



United Nations

GENERAL ASSEMBLY

GENERAL

A/1170

1 December 1949

ORIGINAL: ENGLISH

Fourth session.

Item 66 of the agenda

DRAFT CONVENTION ON THE DECLARATION OF DEATH OF MISSING PERSONS

Report of the Sixth Committee

Rapporteur: Mr. E. FERRER VILEYRA (Argentina)

1. By resolution 209(VIII) of 2 March 1949, the Economic and Social Council created an ad hoc committee of experts to prepare a draft Convention on the declaration of death of missing persons. By resolution 249(IX) of 9 August 1949 the Council, recognizing the inherent legal character of the Convention and the urgency of the problem, transmitted it to the General Assembly with a recommendation that it "consider the draft Convention during its fourth session with a view to having a Convention adopted and opened for signature during that session".
2. The draft Convention was accordingly transmitted to the General Assembly by document A/999 and on 22 September 1949 was referred by the General Assembly to the Sixth Committee for consideration.
3. The Sixth Committee examined the draft Convention at its 205th and 206th meetings, on 25 and 26 November, and had before it documents E/1368, A/999 and A/999/Corr.1, A/C.6/L.93, A/C.6/L.100, A/C.6/L.104, A/C.6/L.105. Following a general discussion, the Committee, by 24 votes to 2, with 11 abstentions, decided not to consider the substance of the draft Convention.
4. The Committee then decided to consider various amendments to a joint draft resolution introduced by Ecuador, Egypt, France and Iran (A/C.6/L.93) referring the draft Convention to Member States with a view to their considering "the possibility of adopting, if necessary, legislative or conventional measures on the legal status of persons missing as a result of events of war" and requesting them to inform the Secretary-General "of any measures that they may thus adopt so that he may report on them to the General Assembly". The authors of the joint draft resolution accepted an amendment proposed by Chile (A/C.6/L.100), designed to eliminate from the preamble of the joint proposal any possible implication of criticism against the Economic and Social Council. They also accepted a Venezuelan amendment
(A/C.6/L.104)

(A/C.6/L.104) to the seventh paragraph requesting "Member States to transmit their comments to the Secretary-General so that he may report on them to the General Assembly". The sponsors of the joint resolution agreed to a suggestion of Argentina and Chile to delete the words "or conventional" after the word "legislative" and to add the words "or concluding bilateral or multilateral conventions" after the word "measures" in the sixth paragraph.

5. The Committee then rejected a Belgian amendment aimed at giving approval to the principles underlying the draft Convention and recommending them to Member States as guidance in taking the necessary legislative or conventional measures on the declaration of death of missing persons.

6. The Committee also considered a Danish proposal for the calling of an international conference of Government representatives to be convened not later than 1 March 1950, with a view to concluding a multilateral convention on the subject. This proposal was rejected by 14 votes to 12, with 11 abstentions.

7. The Committee adopted a Pakistani amendment (A/C.6/L.105) to add the words "or other disturbances of peace during the post war years until the present time" in the sixth paragraph and "at the next session" in the seventh paragraph. It rejected an oral amendment by the representative of Honduras to the Pakistani proposal substituting the words "which have occurred or will occur" for the words "during the post-war years until the present time".

8. The amended joint draft resolution, as a whole, was adopted by 28 votes to none, with 11 abstentions.

9. The Sixth Committee, therefore, recommends the following resolution for adoption by the General Assembly:

DRAFT CONVENTION ON THE DECLARATION OF DEATH OF
MISSING PERSONS

The General Assembly,

Considering resolution 249(IX) of 9 August 1949 approved by the Economic and Social Council,

Considering that the Economic and Social Council was not able to examine the draft Convention on the declaration of death of missing person prepared by the Ad Hoc Committee established to prepare the draft,

Recognizing the importance of the question,

Recognizing also the legal difficulties arising in particular because of differences of legislation in the matter,

1. Refers the draft Convention to Member States to enable them to examine it and consider the possibility of adopting, if necessary, legislative measures or concluding bilateral or multilateral conventions

/on the legal

on the legal status of persons missing as a result of events of war or other disturbances of peace during the post-war years until the present time;

2. Requests the Member States to transmit their comments to the Secretary-General so that he may report on them to the General Assembly at its next regular session.
