

UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



GENERAL  
E/AC.7/SR.178  
7 March 1951  
ORIGINAL: ENGLISH

Twelfth session  
SOCIAL COMMITTEE  
SUMMARY RECORD OF THE ONE HUNDRED AND SEVENTY-EIGHTH MEETING  
Held at Santiago, Chile  
on Thursday, 1 March 1951, at 3 p.m.

CONTENTS:

- Item 16: Refugees and stateless persons: (a) Report by the Secretary-General arising out of Council Resolution 319 B (XI) Section III relating to the problem of statelessness (E/1869, E/1869/Add. 1-14, E/1901, E/AC.7/L.82)
- Item 17: Prevention of crime and treatment of offenders: invitations to Member States and other States to appoint experts in accordance with the provisions of the plan for integration of the International Penal and Penitentiary Commission (E/1895)
- Item 15: Plight of survivors of concentration camps (E/1915, E/1925)

Chairman:

Mr. NOSEK

Members:

Mr. FENAUX

Belgium

Miss MEACHER

Canada

Mr. BERNSTEIN

Chile

Mr. CHA

China

Members: (continued)

Mr. KAISER	Czechoslovakia
Mr. TESSIER )	
Mr. de LACHARRIERE)	France
Mr. KIRPALANI	India
Mr. KHOCHBIN	Iran
Mr. BROHI	Pakistan
Mr. WAGNER de REYNA	Peru
Mr. CARPIO	Philippines
Mr. BORATINSKY	Poland
Mr. CARBONNIER	Sweden
Mr. BADALIAN	Union of Soviet Socialist Republics
Mr. OVERTON	United Kingdom of Great Britain and Northern Ireland
Mr. KOTSCHNIG	United States of America
Mr. SANGUINETTI	Uruguay

Representatives of specialized agencies:

Mr. POBLETE	International Labour Organisation (ILO)
Dr. KAUL	World Health Organization (WHO)

Representatives of non-governmental organizations:

<u>Category A:</u>	Mrs. de APARICIO)	World Federation of United Nations
	Miss LARGUIA )	Associations
<u>Category B:</u>	Mr. FRIEDMAN	World Jewish Congress
<u>Register:</u>	Colonel LORCA	League of Red Cross Societies

Secretariat:

Mr. LAUGIER	Assistant Secretary-General in charge of the Department of Social Affairs
Mr. HUMPEREY	Director, Division of Human Rights
Mr. MESSING-MIERZEJEWSKI	Secretary of the Committee

ITEM 16: REFUGEES AND STATELESS PERSONS: (a) REPORT BY THE SECRETARY-GENERAL ARISING OUT OF COUNCIL RESOLUTION 319 B (XI) Section III RELATING TO THE PROBLEM OF STATELESSNESS (E/1869, E/1869/Add. 1-14, E/1901, E/AC.7/L.82)

Miss MEAGHER (Canada) said the revised draft resolution submitted by the United States representative (E/AC.7/L.82) satisfied the queries she had raised that morning. She did not, however, support the Peruvian representative's suggestion, which had been accepted by the United States representative, that the draft resolution should be enlarged so as to include the question of dual nationality as well as the question of statelessness. Dual nationality was a separate problem; its solution was not so urgent. Moreover, Council resolution 319 B (XI) Section III, on which the draft resolution was based, did not refer to dual nationality. She therefore hoped that any reference to it would be omitted from the draft resolution, so that the solution of the urgent problem of statelessness would not be delayed by the introduction of an additional element.

Mr. SANGUINETTI (Uruguay) stated that his delegation had originally supported the Peruvian representative, thinking that if a study was to be made of the legal provisions relating to statelessness, that would also afford a good opportunity of treating the question of dual nationality. He had since decided, like the Canadian representative, that it would be preferable to restrict the draft resolution to the more urgent problem of statelessness, and his delegation would not press for inclusion of the question of dual nationality.

Mr. WAGNER de REYNA (Peru) stated that he had submitted an amendment <sup>to</sup> the United States draft resolution because Council resolution 319 B (XI) Section III, while referring specifically to stateless persons, also mentioned the question of nationality in general; because he had thought it would be easier to amend legislation on the subject if the problem were studied as a whole; and because the South American countries were deeply concerned by the problem of dual nationality. In view, however, of the statements by the representatives of Chile, China and the United Kingdom, he had no objection to withdrawing his amendment.

/He drew

He drew attention to the fact that the question of dual nationality constituted a legal problem which the United Nations might deal with at a later date.

Mr. BADALIAN (Union of Soviet Socialist Republics) took exception to the slanderous and offensive tone of the speech made at the previous meeting by the French representative, in which the latter had accused the representative of Poland of making false statements with regard to the position of refugees in France. While he had evidence at his disposal which would refute the French representative's remarks, he felt that such statements did not merit further attention from the Committee.

His delegation opposed the United States draft resolution because it wished the problem to be solved as soon as possible and it felt that reference of the subject to the Council's fourteenth session and transmission of a report to the International Law Commission would merely cause delay. Moreover, the question of citizenship came within the domestic jurisdiction of each State and was not a subject in which the Council should intervene. As for the International Law Commission, it was in no way connected with the problem of refugees. He would therefore vote against the United States draft resolution.

The CHAIRMAN put to the vote the United States draft resolution (E/AC.7/L.82).

The United States draft resolution was adopted by 14 votes to 3, with no abstentions.

ITEM 17: PREVENTION OF CRIME AND TREATMENT OF OFFENDERS: INVITATIONS TO MEMBER STATES AND OTHER STATES TO APPOINT EXPERTS IN ACCORDANCE WITH THE PROVISIONS OF THE PLAN FOR INTEGRATION OF THE INTERNATIONAL PENAL AND PENITENTIARY COMMISSION (E/1895)

Mr. KOTSCHNIG (United States of America) said the report submitted on the item under discussion was very clear and did not appear to require comment. He moved adoption of the draft resolution contained in the report (E/1895).

Mr. OVERTON (United Kingdom) seconded the motion.

/Mr. FENAU

Mr. FENAUX (Belgium) said that when the decision to transfer the functions of the International Penal and Penitentiary Commission to the United Nations had been taken, it had been decided that all countries represented on the IPPC should be represented on the new body to be established by the United Nations. He felt that it would be to the interest of former members of the IPPC to nominate the representatives who had served with the IPPC to the new body, so as to ensure continuity in the work.

Mr. TESSIER (France) was prepared to submit a list of the persons his Government would wish to nominate to the new body.

Mr. BADALIAN (Union of Soviet Socialist Republics) said that at the fifth session of the General Assembly his delegation had voted against the resolution approving the transfer of the functions of the IPPC to the United Nations (A/1592), since it considered that the prevention of crime and treatment of offenders was a domestic matter, which should be regulated by the penal code of each country. The United Nations should be freed of responsibility for such secondary matters so that it might devote its full attention to the questions of primary importance outlined in the Charter. He would therefore oppose the draft resolution contained in document E/1895.

In answer to a question from the representative of India, the CHAIRMAN said the Council had made no recommendation with regard to other countries it might wish to invite to participate on the new body.

He put the draft resolution contained in document E/1895 to the vote.  
The draft resolution was adopted by 14 votes to 3, with no abstentions.

ITEM 15: PLIGHT OF SURVIVORS OF CONCENTRATION CAMPS (E/1915, E/1925)

Mr. LAUGIER (Assistant Secretary-General in charge of the Department of Social Affairs) recalled that in its resolution 305(XI) the Economic and Social Council had requested the Secretary-General to discuss with the competent authorities and institutions means for alleviating the plight of persons who had survived concentration camps where they had been subjected to so-called scientific experiments under the Nazi regime. The Council had adopted that resolution on the recommendation of the Commission on the Status of Women. /The Secretariat

The Secretariat had submitted a report to the Council (E/1915) describing the steps which had been taken to implement the resolution. A preliminary survey had been made regarding the number, whereabouts and condition of victims of scientific experiments. The Secretariat had gone into the question of how much compensation those victims were entitled to under existing German law. It had also studied whether international funds or services were available which might be used to alleviate the plight of those unfortunate victims. The Secretary-General's report, taking into account the results of that enquiry, made certain suggestions which the Council might wish to consider.

As the Secretariat did not feel that it had completed the task entrusted to it by the Council, the present document was only in the nature of a preliminary report. Complete information on the number, whereabouts and conditions of those victims was not yet available. The Secretary-General had not wished to take any steps which might broaden the scope of the problem or raise premature expectations for the victims until he had received further instructions from the Council. No public announcement requesting victims to make known their whereabouts and condition had been made. The Secretariat, however, had the names of about 80 victims, including 58 women, and the present place of residence of 71 of those persons. It was also aware of the pitiful circumstances in which those victims were living. There might be hundreds of persons in the same situation but the Secretariat could not give any more precise information at present. It was unlikely, however, that many victims had survived the experiments in the concentration camps. The fact that very few victims had survived did not however in any way lessen the United Nations' duty to render the survivors all possible assistance.

After a study of the question, the Secretary-General had concluded that existing legislation in Germany did not provide for adequate compensation for those victims. He thought that more generous provisions should be adopted in that country in order to satisfy the legitimate claims of the victims, particularly those who did not reside in Germany.

The Secretary-General of the Allied High Commission for Germany had informed the United Nations that the question of the plight of victims of so-called scientific experiments was still under consideration within the framework of the far broader problem of indemnification of Nazi victims.

/With regard

With regard to the availability of international funds or services for the relief of those persons, the Secretary-General had concluded that only some of them would come within the Agreement Pertaining to Repatriation Funds for Non-repatriable Victims of German Action of 14 June 1946. The WHO had informed the Secretary-General that it would be prepared to co-operate with the Economic and Social Council, at the request of the latter, in the health aspect of measures which it might wish to recommend for the care and protection of survivors of concentration camps.

In order to alleviate the plight of those victims perhaps the Council might wish to ask the competent German authorities to adopt legislation granting adequate compensation to all the victims of medical experiments. It might also wish to request the International Refugee Organization or some similar international body dealing with the administration of the reparations fund to aid in helping those victims. Lastly, the Council might consider requesting the WHO to assist in improving the health of the victims.

The Secretary-General was not sure that the methods which the Secretariat proposed would be fully effective. For that reason he suggested that the Council might consider establishing a special aid fund set up by voluntary contributions from governments, private organizations and individuals. The Secretary-General was also prepared to investigate the possibility of securing the support of charitable institutions for the purpose of assisting victims of scientific experiments.

If the Council reached a decision on the matter, the Secretariat could take the necessary steps to draw up a list of the victims. It would then be able to describe the type of aid which each victim would need, including monetary assistance, and temporary or permanent medical treatment.

He stressed that in general the questions with which the Council dealt did not directly affect individuals. In the present case however men and women who had suffered all kinds of atrocities would benefit directly from the Council's action in the matter. He sincerely hoped therefore that the Council would adopt a resolution authorizing the Secretary-General to work out a concrete solution of the problem.

/Mr. OVERTON

Mr. OVERTON (United Kingdom) wholeheartedly endorsed the sentiments expressed by the Assistant Secretary-General. The atrocious experiments carried on by the Nazis had shocked all civilized nations. Everyone sympathized with the unfortunate victims and was anxious to alleviate their plight.

He pointed out, however, that the progress report submitted by the Secretary-General (E/1915) raised a number of technical problems. The exact number of victims had not yet been ascertained. The whole problem was still under consideration by the Allied High Commission for Germany. Examination and possible amendment of existing German legislation also raised many difficult and complex technical problems. Furthermore, the question of the status of those victims with regard to the International Refugee Organization was not clear.

His delegation considered the matter of vital importance. In view of the complex nature of the problem, however, he would like to defer the debate on the item until he had received instructions from his Government.

He had not received the progress report (E/1915) until after his arrival at Santiago and he had just been informed that copies had only recently been received by his Government. His delegation, like other delegations, was anxious to reach the best possible solution to the problem. To that end, however, he thought a thorough investigation of the question would be necessary. He therefore proposed that in the interests of reaching the best possible solution the Council should postpone item 15 until its thirteenth session, or at any rate until the end of the current session.

Mr. de LACHARRIERE (France) said that although his delegation was prepared to discuss the item forthwith he could understand the United Kingdom delegation's difficulty. If the majority of the Committee wished, therefore, his delegation would agree to postpone the item until the end of the current session but it would be opposed to deferring it until the thirteenth session of the Council.

The Assistant Secretary-General had described how the Council could take direct action to alleviate the plight of persons who had been the victim of inhuman experiments. In that connexion, he pointed out that the original resolution on the item had been adopted six months earlier. The question was urgent and a decision should not be postponed for another six months.

/He agreed



He agreed with the United Kingdom representative that delegations would require instructions from their Governments in the matter. He did not feel however that the Council would need an exhaustive technical investigation of the issue in order to take a decision. The legal advisers in the Secretariat had stated that existing German legislation contained inadequate provisions for compensation of the victims of Nazi atrocities. On the basis of that information, without making a detailed study of existing German law the Council could request the German authorities to rectify that situation.

His delegation had prepared a draft resolution on the item which he thought the Council could adopt without a lengthy debate. He suggested that it should read as follows:

"The Economic and Social Council,

"Noting the report of the Secretary-General prepared under resolution 305(XI) which the Council adopted on 14 July 1950 referring to the survivors of concentration camps who, under the Nazi regime, were the victims of so-called scientific experiments,

"Appeals to the appropriate German authorities to consider granting the fullest possible compensation for the injuries suffered by persons subjected to so-called scientific experiments in concentration camps under the Nazi regime,

"Requests the International Refugee Organization and any authority which might succeed it in the administration of the Reparations Fund, and charitable agencies distributing these funds, to assist in the alleviation of the plight of such victims to the fullest possible extent,

"Requests the World Health Organization to assist in the health aspects of the problem,

"Asks the Secretary-General to consider the possibility of obtaining the voluntary assistance and contributions which may be necessary to carry out the measures of compensation considered above,

"Requests the Secretary-General to keep himself informed of the various measures which may be taken, and to attempt to work out such measures as will ensure the fullest possible compensation and to report to the thirteenth session of the Council on the results achieved under this resolution."

/That was

That was merely a suggestion. He felt that a resolution on those lines could be adopted without any difficulty. If the Committee wished to consider a text he thought that no technical difficulties serious enough to delay consideration of the item for six months could arise.

Mr. KOTSCHNIG (United States of America) agreed that the matter should be dealt with promptly. It was a complicated and technical question, however, and he had received no instructions whatsoever from his Government on the subject since the report had only just been received. Under the provisions of rule 49 of the rules of procedure, therefore, he moved that the discussion of the item should be postponed until the end of the current session.

It was so agreed.

The meeting rose at 4.5 p.m.