

UNITED NATIONS

NATIONS UNIES

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

COMMUNICATED BY THE GOVERNMENT OF

FRANCE

1948

E NL. 1948/28
30 October 1948

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 law communicated by the Government of France.

ORDER

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 establishing 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 in Indo-China,

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

The Decree of 3 May 1945 on the police powers of governors,

The Order of 18 October 1921, confirmed by the Decree of 7 March 1922, governing the sale and use of opium in Indo-China,

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

IT IS ORDERED THAT:

Section 1 - 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 at 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.

Section 2 - 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 Receiver's Office for Customs and Excise within the jurisdiction of which the applicant is domiciled is administratively subordinate.

Section 3 - 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} drug 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 allowance for two months. *Quantities to be possessed by individuals to be ref.*

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

Section 4 - "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.

Section 5 - 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.

Art. 14 **Section 6** - When the Administration does not exercise a direct monopoly of sale, this privilege may be granted to other authorized persons.

Art. 15 **Section 7** - Authorized persons shall be appointed by countries ~~of the Union~~ 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.

Art. 16 Section 8 - 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.

Art. 17 Section 9 - Authorized persons or their managers may carry ~~on~~ their trade only in the place appointed by the Administration and after obtaining a licence 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.

Art. 18 Section 10 - 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.

Art. 19 Section 11 - 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.

Art. 20 Section 12 - 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 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.

Section 13 - 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 likewise be deemed to be opium dens.

Section 14 - Conditions for the closing of establishments functioning under the Federal Ordinance of 12 June 1946 and for the setting up of the retail establishments provided for in this Order shall be determined by decision of the Director of Customs and Excise.

Section 15 - The following persons shall be liable to a fine of 1200 francs and imprisonment for a term of 15 days:

(1) persons manufacturing or possessing wrappings or parts of wrappings imitating those used by the Excise;

(2) persons illegally possessing wrappings or parts of wrappings belonging to the Excise;

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

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

(5) 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;

(6) persons selling or giving their "opium cards";

(7) persons buying or receiving free of charge an "opium card";

(8) persons possessing or moving Excise opium without being in possession of "opium cards";

(9) persons who, being holders of "opium cards", possess or move quantities exceeding the allowance for two months.

In addition, in the cases provided for in paragraphs 5, 6, 7 and 9 of this section the "opium card" shall be withdrawn.

Section 16 - The following persons shall be liable to the penalties laid down in section 15:

Authorized persons or managers selling Excise opium to persons not possessing "opium cards".

Authorized persons or managers opening Excise containers or retailing Excise opium.
Keepers of opium dens.

In addition, if the keeper of an opium den is the holder of an "opium card", the card shall be withdrawn.

Section 17 - Any offence committed by an authorized person or by a manager may entail the withdrawal of the licence.

If the offence has been committed by a manager, he shall be dismissed from his post.

Section 18 - The Federal Ordinance of 12 June 1946, the texts amending it, and all previous provisions contrary to this Order, are hereby repealed.

Section 19 - The Financial Adviser, the public prosecutor of the Court of Appeal of Saigon, head of the judicial services of Indo-China, and the Executive Assistant to the High Commissioner, are responsible in so far as each is concerned for the execution of this Order, which shall be published in the Official Journal of Indo-China.

Done at Saigon, 18 May 1948.
(signed) BOLLAERT