

Lost in the Past

Early 1900s – Early Days of the International Drug Control Treaty System

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“In the year 1926, in Hamburg, there was discovered a great smuggling of heroin, of which the destination appeared to be Shanghai. This case is dealt with in the publication of the League of Nations C.589.M.225.1926.XI.O.C.488. ... Dr. F[...] R[...], who was connected with this matter, was born in 1899 in Edelsthal in Austria, and is a native of that place, ... unmarried, residing in Shanghai M.D. at 14, Kinkiang Road. He often undertakes journeys of which the object is not known, to Europe, and during the course of the summer of this year was in Austria and Vienna. According to information given confidentially, Dr. R[...] is engaged in the intoxicating drugs traffic on a large scale.” – Letter from the Direction of the Union of Police (Intoxicating Drugs Station), Vienna, to the Commissioner of Police of the Metropolis, New Scotland Yard, Londonⁱ

Available information shows that in the early 1900s Shanghai was being used as a transshipment point for drug smuggling from Europe to the Far East. Joint international operations were often conducted.ⁱⁱ Traffickers were also using the International Settlement at Shanghai. Following the receipt of the above letter from the Austrian Police, records show that the Home Office and the Foreign Office of the United Kingdom Government discussed that Government’s involvement. The Foreign Office noted at the time that it was “undesirable that His Majesty’s Government should take any action which might convey the false impression that they have any special responsibility as regards the administration of the International Settlement at Shanghai or the control exercised therein over the traffic in dangerous drugs.”ⁱⁱⁱ The Foreign Office suggested that the action “might more appropriately taken by means of a communication addressed to the Chairman of the Shanghai Municipal Council, either by the Opium Advisory Committee [of the League of Nations], the Vienna Police...”^{iv}



Photo by the Narcotics Control Division, Ministry of Health, Labour and Welfare, Japan

A Home Office reply agreed that communication “through the Opium Advisory Committee or the Opium Section of the League Secretariat would ... be a possible method to adopt”, although it further noted that their experience had been that “direct communication with the Government of the country concerned is more rapid and more effective a method than communication through the Opium Section of the League.”^v

Such communications reveal a number of interesting matters noted at that time. First of all, the League of Nations Secretariat had already begun to be operational in assisting Governments for practical international cooperation in regulatory drug controls and law enforcement by preventing diversions of controlled drugs and identifying companies and individuals involved. At the same time, the Opium Advisory Committee of the League played a central role in international drug control and Governments were sensitive to the deliberations at that Committee.^{vi} A letter from the Foreign Office addressed to the Under Secretary of State of the Home Office of the United Kingdom notes in connection with a case of opium smuggling through Hong Kong:

“... when the question was brought up before the Opium Advisory Committee at its 12th Session, His Majesty’s Government were not attacked; and it seems improbable that the French or any other Government will make any accusations now that the question has been discussed and settled by the Opium Advisory Committee”.

Secondly, the fact that the International Settlement in Shanghai was being used required international joint operations. Available information shows that, among others, the British and French authorities were particularly instrumental in conducting such operations:

“It may be added in justice to the French authorities that if, owing to the unique position of Shanghai, the traffic is found to flourish in the French concession there, it is also carried on on a large scale in most parts of China.”

At the same time, such trafficking appeared to have been a common place elsewhere in China. A confidential letter from a Consul-General in 1929 speaks of the position at Shanghai relating to the traffic in opium, as supplied by the Commissioner of Police of the International Settlement:^{vii}

“THE trade in opium was formerly conducted openly in the International Settlement at Shanghai. The issue of licences to houses where the drug was sold and consumed was gradually discontinued during 1908, and ceased altogether in March 1909. Licences for the sale of opium for consumption off the premises were withdrawn during 1915 and 1916, and none was issued after March 1917. Between 1917 and 1920 plans were being evolved by powerful Chinese interests to get the greater part of the trade in smuggled opium, both foreign and Chinese-grown, into their own hands. This illicit traffic led to an alarming increase of crime in the settlement, especially crimes of robbery, extortion, corruption, bribery and murder”

By 1923, as conditions had so seriously worsened, a “special squad” was formed to “wage constant warfare against those engaged in the transport, storage or sale (wholesale and retail) of opium within

the limits of the International Settlement.”^{viii} That special squad, which arranged its own channels of information to conduct raids, reportedly succeeded in driving those engaged in storing opium in bulk, and the larger retail establishments, out of the limits of the International Settlement.

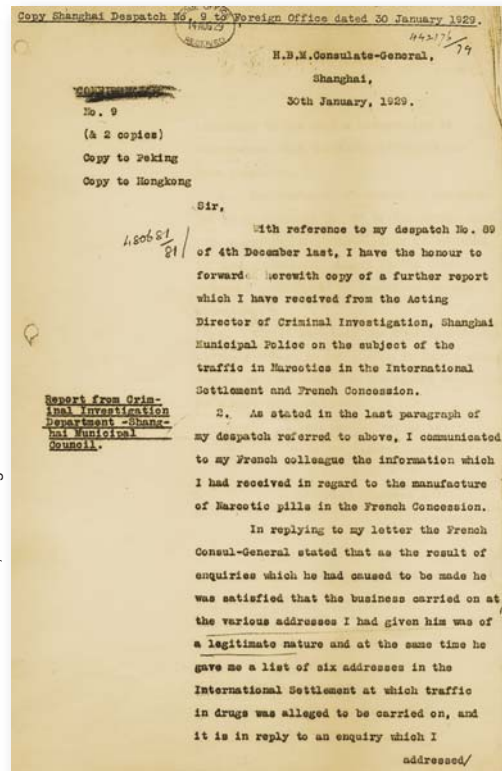
The special squad continued its successful operations and its findings recorded in the above report reflect involvement, already at that time, of organized crime groups and their extensive activities: “In 1925 the big opium traders received a number of staggering blows when the special squad at last discovered several ingeniously planned and constructed secret storage chambers with concrete tunnel connections.” It continues: “The financing of the opium traffic is in the hands of syndicates formed by wealthy Chinese.”

It was Indian, Persian and Turkish, in addition to Chinese-grown, opium that was smuggled into Shanghai at that time. Against this background of rampant transnational trafficking in opium and vigorous law enforcement countermeasures then being launched, the international community was getting ready to advance the international treaty law in drug control. It was in that year, 1925, when 41 nations gathered in Geneva to hold the Second Opium Conference to conclude a new treaty with binding measures of control, the International Opium Convention, following the very first international drug control treaty adopted in 1912.

During the decade immediately before the above confidential report was written, 1918 – 1928, drug law enforcement efforts in Shanghai appeared to have led to tangible results. The number of prosecutions by the municipal police of the International Settlement rapidly increased from 197 in 1918, and having exceeded 1,000 in 1920, to a peak in 1926 with 3,446 cases.^{ix} And yet, as late as 1929, organized crime groups reportedly sustained their trafficking activities. While available materials would not allow independent verification, that report notes, “It has been common talk in Shanghai for years that the French authorities allow these men and their associates a free hand in return for contributions on a large scale in aid of the expenses of the French settlement.” Associated violent crimes even involved a kidnapping of a Chinese member of the French Municipal Council. The report then notes, “However, on this occasion the combine appears to have gone too far, and the French authorities are reported to have insisted that [the kidnapped person’s] release should be effected without delay, under the pain of the suppression of traffic in opium in the French settlement.” And it continues, “Meanwhile, the French authorities, whether by way of carrying out their threat or in consequence of reports from Geneva [author’s note: the League of Nations] and elsewhere of the proposed visit of a special commission of inquiry into the traffic in opium in the Far East ..., have been taking repressive measures against the traffic in opium, both in bulk and retail, in the French settlement.”^x

All these incidents suggest that foreign opium continued to be diverted from licit channels into illicit traffic in large quantities, and subsequently smuggled into Shanghai. Against such background, the League of Nations moved swiftly to step up international controls over the licit movement of drugs by convening another Conference in 1931 attended by 57 States, which adopted the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs on 13 July 1931. That Convention provided for, among other things, concept of estimated requirements for narcotic drugs, which effectively set up import quota, to be confirmed by an independent body, and without which no international trade could take place.

The Assembly of the League of Nations described the 1931 Convention as embodying “a bold conception without precedent in the



Source: Public Record Office, United Kingdom

Letter dated 30 January 1929 sent from the United Kingdom Consulate-General of Shanghai to the Foreign Office. According to the stamp on top, it reached the Home Office on 14 August of that year. The “confidential” classification was later crossed out.

history of international relations and international law”.^{xi} The President of the Conference, in his closing speech, noted the success obtained by the Conference:

“This is an immense piece of work. Consider. There will now be a central account for the drug traffic. No country may manufacture, import, export or convert drugs without making a return. Each must furnish estimates and, at the end of the year, give an accurate account of what has been done. Each Government’s returns will be checked and discussed. A body sitting at Geneva will have the necessary authority to question Governments. ... Nothing of the kind has ever been attempted before. ...”^{xii}

The two international drug treaties, the 1925 and 1931 Conventions, adopted against the background of rampant transnational drug trafficking, effectively formed the foundation of what today’s world has as the international treaty law system for drug control, when, together with Conventions and Protocols subsequently adopted, they were consolidated into a Single Convention on Narcotic Drugs, 1961.

Author’s note: Texts in italics are reproduced verbatim. Names of individuals are withheld.

ⁱ United Kingdom Public Record Office File reference HO 45/24787 63396.
ⁱⁱ See previous “Lost in the Past” series.
ⁱⁱⁱ Letter from the Foreign Office to the Under Secretary of State, Home Office, reference no. F.326/184/86 of 8 February 1930, in file HO 45/24787 63396, Public Record Office, United Kingdom.
^{iv} *Ibid.*
^v Letter from the Home Office to the Foreign Office reference no. S.O.74. 450,219/33, in file HO 45/24787 63396.
^{vi} Letter dated 12 December 1929 from the British Ambassador to the Secretary of State, Foreign Office, in file HO 45/24787 63396, Public Record Office, United Kingdom.
^{vii} *Ibid.*
^{viii} *Ibid.*, para.2
^{ix} *Ibid.*, para. 5.
^x *Ibid.*, para. 10.
^{xi} Document A.51.1934.XI, p. 2, in “Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs of July 13th, 1931: Historical and Technical Study by the Opium Traffic Section of the Secretariat of the League of Nations”, Geneva 1937.
^{xii} *Ibid.*, p. XXI.