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Agenda Item 12

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL
INTER-GOVERNMENTAL ORGANIZATIONS: INTERNATIONAL PENAL AND PENITENTIARY COMMISSION

Report by the Secretary-General under Resolution 333 H (XI)
of the Economic and Social Council

1. The Council, at its Ninth Session in connection with its review of inter-governmental organizations in the economic and social fields, adopted the following resolution with respect to the International Penal and Penitentiary Commission:^{1/}

"The Economic and Social Council

"Having considered the resolution adopted on 3 August 1949 by the International Penal and Penitentiary Commission on its relations with the United Nations,^{2/}

"Continues to believe that the purposes of the Commission, as set forth in article 1 of its constitutional regulations, can be carried out within the United Nations while fully safeguarding the expert and professional character of the work undertaken in this field,

"Requests the Secretary-General to enter into consultation with the Commission with a view to submitting to an early session of the Council a plan for the eventual integration of the Commission within the United Nations, taking into account the principles set forth in section II of the above-mentioned resolution of the Commission and the views expressed at the ninth session of the Council; and

"Invites Member Governments of the United Nations or of the Commission to transmit to the Secretary-General by 31 December 1949 any comments they may wish to make on this subject."

2. The Secretary-General communicated the text of this resolution to 68 governments (States Members of the United Nations and of the IPPC) with the

^{1/} Resolution No. 262 B (IX) dated 10 August 1949

^{2/} Document E/1735, dated 27 June 1950 - Annex - page 8

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request that they should submit their comments and suggestions on the subject by 31 December 1949.

22 replies were received to the Secretary-General's communication.^{1/} The majority of the governments consulted stated that they were in favour of the eventual integration of the International Penal and Penitentiary Commission within the United Nations.

3. Furthermore, in pursuance of the above-mentioned resolution, the Secretary-General invited the International Penal and Penitentiary Commission to enter into consultation with him, and on 7, 8, 9 and 16 June 1950 his representatives held a series of meetings with three duly accredited representatives of the International Penal and Penitentiary Commission.

4. Taking into account the views expressed at the Ninth Session of the Economic and Social Council, the principles set forth in section II of the resolution of the International Penal and Penitentiary Commission of 3 August 1949, and the comments later transmitted by governments, the representatives of the International Penal and Penitentiary Commission and of the Secretary-General of the United Nations prepared a draft plan^{2/} providing for the integration of the International Penal and Penitentiary Commission within the United Nations.

5. A report^{3/} containing the draft plan, accompanied by a note with respect to the financial implications involved,^{4/} was submitted by the Secretary-General to the Economic and Social Council, at its Eleventh Session.

6. In considering this report,^{5/} the Economic and Social Council adopted the following resolution:^{6/}

"The Economic and Social Council

"Having examined the report prepared by the Secretary-General in consultation with the International Penal and Penitentiary Commission

1/ Document E/CN.5/205 dated 21 February 1950, Addendum 1 (6 April 1950) and Addendum 2 (7 April 1950)

2/ Annex I, page 5

3/ Document E/1735 dated 27 June 1950

4/ Document E/1735 Add.1, dated 29 June 1950

5/ See Summary Records of the 51st and 52nd meetings of the Committee on Coordination and the 396th meeting of the Economic and Social Council

6/ Resolution H (333 XI), document E/1797 dated 23 July 1950, page 4

(E/1735 and E/1735/Add.1), concerning the transfer of functions of the IPPC to the United Nations, pursuant to resolution 262 B (IX);

"Approves the draft plan contained in the above-mentioned report as an acceptable basis for the integration of the IPPC within the United Nations;

"Transmits the draft plan to the fifth session of the General Assembly;

"Expresses the hope that the IPPC will give favourable consideration to the draft plan as early as possible;

"Recommends that as soon as approval is given, the Secretary-General of the United Nations, in consultation with the Secretary-General of the IPPC, make appropriate arrangements for the transfer of functions and assets on a mutually satisfactory date, prior to 31 December 1951."

7. On 12 August 1950, the International Penal and Penitentiary Commission also adopted a resolution^{1/} approving the above-mentioned draft plan with respect to the transfer of the functions of the IPPC to the United Nations.

This resolution was transmitted to the Secretary-General of the United Nations by letter dated 25 August 1950 from the Secretary-General of the IPPC.^{2/}

8. In deciding that the functions of the International Penal and Penitentiary Commission should be transferred to the United Nations, the General Assembly will be maintaining the policy which it previously adopted and which is clearly expressed in resolution No. 310 (IV), paragraphs 6 and 7 of which read as follows:^{3/}

"Resolves therefore

6. To commend the Economic and Social Council for the initial action it has taken looking towards the termination, absorption and integration of certain inter-governmental organizations and the establishment of relationships between other such organizations and the United Nations or the specialized agencies, and to urge the Members of the United Nations concerned to take such action as may be necessary to give effect to the recommendation of the Council; and further

7. To request the Council to pursue its work on this matter with a view to simplifying the structure of the inter-governmental organizations and reducing the over-all cost of participation therein."

9. For the convenience of the General Assembly the following draft resolution, giving effect to the recommendations of the Economic and Social Council, is submitted for consideration:

^{1/} Annex II, page 8

^{2/} Annex III, page 9

^{3/} Document A/1251 dated 28 December 1949, page 29

"The General Assembly,

Noting resolutions 262 B (IX) and 333 H (XI) of the Economic and Social Council and the resolution adopted by the International Penal and Penitentiary Commission on 12 August 1950,

1. Approves the plan contained in the report prepared by the Secretary-General, in consultation with the IPPC, concerning the transfer of the functions of the IPPC to the United Nations and which is annexed to this resolution;

Notes the decision of the IPPC with respect to its residual assets;

Expresses its appreciation to the IPPC for donating its library and its archives to the United Nations on the conditions specified in the above-mentioned plan;

Notes that those arrangements do not involve the assumption by the United Nations of responsibility for any liabilities of the IPPC;

Authorizes the Secretary-General, in consultation with the Secretary-General of the IPPC, to make arrangements for the transfer of the functions of the IPPC, and its library and archives to the United Nations on a mutually satisfactory date prior to 31 December 1951;

2. Pays tribute to the accomplishments of the IPPC during the long period of its existence in the field of the prevention of crime and the treatment of offenders."

ANNEX I

Draft plan prepared by the Secretary-General of the United Nations in consultation with the International Penal and Penitentiary Commission

- (a) All members of the United Nations, and all existing members of the IPPC, which are not members of the United Nations, and any other states designated by the Economic and Social Council, should be invited by the Council to appoint one or more representatives of expert qualifications or experience, professional or scientific, in the field of the prevention of crime and the treatment of offenders. The experts so appointed should act in the first instance as individual correspondents with the United Nations Department of Social Affairs.
- (b) They should also be called upon to meet together in appropriate groups (in the composition of which ethnical, legislative and customary affinities should be taken into account) to consider questions of particular interest to such groups, as well as those which may be submitted by the participating governments, by the Economic and Social Council, the Social Commission or by the Secretary-General of the United Nations. The experts so appointed should constitute "United Nations Consultative Groups" in the field of the prevention of crime and the treatment of offenders. The groups should meet biennially, or more often if required. The first group set up should be composed of the present members of the IPPC. Pending the establishment of other groups, new members may be added to the first group. As other groups are set up, any members of the first group may join such groups as is most appropriate. With respect to the composition of groups to study questions of special importance to the less-developed areas it might be practicable to utilize the procedure employed for United Nations Seminars, under General Assembly Resolution 58(I). Findings of fact and recommendations as to policy approved by the experts appointed under (a) or by the expert group meeting under (b) should be transmitted to the Secretary-General of the United Nations for publication, for communication in appropriate cases to the policy-making bodies, or such other action as he considers necessary.

/(c) The Secretary-General.

- (c) The Secretary-General should invite each group to submit names from among its members to assist the Secretary-General in selecting a small international AD HOC Advisory Committee of Experts. The purpose of such a committee would be to advise the Secretary-General and the Social Commission in devising and formulating programmes for study on an international basis and policies for international action in the field of the prevention of crime and the treatment of offenders and also to advise on the co-ordination of the work of the United Nations Consultative Groups. It is hoped that such a committee could meet annually at the headquarters of the United Nations.
- (d) The United Nations should convene every five years an international congress similar to those previously organized by the IPPC. Resolutions adopted at such international congresses should be communicated to the Secretary-General and, if necessary, to the policy-making bodies.
- (e) The expenses of attendance of the international AD HOC Advisory Committee of Experts at meetings convened at the headquarters of the United Nations would be borne by the United Nations. The expenses of experts who participate in the biennial group meetings and in the quinquennial congresses would be borne by the respective governments. The United Nations would be financially responsible for furnishing the services required for the efficient organization of such meetings when held at the headquarters or at the regional headquarters of the United Nations. When such meetings, on the invitation of a government, are held away from headquarters, the financial responsibility for the furnishing of similar services should be otherwise met.
- (f) The United Nations should publish an international review which should include the recommendations and the findings of the groups mentioned under (b) and the Committee mentioned under (c), as well as a legislative and administrative series on the prevention of crime and the treatment of offenders.
- (g) The United Nations would welcome the transfer of the library of the IPPC to the library of the United Nations in Geneva. Should the IPPC decide on the transfer suitable measures would be taken to indicate that the volumes donated originated from the IPPC, by arranging for appropriate markers to
/be used, and

be used, and the preservation of the library as an entity so far as practicable.

The archives of the IPPC should also be transferred to the archives of the United Nations and should be available to delegations and to other interested parties.

- (h) In view of the enlargement of the functions of the United Nations, and in order to maintain continuity in the work, the United Nations should invite the services of two professional officers at present employed by the IPPC. One officer specialized in the field of the prevention of crime and the treatment of offenders should be detached for duty at the European Office of the United Nations in Geneva.
- (i) While it is for the IPPC to decide as to the disposition of its residual assets, the United Nations would welcome a decision to transfer those assets to the United Nations. Such a decision would not, however, involve the assumption by the United Nations of responsibility for any liabilities of the IPPC. In the event of the transfer of the assets and proceeds realized, all such funds would become part of the general revenue of the United Nations unless the IPPC would prefer that they be added to the capital of the library endowment fund. The resulting increase in the income of the library endowment fund would make it possible for the United Nations library to become one of the most complete and up-to-date libraries in the field of social defence. The setting aside of the residual assets of the IPPC in a special fund in the United Nations is not desirable from the point of view of United Nations policy and practice, nor is such a fund necessary to ensure the continuation within the United Nations of the objectives and purposes described in Article I of the Constitutional Regulations of the IPPC.
- (j) The transfer should take place at such time as may be agreed upon between the Secretary-General of the IPPC and the Secretary-General of the United Nations and, in any case, before the end of 1951.

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ANNEX II

Resolution adopted by the International Penal and Penitentiary Commission on 12 August 1950

Representatives of the IPPC pursuant to its resolution of August 3, 1949, and of the United Nations Secretariat pursuant to the resolution of the Economic and Social Council of August 10, 1949, having met at Lake Success on June 7 - 9, 1950 drafted an agreement.

The International Penal and Penitentiary Commission,

1. Approves this agreement;
2. Instructs its Secretary-General, if the agreement is approved by the Fifth General Assembly of the United Nations, to make the necessary arrangements for the transfer of functions to the United Nations before the end of 1951;
3. Declares that as soon as the Executive Committee certifies, prior to December 31, 1951, to the Members of the Commission that the provisions of the agreement and other decisions of the Commission have been carried out, the IPPC is dissolved and ceases to exist as an inter-governmental organization;
4. Agrees to donate its library and its archives to the United Nations on the conditions specified in the agreement mentioned under paragraph 1;
5. Observing that the agreement provides that the setting aside of the residual assets of the IPPC in a special fund in the United Nations is not desirable from the point of view of United Nations policy and practice, nor is such fund necessary to ensure the continuation within the United Nations of the objectives and purposes described in Article 1 of the Constitutional Regulations of the IPPC, therefore decides to place all its residual assets into a trust fund to be expended for purposes consonant with the purposes of the IPPC and in accordance with plans proposed by a special committee and submitted for the consideration of the members of the Commission at its final meeting in 1951;
6. Instructs the Secretary-General to communicate this resolution to the Secretary-General of the United Nations and to the Governments of all member countries.

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ANNEX III

Letter, dated 25 August 1950, from the Secretary-General of the International Penal and Penitentiary Commission to the Secretary-General of the United Nations.

In accord with the instructions of the IPPC I hereby transmit to you a copy of the resolution adopted by the Commission on August 12, 1950.

The delegates of sixteen of the twenty-four member states were present and the vote was unanimous.^{1/} Although the constitution of the IPPC requires that all the member states, whether present or absent at a meeting, cast a vote on a motion to dissolve the Commission or transfer its assets, and the final result of the vote of the eight absent member states has not yet been completely recorded, the affirmative vote of sixteen constitutes the required two-thirds majority which makes the decision final. The decision is therefore not affected by the vote of the absent members.

I have been instructed by the Commission to say that in the course of discussion on this Resolution the Commission expressed the hope that the United Nations, in the application of the agreed plan, would take account of the following wishes expressed by the Commission. These suggestions are made with the sincere desire to assure the most effective possible organization of the work for the future.

- (1) That all studies and researches of the Commission in progress at the date of integration should be continued by the first Consultative Group to be set up in accordance with the plan.
- (2) That facilities should be afforded to the Consultative Group to carry out studies, where necessary, through the method of Sub-Committees.
- (3) That the officer of the United Nations Secretariat to be stationed at Geneva should be authorized to act as Secretary of the Group and in that capacity to correspond directly with its members.
- (4) That the Group should be at liberty to elect a small executive committee and a President, who would not only preside at the meetings of the group but act as may be necessary between meetings to further the business of the group.
- (5) That the international consultative group which will be set up by the United Nations be given a specific title which in an appropriate manner will describe the scope and nature of its work.

If the draft agreement referred to in the resolution is adopted by the Fifth General Assembly of the United Nations, I shall be glad to discuss with you at the earliest possible moment the ways and means of effecting the transfer of functions, the transfer of our library and archives and the appointment of my professional assistants to fill appropriate positions in your Secretariat.

^{1/} In a letter dated 22 September 1950 the Secretary-General of the IPPC informed the Secretary-General of the United Nations that three additional countries (Egypt, Finland and Greece) had voted in favour of the integration of the IPPC within the United Nations.