



United Nations

GENERAL

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## GENERAL ASSEMBLY

ORIGINAL: ENGLISH

Fourth session

Item 66 of the agenda

### DRAFT CONVENTION ON THE DEATH OF MISSING PERSONS

#### Note by the Secretary-General

1. The Economic and Social Council, in its resolution 158 (VII) of 24 August 1948, recognized the urgency and importance of solving the legal difficulties arising from the disappearance of numerous victims of war and persecution and expressed the view that these difficulties might best be solved by an international convention. The Secretary-General was instructed to prepare, in collaboration with the International Refugee Organization and other competent organizations, a preliminary draft convention and to submit this draft to Member Governments for comment, and then to transmit the draft, together with any comments, to the eighth session of the Council.

2. In accordance with the above resolution, the Secretary-General prepared a draft Convention on Declaration of Death of Missing Persons\* and transmitted it to Member Governments for comment on 26 October 1948.

3. At its eighth session the Economic and Social Council, in resolution 209 (VIII), established an ad hoc Committee composed of seven Members of the United Nations, each of which was to nominate as its representative a person specially versed in the subject. This ad hoc Committee was instructed to examine if the purpose of Council resolution 158 (VII) might be met by procedures other than by the conclusion of a single international convention. In addition, it was directed to study the draft Convention prepared by the Secretary-General, together with the comments of Governments and of the IRO, and thereafter to prepare a draft Convention or, if necessary, any other proposals should the drafting of a Convention not prove practicable.

4. The ad hoc Committee met in June, 1949, and concluded that an international Convention was necessary to meet the problem. It submitted to the Council a revised draft Convention and recommended early action thereon.\*\*

\* E/1071.

\*\* E/1368.

5. At its ninth session, the Economic and Social Council adopted the following resolution on 9 August 1949 (249 (IX)):

"The Economic and Social Council,

"Having received the report and recommendations of the ad hoc Committee on Declaration of Death of Missing Persons,\*

"Recognizing that the legal difficulties arising from the disappearance of numerous victims of war and persecution in the years 1939-1945 present an urgent problem which requires for its solution an international convention,

"Requests the Secretary-General to transmit immediately the draft Convention proposed by the ad hoc Committee,\* together with the records of the discussions on the subject at the ninth session of the Council,\*\* to Governments for their consideration prior to the fourth session of the General Assembly; and

"Recommends that the General Assembly consider the draft convention during its fourth session, with a view to having a convention adopted and opened for signature during that session."

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