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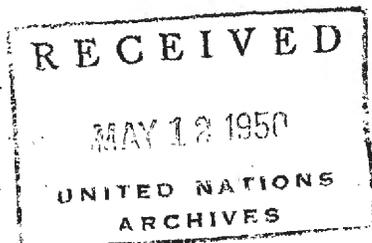
COUNCIL COMMITTEE ON
NON-GOVERNMENTAL ORGANIZATIONS

LEGAL ORGANIZATIONS IN CONSULTATIVE STATUS WITH
THE ECONOMIC AND SOCIAL COUNCIL

Memorandum by the Secretary-General

TABLE OF CONTENTS

	Paragraphs	Pages
INTRODUCTION	1	2
I. Information on legal organizations in consultative relationship with the Economic and Social Council	2 - 12	2
II. Classification of the organizations under review according to their particular interest in various branches of law (with date of foundation and note on membership)	13 - 17	7
III. Contribution to economic and social matters falling within the competence of the Economic and Social Council and its subsidiary bodies	18 - 25	9
IV. Co-operation of the organizations among themselves	26 - 30	17
ANNEXES		
I. International legal non-governmental organizations not in consultative relationship with the Economic and Social Council	31	21
II. Legal non-governmental organizations and the International Law Commission	32	30



/INTRODUCTION

INTRODUCTION

1. The present paper has been prepared in accordance with a decision of the Council Committee on Non-Governmental Organizations taken at its 75th meeting, 28 February 1950, under which the Secretary-General has been requested to prepare a "memorandum on the character of the legal organizations admitted to consultative status, their relationship among themselves and their contribution to the United Nations"^{1/}.

I. INFORMATION ON LEGAL ORGANIZATIONS IN CONSULTATIVE RELATIONSHIP WITH THE ECONOMIC AND SOCIAL COUNCIL^{2/}

The following are statements by the organizations on their general purposes together with references to United Nations documents. These references cover: (a) the description of the organization; (b) consideration of the application before the NGO Committee; (c) the Council resolution by which consultative status was granted; (d) statements in E/C.2/231 on the consultative activities of some of the organizations.

2. HOWARD LEAGUE FOR PENAL REFORM (UNITED KINGDOM) Parliament Mansions
Abbey Orchard,
(Ligue Howard pour la réforme pénale) London, S.W.1,
England, U.K.

(i) General purposes

"Research, discussion and action to secure more humane and scientific treatment of lawbreakers in all countries."

"... The education and representation of lay public opinion in legal matters."

(ii) References

E/C.2/W.5, page 16; E/C.2/W.5/Add.3, pages 1-3; E/C.2/SR.21-25, page 12; resolution 95 II (V); E/C.2/224, pages 50-63; E/C.2/231, paragraph 26.

^{1/} See E/C.2/SR.75, paragraph 41.

^{2/} Almost all non-governmental organizations in consultative relationship have some interest in one or several fields of law, e.g. legal problems relating to human rights, international law, commercial law, aviation law etc. This memorandum, however, deals only with the eleven consultative non-governmental organizations primarily concerned with law in one respect or another.

3. INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS 19, Quai Bourbon
(Association internationale des juristes démocrates) Paris, France

(i) General purposes

"To facilitate contact and exchange among the lawyers of the world in order to develop a spirit of mutual understanding and fraternity; to enhance juridical science and international law; to support the aims of the United Nations, especially through the common action of lawyers for the restoration, defence and development of democratic liberties, the achievement both nationally and internationally of the punishment of war criminals and the extirpation in the field of law of all vestiges of fascism; co-operation with other groups in order to assure respect for law in international relations and the establishment of a durable peace."

(ii) References

E/C.2/W.4/Add.1, page 9; E/C.2/SR.21-25, page 14; resolution 95 I (V);
E/C.2/224, pages 71-73; E/C.2/231/Add.1, pages 5-6.

4. INTERNATIONAL ASSOCIATION OF PENAL LAW 75 rue de Rennes,
(Association internationale de droit pénal) Paris 6, France

(i) General purposes

"To establish friendship and closer co-operation between those who in different countries devote themselves to the theoretical study of criminal law or who participate in its application; to study crime and its causes, the appropriate means of combatting it, the reforms which should be made in penal law, in the regime of penitentiaries and in criminal procedure - in particular - to fight against juvenile delinquency and to work for the rehabilitation of guilty youth; to promote the theoretical and practical development of international law; the co-ordination of rules of procedure and criminal instruction; the establishment of an international criminal jurisdiction and the elaboration of a penal code for the international community."

(ii) References

E/C.2/W.8, page 15; E/C.2/W.8/Add.2, pages 7-8; E/C.2/SR.30, page 3;
resolution 133 A.1. (VI), E/C.2/224, pages 77-79; E/C.2/231,
paragraph 31.

5. INTERNATIONAL BUREAU FOR THE UNIFICATION OF PENAL LAW 31 rue de l'Athénée,
(Bureau international pour l'unification du droit pénal) Geneva, Switzerland

(i) General purposes

"To study the proposals of governments and the proposals of the United Nations or other international institutions concerned with the unification of penal law and the codification of international penal law.

To undertake the preparatory work in order to determine which questions of penal law could be the object of uniform dispositions in the legislation of different States or of certain groups of States.

To draw up draft conventions for the prevention and repression of certain crimes of an international character.

To make the necessary arrangements for the holding of international conferences for the unification of penal law.

To assure the continuity of work between such conferences.

To maintain contact with the competent authorities of the countries participating in the international conferences for penal law unification in order to bring together the necessary information for the work of these conferences."

(ii) References

E/C.2/W.8/Add.2, pages 32-35; E/C.2/SR.31, pages 4-5; resolution 133 A.1. (IV); E/C.2/224, pages 86-90; E/C.2/231, paragraph 33.

6. INTERNATIONAL CRIMINAL POLICE COMMISSION 11 rue des Saussaies,
(Commission internationale de police criminelle) Paris 8, France

(i) General purposes

"To insure and officially promote the growth of the greatest possible mutual assistance between all criminal police authorities, within the limits of the laws existing in the different countries, to establish and develop all institutions likely to contribute to an efficient repression of common-law crimes and offences."

/(ii) References

(ii) References

E/C.2/W.21, pages 48-49; E/C.2/SR.51, pages 11-12; resolution 214 D (VIII); E/C.2/224, pages 128-130.

7. INTERNATIONAL FISCAL ASSOCIATION (Public Finance and Tax Law) 68 Baljestraat, The Hague, Netherlands
(Association internationale de droit financier et fiscal)

(i) General purposes

"The object of the Association is the study of international and comparative public finance and fiscal law, especially international and comparative law of taxation, together with the financial and economic problems connected therewith."

(ii) References

E/C.2/W.4/Add.1, page 13; E/C.2/W.4/Add.3, page 15; E/C.2/SR.22, page 14; resolution 214 D (VIII); E/C.2/224, pages 159-161.

8. INTERNATIONAL INSTITUTE OF ADMINISTRATIVE SCIENCES 47 rue Juliette Wustman, Brussels, Belgium
(Institut international des sciences administratives)

(i) General purposes

"Comparative examination of administrative experience in the different countries; working out of rational administrative methods, affirmation and spreading of general principles; generally speaking, all studies, investigations, schemes and agreements for improving administrative law and practice."

(ii) References

E/C.2/W.4, pages 41-44; E/C.2/W.4/Add.3, page 7; E/C.2/SR.21, page 5; resolution 95 I (V); E/C.2/224, pages 162-165; E/C.2/231/Add.1, pages 8-10.

9. INTERNATIONAL INSTITUTE OF PUBLIC LAW c/o Faculté de droit de Paris, 12 Place du Panthéon Paris 5, France
(Institut international de droit public)

(i) General purposes

"Scientific research in public law and political science, the theoretical study of various problems of public law, constitutional law, administrative law, international public law in relation to national public law, elaboration of methods; statement of general principles; comparison and assessment of national doctrines with

a view to developing through legal principles the freedom of the individual in free States."

(ii) References

E/C.2/W.21, pages 35-36; E/C.2/SR.51, page 9; E/C.2/SR.52, page 3; resolution 214 D (VIII); E/C.2/224, pages 168-170.

10. INTERNATIONAL LAW ASSOCIATION

(No French name)

(i) General purposes

"The objects of the Association include the study, elucidation and advancement of international law, public and private, the making of proposals for the settlement of cases of conflicts of laws, and the furthering of international understanding and goodwill."

(ii) References

E/C.2/W.21, pages 18-22; E/C.2/SR.17, page 4; E/C.2/SR.51, page 4; resolution 57 (IV); E/C.2/224, pages 170-175; E/C.2/231, paragraph 42.

11. INTERNATIONAL SOCIETY OF CRIMINOLOGY

12 Place du Panthéon
Paris, France

(Société internationale de criminologie)

(i) Extracts from the general purposes (For full text, see E/C.2/224, pages 196-197.)

"The Society proposes by combining its activities with those of the existing specialized associations 'to assure the development of scientific methods in their application to the criminal phenomena'."

"... Criminology and Penal Law. ... Its purpose is exclusively that of scientific research into the causes and remedies of crime on the basis of the social sciences (paragraph 1). In relation to penal law, it is an auxiliary science. It is the function of criminology to provide jurists with the conclusions of the social sciences in their application to the phenomenon of crime; they need these conclusions to enable them to draft and apply just and effective laws for the prevention of crime and the treatment of offenders. Thus, the Object of the Society must not be confused with that of any association of jurists. ..."

/"... Conclusion:

"... Conclusion: The International Society of Criminology cannot, by the very definition of its objects, trespass on the proper field of study of any of the other existing learned societies, any more than it could be replaced for the purposes of its work by any one of them."

(ii) References

E/C.2/W.23, pages 83-88; E/C.2/W.24, page 3; E/C.2/SR.58, pages 15-17; resolution 263 A (IX); E/C.2/224, pages 195-200.

12. SOCIETY OF COMPARATIVE LEGISLATION

31 avenue Saint Guillaume,
Paris 7, France

(Société de législation comparée)

(i) General purposes

"To study the laws of different countries and to seek practical means of improving the various branches of legislation."

(ii) References

E/C.2/W.23; pages 93-98; E/C.2/R.6; E/C.2/SR.59, pages 3-4;
E/C.2/SR.75, pages 37-40; resolution 287 I (X)

II. CLASSIFICATION OF THE ORGANIZATIONS UNDER REVIEW ACCORDING TO THEIR PARTICULAR INTEREST IN VARIOUS BRANCHES OF LAW

(With date of foundation and note on membership)

13. General public and private international law as well as their different branches

International Law Association (1873)
Mixed membership - individual and collective

14. General public law

International Institute of Public Law (1927)
Individual membership

15. Special branches of public international law and of national law

Administrative law:

International Institute of Administrative Sciences (1930)
Mixed membership - individual and collective

Fiscal and tax law:

International Fiscal Association (1938)
Individual membership

Maritime and air law:

International Law Association (1873)
Mixed membership - individual and collective

/Penal law:

Penal law:

Howard League for Penal Reform (1866)

Mixed membership - individual and collective

International Association of Penal Law (1924)

Mixed membership - individual and collective

International Bureau for the Unification of Penal Law (1926)

Mixed membership - individual and collective

International Criminal Police Commission (1923)

Individual membership

International Society of Criminology (1938)

Mixed membership - individual and collective

16. National public and private law

Society of Comparative Legislation (1869)

Mixed membership - individual and collective

17. International organizations of the legal profession

International Association of Democratic Lawyers (1946)

Collective membership

III. CONTRIBUTION TO ECONOMIC AND SOCIAL MATTERS FALLING WITHIN THE COMPETENCE OF THE ECONOMIC AND SOCIAL COUNCIL AND ITS SUBSIDIARY BODIES

18. Economic matters

Field of transport and communications

Maritime and air law

INTERNATIONAL LAW ASSOCIATION

7 April 1949: Information transmitted on the present stage of revision of the York-Antwerp Rules (General average)

3 January 1950: The draft programme of its 44th Conference to be held at Copenhagen, August-September 1950 was transmitted. On the agenda among other items:

- Rights to the sea-bed and its sub-soil;
- Promulgation of York-Antwerp Rules, 1950;
- Air Law

19. Field of fiscal matters

INTERNATIONAL FISCAL ASSOCIATION

Replies to questionnaire on Taxation of Foreign Nationals, Assets and Transactions:

At the invitation of the Secretary of the Fiscal Commission this Association resolved at its third Congress (Rome, 3-6 October 1948) to take part in inquiries on the Taxation of Foreign Nationals, Assets and Transactions (Bulletin for International Fiscal Documentation, vol. II, no. 8/9, IX). It reproduced the Questionnaire (vol. III, no. 1 of the Bulletin) and invited its national groups to co-operate.

The Greek, Netherlands, Italian and United Kingdom groups of the Association submitted replies to the questionnaire. The first three replies were endorsed by the Governments of these countries and were published as their official replies (E/CN.8/46, Add.6, 10 and 16).

Social matters

20. Scope of competence of the Division of Human Rights

- (1) International Bill of the Rights of Man

- (1) INTERNATIONAL ASSOCIATION OF PENAL LAW 25 January 1948:
Entered into consultation with the Division of Human Rights in regard to "Research in criminal law, penal procedure and penology with a view to the protection of fundamental rights...."
- (2) INTERNATIONAL BUREAU FOR THE UNIFICATION OF PENAL LAW
14 March 1948: Entered into consultation with the Division of Human Rights, offering its services to prepare a "draft of provisions to be inserted in international conventions dealing with the penal protection of human rights".
30 June 1948: Entered into consultation with the Division of Human Rights on the question of "Rights of asylum to refugees".
- (3) INTERNATIONAL INSTITUTE OF PUBLIC LAW June 1949:
The first post-war conference of this organization held in Paris, was devoted to the study of human rights. A report was presented by Professor Mirkine-Guetzévitch entitled: "Les libertes individuelles dans les Etats modernes". Subsequently the Institute decided to undertake research in specific fields related to human rights as one of the main topics on its programme.
- (4) INTERNATIONAL LAW ASSOCIATION:
Two post-war conferences of this organization (1947 and 1948) had on their agenda the question of human rights. Reports were presented at the Brussels Conference, 1948, by Professor H. Lauterpacht and Dr. Andrew Martin.
Communications containing the views of the International Law Association on the International Bill of Rights of Man were addressed to the Division of Human Rights on the following dates: 13 January 1948; 16 February 1948; 31 May 1948; 21 September 1948; 26 November 1948; 6 December 1948; 1 February 1949; 18 May 1949; 24 May 1949; 19 July 1949. The "preliminary report" of Professor Lauterpacht to the Brussels Conference was reproduced in document E/CN.4/89. Documents E/C.2/58, E/C.2/220 and E/CN.4/NGO.2 contain the views of the organization on

/various

various aspects related to the Declaration and the Covenant.

(ii) Protests and complaints addressed to the Secretary-General concerning violations of human rights

INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

- 10 May 1948 concerning Greece (See: E/C.2/91)
- 21 February 1949 concerning Iran
- 4 March 1949 concerning United States
- 10 October 1949 concerning Iran
- 24 November 1949 concerning Lebanon (See: E/C.2/236)
- 18 January 1950 concerning India
- 25 January 1950 concerning Turkey (See: E/C.2/252)

(iii) United Nations Conference on Freedom of Information and of the Press

INTERNATIONAL BUREAU FOR THE UNIFICATION OF PENAL LAW 14 March 1948:

Offered its collaboration in connexion with the following aspects of the problems before the Conference: (a) the condemnation of war propaganda; (b) the prevention and suppression of the dissemination of false reports endangering international relations; (c) international regulation of the right of reply and correction in regard to the Press.

(iv) The problem of slavery

Responding to an inquiry made by the Secretary-General, the following legal organizations made suggestions "concerning persons who, in their opinion, are particularly qualified to serve on the Ad Hoc Committee of Slavery": 14 September 1949: HOWARD LEAGUE FOR PENAL REFORM; 10 September 1949: INTERNATIONAL ASSOCIATION OF PENAL LAW; 10 September 1949: INTERNATIONAL BUREAU FOR THE UNIFICATION OF PENAL LAW.

(v) Study on Application of Penal Law to Women

The following organizations submitted memoranda on this subject:

- (1) 22 March 1950: HOWARD LEAGUE FOR PENAL REFORM
- (2) 2 March and 10 March 1950: INTERNATIONAL BUREAU FOR THE UNIFICATION OF PENAL LAW
- (3) 7 February 1950: INTERNATIONAL CRIMINAL POLICE COMMISSION
- (4) 1 and 2 March 1950: INTERNATIONAL LAW ASSOCIATION
- (5) 15 February 1950: INTERNATIONAL SOCIETY OF CRIMINOLOGY

See: E/CN.6/139 incorporating
the views of the organizations.

/21. Scope

21. Scope of competence of the Division of Narcotic Drugs

INTERNATIONAL CRIMINAL POLICE COMMISSION

This organization addressed the following communications to the Division of Narcotic Drugs:

20 October 1948: Report of Mr. Paul Marabuto "The Struggle against the Drug Traffic", submitted to the 17th session of the General Assembly of the ICPC, September 1948 Prague.

22 October 1948: Resolution adopted in connexion with the report referred to above; Minutes of Sub-Commission on Drugs.

20 January 1949: Circular letter to the heads of the national branches of the ICPC concerning drug traffic.

3 February 1949: Transmission of further reports and resolutions submitted to and adopted by the 17th session of the General Assembly of the ICPC, 1948 and also communication requesting a special representation on the Commission on Narcotic Drugs. See in this respect document E/CN.7/160, which contains the decision of the Commission concerning the request of the ICPC.

9 November 1949: Transmission of reports and resolutions submitted to and adopted by the 18th session of the General Assembly of the ICPC, October 1949, Berne, Switzerland. Of special interest: Resolution No. 8 "The Struggle against the Illicit Traffic in Drugs".

11 February 1950: The ICPC informed the Secretary-General that it will be represented by its Rapporteur Mr. Marabuto at the fifth session of the Commission on Narcotic Drugs.

22. Scope of competence of the Social Defence Section of the Department of Social Affairs

(i) Annual reports on traffic in women and children

Comments on draft revised questionnaire:

INTERNATIONAL CRIMINAL POLICE COMMISSION 23 June 1948:

(ii) International Convention for the Suppression of the Traffic in persons and of the exploitation of the prostitution of others

Comments relating to the Convention before final adoption:

(1) INTERNATIONAL BUREAU FOR THE UNIFICATION OF PENAL LAW^{1/}

^{1/} In June, July and August 1948, the Secretary-General of the Bureau participated in the preparation of the draft convention consolidating the instruments in force for the suppression of the traffic in persons (Cf. E/C.2/231, paragraph 33 III).

/20 May 1948:

20 May 1948: Proposed that a meeting of interested non-governmental organizations be held.

18 April 1949: Representatives of this organization attended meetings called by the Department of Social Affairs to discuss the draft Convention.

(2) INTERNATIONAL CRIMINAL POLICE COMMISSION

23 June 1948: Report relating to the modification of the draft Convention.

11 March 1949: Further observations on the draft convention.

(iii) Comparative study of probation and related measures

HOWARD LEAGUE FOR PENAL REFORM

16 September 1949: Memorandum on "minimum requirements for legislation and administration having regard to regional differences".

(iv) International Criminal Statistics

HOWARD LEAGUE FOR PENAL REFORM

21 March 1948: Transmitted memorandum on "The Prison Population of the World", originally submitted in 1936 by the organization to the Assembly of the League of Nations. This report has been used in connexion with the preparation of document E/CN.5/204, 23 February 1950, "Statistical Report on the State of Crime, 1937/1946".

(v) The study of prevention and treatment of juvenile delinquency

HOWARD LEAGUE FOR PENAL REFORM

15 December 1948: Transmitted the recommendations of the International Conference on Wayward, Vagrant and Endangered Children and Youth.

30 August 1948: Memorandum on "Methods of international co-operation in penal administration".

16 September 1949: Report on "Practical measures to stimulate, educate and guide public opinion in the various regions of the world in order to promote modern methods in the prevention of juvenile delinquency and the treatment of juvenile offenders".

(2) INTERNATIONAL ASSOCIATION OF PENAL LAW

In May 1948, this organization entered into consultation with the Department of Social Affairs to study the "Problem of Juvenile

Delinquency in all its aspects and in the most advanced legislation in this field". Professor Jean Graven of the University of Geneva has been charged by the Association to co-ordinate the studies of its members in this field.

10 August 1948: A study by Mr. J.A. Roux entitled "La Question des courtes peines de prison, leurs remèdes techniques et la mise à l'épreuve actuelle".

10 September 1949: Article by Marc Ancel on recent developments in matters connected with Children's Courts (Revue internationale de droit pénal 1948, nos. 3-4) transmitted.

(3) INTERNATIONAL BUREAU FOR THE UNIFICATION OF PENAL LAW

20 December 1947; 18 March 1948; 28 March 1948: Communications.

11 September 1949: Memorandum by Mme Helene Romniceano on the fight against juvenile delinquency and criminality.

(4) INTERNATIONAL CRIMINAL POLICE COMMISSION

9 March 1948: Of the reports submitted to the 18th session of the General Assembly of the ICPC, October 1949, Berne, the following report is of special interest: "Illegal and inhuman treatment of accused persons".

24 November 1949: Report on juvenile delinquency submitted by Mr. L. Ducleux to the 18th General Assembly and respective resolution.

28 January 1950: Report by Mr. P. Marabuto on the Social role of the police in matters of prevention of juvenile delinquency.

23. Scope of competence of the Migration Section of the Social Affairs

Department

(1) Consultation with non-governmental organizations interested in migration

(1) INTERNATIONAL BUREAU FOR THE UNIFICATION OF PENAL LAW

26 January 1950: Expressed interest in the results of the Conference of Non-Governmental Organizations interested in migration (Geneva, 10-16 January 1950, E/CN.5/192, Annex B) and offered its collaboration to study the problem of abandonment of family.

/(2) INTERNATIONAL

(2) INTERNATIONAL LAW ASSOCIATION

21 March 1950: Transmitted draft report on "Nationality and Statelessness": to be discussed at the 44th Conference of the IIA, August-September 1950, Copenhagen, and offered contribution to future conferences of non-governmental organizations interested in migration.

(ii) Assistance to indigent aliens

The following non-governmental organizations replied to an inquiry of the Department of Social Affairs on the subject in reference:

(1) INTERNATIONAL ASSOCIATION OF PENAL LAW

8 November 1949: Informed the Secretary-General that an answer to the inquiry will be sent, based on a study undertaken at present by Dr. Max Habicht, Geneva.

(2) INTERNATIONAL LAW ASSOCIATION

20 June 1949: A reply to the inquiry was promised.

24. Scope of competence of the Section of Family, Youth and Child Welfare of the Department of Social Affairs

INTERNATIONAL LAW ASSOCIATION

A Draft Convention on mutual recognition of judgments in divorce and nullity was adopted at the 42nd Conference of the International Law Association, Prague 1947. This draft was transmitted on 5 April 1950 with an explanatory memorandum of Mr. William Lathey by the organization to the Secretary-General and reproduced in document E/CN.5/NGO.3. Further comments of the organization on the subject were issued in E/CN.5/NGO.3/Add.1

The representative of the organization was heard on this subject on 1 May 1950 before the sixth session of the Social Commission.

(See E/CN.5/SR.143).

Two items connected with "Divorce" are on the agenda of the 44th Conference of the IIA, 1950:

- (a) Jurisdiction and recognition of decrees;
- (b) Alimony and maintenance.

25. Other social matters

(i) Draft Convention on declaration of death of missing persons

THE INTERNATIONAL LAW ASSOCIATION

Commented on 16 December 1948 on the Secretariat Draft: See: E/AC.30/3, pages 14-16.

(ii) Counterfeiting

INTERNATIONAL CRIMINAL POLICE COMMISSION

9 November 1949: Transmitted report and resolution on counterfeiting, submitted to and adopted by the 18th session of its General Assembly, 1949.

12 December 1949: Informed the Secretary-General that as a result of the resolution referred to above, its members were requested to undertake a special effort to fight, on an international basis, against counterfeiting.

(iii) Extradition

INTERNATIONAL CRIMINAL POLICE COMMISSION

9 February 1949: Transmitted report, draft convention and resolution on Extradition, submitted to and adopted by the 17th session of its General Assembly, 1948.

October 1949: The 18th session of its General Assembly received a new report from the Secretary-General of the ICPC on extradition and adopted a resolution on it.

24 February 1950: Supplementary note on extradition transmitted.

6 April 1950: The Chairman of the Social Commission was requested by the organization that the draft convention on extradition submitted in February 1949, be given consideration by the Social Commission.

IV. CO-OPERATION OF THE ORGANIZATIONS AMONG THEMSELVES

26. Two representatives of each of the following organizations have been members since 1933 of the International Bureau for the Unification of Penal Law:^{1/}

- Howard League for Penal Reform
- International Association of Penal Law
- International Criminal Police Commission
- International Law Association

All of these and the International Bureau for the Unification of Penal Law co-operate with the International Society of Criminology and with the Society of Comparative Legislation.

Further co-operation has been established among all these organizations in accordance with resolution 155 C (VII) to which reference is made, under paragraph 29 below.

27. Co-operation exists between the International Fiscal Association and the International Law Association in the fields of fiscal law, financial law and commercial law.

28. The "Third International Conference of the Legal Profession" (London, July 1950) was convened by the International Bar Association (an organization not in consultative status) and will be held with the co-operation of the following international non-governmental organizations

(i) Organizations in consultative status:

- International Association of Penal Law
- International Institute of Penal Law

(ii) Organization not in consultative status:

- International Federation of Women Lawyers^{2/}

The first two "International Conferences of the Legal Profession" met under the auspices of the International Bar Association in 1947 in New York and in 1948 at the Hague.

^{1/} See: League of Nations document A.7.1933.V. pages 1, 8-9.

^{2/} See: no. 10. In: annex to this memorandum.

29. Co-operation of international organizations concerned with the problem of the prevention of crime and the treatment of offenders^{1/}

(1) A Conference of international organizations concerned with the problem of the prevention of crime and the treatment of offenders was convened by the Secretary-General with a view to giving effect to the recommendation of the Council that the United Nations should assume leadership on this field (resolution 155 C (VIII)).^{2/} This meeting was held at the Palais de Chaillot, Paris, on 15 and 16 October 1948.

The representatives of the following organizations under review were present among others:

Howard League for Penal Reform
International Association of Penal Law
International Bureau for the Unification of Penal Law
International Criminal Police Commission
International Law Association

The report of this conference was issued as document E/CN.5/104.

^{1/} The possibility of setting up within the United Nations a permanent Committee of international penal organizations and of holding a conference of these organizations was urged by Prof. V. V. Pella, Secretary-General of the International Bureau for the Unification of Penal Law in a communication addressed to the Secretary-General of the United Nations on 20 May 1948. The views expressed by Prof. V. V. Pella in this memorandum were developed in a further memorandum by him dated 9 July 1948.

^{2/} The following is the text of this resolution:

"The Economic and Social Council

Endorses the opinion of the Social Commission that, in view of the importance of the study, on an international basis, of the problem of the prevention of crime and treatment of offenders, the United Nations should assume leadership in promoting this activity, having regard to international and national organizations which have interests and competence in this field, and making the fullest use of their knowledge and experience;

Requests the Secretary-General, subject to budgetary limitations, to convene in 1949 a group of internationally recognized experts not to exceed seven in number and selected by him in such a way that the constitution of the group maintains an international character, to act in an honorary capacity as an advisory body and to advise the Secretary-General and the Social Commission in devising and formulating policies and programmes appropriate to:

- (a) The study on an international basis of the problem of prevention of crime and the treatment of offenders; and
- (b) International action in this field."

/(ii) At the

(ii) At the meeting referred to above under (i), it was recommended that the specialized agencies and the competent and interested [non-governmental] organizations should each appoint one of their representatives resident in the United States of America to be responsible for maintaining contact and co-ordination with the Division of Social Activities.

A meeting of these representatives was held on 30 March 1949 at Lake Success, the following organizations under review being represented among others:

Howard League for Penal Reform
International Association of Penal Law
International Bureau for the Unification of Penal Law
International Criminal Police Commission

The report of this meeting was issued as document E/CN.5/153.

(iii) A resolution adopted at the meeting referred to under (i) above, stated that "the various international organizations should co-operate and take action calculated to avoid dissipation of effort or overlapping of their work". For this purpose a permanent committee composed of the interested specialized agencies and the principal international organizations, inter-governmental and non-governmental, concerned with prevention of crime and treatment of offenders "should be established" under the auspices of the United Nations, its secretariat duties being discharged by the United Nations".

The permanent committee of interested specialized agencies and the principal international organizations concerned with the prevention of crime and the treatment of offenders referred to above will meet at Geneva on 16, 17 and 18 May 1950.

World Federation of International Non-Governmental Legal Organizations
(Fédération mondiale des institutions juridiques internationales)

30. This organization was set up in Paris in February 1949. Its aim is "to co-ordinate the scientific work of the various legal organizations".

The president is Count Carton De Wiart (Belgium), the Secretary-General is Prof. V. V. Pella and the Délégué général is Mr. Marc Ancel of the University of Paris. Among the members of its board of directors are professors of law and judges and international and national courts etc. in a great number of countries. Provisional statutes were adopted and were sent "to all international and

/national

national juridical institutions" as well as to organizations of the legal profession, having as their aims the study of international or comparative law. Meetings of the Federation were held in Paris in February and July 1949 and in New York in May 1949. No official list of membership is available as yet, but it should be noted that so far about twenty international and about thirty national organizations expressed interest in the Federation. (For further information, see articles in the American Journal of International Law, volume 43, July 1949, no. 3, pages 343-346 and in the Revue internationale de Droit comparé, New Series, volume I, August-September 1949, no. 3, pages 337-343.)

ANNEX I

31. International Legal Non-Governmental Organizations not in Consultative Relationship with the Economic and Social Council

- (1) Academy of International Law
- (2) American Institute of International Law
- (3) Institut de Droit international^{1/}
- (4) Inter-American Bar Association
- (5) Inter-American Commercial Arbitration Commission
- (6) International Academy of Comparative Law
- (7) International Association of Children's Court Judges
- (8) International Bar Association
- (9) International Diplomatic Academy
- (10) International Federation of Women Lawyers
- (11) International Federation of Women Magistrates and Members of Legal Professions
- (12) International Institute of Commerce
- (13) International Legal Committee on Aviation (C.J.I.A.)
- (14) International Legal Institute
- (15) International Legal Union
- (16) International Maritime Committee
- (17) International Union of Advocates
- (18) Nordic Associations of Criminologists
- (19) United Nations League of Lawyers

Statements covering the general purposes of the organizations, and references to sources. Date of foundation is given after the name of the organization:

- (1) ACADEMY OF INTERNATIONAL LAW (1923)
(Académie de Droit international)
Peace Palace
The Hague, Netherlands

To establish a centre for the advanced study of international law (public and private) and allied sciences; to facilitate the exhaustive and impartial

^{1/} This organization has been "recognized" by the Council of ICAO for the purpose of participation in meetings of the organization. See paragraph 13 of document E/C.2/238.

/study of

study of questions concerning international legal relations.^{1/}

- Sources: - League of Nations Handbook of International Organizations Geneva, 1938.^{2/} page 241;
- Documents relatifs a la création de l'Académie de Droit international de la Haye. Paris, Chaix, 1924. page 407.
 - Article of Mr. E.N. Van Kleffens in the British Yearbook of International Law, 1925. pages 172-186.
 - Recueil des Cours etc. 1923 - (1947) 71 volumes. (In progress).

(2) AMERICAN INSTITUTE OF INTERNATIONAL LAW (1912)
(No French Name)

- "...1. To give precision to the general principles of existing public and private international law, or to formulate new principles in harmony with the solidarity which unites the members of the society of civilized nations, with a view to strengthening this unifying element, especially with respect to the American countries.
- "2. To study questions of public and private international law, particularly problems of an American character, and endeavor to find solutions for them by the application of generally accepted principles, either by amplifying and developing those principles, or by creating new principles adapted to special conditions existing on the American continent.
- "3. To contribute, by gradual and progressive steps, to the codification of international law.
- "4. To co-operate, through the extension of the teaching of international law, principally in American universities, in bringing about the triumph of justice and humanity which should govern the relations of nations.
- "5. To organize the study of international law along scientific and practical lines by means suited to the needs of modern life and appropriate in relation to the problems of the Western Hemisphere and American doctrines.

^{1/} The following similar institutions should also be mentioned:

- (a) "Institut des hautes études internationales," Paris. Founded by MM. Alvarez, Fauchille and Lapradelle.
- (b) Graduate Institute of International Studies, Geneva. (Institut Universitaire de hautes études internationales) founded in 1927 by MM. Mantoux et Rappard.
- (c) Inter-American Academy of Comparative and International Law, Havana, Cuba. Founded in 1945 with the support of the Inter-American Bar Association and the Government of Cuba.
- (d) Institut des hautes études internationales de l'Ecole libre des hautes études. New York, founded in 1948 by MM. Cassin, Mirkin-Guetzévitch, Palthey and Pella.

^{2/} Referred to below as LON-HB.

"6. To contribute

- "6. To contribute within the limits of its competence and with the means at its disposal toward the maintenance of peace, as well as the observance of the laws of war and the mitigation of the evils thereof.
- "7. To spread and develop the sentiment of fraternity among the nations of the American continent." (Article 2 of the Statutes.)

Sources: - Masters, R.B. Handbook of International Organizations in the Americas. Washington, D.C. 1945.1/ pages 4-7.
- Tchirkovitch, Stevan, L'Institut Américain de Droit international, Paris, 1926.

- (3) INSTITUT DE DROIT INTERNATIONAL (1873)
(Also referred to as: Institute of International Law)
200, avenue de Long Champ
Brussels, Belgium

To promote the progress of international law: (1) by giving assistance to all genuine attempts at gradual and progressive codification of international law; (2) by contributing both to the maintenance of peace and to the observance of the laws of war; (3) by assisting the triumph of the principles of justice and humanity which should regulate international relations by means of publications or any other methods.

Sources: - LON-HB, page 242.
- L'Institut de Droit international
Tableau général des travaux (1873-1913).
New York, Dotation Carnegie etc., 1920.
- Annales (1874) (In progress.)

- (4) INTER-AMERICAN BAR ASSOCIATION (1941)
(No French Name)
337 South Building
Washington, D.C., U.S.A.

"... To establish and maintain relations between associations and organizations of lawyers, national and local, in the various countries of the Americas, to provide a forum for exchanges of views.

"To advance the science of jurisprudence in all its phases and particularly the study of comparative law; to promote uniformity of commercial legislation; to further the diffusion of knowledge of the laws of the various countries throughout the Americas.

"To uphold the honor of the profession of the law; and to encourage cordial intercourse among the lawyers of the Western Hemisphere.

1/ Referred to below as Masters, op. cit.

/"To meet in

"To meet in conference from time to time for discussion and for the purposes of the association...." (Article I of the Constitution.)

Sources: - Inter-American Bar Association: Organization of the Association and Proceedings of the First Conference held at Habana, Cuba, March 24-28, 1941. Reports, vol. I. Washington, D.C. (1943).

- Masters, op. cit. pages 85-90.

- AJIL vol. 37 (1943), page 666; vol. 38 (1944), page 684;
vol. 39 (1945), page 583; vol. 40 (1946), page 820;
vol. 41 (1947), page 138; vol. 42 (1948), page 423;
vol. 43 (1949), pages 130-132.

- (5) INTER-AMERICAN COMMERCIAL ARBITRATION COMMISSION (1934)
(No French Name)
9 Rockefeller Plaza
New York, N.Y., USA.

Article III of the constitution, states that the object of this Commission is "to establish an Inter-American System of Arbitration for the settlement of commercial disputes, under the terms of Resolution XLI of the Seventh International Conference of American States, meeting in Montevideo in December, 1933."

Article IV provides that in pursuance of these objects, "the Commission may create branch organizations in each American Republic to promote the establishment of an inter-American system of arbitration for the settlement of commercial disputes; may authorize the establishment of Inter-American Commercial Arbitration Tribunals and provide rules and regulations therefor; may make arrangements for the conduct of arbitrations; may recommend the enactment of arbitration laws or the amendment of existing arbitration laws; may call arbitration conferences; and may take such other action to promote arbitration as it may deem advisable."

Source: - Masters, op. cit. pages 99-103.

- (6) INTERNATIONAL ACADEMY OF COMPARATIVE LAW^{1/} (1924)
(Académie internationale de droit comparé)
Peace Palace,
The Hague, Netherlands

To promote studies of comparative law on historical basis and ameliorate the legislation in the different countries, especially in the field of private law, by systematic rapprochement and reconciliation of conflict of laws.

^{1/} The application of this organization for consultative status in category B was rejected by Council resolution 144 (VI).

Sources: -

Sources: - LON-HB, pages 234-335.

- United Nations documents E/C.2/W.8, pages 12-14; E/C.2/W.8/Add.2, page 6; E/C.2/SR.30, page 3; E/500; E/706.

- (7) INTERNATIONAL ASSOCIATION OF CHILDREN'S COURT JUDGES (1930)
(Association internationale des juges d'enfants)
Palais de Justice
Brussels, Belgium

To act as a link between all children's court magistrates in the various countries; to study legislation on child welfare and the various types of juvenile courts with a view to improving and developing the national institutions; to enquire into crime among minors and its causes in all countries, and to see that permanent action is taken to put an end to it by means of all such preventive and re-educative measures as can be introduced or extended.

Source: LON-HB, page 233.

- (8) INTERNATIONAL BAR ASSOCIATION^{1/} (1947)
501 Fifth Avenue
New York, N.Y., U.S.A.

"... To advance the science of jurisprudence in all its phases and particularly in the areas of international and comparative law;

"To promote uniformity in appropriate fields of law;

"To promote the administration of justice under law among the peoples of the world;

"To promote in their legal aspects the principles and aims of the United Nations;

"To establish and maintain friendly relations among the members of the legal profession of the world;

"To co-operate with, and promote co-ordination among, international juridical organizations having similar purposes. This is a non-political organization. ..."

(Article 7 of the Constitution)

^{1/} The application of this organization for consultative status in category B was rejected by Council resolution 214 (VIII). The report of the Committee contains the following relevant passage: "The Committee further recommends that the International Bar Association be not granted consultative status since this organization has not excluded its Spanish affiliates by the seventh session of the Council, as required in Council resolution 133 B (VI)" (E/1122. Annex)

Sources: - AJIL, vol. 42 (1948), page 164; vol. 43 (1949), pages 127-130;

- See also United Nations documents: E/C.2/W.4/Add.1, page 7;
E/C.2/W.4/Add.2, page 12;
E/C.2/W.8/Add.2, pages 37-39;
E/C.2/W.10, pages 17-18;
E/C.2/W.10/Add.3, page 14;
E/C.2/W.10/Add.4, page 3;
E/C.2/SR.21-25, page 14;
E/C.2/SR.31, page 7;
E/C.2/SR.41, pages 9-11;
E/C.2/SR.52, pages 13-14;
E/500 I.1.; E/1122, annex;
Council resolution 133 B (VI).

- (9) INTERNATIONAL DIPLOMATIC ACADEMY (1927)
(Académie diplomatique internationale)
10, rue Saint-Leger,
Geneva, Switzerland

Study and research of international legal, political, economic and social problems by diplomats and technicians of the diplomacy.

Source: - Dictionnaire diplomatique.
Paris, vol. I, pages 17-23.

- (10) INTERNATIONAL FEDERATION OF WOMEN LAWYERS^{1/} (1944)
(No French Name)
150 Broadway
New York 7, N.Y., USA

The advancement of the science of jurisprudence in all its phases, and particularly the study of comparative law; the creation of better international relations; to promote uniformity of commercial legislation; to further the diffusion of knowledge of the laws of the various countries; the protection of children; the advancement of opportunities for women in industry, business, and the professions; equal rights for women under the law in every country; the advancement of women through lawyers in every country; co-operation with all organized bar associations in order to create better relations in the profession; and to provide an open forum for the discussion of all matters affecting women and children in the world today.

Sources: - United Nations documents: E/C.2/W.23, pages 70-73; E/C.2/SR.58, page 15; E/1390.

^{1/} The application of this organization for consultative status in category B was rejected by Council resolution 263 (IX).

- (11) INTERNATIONAL FEDERATION OF WOMEN MAGISTRATES AND MEMBERS [OF OTHER BRANCHES] OF THE LEGAL PROFESSION (1928)^{1/}
(Fédération internationale des femmes magistrats et avocats ou qui exercent une autre carrière juridique)
83, rue des Saints-Pères,
Paris, France

To establish relations and exchanges between women magistrates, barristers, solicitors, notaries, professors of law and holders of law degrees practising law in any other capacity in all countries.

Source: - LON-HB, pages 253-254.

- (12) INTERNATIONAL INSTITUTE OF COMMERCE (1919)
(Institut international du commerce)
Palais d'Egmont
Brussels, Belgium

To centralise, to co-ordinate and publish, at common expense, information regarding commercial statistics, legislation and treaties.

Source: - LON-HB, pages 338-339.

- (13) INTERNATIONAL LEGAL [JURIDICAL] COMMITTEE ON AVIATION (1909)
(Comité juridique international de l'aviation)
Faculté de droit,
Paris, France

To collect and centralize documents on jurisprudence, to compare legislative projects, and in case need arises, to organize a court of arbitration; finally and specially to draw up an air code (public and private aviation law).

Sources: - LON-HB, page 232;

- Revue générale de l'Air, vol. XI, 1948, no. 2, pages 115-119;
no. 3, pages 378-384; no.5, pages 650-651.

- (14) INTERNATIONAL LEGAL INSTITUTE (1918)
(Institut juridique international)
6, Oranjestraat
The Hague, Netherlands

The object of the Institute shall be to supply information in the widest sense on all matters of international interest, not being of a private or secret nature, respecting international, municipal and foreign law and the application thereof, and also respecting economic and statistical data and questions of commercial policy.

^{1/} This organization is a member of the "Liaison Committee of Women's International Organizations" a non-governmental organization in category B consultative status.

/Source: -

Source: - LON-HB, page 243.

- (15) INTERNATIONAL LEGAL UNION (1929)
(Union juridique internationale)
15, rue Duguay-Trouin
Paris VIe, France

Study of the principal international questions, legal and political, which arise at the present time.

Source: - LON-HB, pages 243-244.

- (16) INTERNATIONAL MARITIME COMMITTEE (1897)
(Comité maritime international)
30, rue des Escrimeurs
Antwerp, Belgium

To further by conferences, publications and divers work, the unification of maritime law; to encourage the creation of national associations for the unification of maritime law; to maintain, between these associations, regular communication and united action.

Source: - LON-HB, pages 246-247.

- (17) INTERNATIONAL UNION OF ADVOCATES (BARRISTERS) (1927)
(Union internationale des avocats)
c/o M. Charles Gheude
Brussels, Belgium

Note

This organization was founded in 1927 and is organized on a representative basis, i.e. membership of organized bars who send delegates to the annual meetings. Its 11th Congress was held in 1949 in Paris. No organic relationship exists between this organization and the International Bar Association. The two organizations, however, co-operate with each other.

Sources: - American Bar Association Journal, vol. 33, February 1947, page 123.

- Revue internationale de Droit comparé, Paris, New series, vol. I, no. 3, August-September 1949, pages 344-345.

- (18) NORDIC ASSOCIATIONS OF CRIMINOLOGISTS
(No Official French Name)
c/o Dr. Karl Schlyter
Vanadisplan 2
Stockholm, Sweden

This organization creates links among criminologists of Denmark, Finland, Norway and Sweden. Its representatives attended meetings of penal organizations

/called by the

called by the United Nations Department of Social Affairs with which close co-operation has been established.^{1/}

(19) UNITED NATIONS LEAGUE OF LAWYERS (1946)
(No French Name)
c/o Sir Hartley Shawcross
Foreign Office
London, S.W.1, England

To establish and maintain co-operative relations among the lawyers of the United Nations; to advance the science of law in all its phases; to foster the study of international law and comparative law; to encourage the development of law as the basis of international relations; to encourage the use of arbitration and judicial settlements in international disputes; to study and support the Charter of the United Nations and, by these means, to further the cause of friendship, peace and good-will among nations.

Source: - American Bar Association Journal, vol. 33, February 1947, page 123.

^{1/} See documents E/CN.5/104, and E/CN.5/153.

ANNEX II

32. Legal Non-Governmental Organizations and the International Law Commission

(1) Documents A/CN.4/8, A/CN.4/14 and A/CN.4/24 contain lists of "national and international organizations concerned with questions of international law." In these lists references are made, among others, to all the organizations under review. Attention is drawn to paragraph 39 of the report of the International Law Commission, covering its first session (A/925) containing an account of the discussion on the character of such lists.

(2) Article 26, paragraph 1, of the Statute of the International Law Commission (A/CN.4/4) envisages the possibility of consultation between the International Law Commission and other bodies, including both national and international non-governmental organizations. The item; "Co-operation with other bodies ...", on the agenda of the first session of the International Law Commission, was postponed for the next session. (A/925, paragraph 38.)

(3) On the other hand several memoranda submitted by the Secretary-General to the International Law Commission as well as several reports prepared by the members of the Commission contain references to the work undertaken by non-governmental organizations in the field of the codification of international law, as well as to their comments and observations on various draft texts transmitted to them by the Secretary-General (e.g., A/CN.4/2, pages 1-4; 49-131 passim; 134-135; 154-161; 215-217; A/CN.4/1/Rev.1. passim; A/CN.4/6, pages 87-90; A/CN.4/7/Rev.1, pages 12-15; 71-87; A/CN.4/15, pages 6, 8, 10-14).

Among these organizations, the following might be mentioned:

- (a) Organizations in consultative status with the Economic and Social Council
 - International Association of Penal Law
 - International Bureau for the Unification of Penal Law
 - International Law Association
 - Inter-Parliamentary Union
 - Society of Comparative Legislation
- (b) Organizations not in consultative status with the Economic and Social Council

International Organizations

American Institute of International Law
Institut de Droit international

/Inter-American Bar

Inter-American Bar Association

International Bar Association

International Diplomatic Academy

International Legal Union

International Peace Bureau

National Organizations

American Bar Association

American Society of International Law

Grotius Society (London)
