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SECOND SESSION

AMENDMENT OF ARTICLE 19 OF THE 1925 CONVENTION

(Item 16 of the Provisional Agenda)

Memorandum Prepared by the Secretariat

The Economic and Social Council at its fourth session, on 28 March 1947, invited the Secretary-General "to initiate studies with a view to amending or deleting the provision in Article 19 of the Convention of 1925 that requires that members of the Permanent Central Opium Board shall not hold any office which puts them in a position of direct dependence on their governments".*

In this connection the President of the Economic and Social Council stated that "the Council will no doubt desire to have the benefit of the opinion and advice of the Commission on Narcotic Drugs on this matter".** The question of amending or deleting Article 19 of the 1925 Convention*** was therefore placed on the Provisional Agenda of the second session of the Commission. The present memorandum was prepared by the Secretariat with a view to facilitating the task of the Commission when examining this question.

I. NATURE OF POWERS AND FUNCTIONS OF THE
PERMANENT CENTRAL OPIUM BOARD1. Under the 1925 Convention

Article 19, of the 1925 Convention, as amended by the Protocol of 11 December 1946, reads as follows:

- (1) A Permanent Central Board shall be appointed, within three months from the coming into force of the present Convention.
- (2) The Central Board shall consist of eight persons who, by their technical competence, impartiality and disinterestedness, will command general confidence.

* Cf document E/399

** Cf document E/395

*** Throughout this document the "1925 Convention" shall denote the Geneva Convention of 11 February 1925 and the "1931 Convention" shall denote the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs of 13 July 1931.

- (3) The members of the Central Board shall be appointed by the Economic and Social Council of the United Nations.
- (4) In making the appointments, consideration shall be given to the importance of including on the Central Board, in equitable proportion, persons possessing a knowledge of the drug situation, both in the producing and manufacturing countries on the one hand and in the consuming countries on the other hand, and connected with such countries.
- (5) The members of the Central Board shall not hold any office which puts them in a position of direct dependence on their Governments.
- (6) The members shall be appointed for a term of five years, and they will be eligible for re-appointment.
- (7) The Central Board shall elect its own President and shall settle its rules of procedure.
- (8) At meetings of the Board, four members shall form a quorum.
- (9) The decisions of the Board relative to Articles 24 and 26 shall be taken by an absolute majority of the whole number of the Board.

The meaning of the provisions of this Article and particularly of its paragraph 5 and the intentions of the 1925 Conference, might be clarified if they are examined in the light of the functions and powers conferred upon the PCOB* by the 1925 Convention.

In addition to other tasks, the 1925 Convention conferred upon the PCOB the following functions and powers:

- (1) The Board has the duty of examining and ascertaining facts relating to the national and international control of narcotic drugs with a view to deciding whether these facts justify the conclusion that excessive quantities of any substance covered by the 1925 Convention are accumulating in any country whether or not Party to the 1925 Convention, or that there is a danger of that country becoming a centre of the illicit traffic (Article 24, paragraph 1, of the 1925 Convention). If the information at its disposal leads the Board to conclude that such a danger exists or that a country is accumulating quantities of drugs which in the Board's opinion are excessive, "the Board shall have the right" in accordance with the procedure laid down in Article 24 of the 1925 Convention "to recommend" the imposition of an embargo on the trade in drugs with the country concerned.**

* Throughout this document the abbreviation "PCOB" will be used for the term "Permanent Central Opium Board".

** Article 24, paragraph 2: "...the Central Board shall have the right to call the attention of the Governments of all the Contracting Parties and of the Economic and Social Council of the United Nations to the matter, and to recommend that no further exports of the substances covered by the present Convention or any of them shall be made to the country concerned until the Board reports that it is satisfied as to the situation in that country in regard to the said substances. The Board shall at the same time notify the Government of the country concerned of the recommendation made by it."

Article 26: "In the case of a country which is not a party to the present Convention, the Central Board may take the same measures as are specified in Article 24..."

It should be pointed out that the procedure laid down in Article 24 also includes the right of the Board to request the country in question to furnish explanations and to call the attention of other contracting parties to the matter.

The Board further has the right to publish a report on the matter and communicate it to the Economic and Social Council which forwards it to the governments of all the contracting parties (Article 24, paragraph 5).

- (ii) In the event of a contracting party drawing the attention of the Board to any matter which appears to the requesting country to require an investigation, the Board has the power to undertake such an investigation (Article 25 of the 1925 Convention).
- (iii) The Board has the right to question and express an opinion on all statistics furnished by governments under the 1925 Convention in accordance with the provisions of Articles 22 and 23 of that Convention.

Of the above-mentioned judicial and semi-judicial powers conferred upon the Board by the 1925 Convention, the powers referred to under (i) above have the characteristics of a judicial power exercised in the course of a judicial trial, while the other powers mentioned under (ii) and (iii) above are very similar to those exercised by an examining magistrate.*

When exercising these powers the PCOB has to examine and evaluate facts brought to its knowledge, in the light of legal provisions; it has to reach decisions in accordance with these provisions including measures of enforcement (sanction of embargo on trade in drugs) as provided in the Convention.

The process described above is therefore a process of applying legal rules.

2. Under the 1931 Convention

Although not strictly pertinent to the question now under scrutiny (meaning of paragraph 5 of Article 19 of the 1925 Convention), the powers and functions conferred upon the PCOB by the 1931 Convention should be mentioned in this connection inasmuch as they are judicial in character and since it must be inferred from the proceedings of the 1931 Conference that they were attributed to the PCOB as constituted under Article 19 of

* "Under the Geneva (1925) Convention, the action taken by the Board under Articles 24 and 26 is in the nature of judicial proceedings." (Report to the Council on the Work of the Central Board during its 22nd, 23rd, 24th, and 25th Sessions, document of the League of Nations C.364.M.185.1935.XI, page 7).

the 1925 Convention and because the PCOB was already endowed with judicial and semi-judicial powers and functions under that Convention.*

The powers and functions conferred upon the PCOB under the 1931 Convention are defined in its Article 14 which supplements and strengthens the above-mentioned Article 24 of the 1925 Convention.

- (i) Under Article 14, paragraph 3 of the 1931 Convention the PCOB has the duty, by way of an annual audit of all national drug accounts furnished by governments, to ascertain whether a party to the 1931 Convention has failed to carry out its obligation under this Convention and if so the PCOB has the power to set in motion the embargo procedure laid down in Article 24 of the 1925 Convention (see above under I.L.(i)).
- (ii) Under Article 14, paragraph 2 of the 1931 Convention the Board has the power to impose, without any further proceedings, an embargo on any country or territory if it appears from the statistical information and notifications submitted to the Board that the quantity of a drug imported or authorized to be imported to such country or territory exceeds the total quantity of that drug as defined in Article 14, paragraph 2 of the 1931 Convention.
- (iii) The Board has further the power, under the conditions laid down in Article 14, paragraph 1 of the 1931 Convention, to impose an embargo on exports of drugs to countries and territories to which neither the 1925 Convention nor the 1931 Convention applies.

II. THE PRINCIPLE OF TECHNICAL COMPETENCE AND JUDICIAL INDEPENDENCE

Origin of Paragraph 5 of Article 19 of the 1925 Convention

The records of the second Opium Conference (Geneva, 17 November 1924-19 February 1925) indicate that the framers of the 1925 Convention, considering the judicial powers and functions of the PCOB, decided that its members should be experts chosen for their technical competence and that in the exercise of their functions as members of the PCOB they should not be in a position of direct dependence on their governments.

There was no difference of opinion in the Conference in respect of the technical competence of the members of the PCOB.

* The 1931 Conference decided to entrust these powers and functions to the PCOB and not to create any new body for this purpose. The PCOB itself expressed the view that the new duties imposed on it by the 1931 Convention were not incompatible with its existing constitution (Cf. Report to the Council on the Statistics for the Year 1930, document of the League of Nations C.439.M.186.1931.XI, page 4).

** The embargo under Article 14, paragraph 2 of the 1931 Convention, consisting in the cessation of exports by the parties as a result of a notification to this effect by the PCOB, applies only to the particular drug for which an excess has been shown. The PCOB may, however, enforce this embargo on a specific drug by a general recommendation covering all drugs and issued under Article 24 of the 1925 Convention.

The original "Suggestions circulated by the Advisory Committee on the Traffic in Opium of the League of Nations, August 1924" already contained the following passage (Part I, Article 3): "A Permanent Central Board, composed of experts, shall be constituted..."* The drafts** presented by the Committees of the Conference as well as the final text of Article 19 (paragraphs 2 and 4) refer to the "technical competence" of the experts "possessing a knowledge of the drug situation".

The Conference also intended the Board to be a non-political body, i.e., a body composed of persons who are not government representatives. In this respect certain difficulties arose inasmuch as some consuming countries expressed concern as to whether the Board would be in a position to protect their interests. These countries, however, did not suggest that governments be directly represented on the Board; they proposed only election of members by groups of countries having common interests (consuming countries on the one hand and producing and manufacturing countries on the other hand).***

This proposal was not accepted by the Conference, which conceded only that members of the Board should include "in equitable proportion, persons possessing a knowledge of the drug situation, both in the producing and manufacturing countries on the one hand and in the consuming countries on the other hand, and connected with such countries" (Article 19, paragraph 4).****

There was also general agreement that the members of the Board should possess the impartiality and independence necessary for the performance of the judicial and quasi-judicial functions conferred upon the Board by the 1925 Convention.*****

The "Report of Sub-Committee A" as adopted by the full conference on 7 February 1925,***** contains under the heading "The Constitution of the Central Board" the following paragraph on the "Qualifications of Members of the Central Board":

"It is essential that the members of the Board should be absolutely impartial and independent on the one hand, and that, on the other, they should have an expert knowledge of the matters with which they will have to deal. Unless they possess both these qualifications they will not

* Cf. C.760.M.260.1924.XI, Vol.I, page 424.

** Cf. Ibid. Vol.I, pages 294, 325, 341, 471, 473, Vol.II, pages 85, 96, 108, 118, 138.

*** Cf. Ibid. Vol.I, page 299.

**** Cf. Ibid. Vol.I, page 342, Vol.II, pages 96, 107, 138.

***** Cf. Ibid. Vol.I, page 325, Vol.II, page 127.

***** Cf. Ibid. pages 209, 471 and 473.

be able to command the general confidence both of the countries affected and of the world at large, on which the success of their work will depend. The Sub-Committee has accordingly proposed that the members of the Board shall be persons who, by their technical competence, impartiality, and disinterestedness, are likely to command general confidence, and it has not seen its way to accept a suggestion that consuming, producing and manufacturing countries should be separately represented on the Board. It would, in its view, be fatal to the success of the scheme if the Board were to be representative of "interests". It recognizes, however, the importance of preventing any suspicion that the Board is selected from a particular group of countries and of ensuring a wide field of candidates from which the electoral body can make its choice, and it has accordingly accepted the proposal that the selection shall be made from a list on which every signatory of the Convention would have the right to place one name. The Sub-Committee must emphasize the importance, however, of the signatory Governments, in the exercise of this right, taking the greatest care to put forward only the names of persons who possess the qualifications mentioned above."

The same report contains, under the heading "Powers and Duties of the Central Board", the following passage:

"An important discussion took place in the Sub-Committee on the proposal that the decisions of the Central Board should be subject to the approval of the Council of the League. This proposal was felt by the Sub-Committee to be open to strong objection on several grounds and was not accepted by them. It appeared to the Sub-Committee that its adoption would have affected the independent status of the Board; would have made it much more difficult to secure men of the highest standing as members of the Board, and would have led to serious delays in taking any necessary action in cases of illicit traffic."

The principle of judicial independence by which the delegates to the Conference seem to have been guided in framing paragraphs 2 and 5 of Article 19, is similar to the principle underlying Article 16 (and also Articles 17 and 20) of the Statute of the International Court of Justice (and of the former Permanent Court of International Justice).

It should be pointed out, however, that the proposal submitted to the Conference that the "members of the Central Board shall not hold any office which renders them dependent on their governments"* was withdrawn

* Cf. Ibid. pages 342 and 348.

in favour of the version requiring only that members should not hold any office which puts them in a position of direct dependence on their governments.* The adoption of this version and the use of the term "office" indicate that the Conference, although no doubt referring to official positions, did not intend to exclude official positions which do not place a member of the Board holding such a position in a situation of "direct" dependence on his government. What the Conference intended to exclude by the insertion of the term "direct" in paragraph 5 of Article 19 of the 1925 Convention, was a member of the PCOB acting under instructions from his government while exercising functions under the Convention; his "impartiality and disinterestedness" (paragraph 2 of Article 19), while exercising functions as a member of the Board, should not be influenced by instructions from his government.

III. INTERPRETATION OF PARAGRAPH 5 OF ARTICLE 19 OF THE
1925 CONVENTION BY THE COUNCIL OF THE LEAGUE OF NATIONS

1. The Council of the League of Nations adopted an interpretation of paragraph 5 of Article 19 of the 1925 Convention which excluded any person in active service of his government from an appointment to the Board.** Otherwise competent candidates were thus prevented from appointment to the PCOB on account of their governmental positions at the moment of appointment.

The Commission on Narcotic Drugs might desire to examine carefully whether this interpretation is:

- (i) borne out by the text of the provision in question;
- (ii) founded on the expressed intentions of the parties at the time of the conclusion of the Convention; and
- (iii) serves the purpose which this provision, in connection with the provisions of paragraphs 2 and 4 of Article 19, was intended to fulfil.

ad (1)

It is important in this connection to make a clear distinction between paragraphs 2 and 4 of Article 19 on the one hand and paragraph 5 of the same Article on the other hand.

While paragraphs 2 and 4 of Article 19 define the conditions of appointment, i.e., the qualifications of persons which the Council has to consider when making the appointments, paragraph 5 defines the position of the members of the Board vis-a-vis their respective governments while in office as members of the Board.

In accordance with paragraph 2 of this Article, the persons to be appointed shall command general confidence on account of their technical competence, impartiality and disinterestedness.

* Cf. Ibid. page 325

** Cf. "Official Journal of the League of Nations", November 1938, Page 873.
Report of the Rapporteur to the second meeting of the 103rd session of the Council of the League of Nations.
/In accordance

In accordance with paragraph 4 of Article 19, the persons to be appointed shall be, in equitable proportion, persons possessing a knowledge of the drug situation, both in the producing and manufacturing countries on the one hand and in the consuming countries on the other hand, and connected with such countries.

In a separate paragraph (paragraph 5), Article 19 stipulates that members of the PCOB shall not hold any office which puts them in a position of direct dependence on their governments.

It will be noted that in paragraph 5 of Article 19 the term "members of the Central Board" is used, while paragraphs 2 and 4 refer to "persons" who are candidates for appointment to the Board. This distinction indicates that candidates for appointment not being "members" of the Board, are not required not to hold any office which puts them in a position of direct dependence on their governments.

A strict interpretation of paragraph 5 of Article 19 leads to the conclusion that the requirement of not holding office within the meaning of the paragraph does not refer to persons who are candidates for appointment to the Board but to members of the Board while in office.

ad (ii)

By interpreting paragraph 5 of Article 19 as meaning that persons in actual service of their governments prior to their appointment to the Board are excluded from such appointment, the Council of the League of Nations adopted an extensive interpretation of this provision giving it a meaning which was neither envisaged nor intended by the governments participating in the second Opium Conference.

ad (iii)

The purpose of the provision in paragraph 5 of Article 19 is to guarantee the judicial independence of the members of the PCOB while in office as members of the PCOB.

The interpretation referred to above and the practice of the Council of the League of Nations of excluding from appointment an otherwise suitable candidate on account of his being, at the time of appointment, still in the service of his government, extended the restrictive provisions of paragraph 5 of Article 19 to persons to whom it was not meant to apply.

This interpretation and practice are not necessary in order to realize the ends envisaged by paragraph 5 of Article 19. Considered in conjunction with the provisions of paragraphs 2 and 4 of Article 19 referring to the "technical competence" of persons "possessing a knowledge of the drug situation", it may be said that this interpretation makes the realization of these ends difficult; limits too severely and in a manner not intended by the framers of the 1925 Convention, the categories and the number of persons available for appointment to the Board.

/Besides,

Besides, there is no reason for assuming that a government official who resigns from his official position prior to appointment to the Board has greater independence regarding his government than an official who resigns immediately after his appointment or an official who takes leave of absence for the duration of his membership of the Board.

2. Should the Commission have any doubts as to the meaning of paragraph 5 of Article 19, it might desire to recommend to the Economic and Social Council to request the International Court of Justice to give an advisory opinion on the matter in accordance with Articles 65 to 68 of the Court Statute, Article 96, paragraph 2 of the United Nations Charter and Assembly Resolution 89 (I) of 11 December 1946.

It should also be mentioned in this connection that any difference of opinion between the parties to the 1925 Convention may be submitted for an advisory opinion to a technical body to be appointed by the Economic and Social Council (Article 32, paragraphs 1 to 3 of the 1925 Convention). Legal questions, including questions of interpretation arising before this technical body can also be brought before the International Court of Justice (Article 32, paragraph 7 of the 1925 Convention).

It might also be mentioned that the differences of opinion on the interpretation of a provision of the 1925 Convention affecting the parties to the 1931 Convention and arising between the parties to this Convention can also be brought before the International Court of Justice in accordance with Article 25.

Arbitral settlements can also be resorted to in accordance with the provisions of the two conventions.

IV. MEASURES TO ADAPT TO CHANGED CONDITIONS THE PROVISIONS OF ARTICLE 19, PARAGRAPH 5 OF THE 1925 CONVENTION

1. During the first session of the Commission on Narcotic Drugs* reference was made to the difficulties of applying the provisions of paragraph 5 of Article 19 of the 1925 Convention under social and economic conditions radically different from those prevailing at the time of the conclusion of the 1925 Convention.

Changes in conditions and difficulties such as were referred to during the first session of the Commission may perhaps be taken care of by a new interpretation of the existing law instead of new legislation.

As was pointed out in the preceding chapter, in applying paragraph 5 of Article 19 the procedure followed hitherto was based on an interpretation which limited unduly the number of candidates for membership of the PCOB.

* See revised Minutes of the first session of the Commission on Narcotic Drugs, document E/CN.7/75, page 11, and Report of the Commission on Narcotic Drugs, Economic and Social Council Official Records, 2nd year, 4th session, page 7.

The Commission might therefore desire to examine whether the difficulties referred to above could be overcome by an interpretation and practice following the intentions of the framers of the 1925 Convention and the letter of the provision under scrutiny more closely than was the case hitherto, or whether an amendment of this provision is necessary. In arriving at its conclusions the Commission will have to take into account the intentions clearly expressed by the Conference of 1924/25 and by the texts of the Convention of 1925 concerning the technical competence and judicial independence of the PCOB as a whole and its members while serving on the Board.

2. Should the Commission reach the conclusion that the necessities of changing conditions could be met by a new interpretation of the clause in question, it might desire to advise the Economic and Social Council that when appointing members to the PCOB the Council might express and be guided by the opinion that the provision of Article 19, paragraph 5 of the 1925 Convention is fulfilled if a candidate who, at the time of appointment to the PCOB, was in a position of direct dependence on his government will, following his appointment, not hold such position for the duration of his membership of the Board.

Such an interpretation of the clause in question would enable the Council to appoint to the Board, e.g., a judge, a university professor, a medical practitioner, or a lawyer, without requiring that the person appointed give up his position or cease to exercise his profession while serving on the Board.

Such an interpretation would also make it possible for the Council to appoint to the Board an official in active service of his government provided (i) that following his appointment he ceases temporarily, i.e., for the duration of his membership of the PCOB, to exercise his functions as an official of the government (by taking, for instance, leave of absence), and (ii) that while exercising his powers and functions as a member of the Board he will not act under the instructions of his government.

3. In the event of the Commission reaching the conclusion that to meet the difficulties referred to at the beginning of this chapter, an amendment of Article 19, paragraph 5 is necessary, it might desire to take into account and to draw the attention of the Council to the following considerations:

1. The 1925 Convention does not contain provisions for its amendment

It is known from experience that the revision of a multilateral treaty to which a great number of governments are parties*, is fraught with many difficulties and touches upon controversial problems of a legal nature. This is particularly true in the absence of explicit provisions concerning its revision.

The dominant legal opinion has held for a long time that in the case of a multilateral treaty, unless it contains provisions to the contrary,

* Fifty-six governments are Parties to the 1925 Convention.

total or partial supersession by a later agreement calls for consent of all States Parties to the original treaty. It should be pointed out, however, that the practical needs of international life have led to a partial modification of the requirement of unanimity inasmuch as Parties to a multilateral treaty may, in certain circumstances, adopt an amendment without affecting those Contracting Parties which do not consent to it provided that such an amendment is not excluded by the treaty itself and is not inconsistent with its general purposes.*

The Commission will have to examine whether the stipulations of the 1925 Convention concerning the impartiality and independence of the Members of the Board belong to the category of conventional provisions the change of which may be inconsistent with the general purposes of the 1925 Convention. If they belong to this category an amendment of paragraph 5 of Article 19 of the 1925 Convention would require the unanimous consent of all Parties thereto.

2. Article 19 of the 1925 Convention is, in virtue of Article 13 of the 1931 Convention, an integral part of the latter. It should be pointed out that there are other references in the 1931 Convention to the PCOB. Any amendment of Article 19 of the 1925 Convention that would change the present character and status of the Board would therefore necessitate an amendment of the 1931 Convention and a clause would have to be inserted in it to the effect that wherever the 1931 Convention refers to the PCOB, this body is understood as constituted in accordance with the amendment of Article 19, paragraph 5, of the 1925 Convention.

3. Should the Commission conclude that the amendment of both Conventions is necessary, two additional points would have to be considered:

(a) The 1931 Convention contains, in Article 33, provisions for its amendment. Under the provisions laid down in this Article:

- (i) A request for revision by a Member of the United Nations or a non-Member State Party to the 1931 Convention has to be addressed to the Secretary-General of the United Nations;
- (ii) The Secretary-General transmits this request to all Members of the United Nations and to all non-Member States Parties to the 1931 Convention;

* It should be mentioned that in the field of international control of narcotics for one amendment to the 1931 Convention unanimity was required:

The Proces-verbal signed in Geneva on 26 June 1936 for the purpose of changing the latest date of issue of the Supervisory Body's annual statement could not be put into force without the unanimous consent of all Contracting Parties.

(iii) If not less than one-third of the States mentioned under (ii) above endorse this request.

(iv) An international conference has to be called for the purpose of revising the Convention.

(b) The 1925 Convention has not been ratified by certain countries which are parties to the 1931 Convention. Considering that, as mentioned above, the amendment of Article 19, paragraph 5 of the 1925 Convention would also effect the provisions of the 1931 Convention relating to the PCOB, consent to this amendment of the countries parties to the 1931 Convention but not parties to the 1925 Convention would be necessary. Before accepting such an amendment, however, the countries in question would first have to ratify the 1925 Convention.

4. If it is decided that only a limited number of ratifications (e.g., ratification by a majority of the parties to the two Conventions) is required to put the amendment in force, countries which have not ratified the amendment will continue to be bound by the original Conventions and will be under no obligation to recognize the authority of the new Board appointed in accordance with the amended provisions of Article 19, paragraph 5 of the 1925 Convention. From a strictly legal point of view this might result in the necessity of appointing two Boards one satisfying the conditions laid down in the original text of Article 19, paragraph 5 of the 1925 Convention, and another one constituted in accordance with the amended text of this Article.

These legal complications could, of course, be overcome if all parties to the 1925 and 1931 Conventions ratify the amendment.

In these circumstances the Commission might desire to consider whether the procedure of amendment is the most expeditious way of adopting the provisions of Article 19, paragraph 5 of the 1925 Convention to the changed conditions referred to above in the beginning of this chapter.

V. REMUNERATION FOR THE MEMBERS OF THE PERMANENT CENTRAL BOARD

The Report of Sub-Committee A of the second Opium Conference (1924/25), approved by the Conference on 7 February 1925, contains, under the title "Expenses of the Central Board", the following passage:*

"...It cannot be expected that it will be possible to obtain the services as members of the Board of persons who possess the qualifications necessary and who will be willing to give the amount of time which the work of the Board will require unless they receive a remuneration for their services. This remuneration will necessarily be at a high rate if men of the first class are to be secured, but, on the other hand, they will not be

* Cf. Ibid. Vol.I. page 471

required to give the whole of their time, or even a large part of their time, to the work of the Board..."

It should be mentioned in this connection that the same report contains under the same heading the following passage:

"It is proposed that the expenses of the Board and its staff should be borne by the Powers which sign the Convention and that the allocation should be arranged by the Council of the League in consultation with the Governments of States which are non-Members of the League. The Sub-Committee does not anticipate that the cost of the Board will be considerable..."

This suggestion of Sub-Committee A of the second Opium Conference was embodied in the following passage of the recommendation number 7 of the Final Act of this Conference:

"...It is understood that those Contracting Parties which are not Members of the League will bear their share of the expenses in accordance with a scale to be drawn up by agreement with the Council..."

So far no measures were taken with a view to ensuring to the members of the Board a remuneration for the services rendered as members of the Board.

In view of the changed conditions referred to during the first session of the Commission on Narcotic Drugs and mentioned at the beginning of Chapter IV of this memorandum, the Commission might desire to consider whether it would not be advisable to formulate a recommendation to the Council based on the texts quoted above, and suggesting that effect be given to the proposals approved by the second Opium Conference with regard to an appropriate remuneration to the members of the Board for services rendered as members of the Board.

It should be pointed out that since the conclusion of the 1923 Convention the duties of the PCOB were increased by the functions conferred upon it under the 1931 Convention. It may be assumed that if and when the new international instruments, the conclusion of which is being considered by the Commission on Narcotic Drugs, come into force, they will add to the functions now exercised by the PCOB.
