



GENERAL

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EXPENSES OF THE PERMANENT CENTRAL OPIUM BOARD:
ASSESSMENT OF NON-MEMBERS OF THE UNITED NATIONS,
SIGNATORIES OF THE CONVENTION OF 19 FEBRUARY 1925 RELATING TO NARCOTIC DRUGS

Report of the Secretary-General

1. The Economic and Social Council, on 2 March 1949, adopted resolution 201(VIII), the last paragraph of which reads as follows:
"Recommends to the Secretary-General that, in consultation with the Permanent Central Opium Board, he prepare plans for assessing signatories of the 1925 Convention who are not Members of the United Nations for their fair share of the expenses of the Permanent Central Opium Board, and submit such plans to the fourth session of the General Assembly."
2. In compliance with the terms of the resolution, the Secretary-General prepared plans for the assessment of signatories of the 1925 Convention which are not Members of the United Nations, and submitted such plans to the General Assembly at its fourth session (A/976).^{1/}
3. After further consideration, however, the Secretary-General later submitted to the Fifth Committee another document (A/C.5/340)^{1/} suggesting that, as the expenses of the Permanent Central Opium Board were only a part of the expenses involved in the international administration in the field of narcotic drugs, the question might profitably be deferred to the fifth session of the General Assembly to permit a more extensive study of the problem.

^{1/} See Official Records of the General Assembly, Fourth Session, Fifth Committee, Annex.

4. The General Assembly, on 24 November 1949, adopted resolution 353 (IV), requesting the Secretary-General to undertake a thorough study of the general question, regard being had to the total expenses incurred in connexion with the international administration of narcotic drugs and of such other functions or powers responsibility for which is shared by non-members of the United Nations under existing treaties. The Secretary-General was also requested to submit the results of his study, together with appropriate recommendations, for the consideration of the General Assembly at its next regular session.
5. In accordance with the provisions of the resolution, the Secretary-General undertook a study of the expenses borne on the regular budget of the United Nations in connexion with or resulting from international treaties the parties to which include States not Members of the United Nations.
6. Exclusive of the costs in relation to the international administration in the field of narcotic drugs, and the costs of the International Court of Justice which are already assessed in part against non-members of the United Nations, the Secretary-General was not able to select any expenses resulting from international treaties in respect of which he considered that he could recommend an assessment on non-member States. In all cases, the attribution of costs between those relating to responsibilities under the Charter and the scope of operations under United Nations programmes and those costs relating solely to operations under such international treaties could not be made, in the opinion of the Secretary-General, in a manner sufficiently clear to defend any particular amount as assessable on non-member States. Further, even by using certain arbitrary breakdowns, the amounts are so small at this time that the income would not warrant the administrative expense that would be involved in such an operation.
7. On the other hand, as the Secretary-General indicated in his second report to the fourth session of the General Assembly (A/C.5/340) it does appear that certain costs in connexion with the international administration in the field of narcotic drugs, in addition to the direct meeting and secretariat costs of the Permanent Central Opium Board, might be reasonably added to the figure on which assessments on non-member States could be based. A statement showing the functions and obligations of the organs of the United Nations under the international instruments on narcotic drugs is attached as an annex to the present report. Taking into account the contents of this annex, the Secretary-General recommends that the items listed below might be considered in determining the figure against which would be calculated the assessments of non-members of
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the United Nations signatories to conventions relating to the international control of narcotic drugs.

A. Meetings of the Permanent Central Opium Board and the Narcotic Drugs Supervisory Body

The Secretary-General considers that a fair share of the direct costs of the meetings (including contractual printing) might be considered as assessable on non-member States.

B. Secretariat of the Permanent Central Opium Board and the Narcotic Drugs Supervisory Body

In his first report to the fourth session, (A/976) the Secretary-General included only the salaries of the above secretariat and the direct office costs related thereto. It is now suggested that the common staff costs for this secretariat might also be included, as well as a proportionate share of the common service costs at Geneva.

C. Division of Narcotic Drugs of the Department of Social Affairs

The Secretary-General recommends that the salaries and common staff costs of the officials of the Division of Narcotic Drugs who are fully and exclusively employed on work relating to provisions of the international agreements might be included in the assessment figure, as well as a proportion of the common service costs relative to those officials. Any departmental contractual printing directly resulting from the provisions of the agreements would also be included.

D. Commission on Narcotic Drugs of the Economic and Social Council

It is considered that the direct meeting costs of the Commission on Narcotic Drugs could be included in the assessment figure. Although the Secretary-General realizes that the Commission does not deal solely with items relating to the international agreements on narcotic drugs, it is pointed out that only the direct costs would be included, and not the indirect costs of servicing the meetings.

E. Economic and Social Council

The Secretary-General would find it difficult for the time being to attribute any of the particular costs of the meetings of the Economic and Social Council to the international agreements as against the United Nations own responsibilities.

8. It is further noted that the international instruments on narcotic drugs place upon the World Health Organization certain obligations resulting in

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expenses for that organization. Although final agreement has not been reached with WHO on this matter, it would appear that the most simple administrative approach would be for the United Nations to include in its calculations the expenses of WHO directly relating to the above obligations and then turn over to WHO its share of the collections.

9. Based on the 1951 budget estimates, an application of the principles set out in the two paragraphs above would give an assessment base figure of about \$200,000 against which non-member States could be assessed their fair share. However, in keeping with the practice of the League of Nations in this respect, the Secretary-General proposes that any assessment might be carried out on an actual expense basis; in other words, in 1951 the Secretary-General would assess the non-member States for their fair share of the 1950 expenses.

10. There still remains the question of the scale according to which the non-member States should be assessed. In this connexion, the Secretary-General, in his first report to the fourth session suggested that the General Assembly might consider two methods of assessment:

(a) To follow the method used in assessing the contribution of non-member States to the expenses of the International Court of Justice, whereby the General Assembly, on the recommendation of the Committee on Contributions, establishes the percentage contribution to be paid - this assessment being based on the same principles as are used for the assessment of Member States in apportioning the expenses of the United Nations;

(b) To divide the signatories to the various international agreements on narcotic drugs which are not Members of the United Nations into broad groups according to relative capacity to pay, as might be determined on a general basis with the Statistical information on hand, and assess a flat sum for each group each year, depending on the estimated expenses concerned.

Although the Secretary-General in the same report suggested a development of method (b) he recommended the application of that method only as an interim measure until such time as the Committee on Contributions could consider the assessments. The Secretary-General now suggests that method (b) might be eliminated as a possibility, and that the question of the scale or rate of assessment on the non-member States might be referred to the Committee on Contributions for consideration at its next regular session, on the understanding that the recommendations of the Committee would be applied to the 1950 expenses.

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As the non-member States have no vote on the matter, and as the method adopted for contributions by non-members to the International Court of Justice provides for consultation with those non-members on the rate of assessments, use of this method would avoid any question of action having been taken without due representation of the parties effected.

11. When seeking payment of contributions from non-member States, the Secretary-General would be guided by the resolutions of the General Assembly regulating the relationship with these States.

12. The Secretary-General proposes the following draft resolution for adoption by the General Assembly:

EXPENSES RESULTING FROM OBLIGATIONS PLACED ON THE UNITED NATIONS

BY INSTRUMENTS RELATING TO THE CONTROL OF NARCOTIC DRUGS:

ASSESSMENT OF NON-MEMBER STATES SIGNATORIES OF THOSE INSTRUMENTS

"The General Assembly,

"Taking note of the report of the Secretary-General to the fifth session of the General Assembly on the question of assessment of signatories of international instruments relating to the control of narcotic drugs, which are non-members of the United Nations, for their fair share of expenses resulting from obligations placed on the United Nations by those instruments,

"Approves the principle proposed by the Secretary-General for determining the expenses to be considered as assessable on such non-members;

"Requests the Committee on Contributions to determine the rates at which such non-members should be assessed by the same method as that followed in determining the assessment of non-members which are parties to the Statute of the International Court of Justice for their share of the expenses of the Court;

"Directs the Secretary-General to seek payment of such amounts as are determined by the method established above in respect of the 1950 expenses and those of future years."

ANNEX
FUNCTIONS AND OBLIGATIONS OF THE ORGANS OF THE UNITED NATIONS
UNDER THE INTERNATIONAL INSTRUMENTS ON NARCOTIC DRUGS

The functions and obligations of the organs of the United Nations under the international instruments on narcotic drugs are listed below:

I. The Secretary-General

International Opium Convention signed at The Hague on 23 January 1912*

- (a) To transmit laws and regulations furnished by Governments (article 21).
- (b) To transmit statistical information on trade in narcotic drugs furnished by Governments (article 21).
- (c) To communicate notice of denunciation (article 25).

Agreement on Opium Smoking signed at Geneva on 11 February 1925*

- (a) To receive and publish information with regard to the number of opium smokers (article X).
- (b) To act as depository of notifications of accession in respect of protectorates and to notify same to the other Parties (article XIII).
- (c) To act as depository of and register instruments of ratification (article XIV).
- (d) To receive and communicate to other Parties notifications of denunciation (article XV).

Convention signed at Geneva on 19 February 1925*

- (a) To inform the Parties of the acceptance by any one of them of the recommendation of the World Health Organization (WHO) bringing an additional drug under the provisions of the Convention (article 10).

(N.B. - The practice is as follows: A Party desiring to submit a new drug to the provision of the 1925 Convention addresses a notification to the Secretary-General, who forwards it to the other Parties and to WHO. If WHO finds that the drug is addiction-producing and recommends that it should be brought under control, and if a Party accepts this recommendation, the Secretary-General is under an obligation to inform all the Parties of such acceptance.)

- (b) To appoint the Secretary and staff of the Permanent Central Opium Board and to exercise control of this staff in administrative matters (article 20).

* As amended by the Protocol of 11 December 1946.

- (c) To transmit requests of the Permanent Central Opium Board to the Parties for explanations regarding accumulation of excessive quantities of narcotic substances (article 24, paragraph 1).
- (d) To transmit to the Parties texts of laws and/or regulations received from the other Parties (article 30).

(N.B. - Implementation of this provision implies printing, translation and mailing of the texts of the laws or regulations received by the Secretary-General.)
- (e) To transmit to the other Parties the decision of Parties to a dispute "to submit it for an advisory opinion to the technical body appointed by the Economic and Social Council," or "to resort to arbitration" (article 32, paragraph 6).
- (f) To act as depository of the instruments of ratification, and to notify all the Members of the United Nations and non-member States of the receipt of such instruments (article 34).
- (g) To act as depository of instruments of accessions, and to notify their receipt to all the Members of the United Nations signatories to the Conventions and to signatory non-member States (articles 35 and 39).
- (h) To keep a special record "showing which States have signed, ratified, acceded to or denounced the present Convention". To keep this record open to the Parties and to publish it from time to time (article 37).
- (i) To notify the receipt of any denunciation of the Convention (articles 38 and 39).
- (j) To invite non-member States to accede to the Convention, by communicating to the State concerned a copy of the text of the Convention (articles 34 and 35).

Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs signed at Geneva on 13 July 1931*

- (a) To provide the Secretariat of the Supervisory Body and to ensure close collaboration of that Body with the Permanent Central Opium Board (article 5, para. 6).
- (b) To forward to all the Members of the United Nations and to non-member States the Annual Statement of the Supervisory Body (article 5, para. 7).

* As amended by the Protocol of 11 December 1946.

- (c) To receive from a State Party and to advise the other Parties and WHO of any notification concerning new drugs (article 11, paragraph 2); to communicate to all States Members of the United Nations and to non-member States the decisions of WHO regarding such drugs (article 11, paragraph 5); and to perform the same functions in the procedure provided for the revision of such decisions of WHO and of the body of three experts (article 11, paragraph 7).
- (d) To forward to any Party to the Convention requests of the Permanent Central Opium Board for explanations (article 14, paragraph 3).
- (e) To communicate to the Parties information on manufacture of drugs and/or ceasing to manufacture, as furnished by Governments (article 20, paragraph 3).
- (N.B. - Notifications of individual cases communicated by Governments and publication of an annual list of drug factories.)
- (f) To communicate to the Parties texts of laws and regulations communicated by the other Parties (article 21).
- (N.B. - This involves editing, translation, printing and circulation.)
- (g) To communicate to the Parties annual reports furnished by the other Parties (article 21).
- (N.B. - This involves editing, translation, printing and circulation.)
- (h) To forward to the Parties particulars of cases of illicit traffic reported by the other Parties (article 23).
- (N.B. - This involves summarizing, translation, printing and distribution.)
- (i) To communicate to all Member and non-member States declarations and notices made in pursuance of the colonial clause (article 26).
- (j) To act as depository of instruments of ratification and accession and notify their receipt to all the Members of the United Nations and to non-member States (articles 28 and 29).
- (k) To act as depository of instruments of denunciation and to notify all the Members of the United Nations and non-member States of their receipt (article 32).
- (l) To receive requests for revision of the Convention and to notify the other Contracting Parties thereof (article 33).

* As amended by the Protocol of 11 December 1946.

- (m) To invite non-member States to become Parties to the Convention, by communicating to the State concerned a copy of the text of the Convention (articles 28 and 29).

Agreement on Suppression of Opium Smoking signed at Bangkok on 27 November 1931*

- (a) To act as depository of notifications of accession in respect of protectorate territories and to notify the accession to all the other Parties (article V).
- (b) To receive notifications of denunciation and to communicate same to all the other Parties (article VII).

Convention for the Suppression of the Illicit Traffic in Dangerous Drugs signed at Geneva on 26 June 1936*

- (a) To communicate laws and regulations and annual reports on the working of the Convention forwarded by Governments (article 16).
- (b) To communicate to all the Members of the United Nations and to non-member States all declarations and notices made in pursuance of the colonial clause (article 18, paragraph 4).
- (c) To act as depository of instruments of ratification and accession and to notify their receipt to all the Members of the United Nations and to non-member States (articles 20 and 21).
- (d) To act as depository of instruments of denunciation and to notify their receipt to all Members of the United Nations and to non-member States (article 24).
- (e) To receive and communicate to the other Contracting Parties requests for the revision of the Convention (article 25).
- (f) To invite non-member States to accede to the Convention by communicating to the State concerned a copy of the text of the Convention (articles 20 and 21).

Protocol signed at Lake Success on 11 December 1946 amending the Agreements, Conventions and Protocols on Narcotic Drugs

- (a) To act as depository of instruments of acceptance of the Protocol (article VI).
- (b) To register and publish the amendments made in each instrument by "the present Protocol" (article VIII).

* As amended by the Protocol of 11 December 1946.

- (c) To invite States Parties to the Agreements, Conventions and Protocols on narcotic drugs to sign or accept the Protocol of 1946, by communicating to the Party concerned a copy of the text of that Protocol (article V).

Protocol of 19 November 1948 bringing under international control drugs outside the scope of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol signed at Lake Success on 11 December 1946

- (a) To receive notifications in connexion with the procedure for bringing drugs not covered by the Convention of 1931 under international control (article 1, paragraph 1, and article 3).
- (b) To transmit the aforesaid notifications to the other Parties, to the Commission on Narcotic Drugs, and to WHO (article 1, paragraph 1, and article 3).
- (c) To transmit notifications of decisions or findings by WHO to all States Members of the United Nations, to non-member States, to Parties to the Protocol of 1948, to the Commission on Narcotic Drugs and to the Permanent Central Opium Board (article 1, paragraph 3, and article 3).
- (d) To communicate decisions of the Commission on Narcotic Drugs to the States Parties, to WHO and to the Permanent Central Opium Board (article 2).
- (e) To act as depository of instruments of acceptance of the Protocol (article 5).
- (f) To notify all Members of the United Nations and non-member States of all signatures to and acceptances of the Protocol, and of all notifications made in pursuance of the colonial clause (article 8) and the denunciation clause (article 9) (article 10).

II. The Economic and Social Council

1925 Convention

- (a) To receive findings of WHO in connexion with the procedure exempting preparations from international control; and to communicate such findings to the Parties (article 8).
- (b) To receive information and recommendations from WHO in connexion with procedure bringing additional drugs under international control; and to communicate such recommendations to the Parties (article 10).
- (c) To appoint members of the Permanent Central Opium Board (article 19).

/(d) To make

- (d) To make arrangements, in consultation with the Permanent Central Opium Board, for the organization and working of the Board. To approve appointment of the Secretary and staff of the Board by the Secretary-General (article 20).
- (e) To take up cases in which excessive quantities of narcotic substances are accumulating in a country or in which there is a danger of that country becoming a centre of the illicit traffic
 - (i) On the initiative of the Permanent Central Opium Board, which may recommend a drug embargo;
 - (ii) On the initiative of the country concerned;
 - (iii) On the initiative of an exporting country not willing to act on the recommendation of a drug embargo(article 24, paragraphs 2, 3 and 4).
- (f) To receive the annual report of the Permanent Central Opium Board on its work (article 27).
- (g) To appoint a technical body, to which parties to a dispute may submit the dispute for an advisory opinion (article 32, paragraph 1).

Protocol of 1948

- (a) To invite non-member States to become Parties to the Protocol (article 5).

III. The Commission on Narcotic Drugs of the Economic and Social Council

1931 Convention

- (a) To appoint a member of the Supervisory Body (article 5, paragraph 6).
- (b) To select a member of a body of three experts in connexion with the procedure for bringing new drugs under international control (article 11, paragraph 4).
- (c) To draw up from time to time a form for use by Governments in framing their annual reports (article 21).

Protocol of 1948

- (a) To consider and decide whether or not the measures applicable to drugs specified in article 1, paragraph 2, group I of the 1931 Convention should provisionally apply to a drug (the object of a notification), pending the decision of WLO (article 2).

IV. The International Court of Justice

1925 Convention

- (a) To exercise jurisdiction over disputes arising in regard to the interpretation or application of the Convention which it has not been found possible to settle either directly or on the basis of the advice of the technical body referred to in the Convention unless settlement is attained by way of arbitration or otherwise by application of some existing convention or in virtue of an arrangement specially concluded (article 32, paragraph 4).
- (b) To decide questions of international law or questions as to the interpretation of the Convention arising during proceedings before that technical body or an arbitral tribunal (article 32, paragraph 7).

1931 Convention

- (a) To exercise jurisdiction over "a dispute of any kind relating to the interpretation or application of the present Convention" under the circumstances and subject to the conditions specified in the Convention (article 25).

1936 Convention

- (a) To exercise jurisdiction over "a dispute of any kind relating to the interpretation or application of the present Convention" under the circumstances and subject to the conditions specified in the Convention (article 17).
