public opinion must eventually bring about, in one shape or another, the full results aimed at.

No Power which has participated in the conference, for example, can hereafter maintain that its obligations cease with adequate protection of its own subjects from noxious drugs; it is also pledged to help its neighbours as far as may be practicable towards the same end.

113. The difficulties we have just referred to arise of course from the fact, already touched upon, that the number of Powers represented at the conference, being limited to twelve, they are not alone competent to carry out the full extent of international co-operation which the convention enjoins; and that it would be unreasonable to expect the participating Powers to sacrifice their own trade interests for the sake of international morality when there are many outside Powers on which no such obligation would rest, and which might merely profit by the altruism of the nations represented at the conference.

It is difficulties of this sort that have required the special and original character of the "effectuating" clauses in chapter VI of the convention, and dictated the provision that, after the signing of the convention, the first step should not be ratification by the signatory Powers, but an invitation addressed to the thirty-four Powers of Europe and America not represented at the conference, to sign the convention also and thus put themselves on the same footing as the original participating Powers. In the event of some of these outside Powers not having signed by the 31st December, 1912, it will be necessary, as the convention provides, to summon a fresh conference of the signatory Powers to consider how far the stipulations of the convention can nevertheless be ratified.

114. Then, again, there might be difficulties of a somewhat similar sort in regard to the carrying out of laws or their administrative equivalents to be enacted by the several Powers, since it would not be fair to expect one Power to embark on drastic measures which might be to the benefit of other Powers not prepared to go so far. Here, again, as provided by article 24, an additional conference may be necessary to deal with difficulties thus arising, or in respect of delays in ratifications which cannot be otherwise solved.

115. There is thus the possibility of considerable delay in carrying out the provisions of the convention. Nevertheless, we can claim that the conference has done

the best it could in the circumstances in which it was assembled ; that it has provided machinery for shortening delays and difficulties ; and that, as already stated, it has, at any rate, materially paved the way for a full and satisfactory co-operation of the chief countries of the world in grappling with the evils of opium, morphine, cocaine, and the other drugs mentioned in the convention. Nor, again, is there anything to prevent individual Powers which may be willing to carry out the full stipulations of the convention (or even to go further), without waiting for the co-operation of others, from taking such action.

116. We desire to state in conclusion that we are much indebted to the Honourable Ronald Lindsay, first secretary of His Majesty's Legation at The Hague, who acted as secretary to our delegation, for the industry and ability with which he assisted us in our labours. Mr. Lindsay's great proficiency in French made his services specially valuable.

117. Finally, we wish to express the obligation under which we, as well as the delegates of the other conference Powers, lie to the Netherlands Government for their courtesy, hospitality, and cordial assistance in our labours. The conference was specially indebted, for most valuable advice in regard to various important matters, to M. Asser, and to its honorary president, his Excellency M. de Marees van Swinderen.

April 10, 1912.

We have, &c.

CECIL CLEMENTI SMITH.
W. S. MEYER.
W. G. MAX MÜLLER.
WILLIAM JOB COLLINS.

Appendix I.

Paper by Sir William Meyer on the Control over the Production, Sale, and Possession of Raw Opium in India, outside Burmah.*

IN connection with the resolution under discussion, I should like to put before the conference a brief exposition of the situation in regard to raw opium in British India and its dependent native States, which will show how fully the Indian Government already accept and act upon the principle that there should be effective national laws and regulations to control the production and distribution of this class of opium, and the extent to which they are now rendering their system still more stringent. Speaking as I am on the subject of raw opium which, as our Programme-Committee has defined it, includes opium which has been subjected to such simple processes as are necessary to obtain a desired standard of consistence for packing, transport, and export, I shall confine my present remarks to India proper, where eating the drug in this form is the habitual method of consumption, and where the use of prepared opium for smoking, which will come before us later on, is on a relatively trifling scale, and pass over Burmah, where the use of smoking preparations is the predominant form of consumption.

Now, the reasons which render it impossible in India to confine the use of opium to medicinal purposes are admirably stated in the following extracts from a despatch recently addressed by the Government of India to the Home Government :—

“The prohibition of opium-eating in India we regard as impossible, and any attempt at it as fraught with the most serious consequences to the people and the Government. We take our stand unhesitatingly on the conclusions of the Royal Commission (for India) which reported in 1895, viz. : that the opium habit as a vice scarcely exists in India ; that opium is extensively used for non-medical and quasi-medical purposes, in some cases with benefit, and for the most part without injurious consequences ; that the non-medical uses are so interwoven with the medical uses, that it would not be practicable to draw a distinction between them in the distribution and sale of the drug ; and that it is not necessary that the growth of the poppy and the manufacture and sale of opium in British India should be prohibited except for medical purposes. Whatever

* This paper was originally put before the conference as a speech, at the third session, with reference to the resolution which formed the basis of article 1 of the convention.

may be the case in other countries, centuries of inherited experience have taught the people of India discretion in the use of the drug, and its misuse is a negligible feature in Indian life. Even if it were possible to suppress the cultivation of opium in India, geographical and political limitations would place it beyond our power to prevent illicit import and consumption on a serious scale. The point is one which we do not propose to labour. But some useful light is thrown upon the use of opium by the results of the latest medical enquiry, conducted under our orders, into the drug habit in India. It will be seen from the statistics of lunatic asylums in India during 1909 that, among the cases of insanity caused by the use of intoxicants, the use of opium in all its forms is scarcely responsible for any appreciable number. While 10 per cent. of the cases are due to hemp in its various forms, 3.35 per cent. to alcohol, and 1.26 per cent. to other drugs (principally cocaine), only 0.46 per cent. are due to opium. These figures are all the more remarkable when we contrast the old-established use of opium in India with the entire novelty of cocaine, coupled with the fact that the use of the latter has hardly penetrated yet beyond the limits of the large towns."

Again (I quote from a later portion of the same despatch):—

"The great majority of Indian opium eaters are not slaves to the habit. They take small doses as required, and can and do give up the allowance when the need of it is past. Opium is in virtually universal use throughout India as the commonest and most treasured of the household remedies accessible to the people. It is taken to avert or lessen fatigue, as a specific in bowel complaints, as a prophylactic against malaria (for which its relatively high anarcotine content makes it specially valuable), to lessen the quantity of sugar in diabetes, and generally to allay pain in sufferers of all ages. The vast bulk of the Indian population, it must be remembered, are strangers to the ministrations of qualified doctors or druggists. They are dependent almost entirely on the herbal samples of the country; distance and the patient acceptance of hardships standing in the way of prompt access to skilled medical relief. In these circumstances, the use of opium in small quantities is one of the most important aids in the treatment of children's sufferings. It is also a frequent help to the aged and infirm, and an alleviation in diseases and accidents which are accepted as incurable. To prevent the sale of opium except under regular medical prescription would be a mockery; to many millions it would be sheer inhumanity."

But though, for these reasons, we cannot admit the total suppression of the opium habit in India, we claim that consumption is, to use the words of No. 3 of the resolutions of the Shanghai International Commission, *soigneusement réglementé*, the subject of careful regulation; that we have for many years been endeavouring to reduce consumption to what may be styled the legitimate needs of the people as set forth in the despatch from which I have quoted; and that, as I shall presently show, we are increasing our efforts in this direction.

I have found it imagined in some quarters that the opium habit in India is a product of British rule. That is absolutely untrue: opium production and opium consumption were in full swing when the British arrived on the scene, and our efforts have all been in the direction of reducing and concentrating the areas of poppy cultivation, placing internal traffic under rigid control, and discouraging consumption by heavy taxation.

Valuable information about our present system will be found in the exhaustive memorandum printed on p. 172 *et seq.* of vol. ii of the Proceedings of the Shanghai Commission; but as this is of necessity a lengthy document, I should like to summarise as briefly as I can the main steps we have taken to restrict consumption, and to dwell on the further steps in contemplation since the Government of India, following the recommendation in resolution 3 of the Shanghai Commission, lately re-examined their system to discover whether there were points as to which it might be strengthened.

1. The cultivation of the poppy is, subject to some trifling exceptions justified by special circumstances, as in the hill States of the Punjab, confined to—

(a.) Certain districts in Bengal and the United Provinces, hitherto known as the Bengal opium agencies, where it is carried on under licence and strict Government control, and the product is taken over by the Indian Government.

(b.) A number of native States in Central India and Rajputana, to which category must be added Baroda on the Bombay side, where what is termed Malwa opium is produced. Over the production of this Malwa opium the Government of India can

exercise no direct control; but they deal with it by fiscal and other checks when it passes into their territories, as it must when destined for consumption in British India or for export to foreign countries.

I would remind the conference, however, that the great bulk of the opium produced in these tracts has been for export, mainly to China. Thus, taking the figures for 1907-8, the exports to China amounted to about 48,000 chests of 140 lb. each, and those to other countries to about 16,000 chests, while the total recorded consumption in British India proper with its 230 million people (we have not got reliable statistics for the native States) was less than 8,000 chests, about 1/50th, so far as we can estimate, of the former consumption in China. And on the latest consumption figures available this total would be reduced still lower—to less than 7,000 chests. As the conference is aware, our treaty arrangements with China provide for the progressive diminution and gradual extinction of our opium exports to that country, and this will cause a vast reduction in the area under poppy cultivation in India, a reduction which is already strongly marked. Thus, while in 1907-8, the year before our arrangements with China began to take effect, the poppy area in the Bengal agencies was about 490,000 acres, it had shrunk to 349,000 in 1909-10; while, so far as we can estimate the production areas in Central India and Rajputana, the decrease there in the same years has been from 192,000 to 109,000 acres. This decline will, under our arrangements with China, continue with accelerated velocity, and in the course of a few years we look forward to having a far smaller area under the poppy. We have already, I may observe, telescoped the two Bengal agencies into one, and are making large reductions in the staff employed on production.

I may note also that, save in respect of some trifling quantities which are allowed in, under heavy duty, from States on our land frontier, such as Afghanistan and Nepal, opium may not be imported into India save under licence for medical purposes.

2. The transit of opium between British provinces and native States, and *vice versa*, and between one British province and another, is only permitted, generally speaking, on behalf of the British Government, or of some native State which has got permission to obtain a specific quantity for its internal consumption. And the transit of opium within a province, and power to deal in it or possess it there, are all subject to strict licence and control. In carrying out this policy we have been materially assisted by the form of our Opium Act (I of 1878).

Under an ordinary law whatsoever is not specifically forbidden may be held permitted, but this Act goes in the converse direction. It lays down (section 4) that no one may cultivate the poppy, manufacture opium, or import, export, transport, or possess the same except as permitted by the Act (or by any other enactment relating to opium), or by rules framed thereunder. Consequently these matters have been dealt with by sets of rules having the force of law, framed by the executive Government for each province, which take into account its particular circumstances, and are being constantly revised in the direction of greater stringency.

Among the more important matters in regard to which this control is exercised I may mention that—

(a.) Opium may only be sold in specially sanctioned shops, where the vendors have to keep accounts of their transactions and are under the constant inspection of the Excise staff.

(b.) These shops must, generally speaking, save in the Bombay Presidency, sell Bengal opium, supplied through Government channels. In Bombay, owing to its proximity to the Malwa producing areas, the import of that opium is allowed under Government control.

(c.) The number of shops is fixed so as not to exceed what is necessary to satisfy the moderate needs of legitimate consumers, and is being constantly reduced as improvement in communications or other changes in local circumstances render centralisation of supply more easy. In the fifteen years ending with 1907-8 there was a decrease of about 1,400 shops in all, namely, from 9,531 to 8,126—the figure may still seem large, but remember that we are dealing with a sub-continent—and the process of reduction still continues. Thus in the past five years more than 300 shops have been closed in a single province (the Central Provinces).

(d.) No consumption is allowed on shop premises. The purchaser can only obtain his opium there.

(e.) There are strict limits of individual possession—*i.e.*, a person not licensed to deal in opium may not possess at one time more than a very limited quantity of the

drug. This we regard as a very important check on smuggling, as well as on undue consumption. For when opium, believed to be contraband, is seized, the actual possessor may plead that it is licit stuff—that he got it from a recognised dealer, and so forth. We are not required to disprove these allegations; it is sufficient to say, "However that may be, you are in possession of more than the law allows to you," and the stuff can be confiscated and the possessor punished.

At the time of the Shanghai Commission the limit of personal possession was 3 tolas (a little more than 1 oz.) in most of the provinces of British India; 5 tolas in Bengal, Eastern Bengal *cum* Assam, and the petty province (it is really a district only) of Ajmer; and 6 and 10 tolas respectively in certain special hill or desert tracts in the Madras and Bombay Presidencies. The following further steps have now been taken, or will be taken very shortly: In Madras the limit of possession has been reduced to 1 tola ($\frac{3}{4}$ oz.); Bombay is about to follow suit, with an exceptional limit of 4 tolas (instead of 10 tolas) in a desert tract in Sind. The Central Provinces are going to fix the limit at 2 tolas (instead of 3 tolas); and in certain parts of Bengal it is to be 3 tolas (instead of 5 tolas), while a similar reduction is to be made in Eastern Bengal and Assam.

3. Consumption is restricted by heavy taxation, which is progressively increased as circumstances permit, it being of course necessary not to pitch the tax so high as to provoke smuggling on a large scale. This taxation is derived from two sources—what is practically a quantitative duty on the opium issued to the shops and high fees for the privilege of vend. The rates necessarily vary in different provinces, and often in different districts of the same province, having regard to local circumstances, such as the presence or absence of special facilities for smuggling such as are afforded by the proximity of poppy-producing tracts, or the existence of wild and sparsely peopled areas. Taking British India proper as a whole, however, the general average of taxation in 1910 was as much as 26 rupees per seer, equal to about 17s. per lb., and steps are being taken to enhance this still further by raising the rates of duty in most provinces. I may point out in this connection that every reduction in the area under poppy cultivation facilitates the increase of taxation and the check on consumption which this affords, since it also reduces the zones within which there is special risk of high taxation promoting recourse to illicit opium.

The chief difficulties we have to contend against in maintaining and developing our system are of course those arising from smuggling, but here we are in a much better position than we were a few years ago, for—

(1.) We have materially added to the strength and efficiency of our preventive establishments.

(2.) The progressive reduction of the area under poppy cultivation reduces our difficulties.

(3.) The fact that in most parts of India licit opium must be the Bengal product materially assists the preventive staff. For Bengal and Malwa opium are readily distinguishable, and, except in Bombay, any Malwa opium found in British India must be illicit.

(4.) We have induced the native States outside the Malwa area to abstain from the cultivation of the poppy and to model their excise systems upon ours where they do not fall in with ours altogether.

Smuggling from the Malwa States is still a danger; but that risk will diminish with the reduction in cultivation consequent on the gradual extinction of the China trade, and through the fact that—apart from humanitarian considerations—the desire to compensate themselves for the loss of revenue formerly derived from production for China will induce the States concerned to raise their taxation on what is left, until this becomes more closely assimilated to ours. Steps have in fact been already taken to this end, as well as for placing the traffic between the various States, and from them into British India, under better control.

In short, our policy is to restrict consumption as far as possible by direct regulation and by taxation; and we have not the slightest intention of diverting production formerly destined for China to internal purposes. On the contrary, as I have shown, the nearer the China trade gets to extinction the easier it will be for us to place internal production and consumption under still more efficient control.

On behalf of India, therefore, I can give entire support to the resolution now before the conference, which sets forth the desirability of effective national laws and regulations to control the production and distribution of raw opium.

Appendix II.

Memorandum by Sir William Meyer on the Control over the Manufacture, Sale, and Possession of Prepared Opium (Smoking Preparations) in British India.

IN my previous communication on the subject of raw opium I confined myself to India proper, where consumption is almost entirely of opium eaten in that form. In the present paper I shall deal first with opium-smoking in India proper, and then with the opium problem in Burmah, where smoking is the prevalent method of consumption.

2. As regards India proper, the considerations adduced in my previous paper, which have caused the Government of India to regard a certain amount of opium-eating as legitimate in present circumstances, do not apply to the smoking habit, which has never taken root in the country, and is strongly condemned by public opinion. The Indian Government have therefore endeavoured for a good many years past to reduce it to a minimum by repressive action. Thus, while some twenty years ago there were 600 shops for the sale of smoking preparations, the sale of such preparations was subsequently, and remains still, absolutely prohibited.

"Vigorous measures," to quote from the recent despatch of the Indian Government of which I made use in my previous paper, "are enforced by the police and the excise preventive service for punishing infractions of the law, such as are occasionally attempted in large and cosmopolitan centres like Calcutta and Rangoon. Private manufacture of smoking preparations, again, is only allowed by the smoker himself or on his behalf from opium lawfully in his possession, and only to the extent of 1 tola ($\frac{3}{8}$ oz.) at a time. . . . The quantity of opium daily used by an opium-smoker is so large in comparison with that required by an opium-eater, and the inconvenience and difficulty involved in the repeated preparation of opium for smoking are so great, that these restrictions hardly fall short of legal prohibition. We have now, in consultation with Provincial Governments, carefully examined the question whether direct and unqualified prohibition of opium-smoking is possible, and whether measures can be devised in this direction which offer a real prospect of success. In the result we have come to the conclusion that the time is ripe for suppressing all public gatherings for the purpose of smoking opium, whether they are called saloons, clubs, or social assemblies, or by any other name whatever, and for prohibiting all manufacture of opium-smoking preparations save by an individual of a small quantity for his own private consumption. In other words, opium-smoking dens in every form are to be made illegal, and the Governments of provinces which have legislative councils are being instructed to introduce legislation with that object. For areas without legislative councils of their own, similar legislation will be introduced in the Imperial Council."

Hitherto, I may explain, the assemblage of persons for opium-smoking has not been illegal so long as the total quantity of opium used does not exceed the aggregate of 1 tola apiece, which each of the participants is entitled to possess, subject in some provinces to a maximum of 5 tolas, even though the collective number of smokers be more than five. Now any such public gathering will be *per se* illegal.

3. "We have also decided," the Government of India go on to say, "that the maximum limit of private possession of opium-smoking preparations shall be reduced to a quantity to be determined for each province by its own Government with regard to local circumstances. The provincial authorities are fully in favour of this step; and the maximum which they suggest goes as low as 90 grains, and in some cases even 45 grains. The quantity at present allowed is already low, being 1 tola or 180 grains in all the Indian provinces except Madras, where it has just been reduced to 90 grains. It may safely be said that under Indian conditions a tola represents little more than one or two days' average dose for a smoker of low-grade *chandu* (smoking-stuff). It is a good deal short of the daily dose required by an habitual and confirmed smoker. When this is further reduced in the manner indicated above, the measure will have the practical effect of prohibition.

"We have arrived at these conclusions, after full deliberation, in preference to an attempt at the categorical prohibition of the smoking of opium by individuals. To declare the act in itself illegal would, we are convinced, have been impracticable, impolitic, and even dangerous. It would have been necessary for us, in the first instance, to ascertain and register all persons habituated to smoking, as China has endeavoured to do. This we believe would present serious difficulty unless we were

to register opium-eaters as well—an impossibility under present conditions in India. But there are more imperative objections to the declaring of private opium-smoking an offence. If made effective, it would only lead to the increased use of other, and probably more deleterious, drugs. But to make it effective would mean domiciliary visits and the closest supervision over persons suspected of the practice. It would open the door to blackmail, espionage, and an amount of interference with the inner domestic life of the people which would be absolutely intolerable. As it is, the importance of dissociating the police from the fresh odium of opium detective work has constrained us to decide that the working of the new restrictive legislation shall be entrusted to excise officials rather than to the police. Nor do we believe that absolute prohibition would carry us appreciably further than the measures which we have decided to adopt. Opium-smoking is a social habit, and we cut at the root of it by prohibiting assemblages for the purpose of smoking. Moreover, we make prevention more effective, from the point of view of legal proof, than if we attempted to deal with the private and secret practices of individuals. It is easy to prove the *fact* of a certain number of individuals being found together; and if, as is proposed, the presence of opium-smoking pipes or other apparatus with or without opium-smoking preparations will be held to raise the presumption that the assembly intended to smoke opium, there will be no difficulty in enforcing the law. Solitary smokers find the private manufacture of smoking preparations so wasteful, tedious, and expensive, and, with the reduced limit of possession, they will have to resort to it so often, that none but the most hardened individuals, who are in any case past hope, will consider it worth while to continue the habit."

4. I can therefore claim on behalf of the Indian Government that, by their severe and salutary measures, they have effectively checked the possibility of opium-smoking becoming a feature of Indian life, and have doomed the vice to practical extirpation.

5. The case of Burmah (as stated by the Government of India in the despatch from which I have so freely quoted) in regard to opium regulation stands by itself.

"Historical considerations, ethnic characteristics, and local circumstances have had to be carefully weighed in the evolution of the present opium policy in Burmah. When Upper Burmah was annexed in 1885 the Government of India had had sufficient administrative experience of opium and its effects on Burmans in Lower Burmah to warrant the application of a prohibitory policy as regards the indigenous population. This policy was supported by Buddhist public opinion, which was entirely against opium, and by the nominal prohibition of opium by the Burmese dynasty which preceded our rule. The prohibition under Burmese rule was not, however, very effective, and the native rulers, while punishing those who sold opium and liquor to Burmans, levied customs dues on all liquor and opium imported into Upper Burmah. The British Government, having before it the proved injurious effect of opium on the Burmese race in Lower Burmah, absolutely prohibited its sale to or possession by Burmans in Upper Burmah except for medical purposes, and this prohibition still continues. The absolute prohibition of non-medical opium, whether for eating or smoking, to Burmans was extended to Lower Burmah in 1893. In Lower Burmah, however, a class of opium-smoking Burmese had grown up, and an exception had to be made in their favour. It was provided that all Burmans of 25 years or upwards who desired to continue the use of opium must register themselves, Burmans under 25 years of age not being eligible for registration. The system of registration was not entirely successful from the beginning, and the registers had to be revised from time to time, though of course no names were brought on the revised registers except those of Burmans who could prove their eligibility for registration in 1894, and there are now some 15,000 registered Burman consumers purchasing at the shops in a population of about 10 millions. These consumers were all 25 years of age or more in 1894, and are therefore above 40 years of age at the present day. The rate of decrease ought to be more rapid now, and the race of registered consumers will shortly die out. With their extinction there will be absolute prohibition of opium to Burmans, except for medical purposes, in the whole of Burmah," that is, to the great mass of the population of the province.

6. The consumption of opium by non-Burman races is allowed as in India proper, but subject, as I shall presently explain, to still more stringent restrictions. It is principally confined to Chinese who smoke, and Indian immigrants belonging to classes who eat opium in moderation in India proper and who continue to do so in Burmah.

Taking the province as a whole, however, smoking is the prevalent form of consumption, and consequently the shop-keepers in Burmah are allowed to make up

the raw opium supplied to them into smoking preparations, and to retail such preparations to persons entitled to make use of them. The limit of private possession by such persons, whether as regards raw opium or smoking preparations, is 3 tolas, or a little more than 1 oz.

7. The policy of forbidding opium consumption to Burmans other than registered smokers in Lower Burmah proved very difficult to carry out in practice owing to the large amount of smuggling and illicit sales which it provoked. These difficulties arose mainly from the following circumstances: As has been above explained, the registration of confirmed Burman smokers in 1894 had been very incomplete, largely owing to the ignorance of the people in regard to the new restrictions to which they were to be subject. It became a profitable industry to supply the cravings of smokers thus excluded, and this category was further swelled by licit consumers (non-Burmans and registered Burmans) whom a too drastic limitation in the number of licensed shops had deprived of a legitimate source of supply. The extensive seaboard of the province facilitated smuggling from India proper, while the high rate of taxation—far exceeding that in India, which the Burmah Government had imposed in order to diminish consumption made it profitable not merely to send over illicit opium from India, but to add stuff which had been licitly procured at Indian shops. In Upper Burmah, again, the contiguity of opium-producing tracts in Yunnan and the Shan States, and a long and difficult frontier provoked smuggling from those areas. Lastly, it was found that the licensed shop-keepers themselves were largely joining in the contraband traffic, adding smuggled opium to their licit supplies, and sending out hawkers to vend the stuff outside the shops, while legitimate possessors were being tempted to dispose of some of their purchases to non-registered Burmans. And I need hardly add that the development of this contraband industry threatened to infect the rising generation of Burmans, who would in no case have claimed registration in 1894, with the smoking habit.

8. Difficult as the problem thus was, the Government of India can claim to have dealt with it in a satisfactory and efficient manner.

In the first place, as already explained, Burman opium-smokers who might have been registered in 1894, but had not been so, were brought on the registers, thus enabling them to get their opium in a lawful instead of in an unlawful manner. The number of sanctioned shops was at the same time somewhat increased, though it still amounts to only 120 for the whole of the vast province.

Secondly, the strength and efficiency of the preventive staff has been enormously increased—at a cost which has severely strained the financial resources of the Provincial Government.

Thirdly, the shop system has been entirely recast on lines which all but amount, in practice, to a policy of official vend. The method is thus described in the Government of India's despatch:—

“ Each shop, though let to a private licensee, is placed in the charge of a separate resident excise officer, who is required to take charge of the opium when the shop is closed, to be present at the shop throughout the hours of sale, to see that the name of each purchaser and the quantity sold to him are correctly recorded in the shop registers by the licensed vendor or his staff, and to restrict the quantities sold month by month to each purchaser, to the purchaser's probable consumption and means of purchase. This latter restriction on sales was introduced in order to stop the sale of opium to men buying for resale to Burmans who cannot under the law purchase opium. Careful enquiry has been necessary in order to eliminate purchasers who were not consumers, and to restrict allowances to consumers so as to afford them little or no margin for sale to others. In addition to the record kept in the daily sale registers, personal ledgers have been opened in the shops for all customers whose daily allowance is fixed above one-eighth of a tola. Each consumer, non-Burman, or (in Lower Burmah) registered Burman, is given a page in the register, the total quantities of opium purchased by him, both at the shop within whose sphere he resides and at other shops, are recorded month by month under his name, and note is made of the man's occupation and income, with other information bearing on the allowance of opium made to him. The whole of these operations are carried on under the closest official supervision, though the profits on the sales, after payment of a fixed licence fee, accrue to the licensed vendor.”

9. The retail price to consumers is fixed at 1 rupee per tola (or, say, 3s. 6d. per oz.) for raw opium and 1½ rupees (or 3s. 10d. per oz.) for smoking preparations save at a few special shops, where it has been pitched lower owing to the special facilities for

smuggling. Further, in four districts in which "foreign opium" (a term I shall presently explain) is supplied the rates at present are 10 annas (10*d.*) per tola for raw and 15 annas per tola for prepared opium. The cost of the drug has thus been made much higher than in India proper, where it is by no means low. Thus, comparing like with like—the amount of taxation which the Government levies on each seer (about 2 lb.) of opium—this, as I stated in my previous paper, amounts on the average, on the last statistics available, to 26 rupees in India proper, while in Burmah it is 65 rupees per seer, or more than double.

The "foreign opium" above referred to is the product of Chinese areas and Shan States bordering on Upper Burmah, which has been allowed in for licit consumption, under strict Government control, in four districts of the province into which it could otherwise be easily smuggled; and in this category has to be included opium grown in certain Kachin villages, where poppy cultivation is allowed because, though the villages are nominally within British Burmah, their situation in remote hills has hitherto rendered it impossible to make any prohibition of such cultivation effective. Subject to these exceptions the cultivation of the poppy is prohibited throughout Burmah, and the sole source of licit supply is Bengal opium obtained from India by Government channels.

10. Lastly, steps have been taken to cope with the smuggling into Burmah of opium licitly procured by private persons in India proper by restricting the supply to shops in certain districts of Bengal, where this method of contraband supply was found to prevail, to quantities rigidly fixed with reference to estimated local requirements.

11. Though the smuggling trade still constitutes a grave danger, against which the utmost precautions are necessary, and though, in spite of these precautions, it is believed that there is still a considerable smuggling trade between India proper and Burmah, the fact remains that the special measures which I have described, the vigilance of the excise staff, and the frequent seizures they make have produced a very salutary effect. Thus I find from the last Excise Administration Report of Burmah that the enquiries of the preventive staff lead to the conclusion that the price of illicit opium at Rangoon, the chief *entrepôt* of the smuggling trade from India, which was 75 or 80 rupees per seer in the early part of 1909, had risen to 125 rupees per seer in 1911, and this immense increase in price clearly indicates a materially diminished source of supply. And, as in the case of India proper, every diminution of the area under poppy cultivation there, consequent on the shutting down of the trade with China, must diminish the sources from which this contraband traffic is supplied. I may further mention that while the consumption of licit opium in Burmah was about 83,000 seers seven years ago, it had shrunk to 52,000 seers in 1910-11.

12. I now turn to the further measures which the Government of India have been considering since the Shanghai Commission reported. In the first place, as has been already pointed out, the number of Burmans specially permitted to consume opium forms a factor which is progressively diminishing to total extinction.

As regards the non-Burman consumers, the Government of India have carefully considered whether the time has come for the absolute prohibition of the use of opium, except for medical purposes, throughout Burmah, but have had to reply to the question in the negative in the light of present-day conditions. "We consulted," to use their own words, "the Government of Burmah, which after a thorough enquiry has come to the conclusion that the proposal is impracticable at present. The present sources of the supply of opium to Burmah are India, the trans-border provinces of China, and the difficult country of the semi-barbarous tribes—the Shans, Kachins, and Wa—within the British sphere. The licit supply from India could be stopped at once, but our local officers report that the production of opium in Chinese territory just across the border of Burmah has not yet been successfully stopped. There will also be difficulty in enforcing the prohibition of opium in the tribal country, and much discontent will inevitably be caused by the attempt. Unless these supplies are cut off there will be the strongest stimulus given to smuggling, under which even the present protection given to Burmans will be rendered nugatory. There is considerable smuggling of opium already from India into Burmah on account of the very high prices ruling in Burmah relatively to India, and this will be enormously increased if the licit supply is cut off, unless the preventive staff is strengthened to an extent altogether beyond the resources of the Provincial Government. Further, the only method by which a total prohibition against non-Burman races in Burmah could be enacted with any hope of success would be by a system of registration (of persons already addicted to the habit) similar to the registration of Burman opium consumers in Lower Burmah. The non-Burmese population, however, consists of a large floating population of Indians and of

Chinese from the Straits Settlements, who are not settled in Burmah, but come there as coolies, sepoys (Sikhs), merchants, clerks, domestic servants, or in pursuit of other professions. It would be impossible to introduce registration once for all among such a migratory population, and a proposal which ignored new-comers who are opium consumers would most certainly fail. The hill tribes of Northern Burmah would have to be excepted in any case. And the danger of more deleterious drugs, such as morphia, cocaine, and the derivatives of hemp taking the place of opium is greater in Burmah . . . than in other provinces," owing to the greater wealth and relatively luxurious habits of the population there.

It should be noted, however, as evidence that everything is being done short of prohibition which existing circumstances permit that, as the Government of India observe, "the Government of Burmah has, as lately as 1910, completely recast its opium rules in the direction of greater stringency as regards the possession and sale of opium. Again, under the Burmah Opium Law (Amendment) Act (Burmah Act VII of 1909), persons who are believed to earn a livelihood in whole or in part by unlawfully trafficking in opium or by abetting such traffic can be dealt with in a similar manner to that provided for under section 110 of the Criminal Procedure Code. That section empowers magistrates to require security from habitual thieves, burglars, and other criminals, and in default of security to send them to prison. Under the same Burmah Act the powers of excise and other officers to arrest and search for opium have been enhanced," while it may be mentioned that a similar attempt is being made to strengthen the law in respect of cocaine and other intoxicating drugs which show a tendency to take the place of opium with every increase in the stringency of the opium regulations. Further, the Government of Burmah along with the other Provincial Governments is about to reduce the limit of private possession of smoking preparations.

13. In short, while the Government of India consider that circumstances as yet preclude total prohibition in Burmah, since this would drive traffic at present checked and limited by very severe restrictions into the subterranean channels of contraband, and would leave the way open to more deleterious drugs, they are doing everything in their power, by preventive and fiscal checks, to reduce consumption to a minimum. And if, as the result of this conference, international measures be taken which will check the smuggling of morphia and cocaine into countries which desire to exclude them—when, again, Chinese production on our borders shall have permanently disappeared—the time will have come once more to consider the possibility of a still more drastic anti-opium policy in Burmah.

W. S. MEYER.

Appendix III.

*Administration of the Traffic in Opium, and in Morphia and other Drugs, in British Colonies since the Meeting of the Shanghai Opium Commission in February 1909.**

BY far the greater part of the traffic is carried on in the British Colonies and protected States in the Far East, and the questions involved are of little importance elsewhere. It is accordingly considered best to dispose first of the few changes which have been made in the legislation of other British dominions since the meeting of the Shanghai Commission and then to state the alterations of the system of control in the Far Eastern possessions.

I.

The Government of New Zealand, which prohibited by law the importation of opium in any form suitable for smoking, added a further restriction by statute No. 30 of 1910, which enacts that opium in any form which, though not suitable for smoking, may yet be made suitable, may only be imported by permit issued by the Minister of Customs.

Canadian legislation in 1908 declared the importation, manufacture, sale, or possession for sale of crude opium or powdered opium for other than medicinal purposes, or of opium prepared for smoking, to be an indictable offence.

* The information here given in regard to Canadian legislation was received too late for insertion in the memorandum as communicated to the conference.

By Act No. 17 of 1911 the law as to opium and drugs (by which is meant cocaine, morphine, eucaïne, and their salts and compounds and opium) is made more stringent.

The importation, manufacture, sale, possession, or offering for sale, or traffic in Canada in drugs, except for scientific or medicinal purposes, is a criminal offence. The smoking of opium, the possession of opium prepared or in preparation for smoking, and frequenting of opium dens are criminal offences.

And the exportation, without lawful excuse, of any drug as defined above, to any country which prohibits the entry of such drug is punishable by fine or imprisonment, or both.

In the Transvaal the importation of opium was prohibited by law in 1909, except under permits issued only to chemists and druggists.

II.—*Far Eastern Territories.*

The legislation as to opium and as to morphia and other drugs in these colonies and protected States, although connected, are best considered separately.

(a.) *Opium.*

The regulation of the opium traffic, by which is meant trade in opium, whether prepared for consumption or not, depends on the possibility of the adoption of stringent measures of repression. In Wei-hai Wei and Ceylon, where the number of opium consumers is small and the population more or less stable, it has been found possible to institute a system of registration which will gradually abolish opium consumption, whereas in Hong Kong and the Malay Peninsula, where the Chinese population fluctuates and fresh immigrants are constantly arriving, registration is considered to be impracticable.

The steps taken in Wei-hai Wei and Ceylon to abolish the use of opium may be stated as follows:—

In 1909 the commissioner of Wei-hai Wei, under the instructions of His Majesty's Government, promulgated an ordinance regulating the traffic. By its provisions no person may import, possess, sell, or buy any opium, whether prepared or raw, unless he is either a qualified medical man or chemist (in which case he is permitted to deal in opium for *bonâ fide* medicinal purposes), or a person who is licensed by a Government medical officer to smoke or otherwise use opium, on the ground that deprivation of the drug would injure his health. Such licensed consumers are registered, and as they die out the use of opium will gradually be abolished. The law further provided that no person might be licensed who was either not of full age or a woman, though the latter could obtain a licence by special sanction of the commissioner.

An additional safeguard against the consumption of opium by persons hitherto unused to it was provided in the clause of the ordinance which prohibits the existence of opium divans.

No opium, whether raw or prepared, may be exported from Wei-hai Wei except under licence from the commissioner. It will be seen that a complete system of control, leading to the abolition of the consumption of opium in the territory, has been established, and that measures have been taken to prevent the drug being exported from Wei-hai Wei.

The situation in Ceylon was slightly different. Besides those persons who were habitual consumers of opium, the *vederalas* (or native doctors who were trained in the traditional Ceylonese system of medicine) habitually used opium in their prescriptions. Some difficulty was encountered in the settlement of the question of what persons, professing to be *vederalas*, had any claim to knowledge of the ancient tradition. The matter was, however, decided by careful enquiry, and those persons who were found to be qualified *vederalas* were registered, and are entitled to use opium in treating their patients.

An ordinance, which came into force on the 1st October, 1910, regulates the traffic.

The right of importing opium, whether raw or prepared, is vested solely in the Government, and is delegated to the principal civil medical officer, who has charge of the distribution of the drug. Opium for purely medicinal purposes may be supplied by the principal civil medical officer to qualified medical men and veterinary surgeons, and to registered *vederalas*. It can only be supplied to other persons on registration as habitual consumers. No person could be registered except on production of satisfactory evidence that at the time when the law was passed he was an habitual consumer, together

with evidence of the amount which he was accustomed to consume and the manner and form of consumption. Thus the opium consumers in Ceylon are a definite number, to which additions cannot be made. The use of the drug, except for medicinal purposes, must therefore disappear in course of time. Further precautions against undue use of opium are taken by limiting the annual amount allowed to a registered consumer or *vederala* to 8 oz.

The importation, possession, or sale of opium, except by the authorised officer (the principal civil medical officer, and for the purposes described above, is illegal. It has therefore not been found necessary to impose any restriction on the exportation of opium, since the amount imported depends on the purely local consumption, the maximum amount of which can be ascertained.

The conditions in the Malay Peninsula and in Hong Kong appear to preclude for the present any system of registration of opium consumers, the object of which is to compile a list to which no addition can be made; the constant changes in the population of Hong Kong and the regular immigration of Chinese into the Malay Peninsula prevent the introduction of such a system, since, under present conditions, a large proportion of new-comers are consumers of opium.

Both in Hong Kong and in the Malay Peninsula the policy of the Government has been, and continues to be, the restriction of the traffic, so far as is possible, consistently with the prevention of the substitution of morphia injection and other forms of drug taking. The habit is already deplorably prevalent, and smuggling is hard to check, since the packages containing the drugs are capable of easy concealment.

Until the beginning of 1910, the importation, preparation, and sale of opium was farmed by the Government of the Straits Settlements to a syndicate, whose interest lay in encouraging the use of the drug as far as possible. By Ordinance No. 21 of 1909 the Government took to itself the monopoly of the right to import, export, prepare, sell, and retail opium. Chandu, *i.e.*, opium prepared for consumption, can only be retailed by duly licensed persons and at a fixed price, and licences are required for the maintenance of smoking divans. Only adult males can buy chandu. Further restrictions on the sale were imposed by a heavy increase in the price, which in 1910 was raised by 50 per cent., and by the rigid suppression of opium-smoking in brothels, which had been a lucrative though illegal addition to the farmers' profits.

In the settlement of Labuan, which is at present still subject to the "farm" system, the Government will introduce the monopoly system at the end of 1912, when the farm expires. Arrangements have also been made to supply the State of North Borneo with chandu in bulk from the 1st January, 1913, when the present farm will be terminated.

The Federated Malay States in 1909 were divided into coastal and non-coastal areas. In the former, the same system which existed in the Straits Settlements was established. In the latter, which were largely in the hands of farmers, only raw opium might be imported, and the manufacture and sale of chandu were in the hands of the farmer or of licensed persons. Since the 1st January, 1911, however, the system in force in the Straits Settlements has been extended not only over the whole of the Federated Malay States, but over all the other protected States in the peninsula with the exception of Kelantan and Trengganu, where it has not yet been found possible to cancel the existing farms. The Government of the Straits Settlements imports, prepares, and supplies all the chandu needed by the States.

In the Straits Settlements the Governor in Council has power to prohibit the exportation of raw opium or of chandu, or to impose limitations and conditions on exportation. At present opium may not be exported to Trengganu and Siam except when the requisition for the export is countersigned by the British agent at Trengganu or the Siamese consul-general at Singapore, as the case may be.

No restrictions on exportation from the Federated Malay States are provided by law, since they receive their supplies from the Straits Settlements, and the colony only imports sufficient raw opium for its own needs and those of the States which it supplies.

The Government of Hong Kong has not found it practicable to take the monopoly of the importation, preparation, and sale of opium into its own hands, but since the meeting of the Shanghai Commission, restrictions on the traffic have been made by the limitation of the farmer to a certain number of chests per annum (900 in 1911) by the suppression of opium divans, and by forbidding the sale of prepared opium to any person other than an adult male.

The preparation and sale of opium is vested in the farmer, and raw opium can only be imported by him or by a person possessing a permit signed by a Govern-

ment officer and countersigned by the farmer. By a resolution of the Legislative Council which came into force on the 1st September, 1911, the importation of any kind of raw Indian opium is forbidden unless covered by export permits from the Government of India to the effect that it has been declared for shipment to or consumption in China. This resolution does not apply to opium imported by or for the use of the farmer. The exportation of prepared opium or of dross opium (*i.e.*, a preparation of opium in which the residue of opium which has been smoked forms the main ingredient) to China, French Indo-China, the United States of America, the Philippine Islands, the Netherlands Indies, Siam, and Japan is forbidden under the provisions of "The Opium Ordinance, 1909," and Government Notification No. 94 of the 1st April, 1910. The exportation of opium to those places to which it is lawful can only be carried out with the written permission of the superintendent of imports and exports.

(b.) *Morphia, Cocaine, and other Drugs.*

There were previously restrictions on the importation and sale of morphia and other deleterious drugs in the Eastern colonies and protected States, but since the meeting of the Shanghai Commission, the legislation on the subject has been amended so as to impose greater restrictions.

The Wei-hai Wei Ordinance No. 1 of 1909 forbids any person except qualified medical men and chemists to import, export, possess, sell, or buy any morphine or other hypnotic, including cocaine. Such qualified persons may only deal in or dispense such drugs for *bonâ fide* medicinal purposes. The only change which has been made in the law of Ceylon is that dealing in morphine, which up to 1910 was regulated by the Prisons Ordinance is now regulated by "The Opium Ordinance, 1910," and is subjected to the same restrictions with regard to importation, sale, and possession as opium. Under "The Poisons Ordinance, 1901," the sale of cocaine and other poisonous drugs is subjected to regulations similar to those in force in the United Kingdom.

When the Shanghai Commission met, the law in force in the Straits Settlements regulating the importation, sale, and use of morphia, cocaine, &c., was "The Deleterious Drugs Ordinance, 1907." Under its provisions no deleterious drug could be imported or exported to the Federated Malay States without written permission from the principal civil medical officer, and no person except a medical practitioner or chemist licensed by the principal civil medical officer could prescribe or deal in the drugs. The administration or possession of such drugs by anyone not licensed or not acting under the instructions of a licensed person was a punishable offence.

In October 1910 the ordinance was repealed by "The Deleterious Drugs Ordinance, 1910," which (1) vested the exclusive right of importing and exporting such drugs in the principal civil medical officer; (2) compelled medical practitioners and chemists to order drugs only through the principal civil medical officer, and to submit to examination by that officer the packages received as a result of their order; (3) extended the system of licensing to veterinary surgeons and dentists. For the purposes of the ordinance deleterious drugs include:—

1. Morphine and all salts of morphine and preparations containing morphine, and any alkaloid or salt of an alkaloid of opium, and any solution or preparation thereof, but not including any preparation of opium or any preparation in which opium forms an ingredient, which preparation is used, or intended to be used, for smoking, chewing, or swallowing, or for external use. Such preparations are, of course, otherwise provided for.

2. Cocaine or eucaine, or any analogue including their salts, solutions, and preparations.

But some proprietary medicines which contain opium or its alkaloids are excluded from the operation of the ordinance.

Importation or exportation, except by or through the principal civil medical officer, is a punishable offence. In other respects the law was not altered.

No change has been made in the law in force in the Federated Malay States, and the conditions under which the drugs may be imported, sold, or administered are identical with those obtaining in the Straits Settlements under "The Deleterious Drugs Ordinance, 1907."

Of the other Malay States under British protection Kedah and Perlis prohibit, under an enactment passed in 1910, the importation of drugs without the written permission of the head of the State Council.

In Hong Kong the restrictions on the traffic in morphine are more rigid than those imposed on the traffic in cocaine or other deleterious drugs. Until 1909 the law in force was the Morphine Ordinance of 1893, which prohibited injection of morphine by unqualified persons. Under "The Opium Ordinance, 1909," morphine, which includes morphia and all salts of morphine and preparations containing morphine or its salts, may only be imported, sold, or dealt in by persons licensed by the principal civil medical officer. The regulations made under the ordinance forbid licensed persons to supply more than twelve "official" doses at a time, or to have in possession more than 5 lb. of morphine at a time without the permission of the principal civil medical officer. Importers before taking delivery must declare the nature and amount of the drug imported. These regulations have also been applied to cocaine, but the provisions of the ordinance as to the importation of morphine do not apply to cocaine.

Under the Opium Ordinance, and various Government notifications issued in accordance with its provisions during 1910 and 1911, the export of morphine and compounds of opium has been rigidly restricted.

Export to Siam and the Netherlands Indies is only permitted on production of an official certificate from the country concerned that the morphine or compound of opium is required for the use of Government. Exportation to Macao can only be permitted on production of a Government certificate that it is required for medical use in Macao or for re-export to a country to which it may lawfully be exported. Morphine or compounds of opium can only be exported to French Indo-China, Japan, the United States of America, and the Philippine Islands on production of an official certificate that it is required for medical purposes. There would seem to be no restriction on the exportation of cocaine.

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