

Treaty Series No. 612

Convention and Final Protocol
Between the
United States and Other Powers

SUPPRESSION OF THE ABUSE OF
OPIUM AND OTHER DRUGS

Signed at the Hague, January 23, 1912, and July 9, 1913
Ratification Advised by the Senate, October 18, 1913
Ratified by the President, October 27, 1913
Ratification of the United States Deposited with the
Netherlands Government, December 10, 1913
Proclaimed, March 3, 1915

By the President of the United States of America.

A PROCLAMATION.

Whereas a Convention between the United States of America and certain other Powers for the progressive suppression of the abuse of opium, morphine, cocaine, and derivative drugs, was concluded and signed by their respective Plenipotentiaries at The Hague on the twenty-third day of January, one thousand nine hundred and twelve, a certified copy of which Convention, being in the French language is word for word as follows:

/Translation./

INTERNATIONAL OPIUM CONVENTION.

His Majesty the German Emperor, King of Prussia in the name of the German Empire; The President of the United States of America; His Majesty the Emperor of China; The President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas. Emperor of India; His Majesty the King of Italy; His Majesty the Emperor of Japan; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; the President of the Portuguese Republic; His Majesty the Emperor of All the Russias; His Majesty the King of Siam

being desirous to take one step further in the way marked out by the International Commission at Shanghai in 1909;
resolved to pursue progressive suppression of the abuse of opium, morphine, cocaine as well as drugs prepared or derived from these substances giving rise or which may give rise to analogous abuses;

taking into consideration the necessity and the mutual profit of an international understanding on this point; being convinced that they will meet in this humanitarian effort the unanimous adhesion of all the nations interested, have resolved to conclude a Convention for this purpose and have appointed as their Plenipotentiaries, to wit: (Plenipotentiaries Listed) Who after having deposited their full powers which have been found to be in good and due form are agreed to that which follows:

Chapter I.

Raw opium.

Definition. By raw opium shall be understood: The spontaneously coagulated sap obtained from capsules of the soporific poppy (*Papaver somniferum*), and which shall not have been subjected to any but the processes necessary to the packing and the transportation thereof.

Article 1.

The Contracting Powers shall enact efficacious laws or regulations for the control of the production and distribution of raw opium, unless existing laws or regulations have already regulated the matter.

Article 2.

The Contracting Powers, taking into account the differences in their trade conditions, shall limit the number of towns, ports or other places through which the importation or exportation of raw opium shall be permitted.

Article 3.

The Contracting Powers shall take measures:
a. to prevent the exportation of raw opium to countries which shall have prohibited the entry thereof, and
b. to control the exportation of raw opium to countries which shall have limited the importation thereof,
Unless existing measures have already regulated the matter.

Article 4.

The Contracting Powers shall issue regulations to provide that every package containing raw opium destined for exportation shall be marked in such a manner as to indicate its contents, providing the consignment shall exceed 5 kilograms.

Article 5.

The Contracting Powers shall not permit the importation and exportation of raw opium except through duly authorized persons.

Chapter II.

Prepared opium.

Definition. By prepared opium shall be understood: The product of raw opium obtained by a series of special processes, particularly by dissolution, boiling, heating and fermentation, and which is meant to be made into the form of an extract suitable for consumption.

Prepared opium comprises dross and all other residues of smoked opium.

Article 6.

The Contracting Powers shall take measures for the gradual and efficacious suppression of the manufacture, the internal traffic in and the use of prepared opium in so far as the different conditions peculiar to each nation shall allow of this, unless existing measures have already regulated the matter.

Article 7.

The Contracting Powers shall prohibit the importation and exportation of prepared opium; however, those nations which are not yet ready to prohibit the exportation of prepared opium at once, shall prohibit such exportation as soon as possible.

Article 8.

The Contracting Powers which are not yet prepared to prohibit at once the exportation of prepared opium:

a. shall limit the number of towns, ports or other places through which it shall be possible for prepared opium to be exported;

b. shall prohibit the exportation of prepared opium to the countries which now prohibit, or which shall later prohibit the importation thereof;

c. shall prohibit, in the meanwhile, that any prepared opium be sent to a country which desires to limit the entry thereof unless the exporter shall conform to the regulations of the importing country;

d. shall take measures to the effect that each package exported containing prepared opium shall bear a special mark indicating the nature of its contents;

e. shall not permit the exportation of prepared opium except through the agency of persons especially authorized.

Chapter III.

Medicinal opium, morphine, cocaine, etc.

Definitions. By medicinal opium shall be understood: raw opium which shall have been heated to 60 degrees centigrade whether or not powdered or granulated, or whether or not mixed with neutral substances, and which shall not contain less than 10% of morphine.

By morphine shall be understood: the principal alkaloid of opium, expressed by the chemical formula $C_{17}H_{19}NO_3$.

By cocaine shall be understood: the principal alkaloid of the leaves of Erythroxylon Coca, expressed by the formula $C_{17}H_{21}NO_4$.

By heroin shall be understood: morphine-diacetate, expressed by the formula $C_{21}H_{23}NO_5$.

Article 9.

The Contracting Powers shall enact pharmacy laws and regulations in such a way as to limit the manufacture, the sale and the use of morphine, cocaine and their respective salts to medical and legitimate uses only, unless existing laws or regulations have already regulated the matter. They shall cooperate amongst themselves in order to prevent the use of these drugs for any other purpose.

Article 10.

The Contracting Powers shall use their best efforts to control or to cause to be controlled all those who manufacture, import, sell, distribute and export morphine, cocaine and their respective salts, as well as the buildings where such persons exercise that industry or that commerce.

To this end, the Contracting Powers shall use their best efforts to adopt or to cause to be adopted the following measures, unless existing measures have already regulated the matter:

a. to limit the manufacture of morphine, cocaine and their respective salts to the premises and localities alone which shall have been authorized to this effect or to keep themselves informed

as to the establishments and places where such drugs are manufactured, and to keep a register thereof;

b. to demand that all those who manufacture, import, sell, distribute, and export morphine, cocaine, and their respective salts shall be provided with an authorization of a license to carry on these operations, or shall make an official declaration thereof to the competent authorities.

c. to demand of these persons the register on their books the quantities manufactured, the importations, the sales or any other transfer and exportations of morphine, cocaine and their respective salts. This rule shall not apply necessarily to medical prescriptions and to sales made by duly authorized pharmacists.

Article 11.

The Contracting Powers shall take measures to prohibit in their internal commerce all transfer of morphine, cocaine and their respective salts to all nonauthorized persons, unless existing measures have already regulated the matter.

Article 12.

The Contracting Powers, taking the differences in their conditions into account, shall use their best efforts to limit the importation of morphine, cocaine and their respective salts, to authorized persons.

Article 13.

The Contracting Powers shall use their best efforts to adopt, or cause to be adopted, measures to the end that the exportation of morphine, cocaine and their respective salts from their countries, possessions, colonies and leased territories to the countries, possessions, colonies and leased territories of the other contracting powers shall not take place except in case the persons for whom the drugs are intended shall have received authorizations or permits granted in conformity with the laws or regulations of the importing country.

To this end ever government may from time to time communicate to the governments of the exporting countries lists of the persons to whom authorizations or permits to import morphine, cocaine and their respective salts shall have been granted.

Article 14.

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 (officinal and non-officinal including the so-called anti-opium remedies) containing more than 0.2% of morphine or more than 0.1% of cocaine;
- c. to heroin, its salts and preparations containing more than 0.1% of heroin;
- d. to every new derivative of morphine, cocaine or their respective salts or to any other alkaloid of opium which might after generally recognized scientific investigations give rise to similar abuse and to result in the same injurious effects.

Chapter IV.

Article 15.

The Contracting Powers having treaties with China (Treaty Powers) shall take, on concert with the Chinese Government, the measures necessary for the prevention of the smuggling, as well with respect to Chinese territory as with respect to their colonies in the Far East and the leased territories which they occupy in China, of raw and prepared opium, morphine, cocaine and their respective salts, as well as of the substances indicated in article 14 of the present Convention. On its side the Chinese Government shall take analogous measures for the suppression of the smuggling of opium and the other substances hereinbefore indicated, from China to foreign colonies and leased territories.

Article 16.

The Chinese Government shall promulgate pharmacy laws for its subjects, regulating the sale and distribution of morphine, cocaine and their respective salts and of the substances indicated in article 14 of the present Convention, and shall communicate these laws to the Governments having treaties with China, through the intermediary of their diplomatic representatives at Peking. The Contracting Powers having treaties with China shall examine these laws, and, if they find them acceptable, shall take the necessary measures to the end that they be applied to their nationals residing in China.

Article 17.

The Contracting Powers having treaties with China shall undertake to adopt the measures necessary for the restraint and control of the opium-smoking habit in their leased territories, "settlements" and concessions in China, for the suppression of pari passu with the Chinese Government of the opium divans or

- a. to medicinal opium;
- b. to all preparations (officinal and non-officinal including the so-called anti-opium remedies) containing more than 0.2% of morphine or more than 0.1% of cocaine;
- c. to heroin, its salts and preparations containing more than 0.1% of heroin;
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Article 17.

The Contracting Powers having treaties with China shall undertake to adopt the measures necessary for the restraint and control of the opium-smoking habit in their leased territories, "settlements" and concessions in China, for the suppression of pari passu with the Chinese Government of the opium divans or

similar establishments which may still exist there, and for the prohibition of the use of opium in houses of amusement and of prostitution.

Article 18.

The Contracting Powers having treaties with China shall take effective measures for the gradual reduction, pari passu with the effective measures which the Chinese Government shall take to the same end, of the number of shops, intended for the sale of raw and prepared opium, which may still exist in their leased territories, settlements and concessions in China. They shall adopt efficacious measures for the restraint and control of the retail trade in opium in the leased territories, settlements and concessions, unless existing measures have already regulated the matter.

Article 19.

The Contracting Powers who have post-offices in China shall adopt efficacious measures to prohibit the illegal importation into China, in the guise of a postal package, as well as the illegal transmission from one locality to another in China through the intermediary of these post-offices, of opium, whether raw or prepared, of morphine and of cocaine and their respective salts, and of other substances indicated in article 14 of the present Convention.

Chapter V.

Article 20.

The Contracting Powers shall examine into the possibility of enacting laws or regulations making the illegal possession of raw opium, prepared opium, morphine, cocaine and their respective salts liable to penalties, unless existing laws or regulations have already regulated the matter.

Article 21.

The Contracting Powers shall communicate to each other, through the Netherlands Ministry for Foreign Affairs:

- a. the text of the laws and the administrative regulations in existence which concern matters aimed at by the present convention or enacted by virtue of its clauses;

b. statistical information with respect to that which concerns the traffic in raw opium, prepared opium, morphine, cocaine and their respective salts, as well as all other drugs or their salts or preparations aimed at by the present Convention.

These data shall be furnished with as much detail and in as short a time as shall be deemed possible.

Chapter VI.

Final Provisions.

Article 22.

The Powers/^{not}represented at the Conference shall be permitted to sign the present Convention.

To this end, the Netherlands Government shall invite, immediately after the Convention shall have been signed by the Plenipotentiaries of the Powers who have taken part in the Conference, all the Powers of Europe and of America not represented at the Conference, to wit, the Argentine Republic; Austria Hungary; Belgium, Bolivia; Brazil; Bulgaria; Chile; Colombia; Costa Rica; Republic of Cuba; Denmark; Dominican Republic; Republic of Ecuador; Spain; Greece; Guatemala; Republic of Haiti; Honduras; Luxemburg; Mexico; Montenegro; Nicaragua; Norway; Panama; Paraguay; Peru; Roumania; Salvador; Serbia; Sweden; Switzerland; Turkey; Uruguay; United States of Venezuela, to designate a Delegate armed with the full powers necessary for the signing of the Convention at The Hague.

The Convention shall be furnished with these signatures by means of a "Protocol of signature of Powers not represented at the Conference," to be added after the signatures of the Powers represented and indicating the date of each signature.

The Netherlands Government shall give notice every month, to all the Signatory Powers, of each supplementary signature.

Article 23.

After all the Powers, as much for themselves as for their possessions, colonies, protectorates and leased territories, shall have signed the Convention, or the supplementary Protocol hereinbefore indicated, the Netherlands Government shall invite the Powers to ratify the Convention together with this Protocol.

In case the signature of all the Powers invited shall not have been secured by December 31, 1912, the Netherlands Government shall immediately invite all the powers who have signed by that date, to designate Delegates to proceed to The Hague to examine into the possibility of nevertheless depositing their ratification

Ratification shall be executed within as short a time as possible and shall be deposited at once at The Hague in the Ministry for Foreign Affairs.

The Netherlands Government shall give notice every month to the Signatory Powers of the ratifications which it shall have received in the interval.

As soon as the ratifications of all the signatory Powers, as much for themselves as for their colonies, possessions, protectorates and leased territories, shall have been received by the Netherlands Government, this government shall give notice to all the Powers who shall have ratified the Convention, of the date on which the last of such acts of ratification shall have been received.

Article 24.

The present Convention shall go into effect three months after the date mentioned in the Netherlands Government's notification, as indicated in the last paragraph of the preceding article.

With regard to the laws, regulations and other measures provided for by the present Convention, it is agreed that the drafts necessary to this end shall be drawn up not later than six months after the going into effect of the Convention. With regard to the laws, these shall also be proposed by the Governments to their parliaments or legislative bodies within this same period of six months, and in any case at the first session which shall follow the expiration of this period.

The date from which these laws, regulations, or measures shall go into effect shall be the subject of an agreement between the signatory Powers, at the instance of the Netherlands Government.

In case questions shall arise relative to the ratification of the present Convention, or relative to the going into effect of the Convention, or of the laws, regulations and measures which such Convention involves, the Netherlands Government, if these questions cannot be decided by other means, shall invite all the Signatory Powers to designate delegates who shall assemble at The Hague to come to an immediate agreement on these questions.

Article 25.

If it should happen that one of the Contracting Powers should wish to denounce the present Convention, such denunciation shall be notified in writing to the Netherlands Government, who shall immediately communicate a certified copy in conformity with such notification to all the other Powers, informing them at the same time as to the date on which it received such notification.

Ratification shall be executed within as short a time as possible and shall be deposited at once at The Hague in the Ministry for Foreign Affairs.

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The denunciation shall have no effect except with respect to the Power who shall have given notice thereof and one year after such notice shall have reached the Netherlands Government.

In witness whereof, the Plenipotentiaries have affixed their signatures to the present Convention.

Done at The Hague, January 23, 1912, in one single copy, which shall remain deposited in the archives of the Government of the Netherlands and copies of which, certified in conformity, shall be delivered through diplomatic channels to all the Powers represented at the Conference.

/Here follow signatures./

/Translation./

PROTOCOLE DE CLOTURE OF THE INTERNATIONAL OPIUM CONFERENCE.

The International Opium Conference, proposed by the Government of the United States of America and convoked by the Government of the Netherlands, assembled at The Hague in the Palace of the Knights, December 1, 1911.

The Governments, the enumeration of which follows, have taken part in the Conference, to which they had designated the Delegates hereafter named.

/Here follow names of Governments and Delegates./

In a series of meetings held from the 1st of December, 1911, to the 23rd of January, 1912, the Conference determined upon the text of Convention hereto annexed:

The Conference has further expressed the following wishes:

I. The Conference is of the opinion that there is reason to draw the attention of the Universal Postal Union:

1. to the urgency of regulating the transmission by post of raw Opium;

2. to the necessity of regulating, so far as possible, the transmission by post of Morphine and Cocaine and their respective salts, and of the other substances contemplated by Article 14 of the Convention;

3. to the necessity of prohibiting the transmission of prepared Opium by the post.

II. The Conference is of the opinion that it is advisable to study the question of Indian Hemp from the statistical and scientific standpoint, with a view to regulating its misuse, should the necessity therefor make itself felt, by domestic legislation or by an international agreement.

In testimony whereof, the Plenipotentiaries have affixed their signatures to the present Protocol.

Done at The Hague, the 23rd day of January, 1912, in a single copy, which shall remain deposited in the Archives of the Government of the Netherlands, and copies of which, certified and conforming thereto, shall be delivered through the diplomatic channel to all the Powers represented at the Conference.
/Here follow signatures./

/Translation./

FINAL PROTOCOL OF THE SECOND
INTERNATIONAL OPIUM CONFERENCE--1913.

The Second International Opium Conference, convoked by Government of the Netherlands in virtue of Article 23 of the International Opium Convention, met at The Hague, in the Palace of the Counts, July 1, 1913.

The Governments enumerated below took part in the Conference, for which they had designated the following-named delegates.

(Here follow names of Governments and delegates.)

In a series of meetings held from the 1st to the 9th the conference after examination of the question put before it by paragraph 2 of Article 23 of the International Opium Convention of January 23, 1912--

I. Decided that ratifications may be deposited from this moment.

II. Unanimously adopted the following resolution:

RESOLUTION.

Desirous of following up in the path opened by the international commission of Shanghai of 1909 and the first conference of 1912 at The Hague, the progressive suppression of the abuse of opium, morphine, cocaine, as well as of drugs prepared with or derived from those substances, and deeming it more than ever necessary and mutually advantageous to have an international agreement on that point, the Second International Conference--

1. Utters a wish that the Government of the Netherlands be pleased to call to the attention of the Governments of Austria-Hungary, Norway, and Sweden the fact that the signature, ratification, drawing up of legislative measures, and putting the convention into force constitute four distinct stages which permit of those powers giving their supplemental signature even now.

Indeed, it is seen from articles 23 and 24 that a period of six months is allowed to run between the going into effect of the convention and the drawing up of the bills, regulations, and other measures contemplated in the convention. Furthermore, the third paragraph of article 24 gives the contracting powers the

liberty to reach an agreement, after ratification upon the date on which the said legislative measures shall go into effect. Besides we can not refrain from remarking that the difficulties foreseen by Austria-Hungary, Norway, and Sweden with respect to their legislation were not unknown to the delegates of the signatory powers and were subjected to thorough consideration on the part of the twelve contracting powers. Nearly all the signatory powers are in the same situation as the above-mentioned Governments and have not yet elaborated all the bills contemplated by the convention.

2. Utters the wish that the Government of the Netherlands be pleased to communicate to the Governments of Bulgaria, Greece, Montenegro, Peru, Roumania, Serbia, Turkey, and Uruguay the following resolution:

"The conference regrets that some Governments have refused or neglected to sign the convention as yet. The conference is of opinion that the abstention of those powers would prove a most serious obstruction to the humane purposes aimed at by the convention. The conference expresses its firm hope that those powers will desist from their negative or dilatory attitude."

3. Utters the wish that the Government of the Netherlands be pleased to point out to the Helvetic Government its error in deeming its cooperation to be of hardly any value. Contrary to what is said in the Federal Council's letter of October 25, 1912, the conference holds that Switzerland's cooperation would be most serviceable in its effect, whereas her abstention would jeopardize the results of the convention. As to the question raised by the Federal Council concerning the respective powers of the Federal and Canton Legislatures, it is to be noted that similar difficulties were already considered by the first conference, which took them into account in wording the convention.

4. Requests the signatory Governments to instruct their representatives abroad to uphold the above-indicated action of their Netherland colleagues.

III. Utters the wish that in case the signature of all the powers invited by virtue of paragraph 1 of article 23 shall not have been secured by the 31st of December, 1913, the Government of the Netherlands will immediately invite the signatory powers on that date to designate delegates to take up the question whether it is possible to put the International Opium Convention of January 23, 1912, into operation.

In faith whereof the delegates have affixed their signatures to the present protocol.

Done at The Hague, the ninth of July, one thousand nine hundred and thirteen, in one copy that shall remain deposited in

the archives of the Government of the Netherlands and certified copies of which shall be delivered through the diplomatic channel to all the powers, whether or not signatory.

/Here follow signatures./

* * * * *

And whereas, the said Convention and Final Protocol have been ratified by the Government of the United States of America, by and with the advice and consent of the Senate thereof, and by the Governments of China and the Netherlands, and the ratifications of the said Governments were deposited by their respective Plenipotentiaries with the Government of the Netherlands;

Now, therefore, be it known that I, Woodrow Wilson, President of the United States of America, have caused the said Convention and Final Protocol, to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this third day of March in the year of our Lord one thousand nine hundred and fifteen, and of the independence of the United States of America the one hundred and thirty-ninth.

/SEAL/

WOODROW WILSON

By the President:

W. J. Bryan

Secretary of State.