



Fifteenth session
Agenda item 50

BUDGET ESTIMATES FOR THE FINANCIAL YEAR 1961

Administrative arrangements under the Draft
Single Convention on Narcotic DrugsTwenty-ninth report of the Advisory Committee on Administrative and
Budgetary Questions to the General Assembly at its fifteenth session

1. At the 733rd meeting of the Fifth Committee on 29 October 1959, it was suggested that the Advisory Committee on Administrative and Budgetary Questions, in the course of 1960, might study the administrative aspects of the Draft Single Convention on Narcotic Drugs (E/CN.7/AC.3/9 and Add.1) in order that any observations which the General Assembly might arrive at in the light of the Committee's report could be brought to the attention of the Plenipotentiary Conference to be convened in New York in January 1961 for the purpose of concluding the Single Convention. It was also suggested in this regard that the possibility of combining within the United Nations Division of Narcotic Drugs (located at Geneva), the secretariats of the various bodies should be considered.^{1/}

2. The Advisory Committee has confined its examination to those Articles of the Draft Single Convention which are of direct administrative interest.^{2/} In arriving at its conclusions, the Committee has been assisted by the provision, by the Secretary-General and his representatives, of full factual particulars as well as a statement of their views on the administrative and financial aspects of the matter.

^{1/} Official Records of the General Assembly, Fourteenth Session, Annexes, agenda item 44, document A/4336, paras. 25-26; also A/C.5/SR.733.

^{2/} Articles 6, 12 and 24.

Organizational aspects

3. The international bodies concerned at the present time with the control of narcotic drugs are the United Nations Commission on Narcotic Drugs, the Permanent Central Opium Board (PCOB) and the Drug Supervisory Body (DSB). The medical aspects of the matter are handled by the World Health Organization (WHO).

4. In the League of Nations period, the intergovernmental body concerned with narcotics control was the Opium Advisory Committee. The medical aspects of the subject were handled by the Health Committee of the League and by the Office international d'Hygiene publique, with its seat in Paris. Under the 1925 Convention adopted by the second Geneva Opium Conference, the Permanent Central Opium Board, composed of eight experts, was established as an additional body. Subsequently, under the Convention adopted by the Limitation Conference of 1931, the Drug Supervisory Body, intended as a joint committee of the existing bodies, was established, with one member appointed by the Opium Advisory Committee, one by the PCOB, one by the Health Committee of the League, and one by the Office international d'Hygiene publique.

5. The Opium Section of the League Secretariat serviced the Opium Advisory Committee and the DSB; similarly, the Health Section serviced the Health Committee. The PCOB had a "separate" secretariat, carried on the League budget.

6. Under the United Nations, the place of the Opium Committee was taken by the Commission on Narcotic Drugs, one of the functional commissions of the Economic and Social Council. The PCOB was essentially unchanged, and now consists of eight experts appointed by the Council. The DSB is appointed by the relevant successor bodies, namely one member by the Commission, one by the PCOB, and two by WHO. The World Health Organization, a specialized agency of the United Nations, absorbed the Office international d'Hygiene publique. The medical aspects are now handled in WHO by the World Health Assembly and the Executive Board assisted by an Expert Committee on Addiction-Producing Drugs.

7. In 1946, by agreement between the Secretary-General and the PCOB and DSB, the secretariats of those two bodies were combined to form a joint secretariat located at Geneva. The secretariat of the Commission on Narcotic Drugs is provided by the Division of Narcotic Drugs, located initially at New York and since 1955 at Geneva.

8. In terms of article 5 of the Draft Single Convention, international control of narcotic drugs will be entrusted, within the framework of the United Nations, to the Commission on Narcotic Drugs and an International Control Board. The Board, consisting of nine members to be elected by the Economic and Social Council, will take the place of the PCOB and the DSB.

9. Article 24 of the Draft Single Convention requires the provision of a separate secretary and staff for the Control Board, as in the case of the joint secretariat now serving the PCOB and DSB. Specifically, the article lays down (a) that the Economic and Social Council shall, in agreement with the Control Board, make the necessary arrangements for the organization and working of the Board in order to provide, through the Secretary-General, for the administrative services of the Board and for the control of its staff by him in administrative matters, and (b) that the Secretary-General shall, subject to the approval of the Council, appoint the secretary and staff of the Board on the nomination of the Board. Article 12 leaves unchanged the arrangement whereby the secretariat of the Commission on Narcotic Drugs is to be provided by the Secretary-General, that is, in practice, through the Division of Narcotic Drugs.

10. In its consideration of the proposed administrative arrangements, the Advisory Committee has given special attention to the possibility of combining, within the Division of Narcotic Drugs, the secretariats of the Commission on Narcotic Drugs and the new Control Board. The Committee would recall here that the idea of a single secretariat servicing all bodies concerned with narcotic drugs has been previously advocated. Thus the Secretary-General's Survey Group, which reviewed the organization of the Secretariat in 1954-1955, in paragraph 74 of its report of 15 November 1955, drew attention to the fact that while the amalgamation in 1946 of the secretariats of the PCOB and DSB was administratively sound and should continue, the resulting secretariat unit was still too small for purposes of separate administration and could present obstacles to the interchange of staff with the rest of the Secretariat. Accordingly, the Survey Group suggested that, when an opportunity arose in connexion with the Single Convention or otherwise, special attention should be given to the question of a unified secretariat for the Commission, the PCOB and the DSB. The report of the Group also referred (para. 78) to the opportunity which the transfer in 1955 of the Narcotic Drugs Division to Geneva afforded to "all parts of the

international narcotics control system ... for more effective co-operation and greater possibilities of helping each other out in times of pressure".

11. Commenting on the Survey Group's suggestions, the Advisory Committee, in its budget report to the General Assembly at its eleventh session,^{3/} recorded its belief that the close working arrangements between the joint secretariat and the Narcotic Drugs Division which the Survey Group's recommendation presupposes, flow naturally from the fundamental unity of the Secretariat - a unity independent of the source of authority in substantive matters. The Committee, furthermore, expressed the opinion that "the establishment of such arrangements can serve as solid groundwork for the single secretariat which, in its opinion, must inevitably follow the ultimate adoption of the proposed single convention on narcotic drugs."

12. The continued maintenance of the present joint secretariat has been based on considerations of an historical and constitutional nature. Under the 1925 and 1931 Conventions, the PCOB has certain judicial functions in securing the fulfilment by Governments of their obligations under the Conventions. In particular, it has the power of placing an embargo on exports to any country which has infringed these international treaties in certain respects. Accordingly, article 20 of the 1925 Convention, as amended by the Protocol of 11 December 1946, provided that "the Economic and Social Council of the United Nations shall, in consultation with the Board, make the necessary arrangements for the organization and working of the Board, with the object of assuring the full technical independence of the Board in carrying out its duties under the present Convention, while providing for the control of the staff in administrative matters by the Secretary-General." The article stipulated further that "the Secretary-General shall appoint the secretary and staff of the Board on the nomination of the Board and subject to the approval of the Council." No such special provisions apply to that part of the joint secretariat which represents the secretariat of the DSB, which legally is in all respects a normal part of the United Nations Secretariat, as is the Division of Narcotic Drugs which services the Commission on Narcotic Drugs. In fact, however, practice in regard to the DSB secretariat has tended to be assimilated to that applicable to the PCOB secretariat. Moreover,

^{3/} Official Records of the General Assembly, Eleventh Session, Supplement No. 7 (A/3160), para. 203.

article 24 of the Draft Single Convention, as it now stands, would apply to the secretariat of the proposed new Control Board the somewhat restrictive provisions of the 1925 Convention governing the secretariat of the PCOB.

13. The Advisory Committee has inquired into the manner in which the provisions of article 20 of the 1925 Convention have been implemented in practice. It appears that it has been accepted in principle that the secretary and staff of the PCOB are under the administrative control of the Secretary-General, who is limited in exercising this control only in so far as his actions might affect the technical independence of the Board. This means that the Secretary-General has the power to regulate matters relating to budget questions, employment conditions and other aspects of an administrative character, including the establishment of salary scales, the maintenance of uniform qualification standards and the application of general administrative rules. In the matter of the appointment of staff, the PCOB, in the case of the present Secretary of the joint secretariat and his two predecessors, has exercised its prerogative under article 20 and has nominated a single candidate whom the Secretary-General has accepted. As regards the Deputy-Secretary, a new procedure on the occasion of the last appointment enabled the Secretary-General to submit a list of several candidates from which the PCOB chose its nominee. In respect of the other Professional staff, there has been no recent experience in respect of appointment problems. The appointment of General Service staff has followed the same pattern as that applied generally within the European office. As to the difference between the staff of the PCOB and the DSB, the position is rather obscure fourteen years after amalgamation, since the object of the amalgamation was to integrate the work and it is now difficult in practice to make distinctions between the functions of staff members.

14. Apart from the argument that the independence of the proposed new Control Board might require that it should have a separate secretariat - a contention with which the Advisory Committee deals in paragraph 15 below - practical administrative considerations indicate a balance of advantage on the side of a single secretariat, serving both the Narcotic Drugs Commission and the Control Board. These considerations may be briefly stated as follows:

(a) The proposed separate secretariat, as in the case of the present joint secretariat, would be a very small unit for purposes of separate organization and administration.

(b) At the secretariat level, there is considerable overlapping and duplication between the Narcotic Drugs Division and the joint secretariat, since they are concerned in the main with the same material and the same problems. This overlapping and duplication will be greatly extended by the Single Convention, which gives the Control Board new duties of supervision paralleling that of the Narcotic Drugs Commission in a number of matters with which the present PCOB and DSB are not directly concerned. Even at the present time, the multiple secretariats are a source of complication and unnecessary work for Governments Parties to the Conventions.

(c) In the view of the Secretary-General, a single secretariat would be more economical and efficient, particularly in view of the fact that the Draft Single Convention as it now stands will increase very considerably the work-load both in the Narcotic Drugs Division and the secretariat of the Control Board. This argument is strengthened by the fact that, as in the case of the Division and the joint secretariat at present, both administrative elements would, in any case, be located in Geneva in close proximity to each other.

(d) Arrangements on the lines of article 20 of the 1925 Convention would make appropriate geographical distribution in the Control Board's secretariat difficult to achieve.

15. The main argument advanced in favour of a separate secretariat, in spite of its administrative disadvantages, is that the independence of the Control Board requires such an arrangement. The Advisory Committee would, however, adhere to its earlier position (see para. 11 above) and would reiterate here that the proposition that a body which has to give independent decisions even of a semi-judicial nature must have a separate secretariat would be inconsistent with the accepted concept of the United Nations Secretariat as a principal organ of the Organization. The Advisory Committee has underlined this basic point in a variety of contexts in expressing itself against any arrangements which would detract from the principle of a single, unified Secretariat for the United Nations, providing secretariat and executive services for all its organs and subsidiary organs. In the Committee's view, moreover, the Control Board's independence is primarily secured in article 13 of the Draft Single Convention, by the method of appointment, and the qualifications required, of its members (including the provision that they shall not hold any position or engage in any activity which would be liable to

impair their impartiality in the exercise of their functions) and by the general provision that the Economic and Social Council shall, in agreement with the Control Board, make all arrangements necessary to ensure the full technical independence of the Board in carrying out its duties under the Convention.

16. Even if a separate secretariat is envisaged for the Control Board, the provisions of article 24 of the Draft Single Convention should, in the Advisory Committee's view, be amended as follows, in the interest of administrative soundness and efficiency:

(a) To provide for nomination by the Secretary-General and subsequent appointment by him, after approval by the Control Board, in lieu of nomination by the Board and appointment by the Secretary-General, of the secretary and staff of the Board;

(b) To eliminate the requirement of further approval by the Economic and Social Council.

17. For the reasons stated in the preceding paragraphs, the Advisory Committee would strongly urge that the Single Convention should limit itself to providing that all necessary secretariat services should be furnished to the Commission and the Control Board by the Secretary-General. It would then be for the Secretary-General to determine the organizational arrangements for this purpose within the Secretariat, although it may be assumed that, in such an event, the present Narcotic Drugs Division would be the obvious organizational unit for this purpose.

Budgetary aspects

18. Article 6 of the Draft Single Convention provides that the expenses of the Narcotic Drugs Commission and the Control Board will be borne by the United Nations in such a manner as shall be decided by the General Assembly and that Parties which are not Members of the United Nations shall contribute to these expenses such amounts as the General Assembly shall find equitable and assess from time to time after consultation with the Governments of those Parties.

19. The proposed arrangement would be in accord with the existing situation whereby the expenses of the PCOB and DSB are included in the regular budget of the United Nations and States not Members of the United Nations, but participating

in the work of the two bodies, are separately assessed. The direct expenses provided for consist of travel and subsistence of the members of the two bodies (section 1),^{4/} the salaries and wages of the staff of the joint secretariat which serves both bodies (section 3) and travel of staff on official business (section 5). These estimates are also separately enumerated in an annex to the budget document and the budget resolution contains a special provision authorizing the Secretary-General to administer the relevant credits under sections 1, 3 and 5 as a unit.^{5/}

20. The Advisory Committee understands that in the past the PCOB has not been concerned with the particular budgetary technique considered most convenient by the United Nations, provided that:

- (a) Its budget is administered as a unit;
- (b) The estimates have been approved by the PCOB, or on its behalf, before they are submitted to the General Assembly;
- (c) Expenditures are incurred only after approval by the PCOB or on its behalf;
- (d) The PCOB has the authority to transfer credits between sub-items of the budget.

21. In practice, satisfactory working arrangements have been made between the PCOB and the Secretary-General concerning budgetary matters. Thus the PCOB has indicated its requirements; and the estimates have been drawn up by the United Nations Secretariat and reviewed by the PCOB prior to their submission. The PCOB has also reserved, but never exercised, its right to present its views directly to the Advisory Committee. Expenditure control has been exercised by the PCOB by virtue of the fact that the Secretary of the Joint Secretariat has functioned as certifying officer. It has furthermore never become necessary to transfer credits between budget sections to meet requirements of the PCOB. No difficulties are foreseen in the case of the new Control Board.

^{4/} The section numbers shown relate to the budget estimates for 1961 - see Official Records of the General Assembly, Fifteenth Session, Supplement No.5 (A/4370).

^{5/} Ibid., Annex VA to the Expenditure Estimates; and para. 2 (a) of the draft appropriation resolution immediately following the Secretary-General's Foreword.

22. Having regard to these practical arrangements which have worked successfully, there would seem to be a good case, in the interests of uniform budgetary procedures and of administrative efficiency, to dispense with the requirement for scrutiny of the estimates by the new Control Board and to assimilate the procedures in respect of its financial requirements to those applying to the rest of the United Nations budget.

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