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CO-ORDINATION COMMITTEE

SUMMARY RECORD OF THE FIFTY-FIRST MEETING

Held at the Palais des Nations, Geneva,
on Monday, 10 July 1950, at 3 p.m.

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No.26: International Penal and Penitentiary
Commission (E/1735, E/1735/Add.1 and
E/AC.24/L.5) (continued)

/Present:

Present:

Chairman:

Mr. NORIEGA (Mexico)

Members:

Australia	Mr. CUMES
Belgium	Baron de KERCHOVE d'EXAERDE
Brazil	Mr. MURTINHO
Canada	Mr. BERLIS
Chile	Mr. RODRIQUEZ
China	Mr. TSAO
Denmark	Mr. RICARD
France	Mr. de LACHARRIERE
India	Mr. SEN
Iran	Mr. SOFOUDEH
Pakistan	Mr. AKHTAR
United Kingdom of Great Britain and Northern Ireland	Mr. LEDWARD
United States of America	Mr. CATES

Representatives of specialized agencies:

International Labour Organisation	Mr. COX
International Civil Aviation Organization	Mr. MARTIN
World Health Organization	Mr. HAFEZI

Representatives from non-governmental organizations:

International Organization of Employers	Mr. KUNTSCHEN
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Also present:

Mr. SELLIN	International Penal and Penitentiary Commission
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Secretariat:

Mr. Martin Hill	Director of Coordination for specialized agencies and economic and social matters.
Mr. Delierneux	Deputy Director, Division of Social Activities,
Mr. Urquhart	Secretary to the Committee.

INTER-GOVERNMENTAL ORGANIZATIONS (item 44 of the agenda)
(E/AC.24/L.1, E/1686, E/1687, E/1688, pages 95 and 97, E/AC.24/L.2 and
E/AC.24/L.4) (continued)

No.26: International Penal and Penitentiary Commission (E/1735, E/1735/
Add.1 and E/AC.24/L.5 (continued)

Continuation of discussion on the report by the Secretary-General on the
International Penal and Penitentiary Commission

Mr. SELLIN (International Penal and Penitentiary Commission) said that the International Penal and Penitentiary Commission (IPPC) had grown out of the Congress on penal problems held in 1872, and had since become an inter-governmental organization which, before the war, had included over thirty countries. Its membership had now shrunk to twenty-four, not all of whom were equally active. Those twenty-four member countries had a total of thirty-three representatives. Voting rights were enjoyed, not by representatives but by countries. All the representatives were in some respect experts in criminology. They spoke always as private persons, and their votes were in no way binding on the countries they represented. It was safe to say that all the subjects in the field of prevention of crime and treatment of offenders on the present agenda of the Economic and Social Council had been discussed at some time or other in the ad hoc committees set up by the IPPC. Those committees must not be confused with the Congress, which was held every five years, and to which all who might be in any way interested were invited. A Congress was due to take place at The Hague in August 1950. There could be no doubt of the importance of the work of IPPC. It was difficult to say how much each organization contributed in a field where several were at work, but there could be no doubt that the IPPC had done much to mould public opinion in favour of more modern penal methods. The Commission's report on minimum standards published in 1930 had been approved by the League of Nations, and was now in the course of revision. Public opinion had also been influenced by the Commission's Journal and by the Congresses, which called public attention to penal problems.

To pursue its work the Commission had had a small Secretariat. Funds were derived from contributions from governments, but these contributions had

been terribly small. It was impossible to achieve much on 60,000 Swiss francs a year. The present budget, apart from the Secretary-General's salary, amounted to 25,000 dollars.

It was hoped that the question of integration could be settled soon, for otherwise the work of the Commission and its Secretariat would suffer. It was impossible for an organisation, which was awaiting its demise, to throw itself whole-heartedly into its work during the period of suspense. The result was that the United Nations Secretariat would be deprived of valuable help from the Commission during that period. The feeling of the IPPC negotiators was that the plan of integration drawn up at Lake Success was satisfactory, that nothing vital would be lost, though the details of the plan went further than that drawn up by the Commission itself. What mattered was, not whether the IPPC itself should live or die, but whether work in the field of penal reform was to go on. It was hoped, therefore, that when the United Nations took over control of the work they would finance it properly and carry it out in a thorough manner.

Of the two members of the professional staff of IPPC, one had worked with the Commission for fifteen years. To have the services of a person with such a long record of work in the penal field ought to be useful to the Secretary-General. The other member of the staff was also very highly qualified, his special field being international law.

He concluded by inviting questions on specific points.

Baron de KERCHOVE d'EXAERDE (Belgium) said that after the statement made by Mr. Delierneux at the preceding meeting, it was possible to see clearly the intentions of the Secretary-General which had not been the case the previous year, when, as some representatives would remember, the representative of Belgium had been strongly opposed to the plan for integration. There had been several reasons for that opposition. First, the work of IPPC was highly specialised, and it had been feared that the United Nations Secretariat would be too busy to deal thoroughly with the numerous technical problems involved. Secondly, the Belgian representative had had the impression that the majority of members of

IPPC wished their organization to retain its present form. Thirdly, it had seemed that, as at present constituted, IPPC was best adapted to carry out the tasks entrusted to it.

In accordance with resolution 262 (IX) B, the Secretary-General had now produced his plan of integration. The necessity for integration was not yet fully apparent, but only time and experience could show whether Belgium had been justified in her opposition the previous year. At least the plan showed that the basic principles of the IPPC would be upheld. Members would still meet as experts nominated by their governments, and would be able to speak with freedom. For those reasons the Belgian delegation did not wish to vote against any resolution which followed closely the plan submitted.

Mr. MURTINHO (Brazil) expressed general agreement with the representative of Belgium. Brazil had replied negatively to the letter from the Secretary-General asking for comments on the proposed integration. Those answering negatively had been in the minority, but a study of document E/CN.5/205, which contained all the answers received by the Secretary-General, would show that the minority had been a large one. It had been the opinion of the Brazilian Government that IPPC could best carry on its work as constituted at present. In general, the Brazilian Government was in favour of integration and mergers in the international field, but was not anxious to interfere with an organization that had worked well and at small cost. It was feared that while the original European spirit which had imbued IPPC might disappear, the universal spirit which integration was hoped to promote might not develop to the degree expected. So long as membership was confined to Europe, attendance presented no difficulties, but if invitations were to be extended to such countries as Australia and Brazil, the absences that might unavoidably result would weaken the spirit of universality.

Expenditure would inevitably increase as a result of integration. Already a budget of 25,000 dollars was contemplated. Work in areas as yet scarcely touched would entail new expenses. As the Belgian representative had said, however, only time and experience could show whether or not the plan for integration was well advised. The Brazilian delegation was ready to help in

finding the best solution to the problem.

Mr. CATES (United States of America) said that the United States Government fully approved the Secretary-General's report. It was hoped that the plan for integration, which followed closely the proposals contained in document E/CN.5/205, could be put into effect before 1 January 1952. While fully appreciating the work done by IPPC, the United States delegation felt that the present plan, by strengthening the responsibility of the United Nations in the field of penal reform, would make for increased effectiveness; a study of document E/1687 would show that the membership of IPPC was far from universal. It was true, as the Brazilian representative had said, that expansion in the work of the Commission would involve increased expenditure, but if such work was needed in areas not yet covered, the necessary funds must be provided. Mr. Sellin had said that the organization had a current budget of 25,000 dollars. The representative of the Secretary-General, at the fiftieth meeting of the Committee, had mentioned a figure of 21,000 dollars. Nevertheless, if additional expenditure became necessary, the United States was prepared to contribute.

Document E/1735/Add.1 spoke of two meetings of the consultative groups each year. Did not "biennial", as noted in the draft plan, mean every two years? In any event, the Council should not establish a rigid schedule for such meetings. The Secretary-General should be empowered to summon a meeting whenever it appeared necessary.

It would be best if the assets of IPPC were included in the general assets of the United Nations; experience had shown that keeping separate funds led to confusion, but that was a matter which IPPC itself must decide. He agreed that the library of IPPC should be established in Geneva. As to the staff, it was felt that the plan of integration should not include any stipulation that they should be re-employed. As a matter of principle, the hands of the Secretary-General should not be tied. That was no reflection on the individuals concerned. If the present IPPC staff members were as capable as appeared, then no doubt they would receive priority if it were necessary for any extra staff to be engaged. Finally, it must not be forgotten that the United Nations was carrying out work

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which ran parallel with that of IPPC. The present duplication was undesirable.

Mr. BERLIS (Canada) wished to put one question to Mr. Delierneux. Document E/1735, page 7, contained the statement that the programme of study, research and action in that field, submitted for approval to the Economic and Social Council by the Social Commission, embraced the existing programme of IPPC. At the time when the report of the Social Commission had been presented to the Economic and Social Council, it had been thought that all the financial implications of the report had been covered; now the Committee was confronted with the prospect of requests for supplementary appropriations. Could the representative of the Secretary-General explain why there had been no previous mention of those expenses?

Mr. de LACHARRIERE (France) said that he had little to add to the views of the minority, so ably expressed by the representatives of Brazil and Belgium. The views of the representative of Brazil, a Latin American country not represented on IPPC, were particularly significant, as otherwise he (Mr. Lacharriere) might himself have defended the present structure of IPPC, not because it was better, but because it was European. It was essential that the present effectiveness of the work of IPPC should not be sacrificed simply for the mere possibility of achieving greater universality. It was certain that expenses would increase, and more than double that the work would prove more effective. In general, the views of minorities did not seem to have occupied much of the Secretary-General's time. It would be interesting to know whether the representatives of IPPC had had the power to bind their organization. IPPC was to meet soon, not to work out a programme, but to approve a programme already worked out for it. If the representative of Brazil wished to draft a resolution on the lines of his intervention, the French delegation would support it, but if he should decide to join with the majority, the French delegation would also have to do so, with similar regrets.

Mr. RICARD (Denmark) said that his Government had long taken an active part in the work of IPPC, and that the new arrangements would not affect its

/attitude.

attitude. It would be glad to vote for a rational plan.

At first sight, the financial statements seemed reasonable, but that question would have to be left to the General Assembly.

Mr. SEN (India) said that at first sight it appeared that after two years of negotiation some results had been achieved; however, those results were not easy to appreciate. In paragraphs 3 (a), (b), (c), (d) and (e) of document E/1735, four types of activity were mentioned - individual correspondents, consultative groups, an ad hoc advisory committee, and the International Congresses. That seemed to make the whole scheme excessively rigid. It would be better if the plan contained only more general dispositions; furthermore, was it necessary for the time being to go into such details as the marking of library books, or the stipulation that one of the employees of IPPC should work at New York and one at Geneva? Such matters should be left to the Secretary-General. As to the financial estimates, the United States representative was under a misapprehension. The estimate proposed by the Secretary-General was based on the assumption that several groups of experts would be set up, and that on an average there would be two meetings of those groups each year, although any particular group would not meet more than once in two years. On that assumption, the average cost would not come to more than 22,000 dollars a year, a sum considerably less than IPPC was at present spending.

He also expressed the hope that the implementation of the recommendation contained in document E/1735, paragraph (f) (Publication of Periodicals) would not involve any extra expenditure. Turning to the finances of IPPC, he quoted the statement of the Secretary-General of IPPC before the Committee, and pointed out that in fact IPPC was meeting the major part of its expenditure out of capital.

Mr. CATES (United States of America) asked that Mr. Delierneux, when replying to the various questions that had been put, should deal with the points raised in document E/1670/Add.1, paragraph 7.

/Mr. DELIERNEUX

Mr. DELIERNEUX (Secretariat) undertook to reply as precisely as possible to all questions that had been raised, though he asked leave not to take them in the order in which they had been asked.

In reply to the question by the Canadian representative, regarding supplementary expenditure, he stated that the programme of action embracing the regional conferences, the international congresses and the annual ad hoc committee called for extra funds. That was why no extra costs had been mentioned in the report to the Social Committee, which dealt only with the programme of study and research.

The representative of India had complained that the discussion was going into excessive detail, but it must be remembered that in any negotiations there were always two parties to be considered. The Secretariat had tried to avoid going into detail, but the IPPC negotiators had specially asked that such points of detail as would make the plan more acceptable to their Commission should be settled. They were naturally concerned about the future of their staff, and for reasons of sentiment they preferred that their library should remain in Geneva.

Mr. Sellin had already fully explained the budgetary position of IPPC.

It had been asked why there was no mention of the costs of the proposed review. The answer was that the review was the one thing that would require no extra expenditure except, as the United States representative had mentioned, the 10,000 dollar a year salary of the chief editor. It would be useless to start such a review without an expert editorial staff. The representative of France had suggested that the agreement was hasty, but it must be remembered that the question had been pending for four years. Work had proceeded slowly, but finally, as in all questions, a decision had had to be taken. At any rate, co-operation with IPPC had been complete and straightforward, and full consideration had been given to the opinions of minorities.

IPPC was a European organization, but the responsibilities of the United Nations extended beyond Europe. Its task was to bring social progress and enlightenment everywhere in the world. Three quarters of mankind lived outside

Europe, and were asking for help. They knew that a country's penal system was the best test of its social advancement.

Turning to the broader aspects of the plan, he pointed out that the work of the United Nations in the penal field must be at the same time national, regional and universal. It must be national, because obviously all the roots of social progress were national. Hence the arrangement for experts in each country to function as local correspondents. Those experts would also constitute working groups to deal with any particular problem that arose. The United States, France, Sweden, the Philippines and China had already set up such working groups.

It was clear that regional divisions were as real as were national ones. The region of Asia differed from that of Europe or of South America.

Finally, the universal side included such aspects as reports on minimum standards for the treatment of offenders.

Such was the general philosophy of the plan. It was not a rigid formula, but could be amended according to the results of experience over the next few years. It was true that the United Nations was a young organisation, whereas IPPC had existed for seventy-five years, but the achievements of the Social Commission in that field over the last four years showed the fitness of the United Nations to assume IPPC's work.

The CHAIRMAN thanked representatives for their views and announced that at the next meeting there would be a discussion of a draft resolution, or rather working paper (E/AC.24/L.5), should the Australian representative by then have received the instructions he was expecting from his Government.

Speaking as the representative of Mexico, he said, in connection with the objections raised by the representative of Brazil, that considerations of distance should not constitute a major obstacle to the application of the principle of universality, and that the field of study of the United Nations in penal and penitentiary matters should be as universal as possible. No valuable experiment should be overlooked. He cited as an example a provision of the Mexican penal

system, the object of which was to avert psychiatric disorders and homosexuality, by which convicts were allowed to receive periodical visits from their wives. The practice had given excellent results, and had proved a valuable factor in the maintenance of prison discipline. That was an example of the contribution a country could make. Finally, he pointed out that the plan for integration would not result in the creation of a new specialized agency, but simply represented a means of obtaining better results in that sector of the social work of the United Nations.

Mr. LEDWARD (United Kingdom) said that he had maintained his support for the plan, but after hearing the misgivings of the Brazilian, Belgian, French and Indian representatives, he would be prepared to accept some changes in the draft resolution or working paper submitted by the Chairman.

The reply of the representative of the Secretary-General had not changed his feelings. It was to be hoped that some satisfactory solution could be found which would not create the unfortunate impression of rushing matters unduly or over-riding minorities.

Mr. SEN (India) thanked Mr. Delierneux for his explanations, and was glad to hear that the plan was not intended to be rigid.

Mr. CUMES (Australia) thanked the Chairman for deferring a final decision on IPPC until he (Mr. Cumes) had received instructions. He asked, however, that in future documents relating to subjects of that nature should either be distributed earlier, or alternatively discussed later in the session. Otherwise the type of difficulty with which the Committee had been faced that day could hardly fail to recur. The problem was a simple one of mechanics, but it was nevertheless important, and it was essential that it should be satisfactorily solved if delegations were to be able to participate usefully in discussions on important subjects.

The CHAIRMAN noted the request made by the Australian representative.

The meeting rose at 6.05 p.m.
