

UNITED NATIONS

GENERAL  
ASSEMBLY



GENERAL

A/CONF.1/SR.1  
15 March 1950

ENGLISH

ORIGINAL: FRENCH

UNITED NATIONS CONFERENCE ON DECLARATION OF DEATH OF MISSING PERSONS

SUMMARY RECORD OF THE FIRST MEETING

Held at Lake Success, New York,  
on Wednesday, 15 March 1950, at 11 a.m.

DOCUMENTS  
INDEX UNIT

MAST

17 MAR 1950

CONTENTS:

- Opening address by the Assistant Secretary-General in charge of the Legal Department
- Election of the President and Vice-Presidents
- Adoption of the agenda (A/CONF.1/2)
- Adoption of the rules of procedure (A/CONF.1/3)
- Procedure to be followed in considering the draft convention

<u>Temporary President:</u>	Mr. KERNO	Assistant Secretary-General in charge of the Legal Department
<u>President:</u>	Mr. PETRIEN	Sweden
<u>Members:</u>	Mr. NISOT	Belgium
	Mr. ANZE MATIENZO	Bolivia
	Mr. DUARTE	Brazil
	Mr. GRANDE	Canada
	Mr. CHA	China
	Mr. GARCIA AMADOR	Cuba
	Mr. HOLTEN-EGGERT	Denmark

Any corrections to this record should be submitted in duplicate in either of the working languages (English or French), within two working days, to the Director, Official Records Division, Room F-520, Lake Success. Corrections should bear the appropriate symbol number and be enclosed in an envelope marked "URGENT". Corrections can be dealt with more speedily if delegations will be good enough to incorporate them in a mimeographed copy of the record.

Members (continued):

Mr. CORDOVA	Ecuador
Mr. ABDEL-GHANI	Egypt
Mr. SHAW	Ethiopia
Mr. DELTEL	France
Mr. KYROU	Greece
Mr. RAJAN	India
Mr. ABDOH	Iran
Mr. ROBINSON	Israel
Mr. de MEYERE	Netherlands
Mr. CHHATARI	Pakistan
Mr. GARCIA	Philippines
Mr. ASHA	Syria
Mr. KURAL	Turkey
Mr. FAWCETT	United Kingdom of Great Britain and Northern Ireland
Mr. HARRISON	United States of America
Mr. RODRIGUEZ FABREGAT	Uruguay
Mr. PEREZ PEROZO	Venezuela
Mr. NINCIC	Yugoslavia

Representative of a specialized agency:

Mr. WEIS	International Refugee Organization (IRO)
----------	--

Secretariat:

Mr. SCHACHTER	Executive Secretary
Mr. CONTINI	Assistant Executive Secretaries
Mr. LACHMANN	

OPENING ADDRESS BY THE ASSISTANT SECRETARY-GENERAL IN CHARGE OF THE LEGAL DEPARTMENT

1. The TEMPORARY PRESIDENT, on behalf of the Secretary-General of the United Nations, declared the Conference on Declaration of Death of Missing Persons open and welcomed its members.
2. The Conference was unusual because it was the first conference of States called by the General Assembly itself, and the subject with which it was to deal did not fit into the customary classification of United Nations problems. The declaration of death of missing persons would appear to be strictly a problem in private law. It had taken total war with its mass deportation and mass extermination, to make it a world problem which could only be solved through international action. Millions of persons had been killed in circumstances which made an ordinary declaration of death impossible. Yet their deaths had to be proved so that their surviving relatives and connexions, scattered throughout the world, might regularize their family relationships and vindicate their claims to inheritance.
3. The Ad Hoc Committee which prepared the draft convention had pointed out that the laws of the various countries did not provide a uniform, simple and rapid procedure for establishing death when it could not be proved by ordinary means. Often there was no national authority to which a request for a declaration of death could be addressed; where such authority did exist, the procedure was frequently complicated and costly, especially when the parties concerned resided at a great distance from the seat of the authority. Finally, difficulties often arose in obtaining recognition by a given country of a declaration of death issued by the competent authority of another country.
4. Theoretically, of course, those difficulties could be removed if all States adopted uniform measures to fill the gaps in their respective legislations. In practice, however, States could not be counted upon to do so unless they had the assurance that other countries would simultaneously take parallel action. The Committee had therefore rightly believed that an international convention was the practical way to solve the problem. Accordingly, on the basis of a Secretariat draft it had prepared a draft convention which had already been transmitted to the Economic and Social Council and the General Assembly. The

Assembly, lacking time for detailed consideration of the draft, had called the Conference with a view to preparing a multilateral convention on that important and urgent question.

5. The purpose of the draft convention was to facilitate the issuance of declarations of death in certain cases and to provide for recognition of such declarations by all the signatory States. It sought to achieve that end with the fewest possible changes in domestic law. The draft dealt only with the essentials of a problem of limited scope, and the convention would necessarily be temporary. Its adoption would nevertheless indicate that the Governments concerned were prepared to take a practical step towards helping some of the survivors of the millions exterminated in the second World War.

#### ELECTION OF THE PRESIDENT AND VICE-PRESIDENTS

6. The TEMPORARY PRESIDENT called for nominations for President.

7. Mr. GARCIA AMADOR (Cuba), supported by Mr. NISOT (Belgium), nominated Mr. Petren, representative of Sweden and Head of the Legal Department of the Swedish Ministry of Foreign Affairs.

Mr. Petren was unanimously elected President of the Conference.

Mr. Petren took the Chair.

8. The PRESIDENT thanked the members of the Conference for the confidence they had shown in him. He would endeavour to prove himself worthy of it by conducting the discussions to the best of his ability.

9. He felt that there was nothing to add to the Temporary President's lucid and detailed statement; and accordingly called upon the Conference to elect its two Vice-Presidents.

10. Mr. KYROU (Greece), supported by Mr. ASHA (Syria) and Mr. ANZE MATIENZO (Bolivia), nominated Mr. Kural, representative of Turkey, for First Vice-President.

Mr. Kural was unanimously elected Vice-President.

11. Mr. ASHA (Syria) nominated Mr. Chhatari, representative of Pakistan, for Second Vice-President.

12. Mr. CHHATARI (Pakistan) regretted that he was unable to accept the Syrian representative's flattering proposal. He intended to take a very active part in the debates, and, as his delegation was small, there would be no alternate to replace him if he were called upon to preside over a meeting.

13. Mr. KYROU (Greece) then nominated Mr. Rodriguez Fabregat, representative of Uruguay.

14. Mr. RODRIGUEZ FABREGAT (Uruguay) deeply appreciated the Greek representative's proposal, but said he would prefer that the representative of another Latin American country should be Second Vice-President. To that end he proposed Mr. Garcia Amador, representative of Cuba.

15. Mr. KYROU (Greece) withdrew his original proposal in favour of that of Mr. Rodriguez Fabregat.

Mr. Garcia Amador was unanimously elected Vice-President.

16. Mr. KURAL (Turkey) and Mr. GARCIA AMADOR (Cuba) thanked the members of the Conference for the honour they had done them in electing them to their respective offices.

#### ADOPTION OF THE AGENDA (A/CONF.1/2)

17. The PRESIDENT proposed that the Conference should adopt the provisional agenda drawn up by the Secretariat (A/CONF.1/2):

The agenda was adopted.

ADOPTION OF THE RULES OF PROCEDURE (A/CONF.1/3)

18. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) explained that, in order to facilitate the work of the Conference, the Secretariat had thought it advisable to prepare provisional rules of procedure (A/CONF.1/3) based on the rules observed by other Conferences called under the auspices of the United Nations. In order to save time, he suggested that the Conference should adopt that draft provisionally for its first meetings and make any changes it found necessary later.
19. Mr. NISOT (Belgium) supported Mr. Kerno's suggestion.
20. Mr. CHA (China) said he would like to know whether the provisional rules of procedure drafted by the Secretariat were the same as those observed at the Geneva Conference on Freedom of Information and of the Press, and asked that the rules of procedure of the Geneva Conference should be circulated to members of the current Conference together with the Economic and Social Council's new provisions for consultation with non-governmental organizations.
21. Mr. SCHACHTER (Executive Secretary) said that the provisional rules of procedure submitted to the Conference were based on the rules of procedure of other Conferences which had met under the auspices of the United Nations. Some provisions, however, had not seemed vital and had been deleted, and the necessary alterations had been made so that the new system of consultation with non-governmental organizations would apply.
22. Mr. KYROU (Greece) emphasized that the current Conference had been called by the General Assembly itself and was therefore very different from conferences called by the Economic and Social Council. Legally, therefore, it should observe the rules of procedure of the General Assembly.
23. Mr. SCHACHTER (Executive Secretary) explained that the provisional rules of procedure were in fact based on the rules of procedure of conferences  
/of States

of States called by the Economic and Social Council. Those rules of procedure differed in some respects from the rules of procedure of the General Assembly.

24. The PRESIDENT proposed that the draft rules of procedure prepared by the Secretariat should be provisionally adopted, it being understood that the question could be reconsidered if some members of the Conference proposed amendments.

It was so decided.

#### PROCEDURE TO BE FOLLOWED IN CONSIDERING THE DRAFT CONVENTION

25. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) said that the problem before the Conference was not new. It had been studied by an Ad Hoc Committee, which had prepared a draft convention, and members of the Economic and Social Council and the General Assembly were already familiar with that draft. Consequently, without in any way taking a stand in the matter, he wondered whether a prolonged general discussion was really necessary. What was important was that after a few preliminary observations, if necessary, the Conference should as soon as possible proceed to consider the draft convention article by article; it could always instruct a drafting committee to elaborate the final text later, with due regard to opinions expressed in the discussions.

26. Mr. ASEFA (Syria) proposed that discussion should be postponed until members of the Conference had studied the documents distributed that morning, in particular the important memorandum from the Swedish Government. He then asked the Executive Secretary of the Conference whether the Secretariat intended to distribute other documents.

27. Mr. SCHACHTER (Executive Secretary) replied that the Secretariat did not plan to distribute any new document except for the observations and amendments submitted by Governments.

28. Mr. ANZE MATIENZO (Bolivia) thought that a preliminary general debate was unnecessary as the Conference had before it a draft convention which had been drawn up after mature consideration. He therefore proposed that the Conference should proceed to the immediate study of the draft. It was a very satisfactory and even complete working basis, and would probably require very few amendments. In the event of a large number of amendments being proposed, the Conference could consider setting up a working group to reconcile the different opinions expressed. Such a procedure would in no way prevent members from explaining their general attitude to the question during the debate.

29. Mr. RODRIGUEZ FABREGAT (Uruguay) agreed with the representative of Syria that all debate should be postponed until the members of the Conference had had an opportunity to acquaint themselves with all the aspects of the problem. He also thought that there should be a general debate before the draft convention was studied so that delegations specially interested in the problem could explain their Governments' general viewpoints.

30. Mr. CHHATARI (Pakistan) also agreed with the representative of Syria and proposed that the next meeting of the Conference should be held on Thursday morning, 16 March.

31. He emphasized that the Conference was dealing with one of the most important problems that it had ever been proposed to settle by means of a convention and he was astonished that the draft convention applied solely to victims of acts committed by irresponsible individuals during the Second World War. A convention of that kind should have a much wider scope and extend to cases which had occurred after 1945 and even to cases which might occur in the future.

32. Mr. NINCIC (Yugoslavia) and Mr. KURAL (Turkey) agreed with the representative of Uruguay on the need for a preliminary general debate.

33. The PRESIDENT noted that the majority of the members of the Conference seemed to feel that the work should begin with a general debate. In view of that fact, he called upon the members of the Conference to make their general statement on the draft convention, if they wished to do so, at the next meeting.



34. Mr. KYROU (Greece) suggested that delegations, which had amendments to the draft convention to propose, should submit them in writing as soon as possible.

It was so decided.

35. The PRESIDENT announced that to meet the wishes of those who would like to acquaint themselves more fully with the Conference documents, the next meeting would be held on Thursday, 16 March at 10.30 a.m., but that thereafter the Conference would hold two meetings a day.

The meeting rose at 12.15 p.m.