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### Drug Control In Iran: A Legal and Historical Analysis

Thomas Quinn

*Fordham University School of Law*

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## DRUG CONTROL IN IRAN: A LEGAL AND HISTORICAL ANALYSIS

Gerald T. McLaughlin\*

&

Thomas M. Quinn\*\*

### I. INTRODUCTION

During the past few years, there has been a sharp increase in the number of drug abusers and addicts in the United States.<sup>1</sup> Drug abuse, however, cannot be considered a recent or a purely American phenomenon. In some countries the problem has existed for centuries;<sup>2</sup> in others the problem has only mushroomed in the past few decades.<sup>3</sup> With few exceptions,<sup>4</sup> however, there is comparatively little literature available to American scholars on the drug situation in other countries—

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\* A.B. 1963, Fordham University; L.L.B. 1966, New York University; Assoc. Professor, Fordham University School of Law.

\*\* A.B. 1947, Holy Cross; L.L.B. 1950, L.L.M. 1956, Harvard University; Professor, Fordham University School of Law.

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1. U.S. BUREAU OF THE CENSUS, DEP'T OF COMMERCE, STATISTICAL ABSTRACT OF THE UNITED STATES: 1971, 79, table 116.

2. Blum, *A History of Opium*, in SOCIETY AND DRUGS 45, 45-51 (1969) [hereinafter cited as Blum, *A History of Opium*]. In South America, particularly in Peru and Bolivia, the coca leaf, a stimulant, has been chewed for centuries. See McLaughlin, *Cocaine: The History and Regulation of a Dangerous Drug*, 58 CORNELL L. REV. 537, 538-42 (1973).

3. Blum, *A History of Opium*, *supra* note 2, at 55-56.

4. An example is El-Kayal, *Comparative Study of Narcotics and the Law in the United Arab Republic and the United States*, 20 DE PAUL 859 (1971). In addition, the *United Nations Bulletin on Narcotics* has published some studies on drug abuse outside the United States. Dube, *Drug Abuse in Northern India, Observations Concerning the Delhi and Agra Regions*, 24 BULL. NARC., Jan.-March, 1972, at 49 (India); Esbjornso, *The Drug Problem in Sweden From the Police Point of View*, 23 BULL. NARC., Jan.-March, 1971, at 15 (Sweden); Goduco-Anglar, *A Note on Drug Abuse in the Philippines*, 24 BULL. NARC., April-June, 1972, at 43 (Philippines); Jermulowicz & Turnau, *Control and Treatment of Drug Addicts in Israel*, 14 BULL. NARC., April-June, 1962, at 11 (Israel); Johnson-Romuald, *Narcotics Control in the Republic of Togo*, 21 BULL. NARC., Jan.-March, 1969, at 41 (Togo); Keilholz, *Present Problems of Drug Dependence in Switzerland*, 22 BULL. NARC., April-June, 1970, at 1 (Switzerland); Madeddu & Malagolie, *Drug Dependence in Italy: Some Statistical, Clinical and Social Observations*, 22 BULL. NARC., April-Dec., 1970, at 1 (Italy); Nimb, *The Con-*

literature that might be suggestive of new approaches to the drug problem in the United States. This Article attempts to fill that void, at least in part, by describing in detail the history and character of drug abuse in one country—Iran.

Iran was chosen primarily for five reasons. First of all, the extent of addiction in the country was, until very recently, staggering. In 1955, for example, out of a population of approximately 20 million people, it was estimated that there were 1.5 million addicts, roughly seven percent of the population.<sup>5</sup> This situation can be contrasted with the United States where, although estimates of the addict population vary, few would seriously contend that it exceeds one percent of the population as a whole.<sup>6</sup> Second, since 1955, Iran has succeeded in reducing its addict population to approximately 400,000, or roughly one percent of the present population.<sup>7</sup> Third, Iran is an ideal country to study the ways in which changes in the law affect the patterns and character of drug abuse. In the past 20 years, for example, the Iranian government has moved from a laissez-faire policy regarding drug abuse, to a ban on all drug consumption, and finally to a massive drug maintenance program for registered addicts.<sup>8</sup> Fourth, in order to solve its addiction problem, Iran has actively experimented with drug control measures that either have not been tried or are just being attempted in the United States.<sup>9</sup> Of course some of these approaches, such as military trials for drug traffickers, would doubtlessly be unconstitutional in the United States.<sup>10</sup> Other techniques,

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*sumption of Narcotic Drugs in Denmark*, 10 BULL. NARC., July-Sept., 1958, at 1 (Denmark); Nogahama, *A Review of Drug Abuse and Counter Measures in Japan Since World War II*, 20 BULL. NARC., July-Sept., 1969, at 19 (Japan); Panameno, *Drug Abuse in El Salvador*, 24 BULL. NARC., July-Sept., 1972, at 37 (El Salvador).

5. H. Azarakhsh, *The Nature and Extent of Drug Addiction in Iran* 3 (1972) [hereinafter cited as Azarakhsh, *Nature*]. Other estimates put the number of addicts in 1955 at between 2,000,000 and 2,800,000. WILBER, *IRAN PAST AND PRESENT* 230 (1958) [hereinafter cited as WILBER]; Wright, *The Battle Against Opium in Iran—A Record of Progress*, 10 BULL. NARC., April-June, 1958, at 8, 9-10.

Iran has been called "the largest consumer of illicit opium in the world." Holahan, *The Economics of Heroin*, in DEALING WITH DRUG ABUSE 260 (1972).

6. With a population in excess of 200,000,000 people an addict population of even one percent would equal 2,000,000. Estimates of the number of American heroin addicts usually range between 150,000 and 600,000. Wald & Hutt, *The Drug Abuse Survey Project: Summary of Findings, Conclusions, and Recommendations*, in DEALING WITH DRUG ABUSE 4 (1972). For figures on the extent of all forms of illicit drug use in the United States (as opposed to heroin addiction statistics) see NATIONAL COMM'N ON MARIHUANA AND DRUG ABUSE, *DRUG USE IN AMERICA: PROBLEM IN PERSPECTIVE* 63 (1973).

7. U.S. CABINET COMM. ON INT'L NARCOTICS CONTROL, *WORLD OPIUM SURVEY A12* (1972) [hereinafter cited as *WORLD OPIUM SURVEY*]. Iranian government estimates tend to be lower, between 200,000 and 300,000 opium addicts. Azarakhsh, *Nature*, *supra* note 5, at 3. See also Kamm, *They shoot opium smugglers in Iran, but . . .*, *New York Times Sunday Magazine*, Feb. 11, 1973, at 42, 43 [hereinafter cited as Kamm].

8. See notes 110-479 *infra* and accompanying text.

9. See notes 297-466 *infra* and accompanying text.

10. Justice Douglas writing for the majority in *O'Callahan v. Parker*, 395 U.S. 258, 262 (1969), states:

If the case does not arise "in the *land or naval forces*," then the accused gets *first*, the benefit of an indictment by a grand jury and *second*, a trial by jury before a civilian court as guaranteed by the Sixth Amendment and by Art. III, § 2, of the Constitution . . . .

such as mandatory school expulsion for addicted students, might be politically infeasible. But much can be learned from a comparison of Iran's massive opium maintenance program and the controversial methadone maintenance program in the United States.<sup>11</sup> Finally, Iran, like the United States, is a "victim country."<sup>12</sup> There is an active smuggling network which brings drugs into Iran from neighboring countries such as Afghanistan and Turkey.<sup>13</sup> Thus, in order to solve its internal drug situation, Iran must depend upon international and regional cooperation—something which has not been forthcoming in the past.<sup>14</sup>

There are, of course, many dissimilarities between drug abuse in Iran and in the United States. The social environments of American and Iranian addicts are markedly dissimilar.<sup>15</sup> What is more, the drugs abused differ. In Iran, for example, opium is the major cause of concern;<sup>16</sup> in the United States it is heroin.<sup>17</sup> Granting these dissimilarities, however, the Iranian experience in attempting to control drug abuse is instructive for all those interested in the problem of addiction in this country. As will be shown in this Article, Iran has made a continuous, sincere, and often painful effort to deal with its drug abuse problem. It is with the belief that other countries with drug abuse problems, and especially the United States, will be able to build upon the knowledge gained by hard experience in Iran, that this Article is presented.

In order to describe and evaluate the Iranian experiment, this Article will be divided into three parts. Part one will outline the types of drugs abused in Iran in order to establish the context within which the drug laws operate. The second part will trace the history of drug addiction and control in Iran from its earliest beginnings until 1973. Finally, part three will provide an overall evaluation of Iran's efforts to control drug abuse.

## II. DRUGS OF ABUSE IN IRAN

Although there may be occasional instances of barbiturate or cocaine abuse,<sup>18</sup> there are basically four drugs which are illegally consumed in Iran: opium, shireh, heroin, and hashish.

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11. A brief description of the origin of the methadone treatment program in the United States can be found in D. LOURIA, *THE DRUG SCENE* 179-82 (1968); D. MUSTO, *THE AMERICAN DISEASE* 237-41 (1973).

12. *WORLD OPIUM SURVEY* 18-25.

13. *Id.* at 30-31.

14. *The Fight Against Narcotics*, *IRAN FACTS AND FIGURES* 1, 5 (1969) [hereinafter cited as *The Fight Against Narcotics*].

15. For a discussion of the importance of social environment in dealing with problems of addiction see E. SCHUR, *NARCOTIC ADDICTION IN BRITAIN AND AMERICA* 35-42 (1962). Finestone, *Cats, Kicks and Color*, 5 *SOCIAL PROBLEMS* 6 (1957) contains an excellent description of a social milieu giving rise to drug addiction in America.

16. *WORLD OPIUM SURVEY* A11.

17. Einstein, *The Addiction Dilemma: Gaps in Knowledge, Information-Dissemination, Service and Training*, in *DRUG DEPENDENCE AND ABUSE RESOURCE BOOK* 107, 108 (1971).

18. For mention of cocaine abuse during the 1950's see J. Noorbakhsh, *Detection, Treatment and Rehabilitation of Narcotic Drug Addicts* 1 (April 14, 1966) [hereinafter cited as Noorbakhsh]. For mention of barbiturate abuse see notes 106-07 *infra*.

### A. Opium

By far the most widely abused drug in Iran is opium.<sup>19</sup> Produced from a species of the poppy (*papaver somniferum*),<sup>20</sup> opium is a valuable cash crop in many areas in the world.<sup>21</sup> Statistics show that in Turkey, for instance, the money yield per hectare (approximately two and one-half acres) of opium far exceeds that of alfalfa, wheat, barley, and sugar beets.<sup>22</sup> When grown legally, opium is used to produce morphine and codeine for legitimate medical needs.<sup>23</sup> When grown illegally, or diverted from the legal traffic, opium is used to produce black market heroin or to supply the needs of the illicit opium trade.<sup>24</sup>

#### 1. Cultivation of the Opium Poppy

The cultivation of the opium poppy is not an easy occupation; the crop is seasonal, requiring constant tending and a large supply of cheap but skilled labor.<sup>25</sup> The poppy fields are first sown by hand.<sup>26</sup> Although the seeds do best in a somewhat dry, warm climate, they do require "a moderate amount of water before and during the early stages of growth."<sup>27</sup> As a consequence the sowing in Iran generally takes place in autumn because it is between November and April that rainfall is most plentiful.<sup>28</sup> Once the poppies begin to grow, they need regular care.

The poppy needs thinning and requires several hoeings and weedings during its growth cycle because it grows more slowly than weeds and leafy vegetables and is therefore a poor competitor for available soil nutrients and sunlight.<sup>29</sup>

In Iran the harvesting of the opium fields usually begins in May.<sup>30</sup> By this

19. WORLD OPIUM SURVEY A11.

20. There are many colorful explanations for the origins of the opium poppy. According to Buddhist legend, for example, "the opium poppy was born on the very spot where Buddha's eyelids fell when he cut them off to prevent sleep from overtaking him." Grannier-Doyeux, *From Opium to LSD, The Long History of Drugs*, 21 UNESCO COURIER, May, 1968, at 8, 9.

21. WORLD OPIUM SURVEY 5-10.

22. *Id.* at 5.

23. *Id.* at 5-6.

24. *Id.*

25. It has been estimated that it takes 30 days of teamwork and 260 manpower days to cultivate one hectare of poppies. Kusevic, *Cultivation of the Opium Poppy and Opium Production in Yugoslavia*, 12 BULL. NARC., April-June, 1960, at 9.

26. WORLD OPIUM SURVEY 4.

27. *Id.* at 3.

28. See NELIGAN, *THE OPIUM QUESTION WITH SPECIAL REFERENCE TO PERSIA* 14 (1927) [hereinafter cited as NELIGAN]. For reference to the rainfall in Iran between November and April see WILBER, *supra* note 5, at 10-11. The autumn poppy is considered harder and produces a higher drug yield than the spring poppy. *The Opium Poppy*, 5 BULL. NARC., July-Sept., 1953, at 11.

29. WORLD OPIUM SURVEY 4.

30. This information was obtained from officials in Teheran. During January, 1973, the authors visited Teheran and had extended discussions with Iranian, United Nations, and American officials stationed there who were knowledgeable in the drug field. In addition the authors discussed the problems of Iranian addiction with Iranian and American officials in Washington, D.C. and with United Nations officials in New York City and Geneva, Switzerland. Much of the information presented in this Article was based on these discussions

time the poppy should have reached maturity and acquired anywhere from five to twenty pods per plant.<sup>31</sup> The collection of the latex from these pods is probably the most critical point in the opium production process, requiring good weather and large amounts of manual labor.<sup>32</sup> Determining the appropriate time to begin the harvest is often difficult, and if the four to six day period during which the latex can be collected is allowed to pass, there may be no yield at all.<sup>33</sup> The experienced opium cultivator will begin to harvest the plants shortly after the petals of the white opium blossoms have fallen, just as the pods are coming to maturity.<sup>34</sup>

At harvest time<sup>35</sup> the pod is cut by a laborer and the latex is allowed to seep from the pod, turning a dark brown color as it dries. Eight to 14 hours later the dried latex is scraped from the pod.<sup>36</sup> It is possible to make more than one incision in each capsule, but the percentage of morphine in the latex decreases.<sup>37</sup> Both the cutting and the scraping of the latex from the pod require a worker skilled in his trade if the harvest is to be successful.<sup>38</sup> Weather during the harvest is critical because the latex is vulnerable to the vagaries of climatic change. As one commentator remarked, "If exposed to a hot sun the latex melts, drops off the capsule and is lost; if rain falls, it is washed off; cold lessens the yield."<sup>39</sup>

Once the latex has been collected from the field it is in a form known as "raw opium"<sup>40</sup> which is usually formed into dark brown cakes between five and six inches long which weigh one pound.<sup>41</sup> Oftentimes a further process takes place to convert raw opium into stick opium. The raw opium is cooked to reduce the moisture content further; then the opium is manipulated and rolled into sticks, and is ready for use.<sup>42</sup>

Although the poppy is principally grown for the latex it produces, there are

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and the authors' own field observations. Citations referring to this material will be indicated by the words "field study."

31. WORLD OPIUM SURVEY 4. Some would argue that the poppy plants should be kept so tended that only three or four pods would be allowed to mature in order to enhance better development. *The Opium Poppy*, *supra* note 28, at 11.

32. NELIGAN, *supra* note 28, at 15; WORLD OPIUM SURVEY 4.

33. See Kusevic, *supra* note 25, at 7-8.

34. NELIGAN, *supra* note 28, at 14. Usually after the poppy flowers fall, the capsules continue to mature, and become ripe in about two weeks. *The Opium Poppy*, *supra* note 28, at 11. The actual period during which the latex can be most successfully collected does not exceed four to six days. Kusevic, *supra* note 25, at 7-8.

35. For a description of the harvest see WORLD OPIUM SURVEY 4; Kusevic, *supra* note 25.

36. *The Opium Poppy*, *supra* note 28, at 12.

37. *Id.*

38. *Id.* at 11-12.

39. NELIGAN, *supra* note 28, at 15. See also Government of India, Ministry of Finance, Report on the Operations of the Narcotics Department for the Year Ending September 30, 1958, at 1. This Report contains a description of what sun and rain can do to the opium crop.

40. Shevelev, Bankovsky & Muravyova, *Mechanical Drying of Raw Opium*, 10 BULL. NARC., April-June, 1958, at 6.

41. NELIGAN, *supra* note 28, at 15.

42. *Id.* at 18.

many other uses which can be made of the opium plant.<sup>43</sup> The seeds are edible and can be used for the preparation of pastries and breads.<sup>44</sup> The oil from the seeds is also used for human consumption.<sup>45</sup> Oil varnishes, soaps, perfumes and other similar substances are made from the flower juices.<sup>46</sup> The oil cake produced from the seeds makes both good cattle feed and fertilizer.<sup>47</sup>

From the description of opium cultivation, one can understand why it is such a highly visible occupation and one which poses special problems for the illegal cultivator. First, the harvest may take from two weeks to two months and require many workers, thereby increasing the chances of detection.<sup>48</sup> Second, the opium farmer is totally at the mercy of the climate; he must hope that rain or extreme temperature changes do not occur during the harvest.<sup>49</sup> As we shall see later, these difficulties have enabled the government to control quite successfully attempts at illegal cultivation in Iran.

## 2. *The Uses of Opium*

For centuries, opium has been variously used as a relaxant and as a medicine.<sup>50</sup> In areas where there are few doctors, opium has traditionally served as a panacea to relieve the symptoms of many painful diseases.<sup>51</sup> For example, in Iran and other countries opium has often been employed to cure the diarrhea and intestinal pain associated with water-borne dysenteries.<sup>52</sup> It has also commonly been used to alleviate the pain of malaria.<sup>53</sup> In fact, much of the addiction in Iran has been attributed to the use of opium for self-medication.<sup>54</sup> Even in the modern pharmacopoeia, two opium alkaloids still retain an important place—morphine as an anesthetic and codeine as a cough suppressant.<sup>55</sup>

43. For reference to some of the many uses of the poppy plant see *The Opium Poppy*, *supra* note 28, at 12.

44. *Id.*

45. *Id.*

46. *Id.*

47. *Id.* Dried opium plants or poppy straw are regularly used to produce morphine which in turn is used to manufacture certain pharmaceuticals. The commercial manufacture of morphine from poppy straw was begun in Hungary during the 1920's. *The Manufacture of Morphine from Poppy Straw*, 5 BULL. NARC., July-Sept., 1953, at 16.

48. WORLD OPIUM SURVEY 4.

49. See Report on the Operations of the Narcotics Department for the Year Ending September 30, 1958, *supra* note 39, at 1.

50. BRECHER, LICIT AND ILLICIT DRUGS, THE CONSUMERS UNION REPORT ON NARCOTICS, STIMULANTS, DEPRESSANTS, INHALANTS, HALLUCINOGENS, AND MARIHUANA—INCLUDING CAFFEINE, NICOTINE AND ALCOHOL 8-9 (1972); WORLD OPIUM SURVEY 2.

51. WORLD OPIUM SURVEY 2; *Quasi-Medical Use of Opium*, 5 BULL. NARC., July-Sept., 1953, at 19.

52. For reference to the use of opium and other opiates to control dysentery see BRECHER, *supra* note 50, at 8.

53. Opium has also been used as a preventive remedy against malaria. *Quasi-Medical Use of Opium*, 5 BULL. NARC., July-Sept., 1953, at 19.

54. WILBER, *supra* note 5, at 173.

55. It has been said that medicine could not get along without opium (and, of course, its derivatives). ". . . [W]ithout opium, medicine would be like a one-armed man." *Hear-*



### a. *Opium Smoking*

It has been reported that most illicit opium users in Iran prefer to consume the drug by smoking.<sup>56</sup> On this subject one commentator has remarked:

Opium smoking is a fairly complicated operation which takes a lot of preparation and equipment. Generally the pipe is made of a bamboo stem with a clay bowl. The smoker lies down. With a needle, he takes from a box of opium a little lump of chandu which is a specially prepared opium extract. The chandu is then dried over the flame of a lamp and rubbed between thumb and index finger into a ball which is then placed in the bowl. The pipe is ready. The smoker lights it and slowly inhales the smoke.<sup>57</sup>

Smokers prefer prepared or stick opium (chandu) because foreign objects which might still remain in raw opium have been removed and thus there is less chance that the opium pipe will become clogged.<sup>58</sup>

The user may smoke his pipe at home or in an "opium den," which, lurid overtones aside, is simply a place where smokers congregate to take their opium.<sup>59</sup> A smoker may require as much as five grams of opium a day,<sup>60</sup> and, since opium is a physically addicting drug, continued use creates a body tolerance, requiring increased dosages to obtain the euphoric effects.<sup>61</sup> The addict will suffer withdrawal symptoms if use of the drug is discontinued.<sup>62</sup>

### b. *Opium Eating*

In Iran "opium eating" is generally less common than opium smoking.<sup>63</sup> "Opium eating" is something of a misnomer, however, since addicts who "eat" opium frequently drink it in liquid form.<sup>64</sup> The habit of eating opium seems to be particularly prevalent among older men—possibly because the drug reputedly dilates the arteries and helps blood circulation.<sup>65</sup> On the other hand, many people believe that opium eating causes constipation.<sup>66</sup>

Although continued use of opium will ultimately lead to drug dependence, it does not necessarily mean that the addict will manifest any adverse effects.<sup>67</sup> For

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*ings Before the Committee on Ways & Means House of Representatives on Taxation of Marihuana, 75th Cong., 1st Sess. 19 (1937).*

56. Fort, *A World View of Drugs*, in *SOCIETY AND DRUGS* 229, 236 (1969).

57. Grannier-Doyeux, *supra* note 20, at 10-11.

58. NELIGAN, *supra* note 28, at 18.

59. An opium den is sometimes called a divan. In these dens, the management provides the addict with his drug and paraphernalia for smoking. HESS, *CHASING THE DRAGON, A REPORT ON DRUG ADDICTION IN HONG KONG* 45 (1965). Opium dens existed in many cities of the United States until the 1930's. BRECHER, *supra* note 50, at 45. Opium is not the only drug consumed in special houses. There existed in the United States during the 1920's marihuana "tea pads" where a smoker could go to smoke his drug. *Id.* at 410.

60. Noorbakhsh, *supra* note 18, at 1.

61. A. LINDESMITH, *OPIATE ADDICTION* 28.

62. *Id.*

63. See authority cited note 56 *supra*.

64. BRECHER, *supra* note 50, at 5.

65. NELIGAN, *supra* note 28, at 24.

66. BRECHER, *supra* note 50, at 31; Field study.

67. There is considerable support for the theory that opiate addicts maintain what could

long periods of time—and in some cases for entire lifetimes—opium addicts can be productive members of society.<sup>68</sup> According to some Iranian observers, however, advanced stages of opium dependence are characterized by apathy, loss of self-confidence, suspiciousness, and unreliability.<sup>69</sup> In addition, when serious addiction develops, the addict's health will begin to deteriorate, accompanied by weight loss and fatigue, which are among the most common signs of addiction.<sup>70</sup> Since his resistance to disease seems also to be reduced, the addict is considered a bad subject for surgery.<sup>71</sup>

### B. *Shireh*

Shireh, which is simply a form of burnt opium,<sup>72</sup> could have been properly included in the general discussion of opium. Because it is so much more potent than raw or prepared opium,<sup>73</sup> however, shireh is treated as a separate drug.

The burnt opium which is left in an opium pipe after smoking is called "sokhte." This residue is collected and mixed with quantities of raw opium and water. The result of the mixing is a black material called "shireh," which in turn is usually smoked. Some individuals prefer to smoke shireh because it is much more potent than prepared opium. While raw or prepared opium may have a morphine content of approximately 10 percent,<sup>74</sup> its shireh derivative has a morphine content of approximately 16 to 18 percent. Although shireh smoking is a common practice, there are no reliable estimates of the number of shireh smokers currently in Iran.

### C. *Heroin*

Although developed during the 1870's, heroin was first marketed by the German pharmaceutical firm of Bayer and Company in 1898.<sup>75</sup> As with cocaine

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be considered a very normal life style which is disrupted by their addiction only if they cannot obtain the drugs. See LINDSMITH, *supra* note 61, at 31-36.

68. In speaking of American drug addiction, one commentator remarked: "[I]t is quite well known that many drug users have carried on for many years in occupations requiring skill and intelligence, as for example, the medical profession." Lindesmith, "Dope Fiend" *Mythology*, 31 J. CRIM. L. & C. 199, 201 (1940). For a description of "some eminent narcotics addicts" see BRECHER, *supra* note 50, at 33-41.

69. Field study. "[T]he belief that a drug addict automatically becomes a moral degenerate, liar, thief, etc., because of the direct influence of the drug, is simply nonsense quite on a par with a belief in witchcraft." Lindesmith, *supra* note 68, at 202.

70. Radji, *Opium Control in Iran—A New Regime*, 11 BULL. NARC., Jan.-March, 1959, at 1.

71. NELIGAN, *supra* note 28, at 32.

72. Field study. In the United States, shireh is often called by its Chinese name, Yen-shee. See LINDSMITH, *supra* note 61, at 220.

73. There appears to be little literature of general circulation dealing with the use of shireh. The information upon which this description is based was obtained in interviews with officials in Teheran.

74. The United States Cabinet Committee on International Narcotics Control reports the morphine content of Iranian opium to be between 9 and 12 percent. WORLD OPIUM SURVEY A13.

75. R. LINGEMAN, *DRUGS FROM A TO Z: A DICTIONARY* 99 (1969). The word "her-

before it, heroin was early thought to be non-addictive and an antidote for morphine addiction.<sup>76</sup> It was later learned that the new drug also caused serious addiction.<sup>77</sup> In order to understand heroin abuse in general, and Iranian heroin abuse in particular, some remarks must be made about how the drug is produced.

### 1. *The Production of Heroin*

Morphine is the common element of opium and heroin which acts directly upon the central nervous system, and produces euphoric states.<sup>78</sup> Raw opium has a morphine content of 5-14 percent, and is converted into morphine base, with a morphine content of 50-70 percent, before undergoing processing to produce heroin.<sup>79</sup> The morphine base is usually smuggled into Iran from Turkey<sup>80</sup> and converted into heroin by "heroin chemists," who usually have learned their trade from helping other such "chemists."<sup>81</sup> The ease with which such a laboratory can be established and maintained can be seen from the following description of the basic operation.

The process of converting opium into heroin in the so-called laboratories "is no more complex than making bootleg whiskey in the United States."<sup>82</sup> The process does not involve high temperatures or pressures, and the equipment required is not complex. The chemicals used are common industrial ones. The only other resources necessary are a modest amount of electric power, and an ample supply of water.<sup>83</sup>

. . . [T]he operations at each stage are simple ones of soaking, filtering, heating, precipitating, drying, and crushing. The basic equipment required is inexpensive and can be quite primitive: enamel pots or copper vats, strainers and filters, pans and trays, and a simple heat source.<sup>84</sup>

Most of the heroin manufacturing in Iran takes place in the northwest near Tabriz and Malayer—close to the morphine base supplies in Turkey.<sup>85</sup> In 1971 almost all of the heroin seized in Iran was either captured in the city of Teheran or in Azerbaijan province in the northwest.<sup>86</sup>

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oin" is derived from *heroisch*, which in German medical terminology means large or powerful.  
*Id.*

76. *Id.* Heroin was quickly accepted into the medical pharmacopoeia. For instance, Austria became the first country to make heroin an official drug. The United States followed suit in 1910 but withdrew the drug from its pharmacopoeia in 1920. *Heroin in the Official Pharmacopoeia*, 5 BULL. NARC., April-June, 1953, at 19.

77. R. LINGEMAN, *supra* note 75, at 99.

78. *Id.* at 99, 174.

79. WORLD OPIUM SURVEY 14-15.

80. See United Nations Economic and Social Council, Commission on Narcotic Drugs, Report of the Ad Hoc Committee on Illicit Traffic in the Near and Middle East 1971-1972, at 13, U.N. Doc. E/CN.7/550 E/CN.7/AC.10/1 (1972) [hereinafter cited as Ad Hoc Committee Report].

81. WORLD OPIUM SURVEY 15.

82. *Id.*

83. *Id.*

84. *Id.*

85. See Ad Hoc Committee Report, *supra* note 80, at 13.

86. Report of the Government of Iran to the United Nations for the Calendar Year 1971

## 2. *The Uses of Heroin in Iran*

Consistent with their preferred method of taking opium, Iranians generally smoke heroin. The heroin is placed on a piece of tinfoil and a match is lit under it, causing the heroin to oxidize. The fumes are then inhaled. The manner of inhalation varies and has generated a number of colorful expressions, such as "chasing the dragon" and "playing the mouth organ."<sup>87</sup> In "chasing the dragon," for example, the addict employs a rolled piece of paper as an inhaling tube. One end of the tube is placed in the smoker's mouth; the other follows the wisps of heroin smoke emerging from the sliver foil. These heroin fumes allegedly "resemble the undulating tail of the dragon in Chinese mythology."<sup>88</sup> In a bow to modern technology, the Iranian heroin addict has found a new use for the ball-point pen. He simply removes the inner ink cartridge and uses the barrel in place of the older strip of rolled paper.<sup>89</sup> From all reports, there is little evidence that heroin is intravenously injected as is often done in the United States.<sup>90</sup>

Heroin addiction is a rather recent phenomenon in Iran. It was not until approximately 1960 that heroin began to appear in substantial amounts.<sup>91</sup> By all reports, however, heroin addiction is rapidly increasing. The government estimates that there are presently 10,000 heroin addicts in the country, most between 20 and 40 years of age, and principally concentrated in the larger cities of Iran.<sup>92</sup> Other estimates place the number higher—possibly at 50,000.<sup>93</sup>

To support the daily habits of even 10,000 addicts for one year would require (at the rate of one-quarter gram of heroin per addict per day) in excess of 900 kilograms of heroin.<sup>94</sup> Since annual seizures of heroin have averaged approxi-

on the Working of the International Treaties on Narcotics Drugs, 1971, at 16, U.N. Doc. E/CN.7/SR.621 (1972) [hereinafter cited as Annual Report]. More specifically, of the total 1971 heroin seizures of 32 kilograms 500 grams, 14 kilograms 600 grams were seized in Teheran and 15 kilograms 300 grams in Azerbaijan. *Id.*

87. "Chasing the Dragon" is explained in the text. "Playing the mouth organ" is a method of inhaling the opium fumes through a matchbox cover—the inhaling action resembling playing a mouth organ. A third method of inhalation is called "firing the ack-ack gun." Heroin is placed on the top of a cigarette which is then lit and the heroin fumes inhaled. HESS, *supra* note 59, at 43-44.

88. *Id.* at 44.

89. Field study.

90. Curnock, *Chasing the Dragon*, 7 IRAN TRIBUNE, May, 1972, at 14, 15. Intravenous injection of heroin is rare in most areas of Asia. HESS, *supra* note 59, at 79.

91. Ad Hoc Committee Report, *supra* note 80, at 12. But there is reference to plentiful supplies of heroin existing in Iran during the early 1950's. PAYNE, JOURNEY TO PERSIA 57 (1951). The appearance of heroin throughout Asia during the 1950's was a widespread occurrence. HESS, *supra* note 59, at 146.

92. Ad Hoc Committee Report, *supra* note 80, at 12. For a reference to the age of heroin addicts in Iran see Curnock, *supra* note 90, at 15.

93. WORLD OPIUM SURVEY A12.

94. One Iranian expert has estimated that a heroin smoker will use one-quarter gram per day. Curnock, *supra* note 90, at 15. Others, however, would contend that the yearly requirement of Iran's heroin addicts is much less. In 1969, for example, an Iranian law enforcement official estimated that the daily need of the heroin addict was only five centigrams or one-twentieth of a gram. That would mean that Iran's 10,000 heroin addicts require only

mately 35 kilograms for the period 1969 to 1971,<sup>95</sup> it is clear that government law enforcement agencies are intercepting only a fraction of the contraband heroin in the country. Even if the estimated annual consumption requirement were halved, the fact would still remain that only a small portion of the heroin circulating in the country is being seized.

#### D. Hashish

The last drug to be discussed is hashish or charas—the pure resinous extract of the female hemp plant, *cannabis sativa*.<sup>96</sup> When extracted, the resin hardens and turns a brown color: the darker the color, the more potent the drug.<sup>97</sup> Hashish is up to eight times more potent than marijuana, which is made from the flowering tops, stems, and leaves of the same hemp plant.<sup>98</sup>

When smoked or eaten, hashish has an hallucinogenic effect on the user, often-times enhancing his sensual perceptions. “[E]ffects include distorted perceptions of various parts of the body, depersonalization . . . spatial and time distortions, intensification of scents, tastes, colors and sounds, [and] visual hallucinations.”<sup>99</sup> The use of hashish, however, can produce acute psychosis in certain individuals, although it does not seem to be addictive in the sense of causing body tolerance or withdrawal.<sup>100</sup>

Although grown in certain areas of the country, Iranian hashish is, as one commentator puts it, “too mild for anything mind-bending.”<sup>101</sup> The best quality hashish found in Iran comes from its eastern neighbor, Afghanistan.<sup>102</sup> Although Afghan hashish passes through Iran bound for European markets, presumably a limited amount stays in the country.<sup>103</sup> However, because it is more expensive than opium, hashish use tends to be a vice of the wealthier classes.<sup>104</sup> Indeed, the use of hashish may have been popularized by Iranian students returning from abroad.<sup>105</sup>

180 kilograms a year to support their habits. 3 IRAN TRIBUNE July, 1969, at 13. It has been estimated that a heroin addict in America uses 55 milligrams of pure heroin each day. Holahan, *The Economics of Heroin*, in DEALING WITH DRUG ABUSE 255, 290 (1972).

95. Annual Report, *supra* note 86, at 2. Seizures of heroin in 1971 were 32 kilograms 555 grams; in 1970, 39 kilograms 31 grams; and in 1969, 35 kilograms 337 grams. *Id.*

96. R. LINGEMAN, *supra* note 75, at 94. The name “hashish” has a romantic derivation. It allegedly comes from the name Hassan-ibn-al-Sabbah who was the leader of the Assassins, an eleventh century band of terrorists in Persia. *Id.*

97. *Id.*

98. *Id.* A new liquid form of hashish has appeared in Afghanistan, and is reputed to be more potent than the usual solid forms. N.Y. Times, Nov. 18, 1972, at 10, col. 3. None of this liquid hashish has as yet been uncovered in Iran, however. Ad Hoc Committee Report, *supra* note 80, at 14.

99. R. LINGEMAN, *supra* note 75, at 94.

100. *Id.* at 96.

101. *The Hippie as the Hobo in Teheran*, 2 IRAN TRIBUNE, April, 1969, at 36, 38.

102. *Id.* at 38. During 1969, the word “Afghan” became a code name for hashish and other drugs in Iran. *Id.*

103. Annual Report, *supra* note 86, at 13.

104. Field study.

105. For the proposition that hashish is used by foreign-educated Iranian youths see Kamm, *supra* note 7, at 44.

### E. Miscellaneous Drugs

Barbiturate and amphetamine abuse do not seem to be serious problems in Iran at the present time, although there are recent indications that barbiturate abuse is on the rise. For example, two deaths in Teheran were recently attributed to overdoses of barbiturates.<sup>106</sup> Since barbiturates are often used in conjunction with heroin, it is possible that barbiturate abuse may grow significantly as the heroin problem in Iran increases.<sup>107</sup> As for cocaine and marijuana, they are for all practical purposes non-existent.<sup>108</sup> Although forbidden by the Koran, there seems to be growing evidence of widespread use of alcohol among certain urban groups in Iran.<sup>109</sup> With this analysis of commonly abused drugs as a background, we shall now proceed to describe in some detail the history of drug abuse and control in Iran.

### III. A HISTORY OF IRANIAN DRUG CONTROL: EARLY BEGINNINGS TO 1973

#### A. Before 1800

It is unclear precisely when opium was first introduced into what is now Iran. It certainly was known as far back as 4000 B.C. by the Sumerians who lived in neighboring Iraq.<sup>110</sup> The Assyrians used it as medicine in the seventh century B.C.<sup>111</sup> At the time of Alexander the Great's conquest of Persia in the fourth century B.C., the Greeks obviously knew about opium, since Hippocrates had described the medicinal properties of the drug years before.<sup>112</sup> In the first century B.C., Mithridates VI, King of Pontus in Asia Minor, used opium regularly, believing it to be a panacea for all ailments.<sup>113</sup>

Although surrounded by these cultures which knew and used opium, there is no reference to the drug in Persian writings of this early period. Indeed, the first clear reference to the drug in a Persian text does not occur until the sixth century A.D.<sup>114</sup> It is believed that about this time Arab traders were generally responsible

106. Field study. The United Nations Ad Hoc Committee on Illicit Traffic in the Near and Middle East has reported some barbiturate use in Iran. Ad Hoc Committee Report, *supra* note 80, at 12.

107. It has been estimated that approximately one third of all American heroin addicts also use barbiturates. R. LINGEMAN, *supra* note 75, at 18. Barbiturates are used in Hong Kong to adulterate heroin. HESS, *supra* note 59, at 35.

108. Annual Report, *supra* note 86, at 6, 13. Some marihuana use has been reported. Ad Hoc Committee Report, *supra* note 80, at 12.

109. Field study; Kamm, *supra* note 7, at 44. There is some drinking of alcoholic beverages among nomadic tribes, however. ARASTEH & ARASTEH, *MAN AND SOCIETY IN IRAN* 155 (1970).

110. Blum, *A History of Opium*, *supra* note 28, at 45.

111. NELIGAN, *supra* note 28, at 2.

112. On Hippocrates' familiarity with opium see Wood, *Dope: The Story of the Use and Abuse of Opium*, 103 *AMER. J. PHAR.* 16, 18 (Jan. 1973).

113. NELIGAN, *supra* note 28, at 3. See also TINLING, *THE POPPY PLAGUE AND ENGLAND'S CRIME* 4 (1876).

114. NELIGAN, *supra* note 28, at 2. Betal nut chewing, a form of drug use similar to coca leaf chewing in South America, was also quite popular in Iran at this time. BLUM, *SOCIETY AND DRUGS* 106 (1969).

for the diffusion of opium use.<sup>115</sup> In the seventh century A.D., with the advent of Mohammedanism and the Arab conquest of the Persian Empire, presumably knowledge about the drug spread. In the tenth century A.D., two famous Persian physicians, Razi and Avicenna, prepared clinical studies of opium, detailing the various ways in which the drug could be used.<sup>116</sup> Although both doctors presumably recognized that prolonged use of opium could lead to addiction, Avicenna may not have been sufficiently careful in his personal use of opium—some historians claim that he died from opium intoxication in 1037.<sup>117</sup>

It is believed that opium has been widely used in Iran for at least the last 600 years.<sup>118</sup> However, this wide-spread use can be documented only from the early part of the 16th century.<sup>119</sup> Apparently opium was widely used by persons of wealth as a form of self-medication which, it was hoped, would give them extraordinary powers.<sup>120</sup> It was common to brew poppies in water and then to drink the liquid like tea. This concoction, called "kooknar," was particularly popular in the royal capital of Isfahan.<sup>121</sup>

Opium smoking arrived rather late in Iran. The practice was popular in the Far East and had become a serious problem in China by the 17th century,<sup>122</sup> but did not reach Iran until the second half of the 19th century.<sup>123</sup> At the same time smoking was introduced, hygienic and economic conditions combined to create a situation in which opium smoking soon reached virtually epidemic proportions.<sup>124</sup>

### B. 1800-1900

It has been said of Iran that, "[t]he 19th century could be called the century of widespread use of [opium] in the country."<sup>125</sup> The causes of increased use and addiction can be divided into two categories, economic and hygienic.

#### 1. Economic Causes

In the 1850's millions of Chinese were opium smokers and commerce in the drug was a major international enterprise.<sup>126</sup> The two so-called Opium Wars of 1842 and 1858 involving England and China had assured at least a temporary end to Chinese resistance to the importation of opium,<sup>127</sup> and the Iranians found that they "could not be indifferent" to the possibilities for enhancing their econ-

115. WORLD OPIUM SURVEY 1.

116. Azarakhsh, *Nature*, *supra* note 5, at 1.

117. Grannier-Doyeux, *supra* note 20, at 9.

118. M. Saba, *Detection, Treatment and Rehabilitation of Narcotic Drug Addicts* (April 14, 1966) [hereinafter cited as Saba].

119. Azarakhsh, *Nature*, *supra* note 5, at 1.

120. *Id.*

121. *Id.*

122. WORLD OPIUM SURVEY 1.

123. Azarakhsh, *Nature*, *supra* note 5, at 2.

124. *Id.*

125. Saba, *supra* note 118, at 1.

126. Blum, *A History of Opium*, *supra* note 2, at 51.

127. *Id.* at 52.

omy.<sup>128</sup> In addition, European civilization was beginning to make an impact upon Iran, and there was a need for foreign currency to facilitate the acquisition of European goods.<sup>129</sup> The opium trade appeared as the best source of the needed currency, and, as a result, poppy cultivation was undertaken extensively in Iran in order to provide the quantities of opium needed for Iran's new role in international commerce.<sup>130</sup> The program was so successful that widespread crop substitution of opium for wheat caused a famine in 1870-72.<sup>131</sup> Even with these economic dislocations, however, exports of opium rose from 20 tons in 1859 to over 400 tons by 1914.<sup>132</sup> Of course, the increased production of opium aided domestic consumption by greatly increasing the drug's availability.

## 2. Hygienic Causes

The fact that the first medical school in Iran was not built until 1850<sup>133</sup> gives some indication of the state of the art for that country during the period under discussion. There are a large number of small farming communities in Iran which exist wherever an adequate water supply can be found, and "by far the largest number are hidden away in remote mountain valleys."<sup>134</sup> Even today the villagers have minimal contact with the outside world and very limited access to medical facilities, and water- and food-borne diseases such as typhoid fever and amoebic dysentery are said to be endemic.<sup>135</sup> Thus, it is not surprising that, when the opportunity presented itself, those who could not obtain more orthodox medical treatment turned to opium to alleviate the pain of disease and sickness.<sup>136</sup>

Thus we see that by the beginning of the 20th century the use of opium was well established in Iran, spurred by strongly felt economic and quasi-medical needs. However, as shall be discussed in the next section, opposition to widespread opium use began to grow, and Iran would soon undertake the long struggle to reverse the processes that had been set in motion in the 19th century.<sup>137</sup>

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128. H. Azarakhsh, *Drug Addiction in Iran* 2 [hereinafter cited as *Akarakhsh, Drug*].

129. *Id.*

130. *Id.*

131. NELIGAN, *supra* note 28, at 13.

132. *See id.* at 39.

133. Azarakhsh, *Drug*, *supra* note 128, at 1.

134. WILBER, *supra* note 5, at 169.

135. *Id.* at 173, 209.

136. *Id.* at 173.

137. Two other theories have been advanced for the spread of addiction at about this time. First, the American Civil War may have had an indirect effect on the spread of addiction in Iran. During the Civil War, cotton cultivation in Iran was increased because, with American cotton off the world market, other sources of cotton were in demand. Once the war was over and American cotton returned to the world market, the demand for Iranian cotton ended. Farmers turned to growing poppies to replace cotton. *See generally* F. WILSON, *PERSIAN LIFE AND CUSTOMS* 272 (1895). Second, a British enterprise, the Indo-European Telegraph Company, while building a telegraph line in Iran, allegedly encouraged Iranian workers to use opium. J. Johns, *History of Drug Abuse in Iran*, 31-32, June 1, 1972 (unpublished thesis in University of Utah Library).



## C. 1900-1920

Although the 19th century saw the opium trade flourish, there was growing opposition to it, mostly on humanitarian grounds.<sup>138</sup> Many Englishmen in particular were shocked by their country's involvement.<sup>139</sup> Gladstone, for instance, said of the Opium Wars and the opium trade:

A war more unjust in its origin, a war more calculated to cover this country with permanent disgrace, I do not know and have not read of. The British flag is hoisted to protect an infamous traffic; and if it was never hoisted except as it is now hoisted on the coast of China, we should recoil from its sight with horror.<sup>140</sup>

The United States began to have strong reservations about opium at the close of the Spanish-American War in 1898 when it acquired jurisdiction over many areas in the Pacific where opium was smoked.<sup>141</sup> Viewing the widespread addiction in the Philippine Islands, Congress banned opium use throughout that territory in 1905.<sup>142</sup> In 1906 China itself began to take measures to control opium abuse within its borders.<sup>143</sup> Once begun, the movement towards governmental control over opium consumption became contagious. In 1907, after first agreeing to reduce its exports of opium to China, India began to introduce measures to reduce its own domestic consumption of opium.<sup>144</sup> Finally, at the instigation of the United States, an International Opium Commission met in Shanghai in 1909 to discuss the international control of opium generally and the situation in China specifically.<sup>145</sup> Iran was one of the 13 nations represented at the meeting and voted in favor of each of the nine resolutions adopted by the Commission.<sup>146</sup>

The Shanghai Conference represented a moderate aboutface for the Iranian government—at least in terms of its international posture on the question of the opium trade. Throughout the 19th century Iran had maintained a permissive attitude towards opium consumption at home and actively encouraged the export trade.<sup>147</sup> Now, by agreeing in principle with the resolutions of the Opium Commission, Iran committed itself to attempt to suppress opium smoking at home and to adopt reasonable export measures to prevent the shipping of opium to those countries prohibiting its entry.<sup>148</sup>

The Iranian government did make good on the first of its commitments in 1910. In that year, a law was enacted which provided that, after seven years, all non-

138. Blum, *A History of Opium*, *supra* note 2, at 52-53. There was, of course, a history of resistance to opium on the part of the Chinese government. An edict against opium was promulgated by the emperor as early as 1729. *Id.* at 52.

139. *Id.*

140. J. WILLOUGHBY, *OPIMUM AS AN INTERNATIONAL PROBLEM: THE GENEVA CONFERENCES 9-10 (1925)*.

141. Blum, *A History of Opium*, *supra* note 2, at 50n.2.

142. Act of March 3, 1905, ch. 1408, § 6, 33 Stat. 944.

143. J. WILLOUGHBY, *supra* note 140, at 14.

144. *Id.* at 15.

145. Wright, *The International Opium Commission*, 3 AM. J. INT. L. 648 (1909).

146. *Id.*

147. See notes 128-31 *supra* and accompanying text.

148. For a text of the resolutions of the Shanghai Conference see 3 AM. J. INT. L. 275-76 (Supp. 1909).

medical use of opium and all use of shireh would be forbidden.<sup>149</sup> In the meantime, the government monopolized the processing of, and increased taxes on, stick opium, and required that all burnt opium residue used to make shireh be sold back to the government.<sup>150</sup> At this time, however, Iran did not move on its second commitment—to curtail the export of opium to China and to other countries. The reason for Iran's reluctance to reduce opium exports is not hard to fathom—the opium trade produced substantial tax revenues for the Iranian treasury.<sup>151</sup> In defense of its position, Iran argued that no Persian opium was exported directly to China but rather to Hong Kong and the Straits Settlements where it was then reexported to China.<sup>152</sup> In effect Iran refused responsibility for controlling exports which, although ultimately bound for China, were not directly exported to China.

On December 1, 1911, the first International Opium Conference met at the Hague to incorporate into an international convention the resolutions agreed upon in Shanghai two years before.<sup>153</sup> Again Iran was represented at the conference.<sup>154</sup> The agreement that was ultimately proposed for ratification was an attempt to suppress opium, morphine and cocaine abuse gradually throughout the world, with most of the crucial language found in the first three chapters. Chapter I covered raw opium, obligating each contracting power to enact "effective laws or regulations for the control of [its] production and distribution."<sup>155</sup> The Chapter also committed the contracting nations to take measures to prevent the export of raw opium to countries which prohibited its entry<sup>156</sup>—a commitment that was particularly objectionable to Iran.<sup>157</sup> Chapter II regulated prepared opium and shireh. Specifically, the chapter obligated each contracting power to take measures aimed at the gradual suppression of the domestic manufacture of, and traffic in, prepared opium and shireh—something which Iran had already undertaken in the Opium Law of 1910.<sup>158</sup> The convention also required nations to prohibit the import and export of prepared opium, although not immediately.<sup>159</sup> The provisions of Chapter III committed signatory nations to enact pharmacy laws to limit the manufacture, sale, and use of morphine, cocaine, heroin, and medicinal opium to medical and legitimate uses only.<sup>160</sup>

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149. J. MACCALLUM, *TWENTY YEARS OF PERSIAN OPIUM (1908-1928)* 7 (1928).

150. *Id.*

151. Wright, *supra* note 145, at 665.

152. MACCALLUM, *supra* note 149, at 6.

153. The Hague Conference was rather brief in duration. It began on December 1, 1911, and ended January 23, 1912. WILLOUGHBY, *supra* note 140, at 25.

154. International Opium Convention, Jan. 23, 1912, 38 Stat. 1929 (1915); T.S. No. 612, 8 L.N.T.S. 189.

155. *Id.* art. 1.

156. *Id.* art. 3.

157. WILLOUGHBY, *supra* note 140, at 36.

158. International Opium Convention, Jan. 23, 1912, art. 6, 38 Stat. 1929 (1915), T.S. No. 612, 8 L.N.T.S. 189; notes 149-50 *supra* and accompanying text.

159. International Opium Convention, Jan. 23, 1912, art. 7, 38 Stat. 1929 (1915), T.S. No. 612, 8 L.N.T.S. 189.

160. *Id.* arts. 9-14.

The Iranian representative at the Conference, Mirza Mahamoud Khan, did not support the convention unreservedly. He specifically objected to that part of Chapter I which committed contracting nations to prohibit exports of raw opium to countries forbidding their entry.<sup>161</sup> Since China had banned Persian opium imports as of January 1, 1912, to subscribe to the provision would have meant that Iran must put an immediate end to the profitable China trade.<sup>162</sup> During the conference, Mirza Khan offered a compromise—his government would support Chapter I in its entirety if it were reworded to allow for the suppression of opium exports to these countries “as soon as possible” rather than “immediately.”<sup>163</sup> The compromise, however, was rejected by the other nations.

Although he did eventually sign the 1912 convention,<sup>164</sup> Mirza Khan's signature was not tantamount to ratification by the Iranian Parliament. The convention specifically provided for separate ratification by each of the contracting governments.<sup>165</sup> By 1914, the Iranian Parliament still had not adopted the agreement.<sup>166</sup> Iran's chief objection to curtailing opium exports continued to be its desire to retain the substantial revenues it derived from the opium export trade.<sup>167</sup> This loss of revenue, however, was not the sole reason for its opposition to the convention. An immediate ban on opium exports would have had a disastrous effect on the Iranian farmer since it would have left the government little time to adopt a long-range program of crop substitution.<sup>168</sup> By holding out for a gradual reduction of opium exports, Iran was attempting to cushion the economic hardships that would otherwise face the Iranian farmer.<sup>169</sup>

The advent of World War I, however, dealt a crippling blow to those who had hoped to suppress the international opium trade.<sup>170</sup> There could be little talk of implementing the Hague Convention when Europe and the Middle East were battlefields. For the Iranian poppy farmer, however, the war was a fortuitous event. With the country occupied at various times by Turkish, Russian, German, and English troops,<sup>171</sup> the Iranian government was forced to curtail its attempt to eradicate opium use.<sup>172</sup>

#### D. 1920-1929

With the withdrawal of foreign troops from Iran in 1921, the government em-

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161. Specifically, Iran objected to article 3(a) of Chapter I. In addition, Iran took the position that, since it had no treaty with China, it was not concerned with Articles 15 to 19 which concerned China. WILLOUGHBY, *supra* note 140, at 36, 256.

162. MACCALLUM, *supra* note 145, at 9.

163. *Id.*

164. International Opium Convention, Jan. 23, 1912, art. 25, 38 Stat. 1929 (1915), T.S. No. 612, 8 L.N.T.S. 189.

165. *Id.* art. 23.

166. Wright, *The Opium Conference*, 19 AM. J. INT. L. 559, 563 (1925).

167. *Id.*

168. Field study.

169. *Id.*

170. See MACCALLUM, *supra* note 149, at 11.

171. ARASTEH & ARASTEH, *supra* note 109, at 102. An estimated 300,000 Persians died in the war. *Id.*

172. See authorities cited notes 149-50 *supra*; Azarakhsh, *Nature*, *supra* note 5, at 2.

barked upon a new attempt to control domestic opium consumption. The government in Teheran was now dominated by Reza Khan, an obscure military Colonel brought to power by a successful coup in February of 1921.<sup>173</sup> In the succeeding decades as head of government and ultimately as Shah, Reza Khan was to make a concentrated effort to modernize Iran.<sup>174</sup> The problems facing the new ruler were staggering. Contemporary reports suggest that opium abuse, which was by no means the most pressing national concern, was running out of control. For instance, out of 60,000 inhabitants of Kerman, 25,000 were thought to be addicts.<sup>175</sup> In Isfahan, long a center of opium use,<sup>176</sup> roughly one quarter of the population depended for their livelihood on some facet of the opium trade.<sup>177</sup> Perhaps the most revealing figure was an estimate that the population of Iran consumed 38 times more opium than was required for legitimate medical use.<sup>178</sup>

In the fall of 1922, an American Financial Mission arrived in Teheran to oversee the general financial administration of the country, including the collection of all opium taxes.<sup>179</sup> In order to assure that these taxes were paid, it was obviously essential to centralize the production of all commercial opium in government warehouses where banderoles or government tax labels could be placed on the opium to be sold. As one member of the mission stated:

It was clear to us that the extension of opium centralization, difficult as it might be, was imperatively necessary in order to increase the revenues and to establish a measure of government control over an industry which public sentiment condemned and which must eventually be restricted.<sup>180</sup>

Although attempts to enforce the tax laws and to require latex to be processed in government warehouses were ultimately successful, they did lead to some rioting and killing in Isfahan.<sup>181</sup>

Although the main thrust of the government's new policy was obviously to facilitate the collection of revenue, certain measures were taken during this period to reduce the demand for drugs. For example, opium smoking was banned in the army and in the government service.<sup>182</sup> At this time, however, the government did not make efforts to limit the total acreage committed to poppy cultivation.

Iran still had not ratified the Hague Convention nor had it withdrawn its stated opposition to any controls over opium exports. Iran's refusal to agree to any ex-

173. WILBER, *supra* note 5, at 97.

174. For a brief description of the modernization program of the Shah see *id.* at 145-53.

175. NELIGAN, *supra* note 28, at 27.

176. See note 121 *supra* and accompanying text.

177. In his book *The American Task in Persia*, A.C. Millspaugh reports that out of 80,000 inhabitants of Isfahan, 5,000 directly worked in the opium trade. If each of these 5,000 had three dependents, Millspaugh argues, at least one-fourth of the population would be dependent upon the opium trade. A. MILLSPAUGH, *THE AMERICAN TASK IN PERSIA* 189-90 (1925).

178. NELIGAN, *supra* note 28, at 29.

179. MILLSPAUGH, *supra* note 177, at 19-21, 61-69, 189-90.

180. *Id.* at 189.

181. *Id.* at 189-92.

182. MACCALLUM, *supra* note 145, at 40.

port controls made it an ideal transshipment point for foreign opium exporters who were subject to strict export prohibitions in their own countries, and as a consequence, Iranian "imports" of opium increased dramatically. In 1920-21, for example, 286 pounds of opium had been imported; in 1923-24, the figure had increased to 22,074 pounds.<sup>183</sup> Acutely embarrassed by such tactics, Iran in 1924 banned opium imports and the transshipment of any foreign opium from its ports.<sup>184</sup>

The Second Opium Conference was convened in Geneva in 1925 under League of Nations auspices.<sup>185</sup> At the conference Iran came under intense pressure to ratify the Hague Convention and withdraw its objections to export controls. In order to ease the economic shock that would be caused by accepting export controls, Iran made certain requests: (a) that it be given a substantial twenty year loan, (b) that foreign nations declare a moratorium on collecting debts of the Iranian government, and (c) that it be given a free hand to increase all import duties regardless of treaty.<sup>186</sup> In order to assess these demands as well as the total drug situation in the country, the League of Nations sent a commission of experts to Iran in 1926.<sup>187</sup> The commission reported that, although reduced opium production would cause short range difficulties, ultimately Iran's economy would benefit. As for Iran's enumerated requests, the commission recommended that Iran should be given latitude to adjust its customs duties, but did not mention the loan or the moratorium on the repayment of government obligations.<sup>188</sup> In their place, the commission suggested that Iran be given a three year grace period before beginning its reduction program.<sup>189</sup> During these years, Iran should begin to improve its internal economy preparatory to the change-over. The commission also suggested that Iran could increase its opium revenues during this period by establishing a licensing program for those who cultivated opium.<sup>190</sup>

The government of Iran was understandably angered by the report, but it seemed willing to follow some of its main outlines—at least on an experimental basis. Thus, in 1929 the government adopted the Opium Monopoly Law.<sup>191</sup> As was suggested by the League Commission, the law required licensing of opium growers and retailers, with the licenses to be issued by the newly created Opium Monopoly Department.<sup>192</sup>

Although the 1929 opium policies were doubtlessly a by-product of League pressure, there was another factor influencing the new approach. Reza Khan, now Shah, was intent on returning Iran to its former greatness.<sup>193</sup> To achieve that

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183. *Id.* at 23.

184. *Id.*

185. 6 LEAGUE OF NATIONS OFF. J. 607 (1925).

186. WILLOUGHBY, *supra* note 140, at 363.

187. LEAGUE OF NATIONS OFF. J., Spec. Supp. 33, at 148 (1925).

188. MACCALLUM, *supra* note 149, at 30.

189. *Id.* at 47.

190. *Id.* at 46.

191. E. Chehrizi, The Success of the Government of Iran in Narcotics Control 1 (April 14, 1966) [hereinafter cited as Chehrizi].

192. *Id.*

193. WILBER, *supra* note 5, at 97-98.

end, he began a program of rapid industrialization and Westernization.<sup>194</sup> As one commentator observed:

An age-old social order was sacrificed to the new progressive regime. Nobles lost power and prestige, and the use of titles was abolished. The merchants lost freedom of enterprise as they were drawn into the governmental system of monopolies and of controls over industry, commerce, and trade. . . . The [Moslem] clergy lost direct control of much of its vast trust funds; religious law gave way to civil and criminal codes. . . .<sup>195</sup>

In such a society, the use of opium had to be rigidly controlled lest it begin to effect levels of productivity.

#### E. 1929-1955

With the creation of the Opium Monopoly in 1929, Iran entered a new phase of drug control. Theoretically the monopoly could have been used both to reduce domestic opium consumption by limiting production and to raise revenue for Shah Reza's industrialization program. Although the two purposes were not necessarily inconsistent, the history of this period shows revenue production gradually emerging as the dominant purpose of the Opium Monopoly.<sup>196</sup>

Initially, the government's efforts to reduce poppy cultivation showed signs of success. Helped in large part by an educational campaign launched by a powerful prohibitionist organization, the Society Against Opium and Alcohol, the total amount of land devoted to poppy cultivation was reduced from 25,000 to 10,000 hectares by 1938.<sup>197</sup> Indeed, in certain provinces, such as Rasht, Qum, Teheran, and Azarbaijan, poppy cultivation was totally banned.<sup>198</sup> But, just as in 1914, external events intervened and nullified much of the work already done.

At the outbreak of World War II Iran remained neutral, but the possibility of a German occupation of Iran was a matter of concern to England and Russia.<sup>199</sup> This factor, coupled with Iran's strategic importance on Russia's southern flank, led to the occupation of the country in August of 1941 by British and Russian soldiers.<sup>200</sup> The Shah abdicated, and the occupying powers replaced him with his son, the present Shah.<sup>201</sup> The military occupation apparently totally disrupted the program of drug control. The Iranian government did try to institute new drug control measures during the war. In 1942, for example, the Opium Monopoly attempted to register all addicts in order to issue them a permit entitling them to purchase specified quantities of opium. The program, however, was largely unsuccessful.<sup>202</sup>

194. *Id.* During this period, Reza Khan even monopolized folk industries, such as carpet weaving. See 7 IRAN TRIBUNE, Aug. 1972, at 56.

195. WILBER, *supra* note 5, at 98-99.

196. See Chehrazi, *supra* note 191, at 4.

197. *The Fight Against Narcotics*, *supra* note 14, at 1.

198. Chehrazi, *supra* note 191, at 3. See also Saleh, *Iran Suppresses Opium Production*, 8 BULL. NARC. July-Sept., 1956, at 1 (Iran). Even with this decreased cultivation, huge amounts of Iranian opium were supplied to the Japanese for use in their occupation of China. See ANSLINGER & TOMPKINS, *THE TRAFFIC IN NARCOTICS* 9 (1953).

199. See, WILBER, *supra* note 5, at 101-02.

200. *Id.*

201. *Id.* at 102.

202. Chehrazi, *supra* note 191, at 2.

At the close of the war, opium use was perceived as a monumental problem.<sup>203</sup> Possibly one-tenth of the population was addicted,<sup>204</sup> due at least in part to the government Opium Monopoly itself.<sup>205</sup> More concerned with showing a profit than with controlling the spread of addiction, the monopoly has been characterized by some of its harsher critics as "pushing" drugs.<sup>206</sup> This critical post-war situation led to renewed efforts by the Society Against Opium and Alcohol to convince the government to ban all opium cultivation and to prohibit all opium use as the only feasible solutions to the problem.<sup>207</sup> The Society was a formidable lobbyist. Organized in over 60 towns, it sponsored a massive education campaign through publications, conferences, and theatrical events.<sup>208</sup> In its propaganda, the Society marshalled convincing arguments and statistics to support its cause.<sup>209</sup> These arguments were shaped along the following lines.

### 1. *The Problem to be Solved*

Estimates of the number of addicts were staggering. The Society itself set the number of addicts at 1.5 million in 1945;<sup>210</sup> by 1955 some claimed that the number had climbed as high as 2.8 million.<sup>211</sup> The daily opium consumption in 1945 of these addicts was thought to be two tons.<sup>212</sup> Opium dens existed openly throughout the country. In Teheran alone there were over 1,200 such dens.<sup>213</sup>

### 2. *Minimal Economic Loss to the Country*

The Society conceded that the government earned 600 million rials (\$18,-433,800) a year from the domestic sale of opium.<sup>214</sup> But, it argued, addiction cost the country much more. First of all, there was a daily loss of one-half million work hours traceable to addiction.<sup>215</sup> Second, the personal sufferings resulting from opium addiction were incalculable. For example, 5,000 suicides a year were attributed to opium addiction.<sup>216</sup> As for the 300,000 farmers involved in opium production, the Society pointed out that the average farmer grew opium on only part of his land. Thus, by banning opium cultivation, the government would not cut off all of his income.<sup>217</sup> In addition, the Society pointed out, crop

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203. *Id.* at 4.

204. *The Fight Against Narcotics, supra* note 14, at 2.

205. Chehrazi, *supra* note 191, at 4.

206. Field study.

207. Chehrazi, *supra* note 191, at 3-5.

208. *Id.* at 3.

209. *The Fight Against Narcotics, supra* note 14, at 2.

210. *Id.*

211. *See* authorities cited note 5 *supra*.

212. *The Fight Against Narcotics, supra* note 14, at 2.

213. *Id.*

214. *Id.*

215. *Id.*

216. *Id.*

217. Chehrazi, *supra* note 191, at 3.

substitution did work. Linseed and wheat had already been successfully substituted for opium in several areas of the country.<sup>218</sup>

### 3. *Existence of a Large Black Market*

The Society estimated that two billion rials (approximately \$61,500,000) a year were earned as profits from the flourishing illicit market in opium—more than three times as much as the government earned in revenue from the Opium Monopoly.<sup>219</sup> In effect, the government's permissive opium policy was resulting in more profits for the lawbreakers than for the government itself. The only way to correct the situation was to prohibit all cultivation of the poppy, thereby cutting off the illicit traffickers' source of supply, as well as indirectly working to reduce consumer demand for opium.

### 4. *Exported Opium*

By international agreement, Iran was permitted to supply 25 percent of the world's licit opium requirements.<sup>220</sup> During the period from 1929 to 1955, the production of opium in Iran ranged between 700 and 1,200 tons per year—a portion of which was earmarked for sale in the world opium market.<sup>221</sup> Between 1937 and 1952 the "average annual amount of opium exported was 119 tons, at an average price per kilo of less than 800 Rials [approximately \$25]."<sup>222</sup> The Society argued, however, that at a price of less than 800 rials per kilo, the government actually lost money on exported opium because the cost to the government to purchase, process, and store the opium was in fact 1,200 rials per kilo.<sup>223</sup>

### 5. *International Commitments*

The Society contended that, while the thrust of Iran's international commitments was aimed at reducing opium production and consumption, the Opium Monopoly was actually fostering addiction.<sup>224</sup> Exploiting this theme, the Society began to enlist international support for its campaign to ban poppy cultivation. In 1946, for example, the Society wrote President Truman requesting him to support such a ban throughout the world.<sup>225</sup> The President in his reply expressed support for the program and wished the Society success in its domestic efforts to curb poppy cultivation.<sup>226</sup>

Whether or not influenced by the activities of the Society, the government of Iran slowly began to stiffen its attitude toward drug abuse at the end of the

218. *Id.*

219. *The Fight Against Narcotics*, *supra* note 14, at 2-3.

220. Saba, *supra* note 118, at 2.

221. Chehrazi, *supra* note 191, at 3.

222. *Id.* at 5.

223. *Id.*

224. *Id.*

225. *Id.*

226. *Id.*



1940's.<sup>227</sup> In 1947, for example, regulations were enacted prohibiting the import, export, manufacture, purchase, sale, or possession of any "narcotic drug" (defined, however, to exclude opium) except under narrow conditions.<sup>228</sup> The net effect of the law was that "narcotic drugs" could now be distributed only pursuant to a doctor's prescription. Exempted from the law, however, were patent medicines, containing minimal amounts of restricted narcotic drugs.<sup>229</sup>

New opium laws, however, did appear two years later. In 1949 the Council of Ministers directed the Ministry of Finance to purchase the 1949 opium harvest, but not to resell it in the country—in effect ending government opium sales to addicts.<sup>230</sup> Further, the Ministry was ordered to take the necessary steps to reduce opium consumption throughout the country and to restrict future cultivation of the opium poppy to the quantities needed for medical use and export.<sup>231</sup> At the same time the Penal Code was amended to outlaw opium dens and to provide prison sentences for those who used opium or other narcotic drugs in a public place.<sup>232</sup> But, as had happened twice before, events intervened to postpone an effective government war on drug addiction. This time it was not external invasion that caused the disruption; it was an internal struggle for power between royalist elements loyal to the Shah and nationalist elements loyal to the then Prime Minister, Dr. Mohammed Mossadeq.<sup>233</sup> Not until August of 1953 did the Shah emerge victorious in the political struggle,<sup>234</sup> and not until 1954 did the government, almost on the verge of bankruptcy from an international oil boycott, resolve its economic problems by negotiating an advantageous agreement with the Anglo-Iranian Oil Company. The agreement brought Iran approximately 150,000,000 pounds over the first three years.<sup>235</sup> With the return of political stability and with an assured income from oil revenues (which could compensate in part for lost opium revenues), the stage was finally set for a government ban on poppy cultivation.<sup>236</sup>

#### F. 1955-1969

It was in 1955 that the Shah and the Parliament finally moved to impose a ban on poppy cultivation and to outlaw the possession and sale of opium. The scope of the ban probably surpassed even the fondest expectations of its proponents. The ban was absolute, forbidding even the cultivation of the poppy for medical or export needs.

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227. The Council of Ministers even went so far as to decree a poppy cultivation ban in 1946, but it was not ratified by Parliament. Saleh, *supra* note 198, at 1.

228. Law of April 29, 1947, Regulations Concerning the Restriction, Manufacture, Administration and Distribution of Narcotic Drugs, U.N. Doc. E/NL.1951/12 (1951).

229. *Id.* art. 16.

230. Law of March 19, 1949, U.N. Doc. E/NL.1951/10 (1951).

231. *Id.*

232. Law of July 20, 1949, U.N. Doc. E/NL.1951/11 (1951).

233. For a description of this struggle see WILBER, *supra* note 5, at 112-25.

234. *Id.* at 125.

235. *Id.* at 126.

236. United States financial aid during this period was also substantial. One report estimates it at \$2 billion. ARASTEH & ARASTEH, *supra* note 109, at 119.

### 1. *The Legislative Program*

The 1955 legislation was drafted and shepherded through Parliament by the then Minister of Health, Doctor Jehan Shah Seleh.<sup>237</sup> By its terms, the law banned outright all cultivation of the opium poppy, the preparation and importation of opium or any narcotic drug, and the frequenting of public opium dens.<sup>238</sup> As for addicts, the law permitted a six months grace period to allow them a reasonable time to abandon their habits.<sup>239</sup> Once the period expired, the use, purchase, and sale of narcotics was absolutely prohibited.<sup>240</sup> The law, however, did try to cushion the farmer's economic losses. The government promised to provide long term credits and technical assistance in order to help the farmer substitute new crops to replace opium.<sup>241</sup> With the basic law on the books, the government quickly promulgated regulations to supplement its provisions.

#### a. *Prohibitions Imposed on Poppy Cultivation and the Preparation and Import of Narcotic Drugs*

By government regulation,<sup>242</sup> different penalties were provided for different categories of offenders. The offenders were divided into the illicit importers, the landowners who illegally cultivated the poppy, and the farmers who assisted in that illegal cultivation.<sup>243</sup> The most severe penalties were reserved for the drug importer or processor. If convicted, he could be sentenced on the first offense to a prison term of from two to five years in solitary confinement and a stiff fine, depending on the weight of the drugs imported or processed.<sup>244</sup> For the third offense he could receive life imprisonment.<sup>245</sup> Penalties for the landowner who illegally cultivated the poppy were somewhat less severe, amounting to a fine and imprisonment for between six months and a year.<sup>246</sup> For repeated offenses, however, the prison term was increased.<sup>247</sup> Less severe sentences were meted out to the farmer who was caught assisting in any illegal poppy cultivation.<sup>248</sup>

#### b. *Prohibition Imposed on the Frequenting of Opium Dens*

Those who frequented public places such as cafés and hotels for the use of narcotics were liable to from six months to one year in prison and a cash fine. Subsequent offenses increased the severity of the prison term.<sup>249</sup>

237. Chehrazi, *supra* note 191, at 5.

238. Law of October 7, 1955, U.N. Doc. E/NL.1956/1 (1956).

239. *Id.* art. 2.

240. *Id.* art. 3.

241. *Id.* art. 2.

242. Law of October 7, 1955, Regulations, U.N. Doc. E/NL.1956/40 (1956).

243. *Id.* §§ I(1)-(4).

244. *Id.* § I(4).

245. *Id.*

246. *Id.* § I(1).

247. *Id.*

248. *Id.* § I(2).

249. *Id.* § II.

*c. Penalties for Use and Possession of Narcotic Drugs*

After the termination of the six month grace period, any person who was found using narcotic drugs without a medical prescription was liable to imprisonment from one to two months; repeated offenses merited progressively longer prison terms.<sup>250</sup> For those caught selling narcotics, the law mandated first offense penalties of from three to six months in jail and a fine calculated according to the amount and nature of the drug sold. As with those caught illegally using drugs, repeated offenses resulted in more severe prison terms, culminating in a sentence of from two to five years in solitary confinement for a fourth offense.<sup>251</sup>

*d. Rehabilitation of Addicts*

The Ministry of Health was required to prepare medicines and make them available to those addicts wishing to effect a cure. All medical facilities were ordered to detoxify addicts and the Ministry was further mandated to send competent medical officials to those parts of the country where there were no medical facilities.<sup>252</sup>

*e. Crop Substitution Assistance*

In those provinces where poppy cultivation had previously been authorized, the government established commissions to supervise the changeover from poppy cultivation to the cultivation of alternative crops. Financial aid to farmers took the form of five to ten year interest free loans. Technical aid—particularly irrigation assistance—was made available<sup>253</sup> since the switch from opium, which required only moderate amounts of water, to alternate crops would undoubtedly necessitate discovering new supplies of water.<sup>254</sup>

*f. Fines Collected*

Any revenue derived from enforcing the 1955 opium laws and regulations was to be funneled back into the drug control system. One fourth was to be set aside to support a reward program for law enforcement personnel; the rest was earmarked for rehabilitation and crop substitution projects.<sup>255</sup>

Four years later, in 1959, the Iranian government gave further evidence of its determination to make the poppy ban work by increasing penalties for every category of drug offense.<sup>256</sup> For example, the penalty imposed on convicted narcotics smugglers or processors was increased to a prison term of from 5 to 15 years

250. *Id.* § V.

251. *Id.*

252. *Id.* § III.

253. *Id.* § IV.

254. Water is in short supply in Iran. Mean annual precipitation is about 25 to 30 centimeters, one third of the world mean of 86 centimeters. See Khuzetan, *The Granary of Iran*, 6 IRAN TRIBUNE, May, 1971, at 41.

255. Law of October 7, 1955, Regulations, § VI(12) U.N. Doc. E/NL.1956/40 (1956).

256. Law of June 22, 1959, Act to Amend the Law on Poppy Plantation and the Use of Opium, U.N. Doc. E/NL.1960/1 (1960).

at hard labor and a fine of 500 rials for each gram of opium and 3,000 rials for each gram of other narcotics processed or smuggled into the country.<sup>257</sup> For a second offense, the penalty provided was "death beside the fine."<sup>258</sup> For convicted narcotics peddlers, the penalty was set at 3 to 15 years at hard labor and a stiff fine.<sup>259</sup> A second trafficking offense warranted a sentence of life imprisonment with hard labor.<sup>260</sup> Landowners who illegally cultivated the poppy also faced stiffer penalties. In addition to a fine of up to 100,000 rials for every hectare or less of illegally planted opium, the illegal cultivator could be sentenced to 3 to 15 years at hard labor.<sup>261</sup> Repeated offenders were imprisoned for life.<sup>262</sup> If a village headman or district governor knew of the illegal cultivation but kept silent, he too would be punished.<sup>263</sup>

The new penalties extended to illegal drug use as well. The law now required that anyone who used or injected another with a narcotic drug without medical authorization be condemned to correctional imprisonment ranging from six months to three years.<sup>264</sup> If he was adjudged an addict, however, the offender was placed in a compulsory treatment program instead of a prison, with the period of treatment being considered as part of the criminal sentence.<sup>265</sup> The 1959 statute even outlawed the possession of poppy seeds, which were then widely used on bread. Anyone who kept such seeds was liable for correctional imprisonment ranging from two months to three years.<sup>266</sup>

The 1959 law also created a new category of drug offender—the person who profited from or was an accessory to certain types of drug trafficking. For example, article eight of the new statute provided that if "the person in whose possession narcotics are detected is not the owner, but is merely a carrier for some other person, the former shall be regarded as the accessory and the latter as the principal."<sup>267</sup> To expose those who were profiting from the drug traffic, there were proposals to permit investigations of individuals living in border areas who displayed any unusual wealth.<sup>268</sup>

## 2. *Success of the Program*

An examination of the laws of 1955 and 1959 reveals that the government's program was directed at achieving two objectives—the reduction of the availability of drugs and a decrease in the demand for drugs. The former objective

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257. *Id.* art. 4.

258. *Id.*

259. *Id.* art. 5.

260. *Id.*

261. *Id.* art. 13.

262. *Id.*

263. *Id.* art. 16.

264. *Id.* art. 9.

265. *Id.*

266. *Id.* art. 14.

267. *Id.* art. 8.

268. Wright, *Progress in Iran: The Struggle Against the Evil of Narcotics Up to 1960*, 12 BULL. NARC., July-Sept., 1960, at 1, 4.

was to be accomplished by banning all opium production and by imposing criminal penalties to discourage drug smuggling. A decrease in the demand for drugs was to come about through a massive addict rehabilitation program. The next few paragraphs will present an analysis of each of these objectives.

*a. Reduction in the Availability of Drugs*

*i. Ban on Poppy Cultivation*

Most observers with whom the authors discussed the question agreed that the ban on opium cultivation was quite successful.<sup>269</sup> Few bans, of course, are 100 percent effective. By its own figures, the government admitted that it destroyed 57 hectares of poppy cultivation in 1956, 300 hectares in 1957 and 1,445 hectares as late as 1962.<sup>270</sup> Although much of this growth was doubtlessly wild and not purposely cultivated, its presence indicates that at least some illicit growing activities were still being carried on.

*ii. Closing of Opium Dens*

The government moved forcefully and expeditiously to close all opium dens. After the 1955 law was enacted, the police made concerted midnight raids on many of these establishments to shut them down.<sup>271</sup> Although dramatic, these raids were still quite successful, so much so that Minister of Health Saleh became the target of notes written in blood threatening his life.<sup>272</sup>

*iii. Preventing Smuggling*

If the government's policies in banning opium cultivation and in closing opium dens can be characterized as successful, its policy-objective of containing drug smuggling ended in failure. Although seizures of illegal opium decreased dramatically between 1955 and 1957, they began to increase again in 1958 and soon were running three times higher than comparable seizures before 1955.<sup>273</sup> The reason for this increased black market activity can be traced in large part to the failure of Turkey and Afghanistan to cooperate with Iran in stopping smuggling.

Both Turkey and Afghanistan produce opium.<sup>274</sup> As will be described later in this Article, the borders between Iran and each of these two countries are difficult

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269. An anecdote related to the authors during the field study will illustrate both the success of the ban and the way in which the rugged, barren geography of the country aided in that success. Before the ban the British ambassador while flying over the country allegedly remarked that the countryside was "white with snow." The "snow," of course, was the white poppy fields, highly visible from the air because of the nature of the countryside. After the 1955 ban, the ambassador was heard to remark on a second flight that the "snow" had melted.

270. Saba, *supra* note 118, at table IV.

271. Field study.

272. Kamm, *supra* note 7, at 44; Field study.

273. Saba, *supra* note 118, at table IV.

274. WORLD OPIUM SURVEY A1, A7.

to patrol because of the terrain.<sup>275</sup> Once Iran stopped growing its own opium, Turkish and Afghan smugglers began bringing large quantities of drugs into the country.<sup>276</sup> As a result drugs were still available to the Iranian addict—only now at a higher price.<sup>277</sup> Even the substantial escalation of penalties in 1959<sup>278</sup> did not have its intended effect, as seizures of illegal opium continued to mount.<sup>279</sup> If anything, the new penalties may have been counterproductive and directly linked to the appearance of heroin in Iran in 1959. In the face of higher penalties, some smugglers, it would appear, turned to importing morphine base in place of bulky raw opium in order to reduce the risks of apprehension. With morphine base readily available in the country, it was a short but predictable step to the production of Iranian heroin.<sup>280</sup>

*b. Decreased Demand*

Perhaps the government's efforts in this area were doomed to failure from the start. Although there were an estimated 1.5 million addicts in the country, the 1955 law provided a scant six-month grace period during which time addicts could come to Ministry of Health centers for detoxification. Assuming that only one-fifth of them came, that would have meant processing 50,000 addicts a month—a rather substantial undertaking—particularly when one realizes that the government had few detoxification facilities available in 1955.<sup>281</sup> Even if an addict were successfully detoxified, he was soon returned to his village where there were no after-care or supportive facilities to help him stay away from his habit. In 1955, 29,158 addicts were "treated" in this fashion; in 1956, 53,737; in 1957, 41,515; and in 1958, 28,085.<sup>282</sup> Thus, in four years the government had provided minimal treatment to only one-tenth of the estimated number of addicts in the country.

Some things may be said, however, in defense of the government's rehabilitation efforts. Detoxification in a treatment facility was obviously not required for each of Iran's estimated 1.5 million addicts. Some had become addicted circumstantially and could abandon their habits on their own without too much discomfort. Others, the government felt, could be successfully detoxified on an out-patient basis with the help of medicine. To that end, the Ministry of Health widely distributed medical supplies in order to help alleviate the symptoms of withdrawal.<sup>283</sup>

Viewing the 1955 initiative in terms of its objectives, one must conclude that it was only partially successful. It was true that the ban on opium cultivation had

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275. See notes 398-414 *infra* and accompanying text.

276. WORLD OPIUM SURVEY A11-A15.

277. *The Fight Against Narcotics*, *supra* note 14, at 5-6.

278. See notes 252-73 *supra* and accompanying text.

279. Saba, *supra* note 118, at table IV.

280. *The Fight Against Narcotics*, *supra* note 114, at 6.

281. Field study.

282. Saba, *supra* note 118, at table IV.

283. Saleh, *supra* note 198, at 2.

worked and the number of addicts had been reduced. But there still remained a resistant population of addicts who could not be induced or forced to abandon their habits. To supply these addicts a large international black market had been created. Growing frustration finally convinced the government and the Shah that new measures were needed. In 1969, to the consternation of outside observers,<sup>284</sup> and in an apparent reversal of position, the Iranian government reinstated limited poppy cultivation.<sup>285</sup>

What prompted this change, however, was not so much a reversal of position as a re-evaluation of current politics in the light of developing evidence. The 1955 strategy had conceived of the opium problem as a self-contained medical-social problem. The opium consumed in Iran was mainly grown in Iran and distributed by Iranians; addiction was viewed as an endemic disease not much different from malaria. It was believed that the solution to the drug problem was similar to the solution to other medical problems.<sup>286</sup> First, eradicate the cause of the disease, in this case the supply of opium in Iran, and, second, cure those who had the sickness, i.e. the addicts. The strategy might have worked if Iran had been an island.

Iran, however, did not exist in isolation, and programs directed at what superficially appeared to be a purely domestic concern carried international consequences. As Iran successfully curtailed poppy cultivation and suppressed all legitimate trafficking in opium, a situation was created which was ripe for exploitation by foreign drug merchants willing to take the risks. Into this vacuum stepped Turkish and Afghan smugglers.<sup>287</sup> Indeed, the more successful the efforts of the Iranian government, the more lucrative the Iranian market became for these smugglers. Thus, what had begun as a domestically contained social problem rapidly escalated into an international, political, and economic problem. First, the very fact that these smugglers could cross over into Iran at will was a political embarrassment to the Shah. Particularly on the eastern border, bands of Afghan smugglers would sometimes penetrate as far as 100 miles into Iran before making their connection.<sup>288</sup> Often on their return, they would loot an Iranian border village.<sup>289</sup> If nothing else, these forays demonstrated that the Shah could not control his own borders. Second, the smugglers began to have a definite impact on Iran's balance of payments in that large amounts of gold were leaving the country to pay for smuggled drugs.<sup>290</sup> Exactly how much money was leaving the country is of

284. The announcement of Iran's decision to rescind the poppy law was characterized as "a sharp disappointment to the International Narcotics Control Board." 22 BULL. NARC., July-Sept., 1970, at 40. See also Kamm, *supra* note 7, at 44.

285. Law of March 4, 1969, Law Permitting Limited Cultivation of Poppy and Export of Opium, U.N. Doc. E/NL.1970/17 (1970).

286. Z. Davidian, *Narcotics Control in Iran—A Review with Regional Proposals* 12 (April 14, 1966).

287. See notes 273-80 *supra* and accompanying text.

288. Kamm, *supra* note 7, at 45.

289. *Id.*

290. *The Fight Against Narcotics*, *supra* note 14, at 7. In the 19th century, the import of opium into China resulted in a mammoth outflow of Chinese silver, causing domestic economic problems. HESS, *supra* note 59, at 15.

course a matter of debate. Although the government officials with whom the authors spoke differed on the size of the drain, all conceded that it was substantial. Third, although Iranian jails were soon crowded with drug offenders of all sorts,<sup>291</sup> the very success of these law enforcement efforts was causing serious economic problems at two levels. At the administrative level, there were the rising costs of apprehending and incarcerating these addicts. At the family level, there were the economic and human hardships which resulted when a father or brother (often the sole means of a family's support) was imprisoned.<sup>292</sup>

It was in the light of these factors that the government re-evaluated and modified its drug strategy in 1969. By this time the government had realized that a domestic policy of total prohibition was not possible without regional cooperation. Without such cooperation, the national efforts at repression only forced the traffic underground and created an international black market, resulting in serious economic problems for the country.

### G. 1969-1973

The new drug control strategy of 1969 was designed to correct the weaknesses of the 1955 prohibition effort. It is apparent from the structure of the law that the number one priority was to crack down on the smugglers. In order to accomplish this task, Iran embarked upon various diplomatic initiatives to encourage Turkey and Afghanistan to cooperate.<sup>293</sup> Coupled with these diplomatic efforts, the Shah introduced new mechanized capabilities along the borders to intercept the smugglers<sup>294</sup> and imposed the death penalty upon capture and conviction.<sup>295</sup> The second priority was to reduce the flight of capital from Iran. To achieve this objective, the government abandoned its prohibition on all opium production and consumption. Limited poppy cultivation would be permitted under government licensing, and the opium would then be distributed to registered addicts through a government maintenance program.<sup>296</sup> Presumably in this way the demand for smuggled opium would be reduced, and with it the flight of capital to pay for this smuggled opium.

In order to usher in the new policy, the government granted a limited amnesty, freeing most of the petty drug offenders who had been arrested and sentenced under the 1955 law.<sup>297</sup> In the future the government would concentrate on arresting the drug trafficker, not the drug addict or user. Instead of imprisoning him, the addict would be directed into rehabilitation programs which would be made available by the government. The elements of this complex drug control system merit detailed analysis.

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291. *See id.* at 10.

292. Field study.

293. Ad Hoc Committee Report, *supra* note 80, at 15.

294. *See* note 414 *infra* and accompanying text.

295. Law of June 21, 1969, ¶ e(1), U.N. Doc. E/NL.1970/24 (1970).

296. Law of March 4, 1969, Law Permitting Limited Cultivation of Poppy and Export of Opium, U.N. Doc. E/NL.1970/17 (1970).

297. Law of June 21, 1969, ¶ (a), U.N. Doc. E/NL.1970/24 (1970).



## 1. *Poppy Cultivation*

### a. *Licensing and Acreage Allocation*

By the Law of March 4, 1969,<sup>298</sup> the Ministry of Land Reform and Rural Co-operatives was authorized to embark upon poppy cultivation in such regions and in such quantities as were approved each year by the Council of Ministers.<sup>299</sup> The Ministry is required to propose to the Council an annual list of the names of the regions and the area of land needed for the cultivation.<sup>300</sup> Once the land was approved for cultivation by the Council, the Ministry would in its turn license the individual farmer, the rural co-operative, or the joint stock farming company to grow the poppy.<sup>301</sup> The company or farmer, as a condition of receiving the license, had to agree in advance to sell his entire harvest to the government at a price and place to be fixed by the Ministry.<sup>302</sup> In 1970 the government allocated the permissible crop area among thirteen provinces and governates—with the largest poppy acreage allocated to Khorasan province in the northeast of the country.<sup>303</sup>

The amount of land allocated to poppy growth is supposedly tied to the requirements of the new opium maintenance program for registered addicts.<sup>304</sup> Since the government overestimated the number of addicts who would be registered in the first years of the program, too much land was initially allocated to poppy cultivation. For example, in 1972, after the new program had been in effect for two years, opium was grown on approximately 23,000 hectares, which resulted in an opium yield of about 217 tons.<sup>305</sup> During this same year the maintenance program had registered approximately 110,000 addicts who required only 100 tons of opium to maintain their habits.<sup>306</sup> As a result of this miscalculation, the government had far more opium than was required to meet the needs of its registered addict population. To correct the mistake, the government drastically reduced the land allocated to poppy cultivation in 1973—to possibly as little as 2,000 hectares.<sup>307</sup>

### b. *Price Differential*

The reinstatement of poppy cultivation was designed to provide domestic opium

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298. Law of March 4, 1969, Law Permitting Limited Cultivation of Poppy and Export of Opium, U.N. Doc. E/NL.1970/17 (1970).

299. *Id.* art. 1.

300. Law of March 4, 1969, Law Permitting Limited Cultivation of Poppy and Export of Opium, Amended Executive Code under Article 1, art. 1, U.N. Doc. E/NL.1970/18 (1970).

301. *Id.* art. 2.

302. *Id.*

303. WORLD OPIUM SURVEY A13.

304. Field study.

305. See WORLD OPIUM SURVEY A14. The figure of 23,000 hectares was mentioned to the authors during their field study. The government also funnels some illegal opium which it has seized into the maintenance program. See Annual Report, *supra* note 86, at 12.

306. Ad Hoc Committee Report, *supra* note 80, at 13.

307. *Id.* at 14.

for Iranian addicts.<sup>308</sup> The most greatly feared danger, however, was that this legal opium would find its way into the illegal market.<sup>309</sup> To prevent this diversion, the government devised a pricing policy that would encourage the sale of all domestic opium to the government.<sup>310</sup> The Iranian government pays approximately \$120 for a kilogram of raw opium.<sup>311</sup> This price must be higher than comparable black market prices.<sup>312</sup> The theory is that by creating a price differential between the licit government price and the black market price, opium farmers will sell their entire crop to the government. A kilogram of Afghan opium, however, wholesales in Teheran for between \$120 to \$186, depending on its quality.<sup>313</sup> Thus, if black market prices in Teheran should increase substantially, it is conceivable in the future that illegal traffickers could afford to equal or exceed the government price at the field and still hope to make a profit. Presumably if that happened, the government would have to increase its purchase price.

Paying a premium price for the opium crop, however, results in an obvious economic loss for the government. With the 1972 world price for licit opium running at almost \$24 per kilogram,<sup>314</sup> the Iranian government was paying \$120 for a kilogram—more than five times the world price. One immediately realizes the significance of miscalculating the amount of opium needed to support the registered addict population. As has already been mentioned, the Iranian government did overestimate its initial opium needs—a mistake which resulted in an expensive surplus and forced the government to cut back opium production in 1973.<sup>315</sup> Although it has been expensive, the government's program has reportedly been successful in keeping the domestic opium crop out of the hands of black marketers.<sup>316</sup> Whether the price differential has been the prime ingredient of that success, however, cannot be determined, because it has been combined with a highly effective system of harvest and production controls.<sup>317</sup>

### c. Harvest Controls

The Ministry of Land Reform and Rural Co-operatives is primarily responsible

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308. WORLD OPIUM SURVEY A13.

309. *Id.* at A12.

310. *Id.* at A14.

311. Ad Hoc Committee Report, *supra* note 80, at 12. Licensed growers are paid \$100 per kilo of opium with a 30 to 36 percent water content. By the time the water content is reduced to 5 or 6 percent, which is the standard for smoking opium, the cost has risen to \$120 per kilogram. 24 BULL. NARC., Jan.-March, 1972, at 26.

312. Ad Hoc Committee Report, *supra* note 80, at 12. For a critical discussion of Iran's pre-emptive buying policy, see Holahan, *The Economics of Heroin* in DEALING WITH DRUG ABUSE: A REPORT TO THE FORD FOUNDATION 263-64 (1972). The price paid by the Iranian government is far in excess of even the black market price of opium in other countries. In Afghanistan, for example, the black market price for a kilogram of opium is between \$25 to \$35; in Laos it is \$50 a kilogram. See N.Y. Times, May 26, 1973, at 1, col. 6.

313. Annual Report, *supra* note 86, at 18.

314. WORLD OPIUM SURVEY 9 Table 3.

315. See notes 304-07 *supra* and accompanying text.

316. WORLD OPIUM SURVEY A14.

317. *Id.* at A13-14.

for controlling poppy cultivation.<sup>318</sup> The procedure followed by the Ministry was described in detail to the authors and appears to be a carefully regulated and coordinated set of controls. When acreage is approved for cultivation, it is roped off. As the crop appears, anything growing outside the ropes is uprooted and destroyed. Shortly before harvesting, the farmer or rural co-operative on whose land the opium is being grown must notify a representative of the Ministry or the Imperial Iranian Gendarmerie of the impending harvest. In order to prevent possible diversion, the gendarmes may often billet themselves near the opium fields and oversee the collection of the latex. As the bowls of gum are collected, they are delivered directly either to the representative of the Ministry or to the gendarmes. It is reported that these controls have minimized diversion of opium latex from the field into the illicit market.<sup>319</sup> Of course, farmers may secrete a small amount of opium latex in the fields for local village consumption. Because of the severity of the penalties, however, even this practice would presumably be the exception rather than the rule. If any illegal conduct is uncovered, the poppy fields are to be destroyed.<sup>320</sup> "The government has detected and destroyed about 1 hectare of illicitly cultivated opium poppy annually in recent years."<sup>321</sup>

Once the latex has left the field, there are rigid controls enforced at each stage of the production process. The gum is first "weighed, tagged, and stored in a locked and supervised container, which is transported under guard to government warehouses."<sup>322</sup> The weight of the product is repeatedly checked to prevent any diversion.<sup>323</sup> Although controls are rigid, this period when the latex is being processed into prepared opium may in fact be the time of maximum leakage. Statistics are obviously not available, but it has been suggested that perhaps as much as five percent of the crop may disappear between harvest and sale to registered addicts.<sup>324</sup>

#### d. *Alternative Crops*

While opium is admittedly a labor intensive crop, it is still one of the most lucrative crops that can be grown by the Iranian farmer, yielding higher returns per hectare than most available substitutes such as wheat, barley, sunflower, alfalfa and sugar beets.<sup>325</sup> During the 1955-69 opium ban, however, the Iranian farmer had to find acceptable alternative crops to replace the poppy. Wheat and linseed were among the prime crop substitutes.<sup>326</sup> With the return of limited poppy cultivation, it might be anticipated that farmers would be eager to grow

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318. *Id.* at A13.

319. *Id.* at A14.

320. *Id.*

321. *Id.*

322. *Id.*

323. *Id.*

324. Field study.

325. See authorities cited note 22 *supra*.

326. Field study. See also Chehrazi, *supra* note 191, at 3. The government is also encouraging the growth of mulberries instead of poppies as Iran hopes to expand her silk industry. 6 IRAN TRIBUNE, August, 1971, at 25.

opium and anxious to receive a share of the land allocated to the crop, but the authors were informed that such has not been the case. Various factors may account for the anomaly. First, the size of the opium crop will vary from year to year—an allocation of X hectares this year could be reduced to Y hectares next year, introducing a degree of uncertainty into future crop planning. Second, the tight controls over poppy cultivation and harvesting necessitate frequent visits by government and gendarme agents—something which may be highly distasteful to the Iranian farmer.<sup>327</sup>

### *e. Reinstitution of a Poppy Ban*

Significantly, in the very text of the 1969 legislation Iran promised to discontinue poppy cultivation as soon as neighboring countries adopted a similar policy.<sup>328</sup> In 1971, under pressure from the United States, the Turkish Government decreed that there would be a total ban on poppy cultivation after the 1971-72 growing season.<sup>329</sup> Since there are still large stores of opium in Turkey—stores which could supply the illegal market for several years to come<sup>330</sup>—the Iranian government has adopted a cautious “wait and see” attitude regarding the Turkish ban.<sup>331</sup> If the Turkish ban is effective, it will doubtlessly elicit some response from Iran.<sup>332</sup> Indeed, the 1973 reduction in opium acreage, although primarily motivated by economic considerations, may have been indirectly influenced by Turkish policy.<sup>333</sup>

Illegal poppy cultivation continues in Afghanistan and Pakistan, however. In both countries, the cultivation takes place in tribal areas outside the effective control of the respective central governments.<sup>334</sup> Because of economic and political conditions, it is highly unrealistic to expect either country to be able to enforce a workable ban on poppy cultivation in the foreseeable future.<sup>335</sup> Thus, it will undoubtedly be a long time before Iran will be expected to honor its commitment to reinstitute a ban on poppy cultivation.

## *2. Maintenance Program*

Like the reintroduction of poppy cultivation, the opium maintenance program is aimed at eliminating drug smuggling across Iran's borders.<sup>336</sup> The theory is

327. See WILBER, *supra* note 5, at 173.

328. Law of March 4, 1969, Law Permitting Limited Cultivation of Poppy and Export of Opium, art. 1, U.N. Doc. E/NL.1970/17 (1970).

329. Ad Hoc Committee Report, *supra* note 80, at 16. For the impact of the ban on Turkey see N.Y. Times, Oct. 3, 1972, at 1, col. 3; N.Y. Times, Oct. 10, 1972, at 1, col. 4.

330. See N.Y. Times, Oct. 10, 1972, at 14, col. 1.

331. See Ad Hoc Committee Report, *supra* note 80, at 13. Recently, however, there have been some indications of strong opposition to the ban in Turkey.

332. *Id.*

333. See *id.* at 15.

334. See *id.* at 5, 8-9. There is some evidence that United States aid money may be supporting Afghan opium cultivation. N.Y. Times, May 26, 1973, at 1, col. 8.

335. See WORLD OPIUM SURVEY A9, A20.

336. Field study.

that if Iran can supply its own addicts with drugs, there will be less demand for smuggled drugs.<sup>337</sup> Under the 1969 law an addict may register in the government maintenance program if he is over 60 years of age or if he is too ill to undergo detoxification.<sup>338</sup> If he qualifies for the program and is so certified, the addict will receive a card bearing his photograph along with the details of his allowable dosage, the place where he must purchase his drugs, and the period of validity of the card, which can be up to six months.<sup>339</sup> In 1972 the government claimed that approximately 110,000 addicts were registered in the program.<sup>340</sup> At the time of their research in the beginning of 1973, the authors were informed that approximately 60 percent of the registered addicts were admitted to the program because they were in the 60 years of age or over category, and that the remainder were those considered too ill to undergo withdrawal.

*a. Procedures of Admission into the Program*

An addict who wishes to be admitted into the maintenance program must first obtain a private physician's certificate that he is in fact an addict and either too old or too sick to undergo withdrawal.<sup>341</sup> With the certificate, the addict then proceeds to the Ministry of Health<sup>342</sup> where the fact of his addiction is confirmed by urinalysis. The certificate of the private physician and the results of the urinalysis are then sent to a committee of three doctors who make the final determination of the applicant's eligibility for the program. If he is accepted into the program, the doctors first determine his daily dosage level, which will usually be between two to five grams of opium. Once the dosage is set, the doctors will then issue the addict a card containing his picture, his name, his maximum permissible dosage, and the distribution center (always a local pharmacy) where he may obtain his drugs.<sup>343</sup> No other distribution center may legally supply the addict with his drugs.<sup>344</sup> Figures were unavailable on the number of distribution centers authorized to service the registered addicts, but informal estimates set the number of approved centers in Teheran at ten.

The addict admitted to the government program does *not* receive his opium without cost. The price paid depends on a variety of factors, the most important being the quality of the opium purchased. For example, the government sells two grades of opium to registered addicts: Class A opium is Iranian grown opium which retails for 17.5 rials per gram; Class B opium is contraband Afghan opium

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337. *Id.*

338. Law of March 4, 1969, Law on Limited Poppy Cultivation and Export of Opium, Executive Code under Article 3, art. 4, U.N. Doc. E/NL.1970/19 (1970).

339. *Id.* art. 4(b).

340. Ad Hoc Committee Report at 13.

341. Law of March 4, 1969, Law on Limited Poppy Cultivation and Export of Opium, Executive Code under Article 3, art. 4, U.N. Doc. E/NL.1970/19 (1970). The details of the admittance procedure were explained to the authors during their field research.

342. *Id.* art. 4(b).

343. *Id.*

344. *See id.*

which has been seized by the government. Although it sells for only six rials per gram, its lower morphine content makes it less preferred by addicts.

In order to ensure that the retail price of its opium remains competitive with smuggled opium, the government adjusts the price according to the area of the country where it is sold. Thus Class A government opium is sold to addicts in Teheran at 17.5 rials per gram; however, in the provinces along the eastern frontier where Afghan opium is plentiful, the price is lowered to remain competitive with the price of black market opium in that area.

On the whole the government appears to have been quite successful in keeping the price of opium within the means of the registered addict. This consideration is an important one, for when the cost of drugs becomes more than the addict can afford, the risk of his turning to crime to raise the additional money needed to support his habit increases substantially. Although the statutory minimum wage in Iran is 80 to 100 rials per day,<sup>345</sup> the average daily wage for a skilled or semi-skilled worker in manufacturing in Teheran was approximately 220 rials in 1971,<sup>346</sup> and that figures may have increased for 1973. Therefore, even if the worker purchased three grams of Class A opium per day, it would cost him less than one quarter of his daily wage to maintain his habit.

#### b. *Criticisms of the Program*

Although the government's maintenance program has been in existence for only a short time, a number of serious criticisms were expressed to the authors during their research.

Perhaps the most serious charge made against the maintenance program is that it may actually increase rather than decrease levels of addiction in the country. Critics argue that drug addiction is an epidemiological disease which spreads in a traceable pattern from various individuals. Legalization of even limited drug use by registered addicts increases the chances of these "legal" addicts spreading their habits.

National attitudes toward drug abuse, critics argue, will also be affected by a program of legalized drug use. Legalization of limited opium use for *some* individuals will give renewed respectability to opium use by *all* people. Some confirmation of this point may be found in the increasingly fashionable practice at Teheran parties of circulating the opium pipe among the male guests.<sup>347</sup> Others argue that, if not rigidly controlled, opium use could become intertwined with Persian nationalism. Iranians have historically felt that they possess literature, culture, customs, and religion that set them apart from their Arab neighbors.<sup>348</sup> It is feared that opium use, with its ancient traditions and its emphasis on self-indulgence, could become an expression of these feelings.

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345. EMPLOYMENT STRATEGY MISSION TO IRAN, INTERNATIONAL LABOR ORGANIZATION, REPORT 87 (1972).

346. *Id.*

347. See Kamm, *supra* note 7, at 44.

348. See WILBER, *supra* note 5, at 163-64.

It is quite possible that there is some diversion of drugs from the maintenance program into the illegal market. There is some evidence of leakage in that non-registered addicts have admitted receiving drugs dispensed through the government program.<sup>349</sup> It is not difficult to imagine how such leakage might occur. For example, an addict who is over 60 years of age will be admitted to the government program as a matter of course.<sup>350</sup> Once he is receiving his daily supply of opium, he can reduce his own consumption and sell part of his ration. For its part, the government seems willing to accept a certain amount of illegal diversion from the maintenance program. It is preferable from a policy standpoint to have the non-registered addict use diverted government opium rather than illegal opium smuggled across the Iranian borders. When an addict buys smuggled opium he lends support to the illegal traffic which the Iranian government is out to destroy. What is more, most of the purchase price leaves the country; when he buys home grown opium, the purchase money circulates within the country.

The presence of legal opium makes the control of illegal opium more difficult as it is difficult for the police to distinguish between the two. Since a registered addict can legally have in his possession as much as a six day's supply of opium,<sup>351</sup> it is often difficult for the police to prove that the opium is not his but someone else's. For example, if the police were to raid a party and find opium, a registered addict might be able to claim all of it as his own. Although government opium is labeled for identification, smugglers can attach government banderoles to contraband opium so that it can pass for legal opium.<sup>352</sup>

Problems have developed in the actual functioning of the maintenance program. Critics argue that by allowing an addict to have only one source of supply, the government effectively limits his mobility. More serious, no doubt, is the suggestion that the maintenance program may never be as successful in rural areas as in urban areas. In order to be effective in rural areas, authorized distribution centers must be placed near enough to addicts so that they do not have to travel long distances to obtain their dosage. Although statistics on the number and location of designated pharmacies were unobtainable, it is highly unlikely that the government can supply drugs to addicts in many of the villages scattered over the countryside.<sup>353</sup> In this context, it should be recalled that as late as 1964, only one quarter of Iran's population had access to medical facilities of any kind whatsoever.<sup>354</sup>

### 3. Rehabilitation

Except for medical reasons, which include, of course, admission to the government opium maintenance program, the use of all narcotic drugs remains absolutely

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349. Field study.

350. Law of March 4, 1969, Law Permitting Limited Cultivation of Poppy and Export of Opium, Executive Code under Article 3, art. 4, U.N. Doc. E/NL. 1970/19 (1970).

351. *Id.* art. 2.

352. Field study.

353. See generally WILBER, *supra* note 5, at 173.

354. Johns, *supra* note 137, at 8.

forbidden under the 1969 legislation.<sup>355</sup> As under the 1955 law,<sup>356</sup> the government is once again committed to provide adequate money and facilities for the treatment of addicts.<sup>357</sup> Unfortunately, just as in 1955, it appears that effective rehabilitation in Iran is mainly illusory.<sup>358</sup> There are some recent indications, however, that the government is trying to rectify the situation.

*a. Numbers of Non-Registered Addicts Requiring Treatment*

By the government's own figures there are between 200,000 and 300,000 addicts in Iran.<sup>359</sup> With 110,000 addicts in the drug maintenance program,<sup>360</sup> that leaves perhaps 200,000 addicts who still must obtain their drugs illegally. In order to reduce the number of unregistered addicts, the government was presented with several alternatives:

(1) It could lower the eligibility requirements for participation in the government maintenance program, permitting many of these addicts to register for a legal opium supply. (2) It could reinstitute strict law enforcement measures to jail large numbers of these addicts. (3) It could attempt to pressure addicts into rehabilitation programs in an effort to reduce demand for illegal drugs.

Alternative (1) was obviously not acceptable because the standards were not in fact lowered. Perhaps it was thought that lowering standards would be too expensive, or socially undesirable. Alternative (2) had already been tried and failed during the 1955-69 period. In theory then, alternative (3) was the only acceptable solution to the problem. In order to make it work, however, the government would have to provide addicts not only with sufficient incentives to abandon their habits but also with adequate facilities to assist them in the process, *e.g.*, detoxification and rehabilitative facilities.

*b. Civil Penalties as Incentives to End Addiction*

Just as a strictly enforced criminal law was to be used to discourage black marketeering,<sup>361</sup> a system of civil penalties such as loss of a job or expulsion from school was supposed to encourage addicts to abandon their habits. For example, under the 1969 statute a student who is diagnosed as an addict is forbidden to continue his studies and the matter is reported to his parents.<sup>362</sup> If the student abandons his habit within four months, he can return to school—other-

355. Law of March 4, 1969, Law Permitting Limited Cultivation of Poppy and Export of Opium, art. 3, U.N. Doc. E/NL.1970/17 (1970).

356. Law of November 18, 1955, art. 3, U.N. Doc. E/NL.1956/1 (1956).

357. Law of March 4, 1969, Law Permitting Limited Cultivation of Poppy and Export of Opium, art. 8, U.N. Doc. E/NL.1970/17 (1970).

358. Field study.

359. Ad Hoc Committee Report, *supra* note 80, at 12.

360. *Id.*

361. See notes 391-444 *infra* and accompanying text.

362. Law of March 4, 1969, Law Permitting Limited Cultivation of Poppy and Export of Opium, Executive Code under Articles 4, 5, 6, and 7, art. 11, U.N. Doc. E/NL.1970/20 (1970).



wise he must stay out of school until he can prove that he is no longer addicted.<sup>363</sup> Should the student become addicted a second time, he is suspended for one year and can continue studying only if he gives up his habit during the period of suspension.<sup>364</sup> Readdiction for a third time bars him from further education.<sup>365</sup> Similar penalties apply to laborers who come under the Labor Law and who are diagnosed as addicts.<sup>366</sup> Unless they give up their addiction within four months, they are considered to have annulled their work contracts and must be discharged.<sup>367</sup> If the laborer gives up his habit within one year after discharge, he must be rehired.<sup>368</sup>

The use of civil penalties as negative incentives to end addiction is intriguing and may be suggestive of new approaches to the problem of drug abuse in other countries. No matter how effectively these civil penalties can pressure an addict to abandon his habit, however, ultimate success will be achieved only if the addict can in fact be weaned from his habit. For that process, adequate treatment facilities are critical.

### c. Facilities for Treatment

Most observers closest to the Iranian drug problem would agree that adequate drug treatment facilities unfortunately do not exist in the country.<sup>369</sup> Of the approximately 12,000 addicts treated in Iran in 1971, the Vanak Clinic in Teheran accounted for 3,466.<sup>370</sup> The clinic has approximately 150 beds, accommodating between 3,000 and 4,000 patients a year.<sup>371</sup> The addict remains in the hospital for up to three weeks, during which time he is withdrawn from his drug.<sup>372</sup> The usual method of detoxification is with methadone followed by tranquilizers or amphetamines, depending on the patient.<sup>373</sup> Once totally detoxified the individual is sent back to his family, hopefully not to return to his habit. The hospital's own statistics on recidivism, however, indicate that this hope is not often realized. During one particular month in 1972, 193 out of 372 patients in the hospital were repeaters.<sup>374</sup>

Outside of Teheran it is difficult to assess the number of beds actually avail-

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363. *Id.*

364. *Id.* art. 12.

365. *Id.*

366. *Id.* art. 6.

367. *Id.*

368. *Id.* art. 8.

369. See Annual Report, *supra* note 86, at 7; Davidian, *supra* note 286, at 10. The former source gives the number of addicts treated in 1971 as 12,193, but points out that the figure "is no indication of the relative demand for treatment; it is rather a measure of the treatment facilities available." *Id.*

370. Annual Report, *supra* note 86, at 7-8.

371. Annual Report, *supra* note 86, at 7-8; Saba, *supra* note 118, at 2. The report by Dr. Saba, which is the source for the number of beds at the Clinic, is seven years old.

372. Saba, *supra* note 118, at 2.

373. *Id.*; Field study.

374. Field study. The month in question was the Moslem month of Mehr which ran from September 23 to October 23, 1972.

able to drug addicts who wish to undergo detoxification. Some cities have what are called "barracks"—separate buildings reserved for addicts within larger hospital compounds.<sup>375</sup> Although the government claims that there are 14 such barracks in existence, one can never be sure on any particular day that they are all in operation.<sup>376</sup> Even assuming that all 14 were continuously operational, that would only add about 200 more beds<sup>377</sup> for addict withdrawal to the 150 already available at the Vanak Clinic. There has also been a center opened in Zahedan for the treatment of addicts.<sup>378</sup> However, throughout the entire country with an addict population of approximately 400,000,<sup>379</sup> our estimate is that there are probably less than 400 beds exclusively set aside for addict withdrawal. It is true that there are private hospitals available to addicts, but such private treatment would be too expensive for the average Iranian worker.<sup>380</sup>

Not only is the number of treatment facilities abysmally small, but the quality of the treatment received is often inadequate. There is, for instance, little after-care treatment available once an addict leaves the hospital, due in large measure to the lack of trained social workers in the country. Even at the best equipped drug facility in the country, the Vanak Clinic, there were only four social workers on the staff in January, 1963.<sup>381</sup> When one realizes that between 3,000 and 4,000 addicts undergo treatment at the clinic every year, it is hard to imagine how this staff of four could provide adequate after-care support for more than a small percentage of those who need it.

Recognizing the need for more facilities and for more advanced treatment methods, the government envisions constructing six addict rehabilitation centers throughout the country—at Yaftabad (a suburb of Teheran), Rezaieh, Mashad, Kermanshah, Kerman, and the sixth in the province of Baluchistan.<sup>382</sup> A patient would remain in one of these centers for approximately six months, during which time he would undergo withdrawal, receive job training if necessary, and undergo psychological and social therapy.<sup>383</sup> Once released, his progress would be closely monitored for one year by trained after-care teams.<sup>384</sup>

Although the first of these centers was completed more than two years ago, it still remains empty because there is no trained staff available to open the center.<sup>385</sup> Meanwhile, the government is continuing to build the other centers, seemingly oblivious to the fact that it cannot provide the necessary trained personnel to staff them.<sup>386</sup> The United Nations has shown increased interest in the project,

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375. *Id.*

376. *Id.*

377. *Id.*

378. Annual Report, *supra* note 86, at 7.

379. *See* authority cited note 5 *supra*. This figure includes registered addicts.

380. Field study.

381. Saba, *supra* note 118, at 2.

382. Field study; Annual Report, *supra* note 86, at 7.

383. Field study.

384. *Id.*

385. *Id.*

386. *Id.*

however, and has stationed one of its rehabilitation experts in Teheran in order to assist the government in making the centers operational.<sup>387</sup>

#### 4. *Increased Law Enforcement Efforts*

If the maintenance and rehabilitation programs were aimed at reducing the demand for smuggled drugs, increased law enforcement efforts were aimed at reducing the supply of these drugs. The main supply of illegal drugs, of course, came from Turkish and Afghan smugglers who were operating along Iran's borders.<sup>388</sup> Consequently, it was not surprising that the main law enforcement efforts were levelled at these black marketeers. The objective was to escalate the risks of smuggling to such a point that most individuals would be deterred from undertaking any black market activities. Even those illegal drugs which did enter the country would cost more, making them less able to compete with the domestic opium sold by the government. To achieve this objective, the government decided upon a dual strategy. First of all, the probabilities of detection and arrest had to be increased. This increase would be accomplished by the modernization and strengthening of existing law enforcement capabilities.<sup>389</sup> The second part of the strategy centered on increasing the penalties imposed on the smuggler once he was arrested. To achieve the maximum *in terrorem* effect, the government introduced the death penalty for all those caught illegally trafficking in drugs.<sup>390</sup>

##### a. *Modernized Capabilities: At the Borders*

The Imperial Iranian Gendarmerie is responsible for maintaining law and order along the borders of the country.<sup>391</sup> In that capacity, it is in command of efforts to intercept Turkish and Afghan smugglers. The Iranian Customs Administration, of course, has a certain limited jurisdiction in this area, but it has control only over certain designated border checkpoints.<sup>392</sup> Since there is only one such checkpoint on the Irano-Afghan border (at Islam-Qaleh on the Herat-Mashad road),<sup>393</sup> Customs plays a relatively minor role in the total effort to intercept border smuggling.

During the past years, the Iranian anti-smuggling effort has been totally overhauled. Specifically, the gendarmes and customs officers have been provided with increased professional training and more sophisticated mechanized capabilities.

##### i. *Increased Training*

In order to fulfill its responsibility for the prevention of smuggling, the Gen-

387. *Id.*

388. WORLD OPIUM SURVEY A14-A15.

389. See notes 391-414 *infra* and accompanying text.

390. Law of June 21, 1969, ¶ e(1), U.N. Doc. E/NL.1970/24 (1970).

391. Ad Hoc Committee Report, *supra* note 80, at 14.

392. *Id.* at 15. Customs mans 100 posts throughout the country. *Id.*

393. *Id.* at 10.

darmerie operates patrols in all the border regions, complemented by frequent roadblocks, searches, and ambushes.<sup>394</sup> In the past few years, the Gendarmes have been given specialized supplemental training in anti-smuggling techniques from both American and United Nations experts. The United States has assigned to the Gendarmes a specialist in anti-smuggling tactics<sup>395</sup> and the United Nations has stationed both a general narcotics adviser and a drug rehabilitation expert in Teheran.<sup>396</sup> Increased training has likewise been provided to Iranian customs officials. For example, the United Nations Division of Narcotic Drugs recently sponsored a specialized narcotics training program for 40 customs officers.<sup>397</sup>

### *ii. Mechanized Equipment*

Perhaps the Gendarme's most critical need has been for highly mobile equipment which can be used to detect and intercept smugglers. A brief explanation of the situation on the Turkish and Afghan borders will explain why mobile equipment is so important.

Almost 300 miles long,<sup>398</sup> the Turkish border is highly mountainous, making effective aerial or ground reconnaissance difficult. Even if smugglers could be spotted, it would be difficult to intercept them because there are so few roads running along the border. Compounding an already impossible situation are the many Kurdish tribesmen who live along the frontier.<sup>399</sup> These nomadic herders provide an ideal cover for smuggling drugs as they move back and forth across the border with their flocks. The government has to handle the Kurds with care since historically there have been tensions between the intensely independent Kurds on the one hand and the Iranians on the other.<sup>400</sup> To police this 300 mile border, Iran has approximately 40 fixed posts, each garrisoned by 8 to 24 gendarmes, the number depending on the post's strategic location.<sup>401</sup>

The main drug smuggled over the Turkish border seems to be morphine base, which will be converted later into a crude heroin in various villages and towns in western Iran.<sup>402</sup> Since morphine base is much less bulky than opium, it can be carried over the border by individual smugglers—a pattern quite different from that prevailing on the Afghan frontier.<sup>403</sup> Thus, every man and woman who crosses the Turkish border is a potential smuggler. As a result, the chances

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394. *Id.* at 14.

395. *Id.* at 15.

396. *Id.*

397. *Id.*

398. The description of conditions along the Irano-Turkish and Irano-Afghan borders is based on discussions and materials provided in the field study.

399. See WILBER, *supra* note 5, at 165-69.

400. *Id.* at 168. There may be 2,000,000 Kurds in Iran, in addition to those in Iraq, Turkey and Russia. ARASTEH & ARASTEH, *supra* note 109, at 4. The Kurds and other tribal groups in Iran, while conceivably involved in the smuggling of drugs, do not generally use drugs themselves. Field study.

401. Field study.

402. Ad Hoc Committee Report, *supra* note 80, at 13.

403. Kamm, *supra* note 7, at 45.

of intercepting those actually carrying the morphine base are appreciably reduced.

The problems posed for the Iranian Gendarmerie on the Turkish border are minor in comparison with those on the Afghan frontier. The Afghan border is substantially longer than the Turkish frontier—500 miles as compared to 300 miles.<sup>404</sup> If the terrain on the Turkish border can be described as rugged, the terrain on the Afghan border would have to be described as forbidding. Composed of mountains and deserts, the border is frequently impassable in winter due to snow and in summer due to heat and dust. To police this vast stretch of land, there are approximately 55 gendarme posts—each manned by less than a dozen gendarmes.<sup>405</sup>

The pattern of smuggling on the Afghan border is of a different sort than on the Turkish border. The Afghans do not smuggle drugs individually but in large bands.<sup>406</sup> Moreover, these Afghan tribesmen are desperate and will take greater risks than their Turkish counterparts. There are, of course, reasons for this recklessness. Stories abound of Afghan chieftains who will hold a man's family hostage in order to force him to smuggle drugs.<sup>407</sup> If the smuggling operation fails for some reason, groups of smugglers have been known to attack Iranian villages to bring ransom money back to the chieftains.<sup>408</sup> What is more, the typical Afghan is much poorer than the typical Turk,<sup>409</sup> and the money from drug smuggling at least represents one sure method of putting food on the table.

When they cross the border, these bands of Afghan tribesmen number anywhere from 10 to 100 and carry as much as two tons of opium or hashish tied to animals' backs.<sup>410</sup> The smugglers carry military weapons and will fight to the death if intercepted by the Gendarmes, with large gun battles being the rule and not the exception.<sup>411</sup> For example, Iran's 1971 annual report of drug seizures to the United Nations contains this passage:

Gendarmerie patrols continued to meet with armed opposition from smugglers, chiefly in Khorassan Province. In sixteen separate encounters with armed gangs, eighteen smugglers are known to have been killed, two wounded and twenty-six arrested. In addition, a total of 6,082 kilograms of opium was seized after these clashes and horses, camels, arms and ammunition and a substantial amount of Iranian and Afghan currency was captured. The Gendarmerie themselves suf-

fered casualties in both killed and wounded.<sup>412</sup>

As late as March, 1973, a seizure on the Afghan frontier netted 12.7 tons of opium. It was the largest drug seizure in the history of Iran and one of the largest ever made in the world.<sup>413</sup>

404. *Id.*

405. *Id.*

406. *Id.*

407. *Id.* at 42.

408. *See id.* at 45.

409. *Id.*

410. Field study. A list of 1971 encounters between smugglers and Gendarmes, including drug amounts seized, is contained in Annual Report, *supra* note 86, at 14-16.

411. Field study.

412. Annual Report, *supra* note 86, at 13-14.

413. 8 IRAN TRIBUNE, March, 1973, at 5.

In order to better contain drug smuggling along both borders, the Shah has recently purchased 200 motorcycles, 5 Huey helicopters and 100 night vision devices.<sup>414</sup> This new equipment will give the Gendarmerie increased mechanized capabilities. For example, 100 of the motorcycles purchased are all-terrain-cycles which can be used in any type of country, no matter how rugged. The Huey helicopters are large and will permit the Gendarmes to insert a force of combat soldiers into battles with smugglers. Similarly, they can be used as support gunships during these skirmishes. As for the nightscopes, they will increase the Gendarmes' capabilities of detecting small bands or single individuals trying to cross the border.

*b. In the Cities*

While the Gendarmes control the borders, the national police have responsibility for law enforcement in cities with a population of over 5,000 people.<sup>415</sup> The national police have been particularly effective in combatting drug trafficking in Teheran. The police have a special narcotics section and use all of the sophisticated anti-narcotics techniques employed by American police departments.<sup>416</sup> To cite a few examples given to the authors during their research, the police have developed a network of informants and regularly use undercover agents to make "buys." In addition, the national police in Teheran are skilled in the process of using street arrests to work up the drug distribution ladder to the major traffickers. These methods appear to have been particularly successful in driving heroin laboratories out of the city and into the countryside.

*c. In the Countryside*

In addition to patrolling the borders, the Imperial Iranian Gendarmerie is also responsible for law enforcement throughout the countryside of Iran and in towns with a population of less than 5,000.<sup>417</sup> In the area of rural drug law enforcement, the Gendarmes seem to concentrate their efforts in the border provinces such as Khorassan or Azerbaijan. Once drug shipments reach their "Iranian connections," it is presumed that they are broken up into smaller amounts, making them much harder to detect and intercept.

The Gendarmes face special difficulties in policing the towns and villages of Iran. These hamlets are usually small and separated by great distances.<sup>418</sup> The fact that the villagers live in what are essentially closed communities makes it difficult to introduce undercover agents into a village to report on drug trafficking. If the Gendarmes decide to raid a village, they usually find the people uncooperative and silent. These factors may account for the Gendarmes' rather limited success in checking the heroin traffic. From all reports, large quantities of heroin are manufactured in primitive laboratories in certain of these villages in north-

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414. Field study.

415. *Id.*

416. *Id.*

417. *Id.*

418. WILBER, *supra* note 5, at 169.

western Iran.<sup>419</sup> In fact, to produce the amount of heroin needed to supply Iran's 10,000 addicts,<sup>420</sup> one would assume that there must be a large number of these "laboratories" currently in operation. In 1971, however, the Gendarmes seized only two heroin laboratories.<sup>421</sup> Hopefully, the acquisition of helicopters by the Gendarmes will ease the burden of village surveillance and make unexpected raids on villages more productive.

*d. Increased Criminal Penalties*

Because it held the not uncommon belief that criminal behavior is deterred by severe penalties, the government of Iran imposed severe sanctions for drug trafficking in both 1955 and 1959.<sup>422</sup> However, smuggling continued.<sup>423</sup> In 1969, the government decided on a new escalation of penalties in the hope that it might finally put an end to smuggling. Under the new law, any individual caught illicitly importing, selling or offering for sale opium, morphine, heroin or cocaine or illicitly holding, concealing or carrying more than two kilograms of opium or more than ten grams of morphine, heroin or cocaine was to be sentenced to death.<sup>424</sup> Less severe penalties were imposed for possession of smaller amounts of drugs. For instance, if the opium was less than two kilograms but more than fifty grams or if the morphine, heroin or cocaine was less than ten grams but more than one gram, the punishment was imprisonment at hard labor for from three to fifteen years and a stiff monetary fine.<sup>425</sup> In case the drugs possessed were below these amounts, the law provided for a sentence of from one to three years together with a fine.<sup>426</sup>

In order to maximize the law's deterrent effect, jurisdiction over all capital offenses was transferred from civil to military tribunals.<sup>427</sup> In these military courts, proceedings are summary and usually conducted in secret.<sup>428</sup> If convicted, the smuggler faces the possibility of death by firing squad.<sup>429</sup> Although not carried out in public, word of these executions does appear regularly in the press.<sup>430</sup> By the end of January, 1972, 133 drug traffickers had been executed.<sup>431</sup> Although information is difficult to obtain, not all convicted drug traffickers are executed.<sup>432</sup> One might surmise that the government selects those to be executed in order to

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419. Annual Report, *supra* note 86, at 12, 16; Ad Hoc Committee Report, *supra* note 80, at 13.

420. Azarakhsh, Nature, *supra* note 5, at 4.

421. Annual Report, *supra* note 86, at 13.

422. See notes 242-51, 256-68 *supra* and accompanying text.

423. See notes 273-80 *supra* and accompanying text.

424. Law of June 21, 1969, ¶ e(1), U.N. Doc. E/NL.1970/24 (1970).

425. *Id.* ¶ e(2).

426. *Id.*

427. *Id.* ¶ f.

428. Field study.

429. *The Fight Against Narcotics*, *supra* note 14, at 10.

430. See Teheran Journal, March 19, 1973, at 5, col. 2.

431. WORLD OPIUM SURVEY A15.

432. See Annual Report, *supra* note 86, at 17.

obtain the maximum effect on a particular group of smugglers. Reports do indicate, however, that a large number of those executed have been Afghans.<sup>433</sup>

Whether the highly publicized death penalty has had its intended effect is difficult to judge. On the western border there seems to be evidence that the Turks have stopped smuggling opium and turned instead to smuggling less bulky morphine base.<sup>434</sup> Similarly, the Turks have begun to adopt ingenious new smuggling devices to decrease the risks of being personally caught with drugs.<sup>435</sup> The death penalty appears to have had less success on the Afghan border, however, and, if anything, may have induced the Afghan smugglers to increase the size of their bands and the fire power of their weaponry.

Although the death penalty has received maximum publicity, harsh penalties still exist for the non-registered addict caught with small amounts of opium in his possession.<sup>436</sup> But it must be remembered that Iran's new drug policies were in part a reaction to what had happened under the 1955 law. After the strict law enforcement policies failed to accomplish their purpose of putting an end to the black market, the government granted a limited amnesty to most drug offenders at the time the 1969 law was promulgated.<sup>437</sup> Obviously, the government has no intention of repeating its past mistakes by arresting *en masse* thousands of addicts who are themselves the helpless victims of narcotics smuggling. Although documentation is impossible, Iranian law enforcement agencies may have adopted a rather relaxed attitude when it comes to apprehending and incarcerating the non-registered opium addict. For example, in certain areas of south Teheran, drugs can be purchased on the street with impunity.<sup>438</sup> There are also reports from the countryside that opium pipes can be freely purchased in many Iranian villages.<sup>439</sup> Indeed, this "hands off" attitude toward the addict may explain the government's seeming lack of concern over moderate opium diversion from the maintenance program into the black market.<sup>440</sup>

Two final aspects of the new penalty structure warrant mention. First, the new law does not increase penalties for those who profit from drug smuggling.<sup>441</sup> Since these individuals are often legitimate businessmen, the death penalty might have a greater deterrent effect on them than on the poor Afghan tribesmen who actually carry the drugs. Second, the death penalty was not provided for those caught smuggling hashish.<sup>442</sup> Whether intended or not, this omission had the ef-

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433. WORLD OPIUM SURVEY A15.

434. Ad Hoc Committee Report, *supra* note 80, at 13.

435. Field study.

436. Law of June 21, 1969, ¶ e(1), U.N. Doc. No. E/NL.1970/24 (1970).

437. *Id.* ¶ a. See also *The Fight Against Narcotics*, *supra* note 14, at 10; text accompanying note 297 *supra*.

438. Field study.

439. *Id.*

440. See note 350 *supra* and accompanying text.

441. The death penalty is provided for those manufacturing, importing, selling or offering drugs for sale. Law of June 21, 1969, ¶ e, U.N. Doc. E/NL.1970/24 (1970). Unless this language were read quite expansively, it does not seem to cover a person who finances drug smuggling.

442. See *id.*



fect of exempting certain European and American tourists from the possibility of execution. Because Afghan hashish is particularly popular in Europe, Europeans and Americans in transit through Iran are often arrested carrying smuggled hashish.<sup>443</sup> Presently, there are about 50 North Americans and Europeans in Iranian jails on various drug charges.<sup>444</sup> It is likely that arrests of this nature will continue as long as hashish remains popular in Europe and the United States. The presence of so many foreigners in its jails, however, constitutes something of a political embarrassment to the Iranian government. It is clear that the government would prefer not having them in its prisons,<sup>445</sup> but no alternative solution has as yet been found short of permitting Americans and Europeans to violate the Iranian law with impunity.

### 5. *International Cooperation*

The Shah has concluded that part of the solution to Iran's drug problem lies in regional and international cooperation to end smuggling.<sup>446</sup> Thus he is attempting to foster international drug agreements among the nations in the region. For example, in 1972 Turkey and Iran signed a protocol which provided that Iran would build 20 new border posts on the Turkish frontier.<sup>447</sup> Diplomatic initiatives with Afghanistan have been less successful. While the central government in Kabul seems willing to assist in regional drug control efforts, there is little that it can realistically do without massive economic assistance.<sup>448</sup> The Afghan police force, by way of illustration, is appallingly undertrained and underpaid. Only 10 to 20 percent of the police are literate and their average monthly wage is less than \$2.00.<sup>449</sup> As for banning opium cultivation in Afghanistan, it would be impossible without massive economic aid to ease the transition from opium cultivation to the cultivation of other crops.<sup>450</sup> Moreover, even if the aid were forthcoming, the central government could not guarantee that the aid would not be used to grow opium.<sup>451</sup> Tribal khans, in whose territory much of the opium is grown, have political influence in Kabul.<sup>452</sup> These problems, and the dim prospects for viable solutions, make it appear that any efforts on the part of the Iranian government to explore areas of cooperation with Afghanistan will probably do little to put an end to the smuggling. As for Pakistan, the Shah is said to have very close relations with its leaders. Although there is still some drug smuggling over the Irano-Pakistan border,<sup>453</sup> it is not a major problem and

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443. Annual Report, *supra* note 86, at 13.

444. Field study; Ad Hoc Committee Report, *supra* note 80, at 15.

445. Field study.

446. Ad Hoc Committee Report, *supra* note 80, at 15.

447. *Id.* at 14.

448. WORLD OPIUM SURVEY A9-A10.

449. Field study. Others suggest the situation is much worse. N.Y. Times, Nov. 18, 1972, at 10, col. 4.

450. WORLD OPIUM SURVEY A9.

451. See N.Y. Times, May 6, 1973, at 1, col. 6.

452. WORLD OPIUM SURVEY A9.

453. See *id.* at A14-A15.

is considered adequately contained.<sup>454</sup> There is practically no smuggling into Iran from either Russia or Iraq.<sup>455</sup>

The United Nations has been furthering Iran's efforts to stop drug smuggling. For example, the U.N. Commission on Narcotic Drugs decided that an *ad hoc* Committee on Illicit Traffic in the Near East and Middle East "should be established to study questions related to illicit traffic in the region in order to promote more effective cooperation and mutual assistance in the suppression of illicit traffic within, from and into the region."<sup>456</sup> Iran, Pakistan, Turkey, and Sweden were appointed members of the Committee, and Afghanistan was invited to participate in the Committee's work.<sup>457</sup> In October, 1972, the Committee conducted a study tour of the area, having consultations in four capitals—Islamabad, Kabul, Teheran and Ankara.<sup>458</sup> The Committee's recommendations called for increased regional collaboration to stop drug smuggling.<sup>459</sup> As for technical and financial assistance, the Committee recommended that the "first priority . . . should be given to the Government of Afghanistan to assist it to eliminate illegal opium production and trafficking."<sup>460</sup>

### 6. Drug Education and Research

For all practical purposes, drug education does not exist in Iran. On the contrary, Iranian government officials express concern that drug education may be counterproductive as a drug control strategy, contending that the mention of the dangers of drug abuse may encourage experimentation.<sup>461</sup> Wholly apart from the merits of the position, it is clearly a reversal of the government's earlier stance with respect to drug education. Prior to the ban on opium consumption in 1955, there had been a massive educational campaign to convince the Iranian people of the dangers of opium,<sup>462</sup> and much of the dramatic decrease in addiction which followed the 1955 ban may be attributable to this effort.

It is doubly unfortunate that the Iranian government's position is so adamantly opposed to drug education, because there is already in existence a mechanism by which the information could be disseminated to the addicts living in the villages

454. Field study.

455. See WORLD OPIUM SURVEY A14.

456. Ad Hoc Committee Report, *supra* note 80, at 2.

457. *Id.*

458. *Id.*

459. *Id.* at 4.

460. *Id.* at 24.

461. For example, Dr. H.A. Azarakhsh, Director-General of the Ministry of Health and Iran's representative in the United Nations' Commission on Narcotic Drugs, has stated that much of the country's heroin addiction is found among the children of the wealthy, and that modern methods of communication, such as films, radio, television, magazines and books, have all helped to hasten this process. This media brings to those in Iran news of what is happening in other countries, and much is being written and spoken about drug abuse in the world today. Azarakhsh, *Nature*, *supra* note 5, at 3.

For a discussion of drug education in the United States see Wald & Abrams, *Drug Education*, in *DEALING WITH DRUG ABUSE* 123 (1972).

462. Chehrazi, *supra* note 191, at 3.

of Iran. As part of his much heralded "White Revolution," the Shah has established a Literary Corps and a Health Corps to bring aid to rural Iran.<sup>463</sup> With proper training, these young volunteers could have a significant impact on the level of rural addiction. As for the problem of urban addiction, the extent of heroin addiction in Teheran<sup>464</sup> and other urban centers may yet convince the government to experiment with a drug education program in the schools.

Drug research has fared no better at the hands of the government than drug education. There has been no systematic and broadly based effort to study the causes or effects of addiction in the country. Only at the Vanak Clinic in Teheran can one find any scientific information on the typology of the Iranian addict. As for statistical information on the levels of drug related crime in the country, it is either non-existent or unavailable. There are signs, however, that the government's past disinterest in drug research and analysis may be changing. For example, doctors at the government-run Vanak Clinic are currently engaged in sophisticated and important research with detoxified heroin addicts to see whether methadone or certain other drugs will keep them from returning to their habits.<sup>465</sup>

In addition, there are some important private research projects being conducted in Iran. At the University of Teheran scientists are working to perfect a species of poppy which could replace *papaver somniferum*. Called *papaver bracteatum*, the new species of poppy has unusually high thebaine levels and no morphine content whatsoever.<sup>466</sup> It is hoped that this poppy can be used to supply the thebaine used in the production of codeine without providing the morphine necessary for the production of heroin.<sup>467</sup> Conceding the possibility that *papaver bracteatum* might some day replace *papaver somniferum* in areas of legal poppy cultivation, it is perhaps naive to expect that the opium poppy will cease to be grown clandestinely to supply heroin for the lucrative black market.

## 7. Opium Exports

### a. The Legal Export of Opium

Although Iran once supplied more than 40 percent of the world's licit opium needs,<sup>468</sup> it does not currently export any opium<sup>469</sup> nor does it appear that it will do so in the foreseeable future. Since the Iranian government officially purchases opium latex at \$120 per kilo, it would make little economic sense to grow

463. White Revolution and I, Teheran Journal, White Revolution Special, Jan.-Feb., 1973, at 19-28.

464. Of those persons treated at the Vanak Clinic in Teheran, 47 percent of the patients from Teheran were addicted to heroin, whereas only 25 percent of those from the provinces were so addicted. Annual Report, *supra* note 86, at 10.

465. Field study.

466. For reference to the work being done on *papaver bracteatum* see Curnock, *supra* note 90, at 15; 7 IRAN TRIBUNE, July, 1972, at 3; Lalezari & Sharghi, *Papaver bracteatum Lindl., a Highly Rich Source of Thebaine*, 213 NATURE 1244 (1967).

467. Field study; see notes 78-79 *supra* and accompanying text.

468. WORLD OPIUM SURVEY A11.

469. Annual Report, *supra* note 86, at 2.

opium for sale on the world market where a kilo of opium presently sells for only \$24.<sup>470</sup> A dramatic increase in international opium prices, however, might convince Iran to reenter the world market, especially now that Turkey has decided to abandon opium production.<sup>471</sup> Until recently the largest share of the world opium market belonged to India, with Turkey having the second largest share.<sup>472</sup> If the price of opium were sufficiently attractive, Iran might decide to bid for Turkey's share of the world market.

#### b. *The Illegal Export of Opium*

There is no evidence that Iranian opium is finding its way into the international black market.<sup>473</sup> Tight control over harvesting the opium crop prevents any significant "leakage" by the farmer, and any diversion of opium during the processing stage is presumably absorbed by the domestic black market.<sup>474</sup>

While Iranian opium may not appear in the international black market, the same cannot be said of many Iranians. In fact, there is evidence of significant involvement of Iranian nationals in this clandestine drug traffic. The most obvious indicator is that Iranians must be involved in smuggling morphine base and chemicals into the country in order to produce the heroin used by Iranian addicts. In addition, Iranians have also been arrested in Europe for smuggling drugs.<sup>475</sup> Although there may be no direct connection, it is interesting to consider three related facts. First, according to most reports, West Germany has emerged as a major drug "storage depot and staging area" for the international narcotics traffic.<sup>476</sup> Second, Iranian emigres comprise an active segment of the German underworld.<sup>477</sup> Third, Iran has become a major trans shipment point for Afghan hashish on its way to Europe.<sup>478</sup> It would seem that certain Iranians have developed an international organization capable of smuggling large quantities of hashish to Europe. With the ban on opium production in Turkey, this same organization could presumably change to smuggling large quantities of Afghan opium to Europe as a substitute for Turkish opium in the production of heroin. Because of the possible impact on the American heroin market, drug officials in Washington are understandably concerned with the growth of this highly organized drug network between Iran and Europe.<sup>479</sup>

#### IV. DRUG CONTROL IN IRAN: A COMPREHENSIVE EVALUATION

As has been mentioned in the introduction to this Article, the experience of

470. See notes 308-17 *supra* and accompanying text.

471. Ad Hoc Committee Report, *supra* note 80, at 15.

472. WORLD OPIUM SURVEY 8, table 2

473. *Id.* at A15.

474. *Id.* at A14.

475. Field study.

476. WORLD OPIUM SURVEY 21.

477. Field study. See N.Y. Times, May 20, 1973, at 20, col. 1, for reference to the large Turkish population in West Berlin.

478. See Annual Report, *supra* note 86, at 13.

479. See N.Y. Times, Nov. 18, 1972, at 1, col. 6.

Iran in attempting to eradicate domestic drug consumption is instructive because, perhaps more than any other country, Iran has experimented with the widest variety of approaches. The country began with a policy of total permissiveness which resulted in a national situation where opium consumption was widespread, accepted, and ultimately sanctioned and supported by the government. In 1955, in an abrupt reversal of policy, the Iranian government totally prohibited opium cultivation and consumption, relying on law enforcement and rehabilitative efforts to reduce the number of domestic addicts. Fourteen years later, in 1969, the government shifted its drug policies yet again—this time permitting controlled domestic cultivation and use of opium while increasing law enforcement efforts aimed at suppressing the international drug traffic.

The most obvious moral that can be drawn from Iran's pre-1955 drug policies is this: the ready availability of drugs leads to a massive addiction problem, particularly in a society where there are few counter-pressures to impede the spread of drug consumption. That there were few counter-pressures working to impede drug consumption in Iran is clear; if anything, the pressures were working the other way. For example, far from discouraging opium production, the government actively encouraged farmers to increase their poppy cultivation for the tax revenue it brought. In addition, the lack of doctors and adequate medical facilities resulted in the widespread and continuous use of opium as a home remedy for various illnesses. Over the years, pressures such as these helped to create a drug addiction problem in Iran of massive dimensions.

However compelling such an analysis may appear, it cannot serve as a complete explanation for the high rate of addiction in Iran just prior to the 1955 prohibition laws. Although opium was fully as available in both Turkey and Afghanistan as it was in Iran, neither of these countries reported a significant opium consumption problem.<sup>480</sup> Complex cultural differences may account in part for the peculiar situation in Iran,<sup>481</sup> but the situation in Turkey and Afghanistan counsels caution before too readily accepting the proposition that the availability of drugs necessarily leads to a massive addiction problem. The principle may hold true for some countries, but not for all.

The converse of this principle, however, seems to be inevitably true. When drugs are not available, there can be no drug consumption. The traditional method of decreasing the availability of drugs has been through repressive drug control laws. For the theorists who question whether repressive drug laws actually work, the experiences in Iran between 1955 and 1969 are illuminating. It was during this period that Iran imposed harsh drug control laws, outlawing domestic opium production and consumption. As far as the production of opium in Iran is con-

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480. See Ad Hoc Committee Report, *supra* note 80, at 9, 19.

481. Although Iranians tend to be Shia Moslems while the Turks and Afghans tend to be Sunnis, there does not seem to be any direct correlation between opium abuse and particular Moslem sects. Certain of the nomadic tribes in Iran who are Shias do not use opium. For a description of the historical differences between Shias and Sunnis see WILBER, *supra* note 5, at 198-202. Because nomadic tribes tend not to use opium, some suggest that opium use in Iran may be related to a settled environment. Field study.

cerned, the prohibition laws of 1955 did work. What is more, they worked in spite of the economic and political dislocations that the opium production ban caused. That the ban did work, and worked well, despite these formidable obstacles demonstrates that the control of opium cultivation at the field site is a manageable objective of a law enforcement system.

When one moves from the domestic production to the domestic consumption of opium, however, the effect of repressive drug laws is not as clear. It does seem true that the 1955 law did reduce the number of addicts in Iran. The addiction figure prior to 1955 was estimated to be approximately 1.5 million; after 1955, the estimate dropped to approximately 400,000. But the law did not succeed in forcing this hard core of 400,000 addicts to stop taking opium.

The explanation of this phenomenon probably lies in the fact that opium users, like all other drug users, are not a homogenous group. There are marginal users, medical users, social users and compulsive users, to name but a few.<sup>482</sup> One 1955 study of hospitalized addicts in Iran showed that 41 percent of these addicts had begun using opium for medical reasons, 17 percent for relief from work-related fatigue and stress, 23 percent for the psychological enjoyment it brought, and 19 percent for various other reasons.<sup>483</sup> Some of the addicts who did choose to abandon their habits did so simply because the government made opium use criminal.<sup>484</sup> They were joined by others who gave up their habits because opium was now more difficult and more dangerous to obtain.<sup>485</sup> Yet a third group—the hard core drug users—was deterred neither by the injunction of the law nor by the risks of possible apprehension and incarceration.<sup>486</sup> These were the opium users who either would not or could not abandon their habit.

It would be instructive to know whether the bulk of this resistant population was composed of individuals who simply could not abandon their addiction or individuals who chose to flaunt the law. If this resistant group was comprised of those who could not abandon their habits, adequate rehabilitation facilities might have had some effect. But in 1955 the limited rehabilitative assistance that was available was effectively confined to detoxification; there was no adequate counseling or after-care support available. In the minds of at least some of the reformers, the failure to provide adequate rehabilitation led to the collapse of the entire prohibition effort.<sup>487</sup>

For whatever reason, the prohibition laws of 1955 did not eradicate hard core addiction in Iran. This fact does not imply, however, that repressive legislation can never effectively control drug consumption. However, in order to work the repression must be total—something that is normally difficult to achieve except in

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482. For a "typology of drug-using behavior" see NATIONAL COMM. ON MARIHUANA AND DRUG ABUSE, SECOND REPORT ON DRUG USE IN AMERICA: PROBLEM IN PERSPECTIVE 93-98 (1973).

483. See *The Fight Against Narcotics*, *supra* note 14, at 3.

484. *Id.*

485. *Id.*

486. *Id.*

487. Field study.

a tightly contained environment such as a clinic or a prison. Even in these environments, complete control over drug consumption is difficult and expensive to achieve; where the area to be contained is an entire nation, the problem is infinitely more complex. Moreover, if Iran could have effectively cleaned its own house of domestic opium, its doors and windows were still open to illicit imports from Russia, Turkey, Iraq, Pakistan and Afghanistan.

International cooperation was obviously necessary if Iran was to be successful in suppressing drug consumption entirely. Perhaps it was unrealistic to have hoped for such cooperation. Because of its oil revenues, Iran could prohibit opium production and take the attendant economic dislocation in stride; such would not be the case in Turkey and Afghanistan. Thus the pull of the lucrative Iranian market and the push of economic need resulted in a steady flow of foreign opium into Iran from the west and the east.

With an effective system of total prohibition rendered impossible, Iran was left with laws which did not, and perhaps could not, function as intended. The result was a series of disturbing (but predictable) consequences which gradually forced Iran to alter its drug strategy once again. These consequences can be outlined as follows.

#### *A. The Growth of a Black Market*

The prohibition laws of 1955 forced the hard core addict to find new sources of supply, so he turned to opium from Turkey and Afghanistan. For the Iranian addict it was a short step from using to peddling these smuggled drugs. The decision to peddle drugs is critical because the addict now inserts himself into the illegal distribution system, fostering the further spread of drug abuse. Unquestionably, Iranians were involved in the distribution of smuggled drugs both at this low level in the hierarchy and at higher levels.<sup>488</sup> A black market retail system requires planning, financing, detailed arrangements, and local distribution points, just like any legitimate retail system. Illegal systems once built are quite adaptable and difficult to dismantle.

An extensive black market in drugs has an important effect on the incidence of corruption among government officials. It is undoubtedly true that there were instances of official corruption in Iran revolving around illicit drug traffic, although precise information is difficult to obtain. It is known, however, that one of the first individuals executed under the new 1969 drug law was a military officer.<sup>489</sup> As has already been suggested, executions often carry messages to the Iranian people. The message of this execution was clear—any official who involved himself in the illicit drug traffic would not be spared. From this fact one might infer that one of the things the Iranians have learned from their efforts to end drug abuse is that no program can succeed as long as corruption among those responsible for administering it is tolerated.

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488. Field study.

489. *The Fight Against Narcotics*, supra note 14, at 10.

*B. Economic and Human Costs*

In addition to precipitating a large black market, the prohibition laws caused severe economic and human hardships. The outflow of gold and money to pay for smuggled opium had an adverse effect on Iran's international balance of payments.

If the cost of prohibition was expensive in economic terms, the human costs were even higher. Because of strict law enforcement measures, the jails and prisons in Iran began to fill with addicts who were caught distributing drugs. Not only did the costs incident to apprehension and incarceration begin to increase, but for every Iranian arrested there was often a family left without a source of income. The harder the police pressed their campaign against the domestic opium user, the more severe the economic pressure became at the family level.

By 1969 the government of Iran had become convinced that its ban on opium production and consumption was not achieving its objective, and that a new policy was required. It would be incorrect, however, to describe Iran's post-1969 drug strategy as a break with the strategy of repression that characterized the 1955-69 period. The new measures did attempt to deal more effectively with the black market and its attendant problems. In attacking the black market, the Iranian government recognized that it was built on two basic components: the estimated 400,000 domestic addicts who were ready, willing, and able to buy smuggled drugs (the demand), and the black marketeers who were introducing these smuggled drugs into the Iranian market (the supply).

In order to attack the domestic demand for opium, the government divided its drug consumption population into two segments. One segment consisted of those who were judged incapable of abandoning their drug dependence because of their age or their physical condition; the other segment consisted of those who were judged capable of abandoning their habits.

As for the first group of addicts, those adjudged incapable of giving up their habits, the government decided to supply them with domestic opium under controlled conditions in the context of a governmental opium maintenance program. To secure the opium necessary to supply the maintenance program, Iran reinstated limited cultivation of the poppy. In addition, the government also funneled a certain amount of seized opium into the maintenance program. In order to weaken the demand for illegal opium, the government retailed this opium at prices competitive with illegal opium.

Of course, the reinstatement of poppy cultivation, even on a limited scale, presented certain risks. Poppy cultivation might spread beyond assigned limits and domestic opium might find its way into the black market, thereby exacerbating rather than solving the problem. To diminish such risks, the government relied on two devices. The first was a rigid licensing, control, and supervision system which made illegal cultivation and diversion extremely difficult. The second was a policy of paying the farmer a higher price for his opium than the illegal distributor could pay.

All things considered, the government's program of supplying the opium needs



of addicts who could not abandon their habits seems to be working reasonably well. Presently over 100,000 addicts have joined the government program. As a result, approximately 20 percent of the drug consumption population has been shifted from the black market to a legal opium supply.

With regard to the second segment of its drug consumption population, the approximately 300,000 addicts who still rely on the black market for their drugs, the Iranian government continued to treat them as criminals—at least in theory. In practice, however, the government was aware that if this criminalization policy had failed in 1955, it was unlikely to work in 1969. While not totally abandoning the threat of criminal penalties, Iran decided to make a serious attempt at rehabilitating many of these addicts. The theory was that those who were capable of abandoning their habits would do so if adequate detoxification and after-care facilities were open to them. If their motivation was weak, there was always the pressure of civil and criminal penalties to strengthen their resolve.

In theory the strategy seems sound, but in practice a functioning rehabilitation program has yet to get off the ground. The only special hospital for addicts in the entire country continues to be the Vanak Clinic in Teheran; even in this clinic, after-care programs are minimal at best. Although six large rehabilitation centers are planned, there does not seem to be the trained cadre of professionals needed to staff them. The result is that a large hard core addict population remains—still ready to buy smuggled opium.

The existence of both a legal maintenance program and an illegal black market has produced some unforeseen results. First, with the legalization of limited opium consumption, attitudes regarding opium consumption have changed. Opium usage is no longer all bad; it is good or bad, legal or illegal, depending on whether you are a registered addict. Second, the presence of a legal supply of opium in the country has made it more difficult for police to identify and seize illegal opium. The peddler of illegal opium can use a government card to justify his possession of opium while a single registered addict in a roomfull of users may be enough to “legitimize,” the pipe and all the opium on the premises. Third, diversion from the legal market into the illegal market is inevitable. In fact, limited diversion from the legal market may be acceptable to the government because it further weakens the demand for smuggled opium.

With a shift in basic attitudes towards opium use, hampered law enforcement efforts, and diversion of legal opium into the illegal market, the stage could be set for a new increase in the size of the drug consumption population. Levels of addiction are not static, much less self-contained. This possibility remains the chief worry of many as they view the operation of the laws of 1969. The threat of mounting levels of addiction is all the more real because there is no drug education program that might check any such increase. The reformers of 1969, unlike their counterparts in 1955, view drug education as spreading rather than containing addiction.

While the efforts of the Iranian government to undercut market demand for smuggled opium may only be partially successful, its attack on the source of supply, the smuggler himself, may ultimately prove more successful. The strat-

egy to discourage smuggling is two-pronged: first, the government has increased its law enforcement capabilities on the borders, and second, it has introduced summary military trial and execution for convicted traffickers.

The strategy has already had some effect on the Turkish border. The more affluent Turks will not readily run the risks of smuggling—particularly when capture means execution by a military firing squad. Of course, smuggling over the Turkish frontier has not completely stopped. The smuggler, however, has been forced to turn to importing less detectable morphine base rather than opium.

On the Afghan border, however, the death penalty has not decreased smuggling. If anything, the threat of capital punishment has made the Afghan smugglers more dangerous. They have heavily armed themselves and have little reason to surrender when cornered. Increased helicopter and motorcycle surveillance will undoubtedly reduce Afghan smuggling somewhat, but no one in Iran believes that drug smuggling can be seriously curtailed until the Afghan government has the wherewithal and the resolve to cooperate in the venture. The picture here seems bleak.

The experience of Iran reveals in dramatic form the complexity of the problem of narcotics control. Far from being a straightforward legal problem amenable to solutions by an adjustment of local laws, it involves an interplay of social, economic, medical and political forces that seem to defy any simple analysis. To its credit, Iran has made serious and often costly efforts to control its drug problem. Each has borne within itself the seeds of its own defeat. Defeats, however, are no less instructive than successes, and are perhaps more so. It is from reflecting upon both that one achieves some understanding of how law functions when applied to the narcotics problem. So viewed, the history of Iran's attempts at using legal institutions to control its drug problem carries lessons for us all.