

## CHRONICLE

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### HUMANITARIAN LAW AND THE CONTROL OF NARCOTIC DRUGS

The Opium War started on March 18, 1839 when the Imperial Commissary of Canton issued orders, under pain of death, to deliver all opium held in stores to the Chinese Government. There were no less than 20,243 cases of these stocks. This requisitioning did considerable damage to local trade which was carried out in particular with Great Britain. The British fleet then blockaded Canton. This was followed by two years of fighting which ended with the signing of a Treaty ceding Hong Kong to Great Britain.

These events, however, had drawn international attention to the insidiousness of a traffic whose abuse contributed to poisoning a whole country.

But, as with the abolition of slavery which had aroused public opinion since the Congress of Vienna, one had to wait for the end of the century and the example of the Geneva Convention, inspired by the Red Cross movement, to conclude an international convention really capable of checking the abuse of narcotics. It was not until 1912 that the first international agreement on drugs was made at The Hague. Another convention was signed in Geneva in 1925 under the auspices of the League of Nations. Finally, the international community adopted the Convention of July 13, 1931 for limiting the manufacture and regulating the distribution of narcotic drugs, amended by the Protocol signed at Lake Success on 11 December 1946.

The use of opium and its derivatives is justified for the preparation of pharmaceutical products. This also applies to cocaine which is extracted from coca leaves and from which effective analgesics can be obtained, but the employment of these "drugs" without adequate supervision can entail real dangers, since anyone

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accustoming himself to it can end by losing control of his own personality.

The abuse of narcotics in fact produces a kind of inhibition of the nervous centres leading to a state of moral and physical inertia. That is why States have wished to regulate, in the framework of international law, the manufacture and the distribution of narcotic drugs.

Like the Geneva Convention of 1864, which is at the origin of humanitarian law, the Convention of 13 July 1931, relative to narcotics, is a multilateral convention of universal concern, since, in addition to the signatory Powers, any State is accepted at any time by adhering to it through accession. This procedure so ingeniously conceived by the plenipotentiaries who created Red Cross law, enabled the humanitarian ideas accepted by them in 1864 to be progressively incorporated in universal public law and thus become the law of humanity.

This also applied to the provisions relative to the control of narcotic drugs. Since such supervision was to combine with respect for the individual, one can deliberately class the Convention of 31 July 1931 amongst the texts of humanitarian law, as, moreover, the conventions negotiated under the auspices of the International Labour Office for the improvement of working conditions and the various international conventions for the abolition of slavery, the repression of the white slave traffic and of children, as well as other provisions protecting human dignity.

The Drug Supervisory Body, instituted by the Convention of 31 July 1931, with its headquarters in Geneva, has just issued a statement on estimated world requirements of narcotic drugs for the current year.<sup>1</sup>

This publication also includes a study entitled "Thirty years of operation of the estimates system", which is of considerable interest and comments on work undertaken in the supervision of narcotics over that period.

We think that a summary of this study will be of interest to readers of the *International Review of the Red Cross*.

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<sup>1</sup> *Estimated World Requirements of Narcotic Drugs in 1964*, United Nations, Document E/DSB/21.

As we have said, the main aim of the Convention of 13 July 1931 is to limit supplies of narcotic drugs to the quantities needed for medical and scientific purposes. Accordingly the Convention makes the Drug Supervisory Body responsible for determining the requirements of narcotic drugs of each country and territory and thus fixing the maximum quantities which may be manufactured or imported, the figures being based on the estimates of their needs supplied by governments or, if a government fails to produce such an estimate, by the supervisory Body itself. This system is guided by the principle that by limiting supplies to the quantities needed for legitimate purposes, the diversion of legally manufactured drugs which took place on a large scale prior to the 1931 Convention would be discouraged and finally suppressed.

Article 5, paragraph 2, specifies that "in respect of each of the drugs" (morphine and its derivatives, cocaine) the estimates shall show :

"a) The quantity necessary for use as such for medical and scientific needs . . . ;

"b) The quantity necessary for the purpose of conversion, whether for domestic consumption or for export ;

"c) The amount of the reserve stocks which it is desired to maintain ;

"d) The quantity required for the establishment and maintenance of any Government stocks . . . "

The purpose of the estimates required by the 1931 Convention is twofold : in the case of non-manufacturing countries depending on other countries for their supplies of narcotic drugs, the estimates determine the quantities they may import (articles 12 and 14) ; in the case of manufacturing countries, the estimates determine the quantities they may manufacture under the conditions laid down in article 6 of the Convention.

As soon as the 1931 Convention came into force, difficulties began to arise. The national authorities did not always possess the necessary data from which to calculate the annual estimates. The difficulties experienced by the authorities were gradually removed, however, as experience of operating the Convention was acquired and information became increasingly available.

As the universal application of the estimates system is essential for the operation of the Convention, the international Supervisory Body is charged with the duty of framing estimates in respect of countries and territories which have not themselves furnished such estimates.

Under article 5, paragraph 7, the Supervisory Body is required each year to prepare a statement of estimated world requirements of narcotic drugs based on annual estimates which it receives or frames itself.

Every estimate should reach the Permanent Central Opium Board not later than 1 August in the year preceding that in respect of which the estimate is made<sup>1</sup>. Obviously the Supervisory Body could hardly expect this provision to be very scrupulously observed in the first few years of its activity. Actually, progress has not been steady and continuous; however, an analysis of the estimates received during the period under review shows that, except for a short period during the Second World War, the position has been, by and large, satisfactory. For instance, between 1933 and 1939, the percentage went up from 70 to 92, and this improvement has been more or less maintained, and in recent years has been in the neighbourhood of 90 per cent.

In this connexion, the Supervisory Body wishes to point out that for many countries, including those which have recently gained their independence, the punctual submission of estimates is the only means of ensuring that they will obtain all the medical supplies they need.

In 1948, the General Assembly of the United Nations in its resolution 211 (III) B of October 8, (Doc. A/810) completed the list under the Convention, thus maintaining the cohesion of the system of control. In fact, developments in modern chemistry and pharmacology led to the discovery of new drugs, notably synthetic drugs, which appeared immediately after the Second World War. Now these drugs which are capable of producing addiction, had not been foreseen by the authors of the 1931 Convention, which only covered the control of drugs deriving from opium and the coca leaf.

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<sup>1</sup> The Permanent Central Opium Board was constituted by virtue of the Convention of 19 February 1925.

At present, in addition to some twenty-six drugs deriving from opium and the coca leaf, estimates are supplied by governments for some thirty synthetic drugs. Originally these substances were designated by long and complicated chemical formulae and were put on the market under a large variety of names which made them very difficult to control both at the national and at the international level; but the work of the Supervisory Body has been greatly simplified since the World Health Organization and the United Nations Economic and Social Council recommended the use of international non-proprietary names.

The machinery set up by the 1931 Convention to combat a worldwide social menace was able to withstand the impact of war without any serious damage. The system of control for the trade in narcotic drugs displayed its strength, thus showing that governments as a whole were convinced of its value.

Estimates of requirements for narcotic drugs for 1964 were supplied by the governments of 113 countries and 49 non-metropolitan territories. The Supervisory Body has been able itself to establish estimates in respect of thirteen countries and five non-metropolitan territories for which none have been received.

In 1963 a new instrument of international control entered into force, the "Opium Protocol of 1953" which concerns the requirements of each country and territory for opium, the cultivation of the opium poppy and its crop. It should be emphasized that this Protocol has considerably enlarged the functions of the Drug Supervisory Body by charging it with the supervision of the uses of opium and opium production plans. This is a task essentially different from that connected with manufactured narcotic drugs.

Attention has rightly been drawn to these facts, since the efforts made for the control of narcotic drugs on the international level, have, like the Red Cross, an essentially humanitarian purpose, that of protecting man from dangers threatening his dignity and integrity.

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