LEAGUE OF NATIONS.


ANNEX.

(C.245.M.95.1925)

February 2nd 1926.

The attached document (C.245.M.95.1925) should have been circulated with document C.28.M.14.1926) to which it is the annex.
LEAGUE OF NATIONS.


ANNEX.

(O. C. 245. X. 95. 1925, X. I.)

O. C. 287.

Geneva, April 22nd 1926.

TRAFFIC IN OPIUM.

REPLY FORWARDED BY THE CHINESE GOVERNMENT FROM THE GOVERNOR OF SIN-KIANG TO COMMUNICATIONS FROM THE BRITISH GOVERNMENT.

Note by the Secretary-General.

The following communication forwarded by the Chinese Government is circulated to the Members of the League and to the Members of the Advisory Committee on Opium.


SUMMARY.

In Document O. C. 183, 1924, paragraphs 1 and 2, the British Government stated that opium from Semirechisia was sold in large quantities in the north of Chinese Turkestan on account of the higher price of Sin-Kiang opium, etc. It is not within our province to say whether the poppy is cultivated on the Russian territory of Semirechisia and Przhevalsk or not. We can, however, make the categorical statement that the information as to the existence of poppy growing on Chinese territory is not accurate, for, since we have inflicted capital punishment on the Chinese planters and have taken steps to arrest foreign planters who are
then handed over to their respective Consulates, and, since at the same time we have carefully destroyed the plantations, the province of Sin-Kiang has been rid of all poppy culture.

Moreover, every year before the autumn we send inspectors to make enquiries on the spot and to punish severely any law-breakers whom they may discover. These facts are known, not only to the Chinese local inhabitants, but also to all foreigners, consuls, merchants and others who have visited our province. The statement respecting the existence of native opium of which the cost is higher than that of Russian opium, is without foundation, for the province of Sin-Kiang produces no opium.

On the other hand, smuggling across the Chinese frontier by Russian and British subjects is very prevalent and we have seized and burnt on the spot a large quantity of the opium introduced by this illicit traffic.

According to the British Government the inhabitants of Sin-Kiang used to barter cotton stuffs, shoes, sheepskins and textiles in exchange for Russian opium, but we believe that this statement is also devoid of foundation, for even if certain merchandise is exchanged on the Chinese-Russian frontier, we have never discovered the existence of a traffic in opium. Moreover, in view of the considerable number of our posts on the frontier and of the great activity shown by them, as well as of the severity of the penalties inflicted, it is not by means of such barter that the introduction of opium into China could be attempted.

In paragraph 3 of the same document, O. C.183.1924, the assertion is made that the Chinese magistrates of Uch and Turfan appeared themselves to be the principal traffickers in opium, etc. It is precisely, these officials however, who each year bring to light numerous cases of contraband and illicit traffic in opium which they at once report, to the higher authorities, at the same time burning the opium seized and severely punishing those involved in the traffic. If, in fact, these officials had
Committed offences against the law the culprits thus punished would long ago in their turn have denounced those dishonest officials to the superior authorities, all the more so since the superior authorities, the Civil Governor and the Tao-tai, are resident in the neighbourhood of the places mentioned.

With regard to the secret agreement and the figures given in the British communication, we would ask to be informed of the exact route taken by the smugglers, the place where the merchandise was stored, the names of the receivers and those engaged in the traffic the place of delivery, the date of the crossing of the frontier, etc., in order that we may be in a position to check the accuracy of this information which strikes us as very singular; we have, in fact, not been able to find the slightest trace of any such traffic. If a secret agreement for the introduction of Russian opium existed, the exact details must have been known to the British Consular officers, who they gave and affirmed the figures and statistics. We cannot understand why each separate case was not at the time communicated directly to us with all possible detail and why, instead, we are accused in vague and general terms before the League of Nations.

Paragraph 4 of the same document states that enormous quantities of raw and dressed hides as well as cloth, dyes, etc., were imported from China into Prussia in 1920 and 1921 in exchange for opium, and that the number of persons engaged in this traffic was estimated at 2,000. We are unable to affirm that this traffic does not exist in our province in view of the length of the frontier separating us from territories under British and Russian control and the fact that each year we capture numerous British, Russian and Afghan nationals who are engaged in smuggling opium. In what manner has the figure of 2,000 smugglers been arrived at and among these how many are foreigners? It would moreover be interesting to know their nationality.
In document C.C. 156, 1926, paragraph 1, the British government stated that Yarkand is the principal opium market in the south of Sin-Kiang for the traffic between that place and Afghanistan, etc. We agree with this, but it should be noted that it is since we have been applying very severe punishment to opium smugglers that Yarkand has become the centre of contraband and illicit traffic; the smugglers are not Chinese but usually Russian subjects, Afghans or English. The British Government is perfectly justified in designating this place as an important centre, but it is our duty to remind them that we had already called the attention of the British and Russian Consuls to this fact with the request that they should prevent their nationals from continuing to defy Chinese law and carry on an illicit traffic in opium. Unfortunately our protests met with no genuine or adequate reply. All we do is to burn the seized opium and to allow the offenders against our laws and the international convention to escape because these foreign smugglers are protected by consular jurisdiction. We would mention, too, that in the month of August 1919, we informed the British Consul in our province that numerous foreign nationals, including British subjects, were importing opium into the south of our province through British territory or through territory guarded by British troops or officials, and asked him to report the fact to the British authorities of those places in order to prevent the opium traders from passing the frontier if they were nationals of countries other than China, or to deliver them over to our authorities if they were Chinese. The British Consul consented to request the competent authorities to take steps in the sense desired, but foreigners continue to smuggle on the frontier as before, and Chinese traders who take refuge in territories under British control are never handed over to the Chinese authorities, and are therefore protected and go unpunished. Surely it is not fair to accuse our authorities as being the only ones responsible for this state of things, seeing that they act with great energy, only to encounter the obstacles mentioned above.
Paragraph 2 of Document O.C. 156; 1923, stated that opium from Jalalabad and Badakhshan continues to penetrate into the territories of Aksu and Kuchar etc., and that there is at Yarkand a quantity of unsold opium to the value of 10,000 taels and that the price is daily dropping etc., The British Government must be aware of the fundamental economic law of supply and demand. Moreover, the British Consuls are well aware that the price of every tael of opium in 1918 in our province was about 4 taels and a half, whereas in 1922 it was worth no more than 1½ taels. This fall in price, which is not due to an increase in cultivation, since we have proved that no poppy cultivation exists in our province, can only be explained by the fact that the number of smokers is constantly diminishing and that opium is in less demand in our province. When the British Government explain the fall in price by the existence of an accumulation of stores they are confusing cause and effect. If these stores were really so large, Russian, British and Afghan monopolists must certainly have been implicated in the matter. Seeing that the British Consul was cognisant of this fact, why did he not immediately bring it to our notice in order that we might take prompt measures for the seizure of the merchandise and the punishment of those concerned? This silence is the more difficult to explain since the same British Consul brought to our notice cases of smuggling of so little importance that the value involved was perhaps no more than 10 taels of opium. No Chinese authority had been notified of this considerable stock mentioned by the British Consul until the moment of the publication of the report by the League of Nations; this Consul seems to have a strange idea of the meaning of the Hague Convention and of what is understood by cordial co-operation with the local
authorities! As far as the traffic referred to between the inhabitants of Badakhshan and Urumehi is concerned, we would point out that the Customs and Police cordon has been considerably strengthened and we do not believe that the contraband in opium, if indeed it still exists, can be of any importance.

In § 3 of document O.C. 156, 1923, it is stated that throughout the whole province of Sin-kiang, smuggling is carried on through the Begs, the Yuzbashis (Village headmen) and barrier officers. It is alleged that there exists a regular tariff of remuneration etc.

We declare that whenever we have discovered that the head-man of a village or an official of the administration is implicated in opium smuggling, we have invariably inflicted exemplary punishment, the most severe penalty being death, in which case the offenders are shot on the spot. We are surprised that the British Consul should merely have reported certain isolated cases, basing general conclusions thereon, and should have neglected to mention the severe penalties to which every smuggler discovered is liable. If the Consul knew of other smugglers who had not been discovered, why did he not communicate to us confidentially a list of these offenders, so that we might have arrested them immediately instead of laying baseless and general accusations before the League of Nations? Furthermore, the British Consul should have remembered that in 1917 and the following years British subjects sought to sell opium, and indeed succeeded in selling a large quantity of this product to Chinese subjects. Relying on the buyers' fear of punishment and their extra-territorial privileges, they then forcibly
recovered possession of the opium by attacking the Chinese buyers. A number of Chinese, however, who had been thus victimised and robbed, appeared in the Chinese courts to claim repayment of the money paid for the opium, which the seller had retaken from them by force. That was how we came to know of the dishonest activities of certain foreign subjects along our frontiers and in our own territory. By a mixed judgment delivered in concert with the British Consul, we condemned the Chinese buyer to prison and the British seller to repayment of the stolen money and to such penalty as the Consul himself might inflict on him. The opium itself was burnt.

We should state, moreover, that our system of control consists of search by the police and the employment of special agents empowered to enter even private houses in order to seize the opium and arrest the delinquents as soon as the police authorities get to know of smuggling or of any depot. Moreover the local authorities are bound to carry out enquiries from time to time on the spot in all villages, with the assistance of the leading inhabitants of the place in order to make sure that no cultivation, depot, or other form of traffic exists. Those enquiries or administrative searches, accompanied by very severe penalties including even the death penalty, are respected and feared throughout the whole province. It is thanks to those vigorous and permanent measures that our province has been completely purged of opium cultivation. The illicit traffic, the control of which is complicated by the fact that foreigners have a hand in it, though it still exists, has been reduced to small proportions. The assertion of the British Consul, therefore
that smuggling exists and is organised with the connivance of the officials themselves, causes us considerable surprise. Possibly the British Consul would be good enough to furnish more detailed proof?

In § 4 of the same document it is stated that disputes concerning opium have been brought to court under the cover of the expression "gold thread" etc., .......

We remember that in 1921, a British subject named Payorshal [this being the transliteration of the name from the Chinese] who was selling low-grade opium, was denounced by a buyer and the case was brought to court, by agreement between the two parties, as dispute concerning silver dollars, but the subterfuge was discovered in good time and the authors were punished. The opium was burnt and the British smuggler was handed over to the British Consul for punishment, whereas the Chinese subject was punished with imprisonment for life. We do not know whether foreign nationals have cases before the Consular Courts under the denomination of "gold thread"; in any case this is a matter which escapes our jurisdiction.

7. In § 5 of the same document it is stated that another seat source of supply in the opium trade is in Somiristehonsk, so, .........

Since the revolution, the Russian authorities have abandoned the system of passports outside our frontiers, and when Chinese subjects cross the frontier at Ili to enter Russian territory, the Russian authorities allow them to enter freely and provide them with land for poppy cultivation. Such remunerative freedom has, it is true, tempted some of our more unscrupulous subjects who have crossed the frontier.
But we are there to take precaution and do all we can to prevent those illicit proceedings. Time and again we have addressed urgent requests to the Russian authorities beyond our frontiers asking them to extradite those poppy cultivators established within their territory, in order that we may punish them, and we have added that if the Russian authorities continue to receive them without passports and allow them to cultivate opium, serious diplomatic consequences are to be feared. Moreover we have sent a considerable number of troops to the frontier in order as far as possible to prevent our subjects from proceeding to Russia without passports. The British Consul must be aware of these facts and difficulties.

In short, in conformity with the International Huguo Convention, the Sino-British Treaties, and the laws of the Republic the Province of Sin-Kiang, by extremely vigorous measures conscientiously applied, has since 1916 been able to rid itself of all poppy cultivation and no opium is now produced in our Province. The number of smokers and opium traffickers continues to decrease, and we venture to hope that they will some day be entirely eliminated. The only difficulty consists in suppressing opium smuggling because a large number of foreign nationals protected by the privilege of extra-territoriality, conduct a contraband trade along our frontiers and in our territory, wilfully disregarding the laws of China, the Convention and the Treaties, in spite of our protests and repeated applications to the foreign consulates and authorities. In order to give some idea of these difficulties, we would state that in the winter of 1923 an English subject named Copybill (this being the transliteration of the
name from the Chinese) arrived with about 150 Afghan smugglers on our frontier at Pa-Li and attempted to enter Chinese territory, when the few Customs officers who happened to be there attempted to prevent their entry, the band of smugglers, under the orders of their British loader, simply bound and gagged the customs officers who stood in their way and passed over the frontier unhindered, with a considerable quantity of opium. Fortunately our Sub-Profet at Markand came to hear of the matter and was able to arrest them in time to hand them over to the Chinese Tao-Tai. The British Consul, whom we had informed and to whom we had handed over the guilty British subject, raised a whole series of difficulties, so that this case of smuggling on a large scale carried out by a British national and Afghans has not yet been settled, and no sentence has been delivered at the time of our drafting this reply. (December 9th, 1924).

The above facts will, we feel sure, make it possible for the League of Nations to form a true estimate of certain insinuations made by British Consuls concerning our Province. They will be sufficient to show the progress realised by the Province of Sin Kiang as regards the cultivation, consumption, traffic and contraband in opium. Cultivation no longer exists, consumption and the traffic have considerably decreased. Contraband however continues to exist owing to the high-handed action of
foreigners who continually import opium into our province.
This is a fact which we desire to bring to the notice of the
League of Nations. We ourselves are conscious of having done
our duty in every respect.

(Signed) Yang-Tsong-Sin,
Civil Governor of the Province of
Sin-Kiang, China.

December 9th, 1924.
13th year of the Chinese Republic.