

7  
UNITED NATIONS

NATIONS UNIES

MASTER FILE

## **LAWS AND REGULATIONS**

COMMUNICATED IN COMPLIANCE WITH THE TERMS OF THE

CONVENTION FOR LIMITING THE MANUFACTURE  
AND REGULATING THE DISTRIBUTION  
OF NARCOTIC DRUGS OF 13 JULY 1931

AS AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946



**FRENCH INDO-CHINA**

**1949**

E/NL.1949/8  
15 March 1949

Note by the Secretary-General

In accordance with Article 21 of the Convention of 1931 for limiting the Manufacture and regulating the Distribution of Narcotic Drugs, as amended by the Protocol of 11 December 1946, the Secretary-General has the honour to forward to the Members of the United Nations and to the other parties to the Convention the following text communicated by the Government of France.

ORDER

The Counsellor of the Republic,  
High Commissioner of France for Indo-China  
Commander of the Legion of Honour  
Companion of the Liberation

With reference to the Decree of 27 March 1947 providing for the appointment of a High Commissioner of France for Indo-China,

The Decree of 27 March 1947 prescribing the powers of the High Commissioner of France for Indo-China,

The Decree of 16 March 1948 extending the duration of the appointment of the High Commissioner of France for Indo-China,

The Decree of 20 October 1911 establishing the financial and administrative organization of Indo-China,

The Order (arrêté) of 5 June 1903, together with the texts amending it, regarding procedure in evasion of indirect taxation laws in Indo-China,

The Decree of 8 November 1934 governing entry on premises concerned in the illicit traffic in opium in Indo-China,

The Federal Ordinance of 12 June 1946, and the Order of 26 July 1946 made for its application, and

The Order of 18 May 1948 amending the system of opium control in Indo-China (document E/NL.1948/28),

ORDERS:

PART I

EXERCISE OF MONOPOLY

*Article 1.* In Indo-China the purchase, manufacture and sale of opium shall be a monopoly under the direction of the Administration of Customs and Excise (*Administration des Douanes et Régies*) of Indo-China.

*Article 2.* Purchase and manufacture shall be a direct monopoly.

The selling monopoly shall be exercised directly by the Service or by licensees under the supervision of the Service.

*Article 3.* Cultivation of the opium poppy in Indo-China shall be permitted only to the Yaos, Meos and other mountain communities traditionally engaged therein.

Such cultivation shall take place only under licence from the Administration of Customs and Excise, which shall survey and regulate the growing areas in co-operation with the local political authorities in order progressively to eliminate such cultivation.

Opium produced may be delivered only to the Excise.

*Article 4.* The Administration of Customs and Excise shall purchase raw opium from such sources as it considers suitable and at such prices and under such conditions as may seem to it most favourable.

*Article 5.* Importation, even for re-exportation, exportation, transit, warehousing and transshipment of opium are prohibited;

Provided that this prohibition shall not apply to importation of opium for the Monopoly.

The provisions of this Order shall not apply to the medicinal opium derivatives referred to in Part II of the Decree of 16 July 1919, as amended, regulating trade in and possession and use of poisonous substances.

*Article 6.* The Administration of Customs and Excise shall supervise the sale of the various grades of opium throughout Indo-China.

For such purpose it shall establish as many sales offices as it may deem necessary.

*Article 7.* Prepared opium shall be supplied by the Administration of Customs and Excise in sealed receptacles bearing the Excise mark.

*Article 8.* Prepared "zone" opium that may be put on sale in certain provinces shall be packed in special containers of distinct design and marking specified by the Director of Customs and Excise.

Except as otherwise provided in the last paragraph of Article 42 of this Order, such opium shall not be possessed, peddled or sold outside the district for which intended.

## PART II

### DETOXICATION

**Article 9.** With a view to carrying out the programme of progressive reduction in the use of prepared opium under the system of licences and rationing recommended by the Bangkok Conference, the final date for detoxication in Indo-China shall be fixed by 31 December 1953.

For this purpose the quantities of opium sold by the State Monopoly shall be reduced each year by 20 per cent, and become nil in 1954.

The base year for the application of these successive reductions is 1944.

**Article 10.** State Monopoly opium may be sold only to persons entered in the registers of opium smokers kept in the Receivers' Offices for Customs and Excise (*recettes des douanes et régies*).

Opium smokers within the jurisdiction of Receivers' Offices for Customs and Excise where these registers are not yet established must enter fully documented applications for registration. In doubtful cases a medical examination may be ordered by the administration.

Applications under the preceding paragraph must be entered within thirty days of the arrival of the issue of the Official Journal publishing this Order at the chief town of the province to which the Receivers' Office for Customs and Excise within the jurisdiction of which the applicant is domiciled is administratively subordinate.

**Article 11.** An "opium card" shall be issued to each opium smoker. This card shall indicate the monthly quantities which may be issued, in proportion to the degree of intoxication of the smoker.

The quantities allocated shall be automatically reduced by 20 per cent each year after 1 January 1949.

Regulations for the form of the card and the distribution of the opium shall be made by the Director of Customs and Excise.

The "opium card" shall serve as a permit to move quantities of opium acquired in State retail establishments and as an authorization to possess a quantity of opium not exceeding the quantity prescribed by Article 41 hereof.

The "opium card" shall be strictly non-transferable and may not be either given or sold.

**Article 12.** "Opium cards" may not be issued to persons under 21 years of age. This shall apply to members of the civil and military services and to members of their families residing with them.

**Article 13.** The detoxication of European smokers must be completed by 31 December 1949 at the latest. They shall be issued a quarterly card entitling them to a progressively-reduced ration.

## PART III

### SALES

**Article 14.** When the Administration does not exercise a direct monopoly of sale, this privilege may be granted to other authorized persons.

**Article 15.** Authorized persons shall be appointed by countries and by a committee composed as follows:

The Financial Adviser or his representative	President
The Political Adviser or his representative	Member
The Social Adviser or his representative	"
The Director of Customs and Excise or his representative	"
A representative of the local government	"
A representative of the Commissioner of the Republic concerned	"

An official of the Customs and Excise shall act as secretary to the committee.

**Article 16.** Authorized persons shall manage their retail establishments themselves or through a manager approved by the Administration.

In the latter case the manager shall be responsible to the Administration for any breach of this Order.

**Article 17.** Authorized persons or their managers may carry on their trade only in the place appointed by the Administration and after obtaining a license valid for the current year, to be issued free by the Administration of Customs and Excise.

The licence must be prominently displayed in the retail establishment.

Removals of retail establishments shall be subject to the prior authorization of the Administration, and opium supplies shall be obtained from the Receivers' Offices appointed by it.

*Article 18.* The Administration may require authorized persons or their managers to furnish security against any fines incurred for breach of the penal provisions of this Order.

*Article 19.* Prepared opium must be sold in the state in which it is issued by the Monopoly. The opening of containers and sale in small quantities are prohibited.

*Article 20.* Prepared opium may be sold either directly by Receivers of Customs and Excise, or by authorized persons or their managers, only to persons authorized to smoke opium and on presentation of the "opium card" issued by the Administration.

Receivers' Offices of Customs and Excise and authorized persons or their managers may serve only persons regularly registered at their establishments and may not issue to a smoker a quantity larger than that allocated to him for the monthly period.

The conditions of sale and the control of the identity of smokers shall be regulated by the Director of Customs and Excise.

*Article 21.* Prepared opium shall be sold at a price fixed by the high Commissioner of France for Indo-China by order.

Such order shall prescribe the quantities of deliveries allotted to licensees.

Where sales are made directly by the Administration, the charges shall be based on the sales price to consumers.

Every sales office shall display a conspicuous price list in French, Quoc Ngu and characters.

*Article 22.* Receivers of Customs and Excise shall record in a booklet as deliveries are made the quantities of prepared opium issued to licensees.

The price of issue of the booklet shall be fixed by the Director of Customs and Excise.

The booklet shall serve as a permit to move opium between the Receivers' Office for the Customs and Excise and the retail establishment of the licensee. It must be presented whenever required by the authorities.

*Article 23.* Opium dens (*fumeries*) under any name are prohibited throughout the territory of Indo-China.

All public or private places where private individuals may obtain opium to be consumed on the premises with the aid of special equipment placed at their disposal by the keeper of the premises shall be deemed to be opium dens.

Adjoining premises where more than three smokers not regularly domiciled therein are assembled, shall be likewise deemed to be opium dens.

*Article 24.* Retail establishments shall be subject to inspection. Excise officers shall have access thereto at any hour of the day or night, and may without the presence of an officer of the judicial police make such inspections and searches as they may consider necessary.

## PART IV

### PENAL PROVISIONS

*Article 25.* Importation without declaration, smuggling, unlawful purchase, discovery on board a vessel and movement without clearance within a customs area of raw or prepared opium shall be ascertained, prosecuted and proved in accordance with the Customs laws and regulations in force in Indo-China with respect to prohibited goods. Seized opium shall be valued at the official sales price in the district in which it was seized. Such value shall determine the amount of the fine when this exceeds the minimum provided for by penal enactments.

If the opium cannot be seized, the court shall order, in lieu of confiscation, the payment of a sum computed as in the foregoing paragraph.

*Article 26.* Any private person transporting, possessing, giving or selling opium other than that of the Excise shall be liable to a fine of 5,000 to 20,000 francs and to imprisonment from two months to three years.

Seized opium and any conveyance or merchandise used to commit the offence shall be confiscated to the Excise.

In case of a subsequent offence, the maximum fine shall be imposed and the minimum term of imprisonment shall be increased to six months.

Article 27. Where contraband opium is found abandoned in the territory of Indo-China, an information (*procès-verbal*) of seizure shall be laid and such opium shall be declared by the court confiscated to the Excise together with any conveyance and object used to commit the offence.

Article 28. Any person transporting contraband opium of which the owner is not known shall be personally liable. Any conveyance or object used to commit the offence, and the opium, shall be confiscated to the Excise.

Article 29. Any person manufacturing or having manufactured opium, or mixing or having mixed any substance with Excise opium, shall be liable to a fine of 6,000 to 20,000 francs and imprisonment from two months to three years.

Manufactured products seized, utensils used in their manufacture, and objects containing them shall be confiscated.

In case of a subsequent offence, the maximum fine shall be imposed and the minimum term of imprisonment shall be increased to six months.

Article 30. The manufacture or possession of wrappings or parts of wrappings imitating those used by the Excise shall be liable to the penalties specified in Article 29 hereof.

The same penalties shall apply to the illegal possession of wrappings or parts of wrappings belonging to the Excise.

The penalties specified in the first paragraph of this Article shall be irrespective of those specified in Article 142 of the Penal Code.

Article 31. Without prejudice to the penalties prescribed in Article 142 of the Penal Code, the following persons shall be liable to a fine of 1,000 to 5,000 francs:

persons forging "opium cards" or falsifying cards issued by the Excise by substituting names or photographs or falsely indicating or declaring civil status;

persons participating in the making and circulation of forged "opium cards";

persons procuring or attempting to procure the issue to themselves of an "opium card" in more than one Receiver's Office of Customs and Excise;

persons selling or giving their "opium cards";

persons buying or receiving free of charge an "opium card".

In addition, in the cases provided for in the last three paragraphs of this Article the "opium card" shall be withdrawn.

Article 32. Any unauthorized person selling Excise opium shall be liable to a fine of 1,000 to 5,000 francs.

The buyer and seller shall be declared jointly liable.

In case of a subsequent offence during the same year the maximum fine shall be imposed.

Seized opium and its receptacles shall be confiscated.

Article 33. Any licensee or manager manufacturing, transporting, selling, putting on sale, giving or possessing opium other than Excise opium, or adulterating Excise opium by adding any substance, shall be liable to a fine of 10,000 to 40,000 francs and to imprisonment from three months to three years.

Contraband or altered opium, together with any receptacles and conveyances used to transport it, shall be confiscated to the Excise.

Article 34. Without prejudice to the penalties prescribed in Article 142 of the Penal Code, any licensee or manager counterfeiting the Excise mark shall be liable to a fine of 5,000 to 30,000 francs and to imprisonment from three months to five years.

Article 35. Any licensee or manager selling Excise opium at a price exceeding that established by decree shall be liable to a fine of 1,000 to 5,000 francs.

In case of a subsequent offence within the year, the maximum fine shall be imposed.

Article 36. Any licensee or manager selling Excise opium to a person not possessing an "opium card" shall be liable to a fine of 1,000 to 5,000 francs.

In case of a subsequent offence within the year, the maximum fine shall be imposed.

Article 37. Any offence against the provisions of Article 19 hereof shall be punishable by a fine of 1,000 to 5,000 francs. In case of a subsequent offence within the year, the maximum fine shall be imposed.

Article 38. In the cases referred to in Articles 33, 34, 35, 36 and 37 the licence may be withdrawn.

If the offence is proved against a manager, he shall be dismissed from his post.

Article 39. In the case of offences referred to in Articles 25, 26, 28, 29, 33 and 34 above, the Excise shall be entitled to damages to an amount not less than five times the value of the material which is the subject of the offence, reckoned at the official sales price of the Customs and Excise Office within whose jurisdiction the offence was ascertained. If opium has been discovered on board a vessel situated within the limits of

commercial ports and roadsteads, the Excise shall be entitled to damages not less than the value of the opium seized nor greater than five times such value reckoned as aforesaid.

*Article 40.* Any keeper of an opium den shall be liable to a fine of 5,000 to 30,000 francs and imprisonment from three months to three years.

Special materials and furnishings together with the opium and its receptacles shall be confiscated to the Excise.

If such keeper is the holder of an "opium card", the card shall be withdrawn.

If the offence is repeated, the fine shall be not less than 15,000 francs and the imprisonment not less than six months.

*Article 41.* Any person possessing or moving Excise opium without being in possession of an "opium card" shall be liable to a fine of 500 to 2,000 francs, and the opium shall be confiscated to the Excise.

Any person who, being the holder of an "opium card", possesses or moves a quantity exceeding the allowance for two months shall be liable to the same penalties.

*Article 42.* Except as otherwise provided for in the final paragraph of this Article, "zone" opium found outside the district for which it is intended shall be deemed to be contraband opium, and any person who peddles, possesses or sells the same shall be liable to the penalties provided in Articles 26, 33 and 39 respectively.

Provided that the aforementioned penalties shall not apply to a person possessing or moving "zone" opium outside the district for which it is intended if he is the holder of an "opium card", and the quantity possessed or moved does not exceed the limit laid down in Article 41.

*Article 43.* The provisions of the Decree of 8 November 1934 governing entry on premises concerned in the illicit traffic in opium shall apply to the inspection and search of all the places referred to in Article 23 of this Decree irrespective of the nature of the opium which is the subject of the traffic therein.

*Article 44.* Whenever prepared opium appears to differ in any way from that of the Excise, samples shall be taken by Customs and Excise employees and kept under seal to be forwarded for test to the laboratory of the Opium Factory at Saigon.

The suspected opium shall be retained in custody, and if the result of the test, against which no appeal shall lie, so warrants, an information of seizure shall be laid.

## PART V

### MISCELLANEOUS PROVISIONS

*Article 45.* The Yaos, Meos and other mountain communities traditionally engaged in cultivating the opium poppy shall be entitled to smoke opium produced by them after declaration made to the local authorities.

Peddling or other traffic in such opium shall be deemed to be smuggling unless the opium is being moved for delivery to an official purchasing centre established by the Excise.

*Article 46.* All previous provisions contrary to this Order and in particular the Order of 18 May 1948 (document E/NL.1948/28) are hereby repealed.

*Article 47.* The Financial Adviser, the Procurator-General at the Appeal Court in Saigon, Chief of the Judicial Services in Indo-China, and the Director of the Cabinet shall be responsible within their respective competence for the enforcement of this Order, which shall be published in the Official Gazette of Indo-China.

Saigon, 3 September 1948.