

UNITED NATIONS



**OFFICIAL RECORDS OF THE FOURTH SESSION
OF THE GENERAL ASSEMBLY**

THIRD COMMITTEE
SOCIAL, HUMANITARIAN AND CULTURAL QUESTIONS

ANNEX
TO THE SUMMARY RECORDS OF MEETINGS

1949

LAKE SUCCESS, NEW YORK

UNITED NATIONS

Official Records of the fourth session of the General Assembly

THIRD COMMITTEE Social, Humanitarian and Cultural Questions

ANNEX

To the summary records of meeting 1949

ERRATUM 1

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* This *erratum* was noted in mimeographed document A/C.3/518/Corr.1, dated 5 January 1951.

UNITED NATIONS



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NOTE

All United Nations documents are designated by symbols, i.e., capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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²The check list of the A/documents of the session—series A/901 to A/1251—follows the table of contents in the volume *Annex to the Plenary Meetings*.

³The numbers appearing in this column are those designated for the agenda of the General Assembly for the fourth session. For the order of items on the agenda of the Third Committee, see the Committee agenda reproduced in the volume *Third Committee* (Summary Records of the Meetings of the Third Committee).

⁴The titles indicated hereunder are the specific titles of the documents. The text of the relevant agenda item is set forth in the table of contents of the present volume.

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⁷Also issued as a mimeographed document under symbol A/C.6/333.

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AGENDA ITEM 11¹

Report of the Economic and Social Council

[*Note*—Mimeographed document *A/C.3/L.24*, the only document relevant to this item which was issued as a document of the Third Committee, is incorporated in the text of the 255th meeting of the Third Committee.]

¹The Rapporteur's report on this item of the agenda will be found in the *Annex to the Plenary Meetings*, under the symbol A/1069.

AGENDA ITEM 29¹

Draft convention on freedom of information

Document A/961

Note by the Secretary-General

[Original text: English]
[25 August 1949]

1. In connexion with its consideration of the report of the Economic and Social Council, the General Assembly, at the second part of its third regular session, had before it the Final Act of the United Nations Conference on Freedom of Information.²

2. By resolution 277 (III) the General Assembly, on 13 May 1949, approved the Convention on the International Transmission of News and the Right of Correction. It also referred to its fourth regular session the draft convention on freedom of information together with the records of the debates on this subject in the Third Committee³ and other organs of the United Nations. Further, the General Assembly was invited to give high priority to this item at its fourth session and to take into full consideration all the substantive amendments to the draft convention which had already been adopted by the Third Committee.

3. Lastly, the General Assembly resolved that the approved Convention on the International Transmission of News and the Right of Correction should not be open for signature until the General Assembly had taken definite action on the draft convention on freedom of information.

4. The Secretary-General will present a memorandum on the draft convention to the appropriate Committee of the General Assembly.

Document A/C.3/518

Memorandum by the Secretary-General

[Original text: English]
[20 September 1949]

1. At the second part of its third session the General Assembly (resolution 227 (III)) referred to its fourth session the draft convention on freedom of information together with records of the debate on this subject in the Third Committee and other organs of the United Nations. It invited the General Assembly, at its fourth session, to give high priority to this item and to take into full consideration all the substantive amendments to the draft convention already adopted by the Third Committee.

2. The records of the discussion of the Third Committee at the second part of the third session of the General Assembly are to be found in documents A/C.3/SR.208–218. The records of the discussions of the seventh session of the Economic and Social Council are to be found in documents E/SR. 180, 201, 202, 219, 221 and 223.

3. For the convenience of the Third Committee the text of the draft convention, as proposed by the United Nations Conference on Freedom of Information, is reproduced below in the left-hand column and the texts of those articles of this convention which were re-drafted by the Third Committee at the second part of the third session of the General Assembly (i.e., articles 1 to 5) are given in the right-hand column.

CONFERENCE TEXT (E/CONF.6/79)

Preamble

The States Parties to this Convention,

Considering that the free interchange of information and opinions, both in the national and in the international sphere, is a fundamental human right and essential in the cause of peace and for the achievement of political, social and economic progress, and

Desiring to co-operate fully with one another to promote the peace and welfare of mankind by this means,

Have accepted the following provisions:

Article 1

Subject to the provisions of articles 2, 4, 5 and 6 of this Convention,

THIRD COMMITTEE TEXT

Preamble

(The Preamble to the draft convention was not considered by the Third Committee.)

Article 1

Subject to the further provisions of this Convention,

¹The Rapporteur's report on this item will be found in the *Annex to the Plenary Meetings* under the symbol A/1010.

²E/CONF.6/79 (see also A/631).

³A/C.3/SR.208 to 218.

(a) Each Contracting State shall secure to all its own nationals and to the nationals of every other Contracting State lawfully within its territory freedom to impart and receive information and opinions, orally, by written or printed matter, in the form of art, or by legally operated visual or auditory devices without governmental interference;

(b) No Contracting State shall regulate or control the use or availability of any of the means of communication referred to in the preceding paragraph, in any manner discriminating against any of its own nationals or of the nationals of any other Contracting State on political or personal grounds or on the basis of race, sex, language or religion;

(c) Each Contracting State shall secure to all its own nationals and to the nationals of every other Contracting State, freedom to transmit and listen to information and opinions within its territories and across its frontiers by any legally operated means without governmental interference;

(d) Each Contracting State shall permit the nationals of other Contracting States as much freedom to seek information as it grants its own nationals;

(e) The Contracting States shall encourage and facilitate the interchange between their territories of those of their nationals engaged in the gathering of information and opinions for dissemination to the public and shall deal expeditiously with applications by such persons to enter their territories.

Article 2

1. The freedoms referred to in paragraphs (a), (c) and (d) of article 1 carry with them duties and responsibilities and may therefore be subject to necessary penalties, liabilities and restrictions clearly defined by law, but only with regard to:

(a) Matters which must remain secret in the interest of national safety;

(b) Expressions which incite persons to alter by violence the system of government or which promote disorder;

(c) Expressions which incite persons to commit criminal acts;

(d) Expressions which are obscene or which are dangerous for youth and expressed in publications intended for them;

(e) Expressions which are injurious to the fair conduct of legal proceedings;

(f) Expressions which infringe literary or artistic rights;

(g) Expressions about other persons, natural or legal, which defame their reputations or are otherwise injurious to them without benefiting the public;

(h) Legal obligations resulting from professional, contractual or other legal relationships including disclosure of information received in confidence in a professional or official capacity;

(a) Each Contracting State shall secure to its own nationals and to such of the nationals of every other Contracting State as are lawfully within its territory freedom to receive and impart without governmental interference information and opinions regardless of frontiers, orally, in writing or in print, in the form of art, or by duly licensed visual or auditory devices;

(b) No Contracting State shall regulate or control the use or availability of any of the means of communication referred to in the preceding paragraph, in any manner discriminating against any of its own nationals or of the nationals of any other Contracting State on political grounds or on the basis of their race, sex, language or religion;

(c) Each Contracting State shall permit the nationals of other Contracting States as much freedom to seek information as it grants to its own nationals;

(d) The Contracting States shall encourage and facilitate the interchange between their territories of those of their nationals engaged in the gathering of information and opinions for dissemination to the public and shall deal expeditiously with applications by such persons to enter their territories for the lawful exercise of their professional functions.

Article 2

The exercise of the freedom referred to in article 1 carries with it duties and responsibilities and may therefore be subject to certain penalties, liabilities and restrictions clearly defined by law and necessary only in the interest of public order and national security; for the prevention of the diffusion of reports for racial, national or religious discrimination; for the prevention of disorder or crime; for the protection of public safety, health or morals; for the protection of the rights of other, natural or legal persons; for preventing the disclosure of information received in confidence; for maintaining the fair administration of justice; for preventing the diffusion of false or distorted reports which undermine friendly relations between peoples or States; or for the removal of economic obstacles which may hamper the free dissemination of information.

- (i) The prevention of fraud;
- (j) The systematic diffusion of deliberately false or distorted reports which undermine friendly relations between peoples or States.

2. A Contracting State may establish on reasonable terms a right of reply or a similar corrective remedy.

Article 3

Each Contracting State shall encourage the establishment and functioning within its territory of one or more non-official organizations of persons employed in the dissemination of information to the public, in order to promote the observance by such persons of high standards of professional conduct, and in particular:

- (a) To report facts without prejudice and in their proper context and to make comments without malicious intent;
- (b) To facilitate the solution of the economic, social and humanitarian problems of the world as a whole and the free interchange of information bearing on such problems;
- (c) To help promote respect for human rights and fundamental freedoms without discrimination;
- (d) To help maintain international peace and security;
- (e) To counteract the persistent spreading of false or distorted reports which promote hatred or prejudice against States, persons or groups of different race, language, religion or philosophical conviction.

Article 4

Nothing in the present Convention shall affect the right of any Contracting State to take measures which it deems necessary in order:

- (a) To bring its balance of payments into equilibrium;
- (b) To develop its national news enterprises until such time as such news enterprises are fully developed;
- (c) To prevent agreements in restraint of the free flow of information or the cartelization in regard to information:

Provided that such measures may not be used as a means of preventing the entry of nationals of other Contracting States who are engaged in the gathering of information and opinions for dissemination to the public.

Article 3

(New article)

A Contracting State may establish a right of reply or a similar corrective remedy.

Article 4

(Corresponding to article 3 of the original text)

Each Contracting State shall favour the establishment and functioning within its territory of one or more non-official organizations of persons employed in the dissemination of information to the public, in order to promote the observance by such persons of high standards of professional conduct, and in particular the moral obligation to report facts without prejudice and in their proper context and to make comments without malicious intent, and thereby to:

- (a) Facilitate the solution of the economic, social and humanitarian problems of the world as a whole, by the free exchange of information bearing on them;
- (b) Help promote respect for human rights and fundamental freedoms without discrimination;
- (c) Help maintain international peace and security;
- (d) Counteract the spreading of false or distorted reports which promote hatred or prejudice against other States, or against persons or groups of different race, language, religion or philosophical conviction;
- (e) Combat any form of propaganda for war.

Article 5

(Corresponding to article 4 of the original text)

Note: The Committee voted favourably on the separate paragraphs of this article, but rejected it as a whole by 14 votes to 11 with 8 abstentions. The text thus rejected reads as follows:

“Nothing in the present convention shall affect the right of any Contracting State to take measures:

“(a) Which it deems necessary to safeguard its external financial position and balance of payments; provided, however, that import restrictions imposed for this purpose are being applied more widely and not exclusively upon informational material;

“(b) To develop and protect its national news enterprises;

“(c) To prevent restrictive or monopolistic practices or agreements in restraint of the free flow of information;

“(d) To control international broadcasting originating within its territory, provided that such measures may not be used as a means of preventing the entry, movement or residence of nationals of other Contracting States engaged in the gathering and transmission of information and opinions for dissemination to the public.”

Article 5

Nothing in the present Convention shall prevent a Contracting State from reserving under its legislation to its own nationals the right to edit newspapers or news periodicals produced within its territory.

Article 6

Nothing in the present Convention shall limit the discretion of any Contracting State to refuse entry into its territory to any particular person, or to restrict the period of his residence thereon.

Article 7

As between the Contracting States which become parties to any general agreement on human rights sponsored by the United Nations and containing provisions relating to freedom of information, the present Convention shall be superseded by such agreement to the extent that the two instruments are inconsistent.

Article 8

In time of war or other public emergency a Contracting State may take measures derogating from its obligations under the present Convention to the extent strictly limited by the exigencies of the situation.

Any Contracting State availing itself of this right of derogation shall promptly inform the Secretary-General of the United Nations of the measures which it has thus adopted and of the reasons therefor. It shall also inform him as and when the measures cease to operate.

Article 9

Any dispute between any two or more Contracting States concerning the interpretation or application of the present Convention which is not settled by negotiations shall be referred to the International Court of Justice for decision unless the Contracting States agree to another mode of settlement.

Article 10

1. The present Convention shall be open for accession to every State invited to the United Nations Conference on Freedom of Information held at Geneva in March and April, 1948, and to every other State which the General Assembly of the United Nations shall, by resolution, declare to be eligible.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 11

When any two of the States mentioned in article 10 have deposited their instruments of accession, the present Convention shall come into force between them on the thirtieth day after the date of the deposit of the second instrument of accession. It shall come into force for each State which accedes after that date on the thirtieth day after the deposit of its instrument of accession.

Article 12

Any Contracting State may denounce the present Convention by notification of denunciation to the Secretary-General of the United Nations.

Denunciation shall take effect six months after the date of receipt by the Secretary-General of the United Nations of the notification of denunciation.

Article 13

(a) A State party to the present Convention may at the same time of its accession thereto or at any time thereafter by notification addressed to the Secretary-General of the United Nations declare that the present Convention shall extend to any of the territories for the international relations of which it is responsible, and the Convention shall extend to the territories named in the notification as from the thirtieth day after the date of receipt by the Secretary-General of the United Nations of the notification. The respective Contracting States undertake to seek immediately the consent of the Governments of such territories to the application of the present Convention to such territories, and to accede forthwith on behalf of and in respect of each such territory, if and when its consent has been obtained.

(b) A State which has made a declaration under paragraph (a) above extending the present Convention may with the consent of the Government concerned at any time thereafter by notification to the Secretary-General of the United Nations declare that the Convention shall cease to extend to any territory named in the notification, and the Convention shall then cease to extend to such territory six months after the date of receipt by the Secretary-General of the United Nations of the notification.

Article 14

The Secretary-General of the United Nations shall notify each of the States referred to in article 10 of the date of the deposit of every instrument of accession and of the date on which this Convention comes into force and of any information received by him in accordance with the provisions of article 11 and of every notification received by him in accordance with the provisions of articles 12 or 13.

Document A/C.3/L.4

Netherlands, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

[Original text: English]
[26 September 1949]

The General Assembly,

Considering that resolution 277 (III), 13 May 1949, provides "that the draft Convention on the International Transmission of News and the Right of Correction shall not be open for signature until the General Assembly has taken definite action on the draft Convention on Freedom of Information",

Considering the postponement of further action on the draft convention on freedom of information,

Requests the Secretary-General to open for signature the Convention on the International Transmission of News and the Right of Correction.

Document A/C.3/L.6

France: draft resolution

[Original text: French]
[26 September 1949]

The General Assembly,

Considering that the convention on freedom of information is complementary to the Convention on the International Transmission of News and the Right of Correction,

Considering that any postponement or reference to another organ of the United Nations—for which there is no technical justification—without further consideration by the Third Committee would amount to a confession of impotence by that Committee, to a breach of obligations already assumed and to a disavowal of all the effort already made, and would imperil the existence of the first Convention,

Considering however that, in view of the debates which took place in May last, it is evident that before any general discussion, preparatory work must be undertaken with a view both to clarification and to conciliation,

Decides to establish a Working Party, within the structure of the Third Committee, to examine the draft convention on freedom of information; such Party shall consist of eleven members appointed by the Committee on the proposal of the Chairman and shall have as its terms of reference to study the draft convention approved by the United Nations Conference on Freedom of Information held at Geneva and the amendments made thereto by the Third Committee during the third session of the General Assembly. It shall endeavour to elucidate the exact scope of each of the provisions, to eliminate overlapping and contradictions, and to discover common ground between the diverging opinions. It shall report to the Third Committee before 15 October 1949.

AGENDA ITEM 30¹

Discriminations practised by certain States against immigrating labour and, in particular, against labour recruited from the ranks of refugees

Document A/C.3/524

Poland: draft resolution

[Original text: French]
[6 October 1949]

Whereas,

1. Discriminations are practised in many States against immigrant labour, and, in particular, against labour recruited from the ranks of refugees and displaced persons, in respect of working and living conditions, social insurance, trade union rights, the right of protection of economic and occupational interests, the right to education and culture and in respect of other civic rights; and whereas such discriminations subject immigrant labour to particularly intense exploitation at the hands of the employers, and

2. These discriminations are incompatible with the fundamental principles of the United Nations Charter and fundamental human rights,

The General Assembly recommends Member States:

(a) To apply to immigrant labour the principle of non-discrimination as regards nationality, race, religion or citizenship, and to accord such labour equal treatment with their own citizens;

(b) To grant to immigrant labour the right to transfer savings to the country of origin;

(c) To grant to immigrant labour the right of repatriation at the expense of the country of immigration;

(d) To recruit immigrant labour and fix the working and living conditions of such labour exclusively on the basis of bilateral conventions concluded between the emigration and immigration countries and negotiated with the participation of the trade unions of the countries concerned,

And

Requests the Secretary-General to transmit to all Member States employing immigrant labour a questionnaire on the situation of such labour and to report to the fifth session of the General Assembly.

Document A/C.3/L.18

Cuba: amendment to draft resolution submitted by Poland (A/C.3/524)

[Original text: Spanish]
[14 October 1949]

Add after paragraph (c) of the recommendation contained in the draft resolution the following:

¹The Rapporteur's report on this item will be found in the *Annex to the Plenary Meetings* under symbol A/1052.

“ . . . always provided that such labour has entered the country under contract and in conformity with the relevant legal provisions.”

Document A/C.3/L.19

United Kingdom of Great Britain and Northern Ireland: revised draft resolution on treatment of migrant labour

[Original text: English]
[14 October 1949]

The General Assembly,

Having considered item 30 of the agenda of the fourth session of the General Assembly entitled “Discriminations practised by certain States against immigration labour and, in particular, against labour recruited from the ranks of refugees”,

Noting that the question of the treatment of migrant labour has been dealt with by the International Labour Conference which, at its thirty-second session, adopted a convention and a recommendation dealing comprehensively with migration for employment,

Decide to transmit to the International Labour Organisation the records of the discussions on this subject at its fourth session with the request that it should do all in its power to expedite the adoption and application of the convention by its members, in view of the importance of the principle of non-discrimination embodied in the Declaration of Human Rights.

Document A/C.3/L.20

Mexico: amendment to the revised draft resolution of the United Kingdom of Great Britain and Northern Ireland on treatment of migrant labour (A/C.3/L.19)

[Original text: Spanish]
[15 October 1949]

Add at the end of the United Kingdom proposal the following text:

“ . . . and with a view to its observance from the standpoint of the social relations of the workers and their families with the inhabitants of the region so that no offensive distinctions may be established and all facilities for accommodation, food, education, recreation and medical assistance, both public and private, provided for the community, may be available to them.”

AGENDA ITEM 31¹

United Nations International Children's Emergency Fund: (a) report of the United Nations International Children's Emergency Fund: item proposed by the Economic and Social Council; (b) United Nations Appeal for Children: report of the United Nations International Children's Emergency Fund

Document A/1006

Note by the Secretary-General

[Original text: English]
[4 October 1949]

1. The activities of the International Children's Emergency Fund were summarized in a special report to the ninth session of the Economic and Social Council.² The Economic and Social Council decided to transmit this report to the fourth session of the General Assembly together with the following resolution (257 (IX)):

"The Economic and Social Council,

"Having considered the report of the United Nations International Children's Emergency Fund,

"Records its appreciation that thirty-two governments have contributed to the Fund, many of them for a second and a third time, and that, in addition, millions of individuals contributed to the United Nations Appeal for Children in 1948 and are doing so again in 1949;

"Notes the steps taken by the Fund with respect to the United Nations Appeal for Children pursuant to General Assembly resolution 215 (III);

"Notes the arrangements between the Fund and the United Nations Department of Social Affairs, the World Health Organization and the Food and Agriculture Organization whereby the Fund in its programme relies so far as possible on these agencies for technical assistance and advice;

"Notes the decision of the Executive Board of the Fund to report to the tenth session of the Council on a study to be conducted in co-operation with the Secretary-General, the Social Commission and interested specialized agencies with a view to developing recommendations as to methods of organization and procedure within the United Nations and the specialized agencies required to ensure that the continuing needs of children may be identified and given due emphasis and attention;³

"Notes the decision of the Executive Board of the Fund regarding the French Government's generous offer to establish a Children's Centre in Paris providing facilities for instruction, demonstrations and research of an international character, and expresses its gratification at the type of collabora-

tion offered by the Executive Board of the World Health Organization for the purpose of establishing the Centre;

"Recommends to the Executive Board of the Fund that it make in the light of the action taken by the Executive Board of WHO,⁴ the necessary adjustments in the arrangements for the establishment and the administration of the Children's Centre in Paris, and keep the Council informed of the progress made in implementation of this project; and

"Transmits the report of the Fund and this resolution to the General Assembly, drawing particular attention to the fact that further contributions are necessary to enable the Fund to carry out the programme it envisages for the fiscal year ending 30 June 1950."

2. When the United Nations Appeal for Children was continued by General Assembly resolution 215 (III) of 8 December 1948, the International Children's Emergency Fund was requested "to assist in the conduct of national campaigns . . ." and "to report concerning the appeals to the ninth session of the Economic and Social Council and to the fourth regular session of the General Assembly". The report so requested constitutes a section in the Fund's special report to the Economic and Social Council.⁵ The Council took note of the report in its resolution on the Fund, quoted above.

Document A/C.3/L.34

United States of America: draft resolution

[Original text: English]
[17 November 1949]

The General Assembly,

Having considered the report of the United Nations International Children's Emergency Fund and resolution 257 (IX) of the Economic and Social Council,

Notes with appreciation that thirty-six governments have contributed to the Fund, many of them for a second and third time, and that millions of individuals in addition have contributed to the United Nations Appeal for Children in 1948 and 1949;

³*Ibid.*, annex V.

⁴See document E/1431.

⁵See *Report of the International Children's Emergency Fund* submitted to the Economic and Social Council at its ninth session (E/1406), section VII and annex 3.

¹The Rapporteur's report on this item of the agenda will be found in the *Annex to the Plenary Meetings*, under symbol A/1152.

²See *Report of the International Children's Emergency Fund* submitted to the Economic and Social Council at its ninth session (E/1406).

Draws the attention of Members to the need for further prompt contributions to assure procurement of supplies to enable the Fund to carry out its programme for the fiscal year ending 30 June 1950, in pursuance of the objectives for which the Fund was established.

Document A/C.3/L.35

Australia, France, Israel, Mexico and New Zealand: draft resolution

[Original text: English]
[17 November 1949]

The General Assembly,

1. *Having considered* the reports of the Economic and Social Council and of the United Nations International Children's Emergency Fund,

2. *Notes* the steps taken by the Fund with respect to the United Nations Appeal for Children pursuant to General Assembly resolution 215 (III);

3. *Congratulates* the Fund, now in its third year of operations, on its great humanitarian effort in Asia, Latin America, Africa, the Middle East and Europe, in bringing substantial aid of lasting value through feeding, medical and related programmes to millions of mothers and children;

4. *Notes* with concern that emergency needs arising out of the war still persist and that in addition the Fund's experience has demonstrated great needs in underdeveloped countries;

5. *Recognizes* the important role played by the Fund in the structure of the United Nations welfare bodies;

6. *Expresses* gratification at the continued generous support of the Fund by governments and individuals, amounting to 40 million dollars in the past year;

7. *Draws the attention* of Members to the urgent necessity of further contributions to enable the Fund to carry out its programmes.

Document A/C.3/L.36

Mexico: amendment to draft resolution of Australia, France, Israel, Mexico and New Zealand (A/C.3/L.35)

[Original text: Spanish]
[18 November 1949]

Insert the following two paragraphs between paragraphs 1 and 2 of the draft resolution:

"Considering that various official and private international organizations are interested in this question of child welfare,

"Appeals to these international organizations to collaborate with UNICEF by making special studies of procuring moneys from private sources to assist in its support."

Document A/C.3/L.37

Uruguay: draft resolution

[Original text: Spanish]
[18 November 1949]

The General Assembly,

Noting the reports of the International Children's Emergency Fund; and

Considering that the said reports show that the grave post-war conditions which led to the establishment of the International Children's Emergency Fund still persist,

Declares that it considers it a fundamental duty under the Charter to devote special attention to the position of destitute children in every part of the world;

And to that end resolves

1. To reaffirm the purposes which led it to establish the International Children's Emergency Fund to deal with this problem;

2. To recommend to Member States:

(a) That each Member State, in making provision in its budget for social services for its own children, should make a special appropriation to relieve, through the International Children's Emergency Fund, the destitution of any other group of children in any part of the world;

(b) That this special appropriation should be designated in the budget of each contributing State "United Nations International Co-operation Service for Children";

(c) That each Member State may offer this contribution, wholly or partly, in its own currency;

(d) That the said contribution may be applied, wholly or partly, to the acquisition of products of the contributing country in accordance with the allocation plan of the International Children's Emergency Fund and as requested by it;

(e) That in fixing its contribution, each government may take as a basis the data established by the International Children's Emergency Fund regarding the annual cost of supplementary feeding for each child in the neediest areas of the world;

(f) That in order to implement its plan, the International Children's Emergency Fund shall integrate its work with existing regional institutions specializing in child care services;

Likewise the General Assembly resolves

1. That the International Children's Emergency Fund shall consult the Interim Committee of the General Assembly on all matters arising in connexion with the application of this plan with a view to securing better and speedier implementation of its recommendations;

2. To recommend to the Secretary-General to submit the necessary information and recommendations to the Interim Committee of the General Assembly.

Document A/C.3/L.38

Argentina and Brazil: amendment to draft resolution of Australia, France, Israel, Mexico and New Zealand (A/C.3/L.35)

[Original text: English]
[21 November 1949]

1. Substitute the first and second paragraphs of the United States draft resolution (A/C.3/L.34) for paragraphs 1 and 2 of the joint draft resolution.

2. Redraft paragraph 3 of the joint draft resolution as follows:

"Congratulates the Fund, now in its third year

of operation, on its great humanitarian effort in Europe, now being extended to Asia, the Middle East, Latin America and Africa, in bringing substantial aid . . .”

3. Redraft paragraph 4 as follows :

“*Notes with concern* the existence of children’s emergency needs arising out of war and natural catastrophes as well as the great needs which the Fund’s experience has demonstrated to occur in under-developed countries.”

4. Insert a new paragraph 5 to be placed after paragraph 4 to read as follows :

“*Approves* the decisions of the Executive Board of the Fund to devote henceforth a greater share of the Fund’s resources to the development of programmes outside Europe.”

5. Delete paragraph 6. The old paragraph 5 becomes paragraph 6.

Document A/C.3/L.39

Australia: draft resolution

[*Original text: English*]
[21 November 1949]

The General Assembly,

1. *Having considered* the reports of the Eco-

nomie and Social Council and of the United Nations International Children’s Emergency Fund,

2. *Recognizing* the important role which the Fund has been playing in the structure of the United Nations,

3. *Notes* the steps taken by the Fund with respect to the United Nations Appeal for Children pursuant to General Assembly resolution 215 (III) ;

4. *Congratulates* the Fund, now in its third year of operation, on its great humanitarian effort in Europe, now being extended to Asia, the Middle East, Latin America and Africa, in bringing substantial aid of lasting value through feeding, medical and related programmes to millions of mothers and children ;

5. *Notes with concern* the existence of children’s emergency needs arising out of war and natural catastrophes as well as the great needs which the Fund’s experience has demonstrated to occur in under-developed countries ;

6. *Expresses* gratification at the continued generous support of the Fund by governments and individuals, amounting to 40 million dollars in the past year ;

7. *Draws the attention* of Members to the urgent necessity of further contributions to enable the Fund to carry out its programmes.

AGENDA ITEM 62¹

Draft convention for the suppression of the traffic in persons and of the exploitation of the prostitution of others: item proposed by the Economic and Social Council

Document A/977

Note by the Secretary-General

[Original text: English]
[15 September 1949]

1. The General Assembly, by its resolution 51 (I), requested the Economic and Social Council to assume certain non-political functions and activities previously performed by the various committees and commissions of the League of Nations.

2. The Economic and Social Council, by its resolution 43 (IV), requested the Secretary-General, *inter alia*, to resume the study of the draft convention prepared by the League of Nations in 1937 regarding the exploitation of the prostitution of others; to make any necessary amendments to bring it up to date; and to introduce any desirable improvement in view of the changes in the general situation since 1937.

3. Further, the Economic and Social Council, by its resolution 83 (V), requested the Secretary-General to report to the Social Commission on the possibility of the unification of the existing international instruments for the suppression of the traffic in women and children. The Social Commission was, by the same resolution, requested to advise the Council as to the steps necessary for the implementation of such unification.

4. At its third session the Social Commission, having studied the report of the Secretary-General regarding the revision of the 1937 draft convention mentioned under paragraph 2 above, advised the Economic and Social Council that developments since 1937 allowed for the immediate formulation and conclusion of a new and comprehensive convention for the suppression of the traffic in women and children and the prevention of prostitution, and that such a convention should unify the existing international instruments in this field and also embody the substance of the 1937 draft convention as well as any desirable improvement thereto.

5. The Economic and Social Council, by resolution 155E(VII), requested the Secretary-General to prepare a draft of such a convention, to ascertain the views of governments and international organizations specialized in this field regarding this draft, and to submit the draft convention and any

views expressed to the Social Commission at its fourth session.

6. The Social Commission, having considered at its fourth session the report of the Secretary-General as well as the views expressed by governments and interested international organizations, submitted a draft of a unified convention to the Economic and Social Council.

7. At its ninth session, the Economic and Social Council, after discussing the recommendations of the Social Commission,² adopted the following resolution on 23 July 1949 (243B (IX)):

"The Economic and Social Council,

"Considering that with respect to the suppression of the traffic in women and children the following international instruments are in force:

"(a) International Agreement of 18 May 1904 for the Suppression of the White Slave Traffic;

"(b) International Convention of 4 May 1910 for the Suppression of the White Slave Traffic;

"(c) International Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children; and

"(d) International Convention of 11 October 1933 for the Suppression of the Traffic in Women of Full Age,³

"Considering that in its resolution 43 (IV) of 29 March 1947 the Council requested the Secretary-General to resume the study of the draft Convention for Suppressing the Exploitation of the Prostitution of Others, prepared by the League of Nations in 1937,⁴ to make any necessary amendments thereto in order to bring it up to date, and to introduce any desirable improvement in view of the changes in the general situation since 1937,

"Considering that in its resolution 155E(VII) of 13 August 1948 the Council requested the Secretary-General to prepare a new and comprehensive draft convention for the suppression of the traffic in women and children and the prevention of prostitution, and that such a convention should unify the above-mentioned instruments and also embody the substance of the 1937 draft Convention as well as any desirable amendments thereto; and, moreover, requested the Social Commission to examine that draft Convention and to submit its views thereon to the Council,

(b) are reproduced in annex VII to document E/CN.5/41. The conventions referred to under (c) and (d) are reproduced in annex IV to document E/CN.5/41.

⁴The text of the 1937 draft convention in its original form and as amended, is contained in document E/CN.5/41, pages 21 to 45.

¹The Rapporteur's report on this item of the agenda will be found in the *Annex to the Plenary Meetings*, under symbol A/1164.

²See *Official Records of the Economic and Social Council*, Fourth Year, Ninth Session, *Supplement No. 8* (E/1359).

³The texts of the instruments referred to under (a) and

"Having considered the draft Convention submitted by the Social Commission at its fourth session,¹

"Recommends the conclusion of an international convention on the basis of the proposed draft, taking into account the views expressed at the ninth session of the Council;

"Submits the proposed draft to the General Assembly together with the records of the proceedings of the Council on this subject;² and

"Requests the Secretary-General to inform Member Governments and the Parties to the above-mentioned instruments of this recommendation."

Document A/C.3/520

Note by the Secretary-General

[Original text: English and French]
[28 September 1949]

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I. BACKGROUND INFORMATION

1. The draft convention for the suppression of the traffic in persons and the exploitation of the prostitution of others has been prepared under the terms of resolution 155E (VII), adopted by the Economic and Social Council on 13 August 1948.³ In accordance with that resolution the draft convention unifies the four existing international instruments for the suppression of the traffic in women and children, namely:

(a) International Agreement of 18 May 1904 for the Suppression of the White Slave Traffic;

(b) International Convention of 4 May 1910 for the Suppression of the White Slave Traffic;

(c) International Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children; and

(d) International Convention of 11 October 1933 for the Suppression of the Traffic in Women of Full Age.⁴

The draft convention referred to above further embodies the substance of the draft convention for suppressing the exploitation of the prostitution of others, prepared by the League of Nations in 1937,⁵ and also, as requested by the Economic and Social Council, certain amendments thereto, considered desirable in view of the changes in the general situation since 1937.⁶

2. The draft convention for the suppression of the traffic in persons and of the exploitation of the prostitution of others, as prepared by the Secretariat, is contained in document E/1072, which was submitted to all Member Governments on 12 January 1949. The draft convention as it appears after the discussion in the Social Commission and in the Economic and Social Council is contained in the annex to resolution 243B (IX). It is therefore considered superfluous to reproduce it here.

The main points of the discussion in the Social Commission are reflected in the report of the fourth session of the Commission,⁷ and the discussion which took place in the Social Committee of the Economic and Social Council and in the Council itself is contained in the appropriate summary records.⁸

3. The Economic and Social Council in its resolution 243B (IX), adopted on 23 July 1949, decided to submit the proposed draft convention to the General Assembly, together with the records of the proceedings of the Council, which are summarized below in order to facilitate the work of the Assembly.

II. MAIN POINTS OF DISCUSSION IN THE SOCIAL COMMISSION AND THE SOCIAL COMMITTEE OF THE ECONOMIC AND SOCIAL COUNCIL

4. Article 1

The main question involved here is whether or not the *purpose of gain* should be omitted from the description of the offences covered by the article. In the original Secretariat draft there was no reference to the purpose of gain, but the Social Commission decided, by 7 votes to 3, with 2 abstentions, that *in principle* the purpose of gain should be included when the offences in question were committed against adults. This necessitated a complete redraft of the article in order to state the exceptions to that rule.

In the Social Committee of the Economic and Social Council the discussion mainly centred around the same question. The representatives of *Brazil, France* and the *Union of Soviet Socialist Republics* would prefer to omit the reference to the purpose of gain. The representative of *New Zealand*, Chairman of the Social Commission, explained the Commission's view and stated that any country would be free to enact more stringent laws than provided for in the convention.⁹

¹See annex to this resolution.

²See documents E/AC.7/SR.81-83 and E/SR.306.

³See *Resolutions adopted by the Economic and Social Council* during its seventh session, page 34.

⁴The texts of the instruments referred to under (a) and (b) are reproduced in Annex VII to document E/CN.5/41. The texts of the Conventions mentioned under c and d will be found in Annex IV to E/CN.5/41.

⁵The text of the 1937 draft convention is contained in document E/CN.5/41, pages 21 to 45 (left column).

⁶See *Resolutions adopted by the Economic and Social Council* during its fourth session, page 24.

⁷See *Official Records of the Economic and Social Council*, Fourth Year, Ninth session, *Supplement No. 8*, section II, A.

⁸See documents E/AC.7/SR.81 to 83 and *Official Records of the Economic and Social Council*, Fourth Year, Ninth Session, 306th meeting.

⁹See document E/AC.7/SR.81, pages 20 to 22.

5. Article 6

In the Social Commission the representative of *France* proposed an amendment which would have made it possible under the convention to maintain registration of prostitutes but only for medico-social purposes. The proposal was rejected by 5 votes to 5, with 3 abstentions.

The question was raised by the representative of *France* in the Social Committee of the Economic and Social Council and discussed by the Committee. The representative of *New Zealand* explained the view of the Social Commission.¹

6. Article 8

In the Social Committee, the representative of the *United States of America* pointed out that article 8 and the other articles relating to extradition were of a highly technical nature and required examination by legal experts, that is, by the Sixth Committee of the General Assembly.²

7. Article 9

In the Social Committee the representative of *Venezuela* stated that he considered the last paragraph of article 9 to be an infringement of the sovereignty of States.²

8. Article 12

The representative of *Venezuela* in the Social Committee pointed out that article 12 was obscure and required clarification. The representatives of *Denmark* and *France* raised the question whether the article was necessary. The representative of *New Zealand*, in his capacity as Chairman of the Social Commission, and the representative of the Legal Department of the Secretariat, made explanatory statements. It appeared that although the article was not strictly necessary from a legal point of view, it might be desirable for psychological and political reasons.³

9. Article 16

The representative of *Lebanon* in the Social Committee raised certain questions concerning the furnishing of information regarding offences and offenders as provided for by article 16 of the convention. Should such information be furnished automatically, and should it include all persons concerned, even if they were not nationals of the country that requested information? The representative of *New Zealand* replied to those questions.⁴

10. Article 17

Several members of the Social Commission felt that the convention would be incomplete if it did not include a clause providing services for the prevention of prostitution and the rehabilitation of prostitutes. Several amendments to the text proposed by the Secretariat were adopted, and in the final vote article 17 was adopted by 12 votes to none, with 2 abstentions.

In the Social Committee of the Economic and Social Council⁵ the representative of *Belgium* stated that, in principle, the Belgian delegation would prefer article 17 to be omitted as not being in direct relation to the subject of the convention.

¹See document E/AC.7/SR.81, pages 22 to 24 and E/AC.7/SR.82, pages 3 to 5.

²See document E/AC.7/SR.82, page 5.

³*Ibid.*, pages 5 and 6.

⁴*Ibid.*, pages 6 and 7.

In any case the wording should be changed. A slight change in the wording was also proposed by the representative of *France*. The representative of the *United States of America* considered article 17 to be very important, indeed the keystone of the convention. The article was also supported by the representatives of *China* and the *United Kingdom*.

11. Article 18

The representative of *Lebanon* in the Social Committee of the Economic and Social Council thought that sub-paragraph (d) of article 18 was either inappropriate or pointless. In any case the provisions of sub-paragraph (c) rendered sub-paragraph (d) superfluous. There followed a discussion of these sub-paragraphs, including the explanatory statements by the representative of *New Zealand* in his capacity as Chairman of the Social Commission, and by the representative of the Legal Department of the Secretariat.⁶

12. Article 19

The representative of *Belgium* in the Social Committee proposed to replace the term "aliens who are prostitutes" by "victims of international traffic in persons for the purpose of prostitution".⁷

13. Article 23

In the Social Commission the representative of the *Union of Soviet Socialist Republics* proposed to delete the reference in article 23 to the International Court of Justice. Instead, disputes should be referred to an arbitrator selected by mutual agreement of the parties to the dispute. The Chairman of the Social Commission recalled that in resolution 171 (II) the General Assembly had recommended greater use of the International Court of Justice. The proposal of the representative of the Soviet Union was rejected by 11 votes to 4, with 1 abstention. Article 23 was adopted by 11 votes to none, with 4 abstentions.

The above-mentioned USSR proposal was raised again in the Social Committee of the Economic and Social Council.⁸

14. Article 24

The representative of the *Union of Soviet Socialist Republics* on the Social Commission proposed to replace the second sentence of the article by the following:

"For the purpose of this Convention the word 'State' shall include all colonies and Trust Territories of any State signing or accepting this convention, and all other territories for which such State bears international responsibility."

This amendment was rejected by 8 votes to 7, with 1 abstention.

In the Social Committee of the Economic and Social Council the proposal was again submitted by the USSR representative, supported by the representative of *Poland*. The representative of *New Zealand* pointed out that adoption of the USSR amendment would involve the elimination of article 27, the colonial application clause.⁹

⁵*Ibid.*, pages 7 to 9.

⁶*Ibid.*, pages 9 and 10.

⁷*Ibid.*, page 10.

⁸*Ibid.*, page 11.

⁹*Ibid.*, pages 11 and 12.

15. Article 27

In the Social Commission the representative of the *Union of Soviet Socialist Republics* proposed the deletion of article 27, and recalled that in 1947 the General Assembly had adopted a USSR proposal to delete similar provisions from the 1921 Convention for the Suppression of the Traffic in Women and Children and the 1933 Convention for the Suppression of the Traffic in Women of Full Age.

The article was defended, particularly by the representatives of *France* and the *United Kingdom*, who explained that their Governments could not compel the local authorities in the territories for which they had international responsibility to accept laws or conventions ratified by them.

The Chairman recalled that clauses of the nature in question had recently been included in the convention on genocide¹ and in the protocol relating to the control of certain drugs.² Article 27 was adopted by the Social Commission by 12 votes to 1, with 1 abstention.

In the Social Committee of the Economic and Social Council³ the representative of the *Union of Soviet Socialist Republics* again proposed the deletion of article 27, since its adoption might lead to uncontrolled development of traffic in persons, especially in those countries in which circumstances favoured such traffic. The representatives of *France* and the *United Kingdom* spoke in favour of retaining the article. The representative of *China* also participated in the discussion.

16. Article 30

The Social Commission, considering that the substance involved in article 30 was of a highly technical legal nature, decided by 10 votes to 1, with 2 abstentions, to refer the article to the Economic and Social Council. In the course of the discussion on article 30, the representative of the *United States of America* proposed to include in the convention two new provisions designed, respectively, to cover the jurisdictional problems of federal States and the constitutional problems of certain States in which treaties become automatically applicable as a matter of internal law. In order to expedite the work of the Commission the proposals were, however, withdrawn on the understanding that the United States Government would have the right to introduce them subsequently at the time when article 30 would be considered.

In the Social Committee of the Economic and Social Council the representative of the *United States of America* agreed with the procedure suggested by the representative of *New Zealand*, namely, to refer the article to the General Assembly, together with the related proposals of the United States, as the legal problems involved were extremely complex, and there would be no point in discussing them in the Council as well as in the Assembly.⁴

17. The Economic and Social Council considered the draft convention and the accompanying draft resolution at its 306th plenary meeting on 23 July 1949.⁵ No discussion of details occurred.

The draft resolution, as given in the report of the Social Committee (E/1402) was adopted by 16 votes to none, with 1 abstention.

III. ADDITIONAL REMARKS ON TERMINOLOGY

18. The Secretariat wishes to draw attention to the following points where it might be desirable to make minor changes in the text of the draft convention in order to obtain uniformity of terminology, to avoid ambiguities and to ensure that the text of the unified draft convention fully covers the intentions of the instruments which it will consolidate and eventually replace.

19. In the second paragraph of the *preamble*, sub-paragraphs 1 and 3, the words "Protocol adopted by the General Assembly" should be replaced by "Protocol *approved* by the General Assembly". This would bring the text of the *preamble* into conformity with the text of the resolutions of the General Assembly regarding the protocols in question [resolutions 256 (III), 126 (II)].

20. The first line of *article 1* reads: "The Parties to this Convention agree to *punish* any person who . . ."

In *article 2*, however, the following term is used: "The Parties to this Convention further agree to *provide for the punishment* of any person who . . ."

In the original Secretariat draft (E/1072) the latter term was used in both cases, but during the discussion in the Social Commission article 1 was changed whereas article 2 was left unaltered. It would seem desirable to use the term "agree to punish" in article 2 also.

21. Sub-paragraph (b) of the second part of *article 1* is intended to cover the type of offence referred to in article 1 of the 1933 Convention for the Suppression of the Traffic in Women of Full Age, namely, the procuring of women "for immoral purposes to be carried out in *another country*".

The latter article contains, however, a definition of the term "country" as used in this connexion. It includes territories for which a party to the Convention is internationally responsible; thus, if a woman is brought from the metropolitan Power to a colony or vice versa, or from one colony to another belonging to the same metropolitan Power, she is considered to be brought "abroad".⁶

It would seem desirable to include a similar explanatory clause in the unified draft convention.

22. In *article 18* the words "or maintain" seem to be superfluous.

23. In *article 19* there is a reference to "aliens who are prostitutes", whereas the term "victims of international traffic in persons for the purpose of prostitution" is used in article 20 (a).

As the two articles refer to the same group of persons, it would seem desirable to use the latter term in both cases. The said victims may not actually be prostitutes, as they may have escaped the trafficker and still be in need of assistance.

This change in terminology in article 19 was

¹See *Official Records of the third session of the General Assembly, Part I, Resolutions*, No. 260 A (III).

²*Ibid.*, No. 211 A (III).

³*Ibid.*, see document E/AC.7/SR.82, pages 12 and 13.

⁴*Ibid.*, pages 13 and 14.

⁵See *Official Records of the Economic and Social Council, Fourth Year, Ninth Session*, pages 316 and 317.

⁶In the unified draft convention this would, according to the sub-paragraph in question, apply not only to a woman, but to any person.

also proposed by the representative of *Belgium* in the Social Committee of the Economic and Social Council (see paragraph 12 above).

24. In *article 21* the words "if they have not already done so" seem to be superfluous.

25. In *article 24* the Legal Department of the Secretariat has suggested that the last sentence should be replaced by the following:

"Acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations."

26. The Legal Department of the Secretariat has suggested that the text of *article 25* should be replaced by the following:

"This Convention shall enter into force with respect to the first two States to become Parties thereto pursuant to article 24, on the ninetieth day following the date upon which the second of such States shall so become Party."

27. The Legal Department has further suggested that the text of *article 26* should be replaced by the following:

"This Convention shall enter into force with respect to any State other than a State to which article 25 applies, upon the ninetieth day following the date upon which it shall have become Party thereto pursuant to article 24."

28. In *article 28* the Legal Department suggests

the addition, in the first paragraph, after the words "this Convention" of the words "in accordance with article 25".

29. In *article 32* the Legal Department suggests the addition after the words "coming into force", of the words "in accordance with article 25".

30. The changes suggested in paragraphs 25 to 29 above do not involve any question of substance. Particular attention has been directed to the drafting of formal clauses in relation to a study at present being undertaken by the Legal Department concerning the Law of Treaties. The proposed texts are thus in accordance with the latest development in this field.

31. The Secretariat further wishes to draw attention to certain discrepancies between the English and French texts of the draft convention. In order to avoid such discrepancies a draft revision of the French text has been undertaken by the Secretariat (see annex II to the present document). The text is given in two columns: the parts of the text which are affected by the revision appear in original form in the left column and in the revised form in the right column.

Annex II thus contained only linguistic improvements in the French text appearing in document E/1553,¹ to make it conform to the original English text. Therefore, the changes in terminology suggested in annex I are not incorporated in annex II.

ANNEX I

COMPARISON BETWEEN THE PRESENT TEXT OF THE PREAMBLE AND OF ARTICLES 1, 2, 18, 19, 21, 24, 25, 26, 28 AND 32 AND THE SAME TEXT AS AMENDED IN ACCORDANCE WITH THE SUGGESTIONS MADE IN SECTION III

(The present text of the articles in question is reproduced below in the left column, and the suggested new text, with changes in italics, in the right column.)

Preamble

(second paragraph)

Sub-paragraph 1

International Agreement of 18 May 1904 for the Suppression of the White Slave Traffic, as amended by the Protocol adopted by the General Assembly of the United Nations on 3 December 1948;

International Agreement of 18 May 1904 for the Suppression of the White Slave Traffic, as amended by the Protocol *approved* by the General Assembly of the United Nations on 3 December 1948;

Sub-paragraph 3

International Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children, as amended by the Protocol adopted by the General Assembly of the United Nations on 20 October 1947; and

International Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children, as amended by the Protocol *approved* by the General Assembly of the United Nations on 20 October 1947; and

Article 1

The Parties to this Convention agree to punish any person who, to gratify the passions of another:

1. Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person;

2. Exploits or is an accessory in the prostitution of another person, even with the consent of that person,

Provided these offences are committed for purposes of gain.

Any person who commits or is an accessory in the commission of any of the above-mentioned offences, shall, however, be punished regardless of motives of gain:

The Parties to this Convention agree to punish any person who, to gratify the passions of another:

1. Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person;

2. Exploits or is an accessory in the prostitution of another person, even with the consent of that person,

Provided these offences are committed for purposes of gain.

Any person who commits or is an accessory in the commission of any of the above-mentioned offences, shall, however, be punished regardless of motives of gain:

¹Official Records of the Economic and Social Council, Fourth Year, Ninth Session, Resolutions.

(a) If the person procured, enticed, led away or exploited is less than 21 years old at the time of the offence;

(b) If the person is procured, enticed, led away or exploited for the purpose of being sent abroad;

(c) If the person is procured, enticed, led away or exploited by the use of fraud, deceit, threat, violence, or any other means of duress.

(a) If the person procured, enticed, led away or exploited is less than 21 years old at the time of the offence;

(b) If the person is procured, enticed, led away or exploited for the purpose of being sent to another country. For the purpose of the present article the term "country" shall include all territories for which a Party to this Convention is internationally responsible, as well as the territories referred to in article 24.

(c) If the person is procured, enticed, led away or exploited by the use of fraud, deceit, threat, violence, or any other means of duress.

Article 2

The Parties to this Convention further agree to provide for the punishment of any person who:

(a) Keeps or manages, or knowingly finances or takes part in the financing of a brothel;

(b) Knowingly lets a building or other place or any part thereof for the purpose of the prostitution of others.

The Parties to this Convention further agree to punish any person who:

(a) Keeps or manages, or knowingly finances or takes part in the financing of a brothel;

(b) Knowingly lets a building or other place or any part thereof for the purpose of the prostitution of others.

Article 18

(first paragraph)

The Parties to this Convention undertake, in connexion with immigration and emigration, to adopt or maintain such measures as are required, in terms of their obligations under this Convention, to check the traffic in persons of either sex for the purpose of prostitution.

The Parties to this Convention undertake, in connexion with immigration and emigration, to adopt such measures as are required, in terms of their obligations under this Convention, to check the traffic in persons of either sex for the purpose of prostitution.

Article 19

The Parties to this Convention undertake, subject to the requirements of domestic law, to have declarations taken from aliens who are prostitutes, in order to establish their identity and civil status and to discover who has caused them to leave their country or territory. The information obtained shall be communicated to the authorities of the country or territory of origin of the said persons with a view to their eventual repatriation.

The Parties to this Convention undertake, subject to the requirements of domestic law, to have declarations taken from aliens who are victims of international traffic in persons for the purpose of prostitution, in order to establish their identity and civil status and to discover who has caused them to leave their country or territory. The information obtained shall be communicated to the authorities of the country or territory of origin of the said persons with a view to their eventual repatriation.

Article 21

The Parties to this Convention shall, if they have not already done so, take the necessary measures for the supervision of employment agencies in order to prevent persons seeking employment from being exposed to the danger of prostitution.

The Parties to this Convention shall take the necessary measures for the supervision of employment agencies in order to prevent persons seeking employment from being exposed to the danger of prostitution.

Article 24

(last paragraph)

Instruments of acceptance shall be deposited with the Secretary-General of the United Nations.

Acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

Article 25

This Convention shall come into force upon the expiration of ninety days following the day on which two or more States have signed it without reservation or accepted it in accordance with article 24.

This Convention shall enter into force with respect to the first two States to become Parties thereto pursuant to article 24, on the ninetieth day following the date upon which the second of such States shall so become Party.

Article 26

A State which has signed without reservation as to acceptance or accepted pursuant to article 24 shall become a Party to this Convention upon the expiration of ninety days following the date of such signature or acceptance, or, if the Convention has not entered into force at that time, then upon its entry into force.

This Convention shall enter into force with respect to any State other than a State to which article 25 applies, upon the ninetieth day following the date upon which it shall have become Party thereto pursuant to article 24.

Article 28
(first paragraph)

After the expiration of five years from the entry into force of this Convention, it may be denounced by a formal instrument deposited with the Secretary-General of the United Nations.

After the expiration of five years from the entry into force of this Convention, *in accordance with article 25*, it may be denounced by a formal instrument deposited with the Secretary-General of the United Nations.

Article 32

In accordance with Article 102 of the Charter of the United Nations, this Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

In accordance with Article 102 of the Charter of the United Nations, this Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force *in accordance with article 25*.

ANNEX II

REVISION OF THE FRENCH TEXT OF THE DRAFT CONVENTION

[In the mimeographed text of this document, annex II reproduced the revised French text of the draft convention. For that text, see French version of the *Annex to the Third Committee*.]

Document A/C.3/526 and Corr.1¹

Memorandum from the Chairman of the Third Committee to the Chairman of the Sixth Committee

[Original text: English]
[14 October 1949]

I

The following proposals have been adopted by the Third Committee, in connexion with its consideration of the draft convention for the suppression of the traffic in persons and of the exploitation of the prostitution of others:

3 October 1949 (A/C.3/522)

"The Third Committee

"Recommends to the President of the General Assembly to request the Sixth Committee to give as early consideration as possible to articles 8, 12, 25, 26, 28, 29, 30, 31, and 32 of the draft convention for the suppression of the traffic in persons and the exploitation of the prostitution of others and to any other article in relation with which a legal problem may arise that the Third Committee does not feel competent to solve, together with the texts of other articles as approved by the Third Committee, and to forward back to the Third Committee approved texts for the articles submitted to its consideration, together with any comments it deems necessary to submit on any other legal problem arising from the draft convention."

4 October 1949 (A/C.3/523)

"The Third Committee

"Requests the Sixth Committee to inform it what would be the legal effects of deleting or retaining the clause "subject to the requirements of domestic law" in all the articles of the draft convention for the suppression of the traffic in persons and the exploitation of the prostitution of others in which this clause appears, having due regard, likewise, to the provisions of article 13 of the draft convention; and in particular, to inform it whether the retention of this clause would leave

the States Parties to this convention free to refrain from punishing any of the acts which are punishable under the terms of the draft convention."

6 October 1949 (A/C.3/525)

"Article 9: The Committee felt that in view of the close relationship existing between articles 8 and 9, the Sixth Committee, to which article 8 has been referred, should also pronounce itself on article 9.

"Article 10: Taking into account the aims of article 10 and similar articles in other international conventions, the Sixth Committee is requested to consider the legal difficulties mentioned during the debate of article 10 in the Third Committee and to submit its recommendations to the Third Committee."

II

The Third Committee examined the draft convention at its 237th to 248th meetings inclusive.²

III

The following texts have been adopted by the Third Committee:

DRAFT CONVENTION FOR THE SUPPRESSION OF THE
TRAFFIC IN PERSONS AND OF THE EXPLOITATION
OF THE PROSTITUTION OF OTHERS

Preamble

"Whereas prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community,

"Whereas, with respect to the suppression of the traffic in women and children, the following international instruments are in force:

"1. International Agreement of 18 May 1904 for the Suppression of the White Slave Traffic, as amended by the Protocol adopted by the General Assembly of the United Nations on 3 December 1948;

¹This document was also issued as a mimeographed document under symbol A/C.6/333.

²See *Official Records of the Fourth Session of the General Assembly, Third Committee*.

"2. International Convention of 4 May 1910 for the Suppression of the White Slave Traffic, as amended by the above-mentioned Protocol;

"3. International Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children, as amended by the Protocol adopted by the General Assembly of the United Nations on 20 October 1947; and

"4. International Convention of 11 October 1933 for the Suppression of the Traffic in Women of Full Age, as amended by the said Protocol,

"Whereas the League of Nations in 1937 prepared a draft convention extending the scope of the above-mentioned instruments, and

"Whereas developments since 1937 make feasible the conclusion of a convention consolidating the above-mentioned instruments and embodying the substance of the 1937 draft convention as well as desirable alterations therein;

"Now therefore

"The General Assembly, by a resolution adopted on . . .

"Approves the following Convention and proposes that each Member of the United Nations and each non-member State which the appropriate organ of the United Nations may invite to do so, become a Party thereto."

Article 1

"The Parties to this Convention agree to punish any person who, to gratify the passions of another :

"1. Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person;

"2. Exploits or is an accessory in the prostitution of another person, even with the consent of that person."

Article 2

"The Parties to this Convention further agree to punish any person who :

"1. Keeps or manages, or knowingly finances or takes part in the financing of a brothel;

"2. Knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others."

Article 3

"Attempts to commit any of the offences referred to in articles 1 and 2, and acts preparatory to the commission thereof, shall also be punished."

Article 5

"In cases where injured persons are entitled under domestic law to be parties to proceedings in respect of any of the offences referred to in this Convention, aliens shall be so entitled upon the same terms as nationals."

Article 6

"Each Party to this Convention agrees to take all the necessary measures to repeal or abolish any existing law, regulation or administrative provisions by virtue of which persons who engage in or are suspected of engaging in prostitution are subject either to special registration or to the posses-

sion of a special document or to any exceptional requirements for supervision or notification."

Article 14

"The Parties to this Convention shall be bound to execute letters of request relating to offences referred to in this Convention in accordance with their domestic law and practice.

"The transmission of letters of request shall be effected :

"1. By direct communication between the judicial authorities ; or

"2. By direct communication between the Ministers of Justice of the two countries or territories, or by direct communication from another competent authority of the country or territory making the request to the Minister of Justice of the country or territory to which the request is made ; or

"3. Through the diplomatic or consular representative of the country or territory making the request in the country or territory to which the request is made ; this representative shall send the letters of request direct to the competent judicial authority or to the authority indicated by the government of the country or territory to which the request is made, and shall receive direct from such authority the papers constituting the execution of the letters of request.

"In cases 1 and 3 a copy of the letters of request shall always be sent to the superior authority of the country or territory to which application is made.

"Unless otherwise agreed, the letters of request shall be drawn up in the language of the authority making the request, provided always that the country or territory to which the request is made may require a translation in its own language, certified correct by the authority making the request.

"Each Party to this Convention shall notify to each of the other Parties to this Convention the method or methods of transmission mentioned above which it will recognize for the letters of request of the latter State.

"Until such notification is made by a State, its existing procedure in regard to letters of request shall remain in force.

"Execution of letters of request shall not give rise to a claim for reimbursement of charges or expenses of any nature whatever, other than expenses of experts.

"Nothing in the present Article shall be construed as an undertaking on the part of the Parties to this Convention to adopt in criminal matters any form or methods of proof contrary to their own domestic laws."

Article 15

"Each Party to this Convention shall establish or maintain a service charged with the co-ordination and centralization of the results of the investigation of offences referred to in this Convention.

"Such services should compile all information calculated to facilitate the prevention and punishment of the offences referred to in this Convention and should be in close contact with the corresponding services in other countries or territories."

Article 17

"The Parties to this Convention agree to take or to encourage, through their public and private educational, health, social, economic and other related services, measures for the prevention of prostitution and for the rehabilitation and social adjustment of the victims of prostitution and of the offences referred to in this Convention."

Article 18

"The Parties to this Convention undertake, in connexion with immigration and emigration, to adopt or maintain such measures as are required, in terms of their obligations under this Convention, to check the traffic in persons of either sex for the purpose of prostitution.

"In particular they undertake:

"1. To make such regulations as are necessary for the protection of immigrants or emigrants, and in particular, women and children, both at the place of arrival and departure and while *en route*;

"2. To arrange for appropriate publicity warning the public of the dangers of the aforesaid traffic;

"3. To take appropriate measures to ensure the supervision of railway stations, airports, seaports and *en route*, and other public places, for preventing international traffic in persons for the purpose of prostitution;

"4. To take appropriate measures in order that the appropriate authorities be informed of the arrival of persons who appear, *prima facie*, to be the principals and accomplices in or victims of such traffic."

Article 21

"The Parties to this Convention shall, if they have not already done so, take the necessary measures for the supervision of employment agencies in order to prevent persons seeking employment, in particular women and children, from being exposed to the danger of prostitution."

Article 22

"The Parties to this Convention shall communicate to the Secretary-General of the United Nations such laws and regulations as have already been promulgated in their countries or territories, and thereafter annually such laws and regulations as may be promulgated, relating to the subjects of this Convention, as well as all measures taken by them concerning the application of this Convention. The information received shall be published periodically by the Secretary-General and sent to all Members of the United Nations and to non-member States to which this Convention is officially communicated in accordance with article 24."

Article 23

"If any dispute shall arise between the Parties to this Convention relating to its interpretation or application and if such dispute cannot be satisfactorily settled by other means, the dispute shall, at the request of any one of the Parties to the dispute, be referred to the International Court of Justice."

Article 24

"This Convention shall be open for signature or acceptance on behalf of any Member of the United

Nations and also on behalf of any non-member State to which an invitation had been addressed by the Economic and Social Council of the United Nations. For the purposes of the present Convention the word "State" shall include all the colonies and trust-territories of a State signatory to or accepting the Convention and all other territories for which such State is internationally responsible.

"Such States may become Parties to this Convention by:

"1. Signature without reservation as to acceptance;

"2. Signature subject to acceptance, followed by acceptance; or

"3. Acceptance.

"Instruments of acceptance shall be deposited with the Secretary-General of the United Nations."

Final Protocol

"Nothing in this Convention shall be deemed to prejudice any legislation which ensures stricter conditions for the enforcement of the provisions for securing the suppression of the traffic in persons and of the exploitation of others for purposes of prostitution than the conditions provided by this Convention.

"The provisions of Articles 24 to 29 inclusive and of Article 32 of the Convention shall apply to this Protocol."

IV

The following articles have been referred to the Sixth Committee for its consideration:

Article 8

"The offences referred to in articles 1 and 2 of this Convention shall be included as extraditable in any extradition treaty which has been or may hereafter be included between any of the Parties to this Convention.

"The Parties to the Convention which do not make extradition conditional on the existence of a treaty shall henceforward recognize the offences referred to in this Convention as cases for extradition between themselves.

"Extradition shall be granted in conformity with the law of the country or territory to which the request is made."

Article 9

"In countries or territories where the principle of the extradition of nationals is not recognized, nationals who have returned to their own country or territory after the commission abroad of any of the offences referred to in Articles 1 and 2 of this Convention shall be prosecuted and punished in the same manner as if the offence had been committed in that country or territory, even in a case where the offender has acquired his nationality after the commission of the offence.

"This provision shall not apply if, in a similar case, the extradition of an alien cannot be granted."

Article 12

"Nothing in this Convention shall be interpreted as determining the attitude of a Party towards the general question of the limits of criminal jurisdiction under international law."

Article 25

“This Convention shall come into force upon the expiration of ninety days following the day on which two or more States have signed it without reservation or accepted it in accordance with article 24.”

Article 26

“A State which has signed without reservation as to acceptance or accepted pursuant to article 24 shall become a Party to this Convention upon the expiration of ninety days following the date of such signature or acceptance, or, if the Convention has not entered into force at that time, then upon its entry into force.”

Article 27

(The Third Committee decided to delete article 27 and modified the text of article 24 accordingly. This deletion will affect the text of articles 28 and 29.)

Article 28

“After the expiration of five years from the entry into force of this Convention, it may be denounced by a formal instrument deposited with the Secretary-General of the United Nations.

“Such denunciation shall take effect one year from the date upon which it is received by the Secretary-General of the United Nations. Such denunciation shall be operative only in respect of the State on whose behalf it was made, or if it was on the behalf of a territory to which this Convention has been extended under Article 27, then only in respect of that territory.”

Article 29

“The Secretary-General of the United Nations shall inform all Members of the United Nations and non-member States referred to in Article 24 of the date of entry into force of this Convention and shall notify them of all signatures and acceptances received in accordance with Article 24, of all notifications received in accordance with Article 27 and of all denunciations received in accordance with Article 28.”

Article 30

“It is understood that when this Convention is signed without reservation as to acceptance, or an instrument of acceptance or any subsequent notification is deposited on behalf of any State, that State shall be in a position under its own law to give effect to the terms of this Convention.”

Article 31

“The Parties to this Convention which are also Parties to one or other of the international instruments referred to in sub-paragraphs 1, 2, 3 and 4 of the Preamble shall, as between themselves, treat those instruments as abrogated by this Convention.

“When all Parties to any one of the instruments referred to in sub-paragraphs 1, 2, 3 and 4 of the Preamble shall have become Parties to this Convention, that instrument shall be deemed to be terminated.”

Article 32

“In accordance with Article 102 of the Charter of the United Nations, this Convention shall be

registered by the Secretary-General of the United Nations on the date of its coming into force.”

V

The following articles contain the words: “subject to the requirements of domestic law”, and the Sixth Committee is consequently requested to inform the Third Committee as to the legal effects of deleting or retaining them, having due regard, likewise, to the provisions of article 13 of the draft convention, and, in particular, to inform it whether the retention of this clause would leave the States Parties to the Convention free to refrain from punishing any of the acts which are punishable under the terms of the draft convention.

Article 4

“Any persons participating in any of the offences referred to in this Convention shall, subject to the requirements of domestic law, be treated as separate offenders, even when they can be brought to trial only in different countries or territories.”

This article was examined by the Third Committee at its 238th, 239th and 240th meetings.¹ The following alternative text was submitted by the Secretary-General (A/C.3/L.8):

Article 4

(Draft submitted by the Secretary-General)

“Participation in the acts referred to in Articles 1, 2 and 3 above shall also be punishable.

“Acts of participation shall be treated as separate offences whenever this is necessary to prevent impunity.”

Article 7

“Previous convictions pronounced in foreign countries or territories for offences referred to in this Convention shall, subject to the requirements of domestic law, be taken into account for the purpose of:

“1. Establishing recidivism;

“2. Disqualifying the offender from the exercise of civil rights.”

Article 16

“Subject to the requirements of domestic law and to the extent to which the authorities responsible for the services referred to in Article 15 may judge desirable, they shall furnish to the authorities responsible for the corresponding services in other countries or territories the following information:

“1. Particulars of any offence referred to in this Convention or any attempt to commit such offence;

“2. Particulars of any search for and any prosecution, arrest, conviction, refusal of admission or expulsion of persons guilty of any of the offences referred to in this Convention, the movements of such persons and any other useful information with regard to them.

“The information so furnished shall include descriptions of the offenders, their fingerprints, photographs, methods of operation, police records, records of conviction.”

¹See *Official Records of the Fourth Session of the General Assembly, Third Committee*.

"The Parties to this Convention undertake, subject to the requirements of domestic law, to have declarations taken from aliens who are prostitutes, in order to establish their identity and civil status and to discover who has caused them to leave their country or territory. The information obtained shall be communicated to the authorities of the country or territory of origin of the said persons with a view to their eventual repatriation."

Article 20

"The Parties to this Convention undertake, subject to the requirements of domestic law and so far as possible:

"1. Pending the completion of arrangements for the repatriation of destitute victims of international traffic in persons for the purpose of prostitution, to make suitable provisions for their temporary care and maintenance;

"2. To repatriate persons referred to in Article 19 who desire to be repatriated or who may be claimed by persons exercising authority over them. Repatriation shall take place only after agreement is reached with the State or territory of destination as to identity and nationality as well as to the place and date of arrival at frontiers. Each party to this Convention shall facilitate the passage of such persons through its territory.

"Where the persons referred to in the preceding paragraph cannot themselves repay the cost of repatriation and have neither spouse, relatives nor guardian to pay for them the cost of repatriation as far as the nearest frontier or port of embarkation or airport in the direction of the country or territory of origin shall be borne by the country or territory where they are in residence, and the cost of the remainder of the journey shall be borne by the country or territory of origin."

VI

A legal difficulty has arisen in connexion with the following text:

Article 10

"Aliens who are in the territory of a Party to this Convention and who have committed abroad any of the offences referred to in Articles 1 and 2 shall be prosecuted and punished as though the offence had been committed in that territory, if the following conditions are fulfilled:

"1. Extradition has been demanded and could not be granted for a reason not connected with the act itself;

"2. Under the law of the country or territory of refuge the courts have jurisdiction over offences committed abroad by aliens;

"3. The offender is a national of a country or territory under the law of which the courts have jurisdiction over offences committed abroad by aliens."

Taking into account the aims of article 10 and similar articles in other international conventions, the Sixth Committee is requested to consider the legal difficulties mentioned during the debate of article 10 in the Third Committee¹ and to submit its recommendations to the Third Committee.

¹See *Official Records of the Fourth Session of the General Assembly, Third Committee, 242nd and 243rd meetings.*

Consideration by the Third Committee of the following articles has been postponed until the recommendations of the Sixth Committee on other articles referred to it have been received:

Article 11

"The provisions of Articles 9 and 10 shall not apply when the person charged with the offence has been tried in a foreign country or territory and, if convicted, has served his sentence or had it remitted or reduced in conformity with the laws of that foreign country or territory."

Article 13

"This Convention does not affect the principle that the offences to which it refers shall in each country or territory be defined, prosecuted and punished in conformity with its domestic law."

Document A/C.3/530**Note by the Secretary-General**

[Original text: English]
[26 November 1949]

1. The Sixth Committee has given consideration to all questions put before it by the memorandum from the Chairman of the Third Committee, dated 14 October 1949 (A/C.3/526 and Corr.1)² and has incorporated its conclusions in a memorandum from the Chairman of the Sixth Committee, dated 25 November 1949 (A/C.6/L.102).

2. As a result of the consultations between the two Committees, the draft convention now appears as follows:

Preamble: Adopted by the Third Committee. No comment.

Article 1: Adopted by the Third Committee. The Sixth Committee's comments are found in paragraphs 2 and 3 of section IV (A/C.6/L.102).

Article 2: Adopted by the Third Committee. No comment.

Article 3: Adopted by the Third Committee. The Sixth Committee's comments are found in section II of document A/C.6/L.102.

Article 4: The Third Committee postponed consideration of the two texts contained in section V of document A/C.3/526. The Sixth Committee's comments are found in section II and in section IV, paragraph 4 of document A/C.6/L.102.

Article 5: Adopted by the Third Committee. No comment.

Article 6: Adopted by the Third Committee. No comment.

Article 7: The Third Committee postponed consideration of the text contained in section V of document A/C.3/526. The Sixth Committee's comments are found in section II and in section IV, paragraph 1 of document A/C.6/L.102.

Article 8: Referred to the Sixth Committee. The text recommended by the Sixth Committee is found in section I of document A/C.6/L.102.

²This memorandum was reproduced as document A/C.6/333 and Corr. 1.

Article 9: Referred to the Sixth Committee. The text recommended by the Sixth Committee is found in section I of document A/C.6/L.102.

Article 10: The Third Committee postponed consideration of the text contained in section VI of document A/C.3/526. The Sixth Committee's comments are found in section III of document A/C.6/L.102.

Article 11: Consideration of the text found in section VII of document A/C.3/526 was postponed. The Sixth Committee's comment contained in section IV, paragraph 1 of document A/C.6/L.102 applies to this article.

Article 12: Referred to the Sixth Committee. The text recommended by the Sixth Committee is found in section I of document A/C.6/L.102. A comment on the French translation is found in section IV, paragraph 5 of document A/C.6/L.102.

Article 13: Consideration of the text found in section VII of document A/C.3/526 was postponed. The Sixth Committee's comment contained in section IV, paragraph 1 of document A/C.6/L.102 applies to this article.

Article 14: Adopted by the Third Committee. The Sixth Committee's comment contained in section IV, paragraph 1 of document A/C.6/L.102 applies to this article.

Article 15: Adopted by the Third Committee. The Sixth Committee's comment contained in section IV, paragraph 1 of document A/C.6/L.102 applies to this article.

Article 16: The Third Committee postponed consideration of the text contained in section V, document A/C.3/526. The Sixth Committee's comments are found in section II and in section IV, paragraph 6 of document A/C.6/L.102. Section IV, paragraph 1 of document A/C.6/L.102, applies also to this article.

Article 17: Adopted by the Third Committee. No comment.

Article 18: Adopted by the Third Committee. No comment.

Article 19: The Third Committee postponed consideration of the text contained in section I of document A/C.3/526. The Sixth Committee's comments are found in section II of document A/C.6/L.102. Section IV, paragraph 1 of document A/C.6/L.102, applies also to this article.

Article 20: The Third Committee postponed consideration of the text contained in section V of document A/C.3/526. The Sixth Committee's comments are found in section II and in section IV, paragraph 7 of document A/C.6/L.102. Section IV, paragraph 1 of document A/C.6/L.102 applies also to this article.

Article 21: Adopted by the Third Committee. No comment.

Article 22: Adopted by the Third Committee. The Sixth Committee's comment under section IV, paragraph 1 of document A/C.6/L.102 applies to this article.

Article 23: Adopted by the Third Committee. The Sixth Committee's comment in section IV, paragraph 8 of document A/C.6/L.102 applies to the French text of this article.

Article 24: Adopted by the Third Committee. An alternative text is recommended by the Sixth

Committee (A/C.6/L.102, section IV, paragraph 9).

Article 25: Referred to the Sixth Committee. The text recommended by the Sixth Committee is found in section I of document A/C.6/L.102.

Article 26: Referred to the Sixth Committee. The recommendation of the Sixth Committee is found in section I of document A/C.6/L.102.

Article 27: Deleted by the Third Committee.

Article 28: Referred to the Sixth Committee. The text recommended by the Sixth Committee is found in section I of document A/C.6/L.102.

Article 29: Referred to the Sixth Committee. The text recommended by the Sixth Committee is found in section I of document A/C.6/L.102.

Article 30: Referred to the Sixth Committee. The text recommended by the Sixth Committee is found in section I of document A/C.6/L.102.

Article 31: Referred to the Sixth Committee. The text recommended by the Sixth Committee is found in section I of document A/C.6/L.102.

Article 32: Referred to the Sixth Committee. The recommendation of the Sixth Committee is found in section I of document A/C.6/L.102.

Final protocol: Adopted by the Third Committee. No comment.

3. The Chairman of the Sixth Committee has requested members of that Committee to submit to him any comments they may wish to make on document A/C.6/L.102 by Monday, 28 November 1949. He will transmit such comments as he deems fit to the Third Committee on that date.

Document A/C.3/L.10

Ukrainian Soviet Socialist Republic: amendments to articles 23, 24 and 27

[Original text: Russian]
[30 September 1949]

1. In *article 23* replace the words "to the International Court of Justice" by the words "for settlement to an arbiter to be chosen by mutual agreement between them".

2. In *article 24* after the words "This Convention shall be open for signature or acceptance on behalf of any Member of the United Nations and also on behalf of any non-member State to which an invitation has been addressed by the Economic and Social Council of the United Nations", add the words "For the purposes of the present Convention the word "State" shall include all the colonies and Trust Territories of a State signatory to or accepting the Convention and all other territories for which such State is internationally responsible" and delete the last part of the first paragraph, beginning with the words "It shall also be open for signature or acceptance on behalf of any Trust Territory. . ."

3. Delete *article 27*.

Document A/C.3/L.11

United Kingdom of Great Britain and Northern Ireland: amendments to articles 17 and 20 and to the final protocol

[Original text: English]
[3 October 1949]

Article 17

Delete the words "for the rehabilitation of

prostitutes" and substitute "for the social adjustment of victims of the offences or attempted offences cited in Articles 1, 2 and 3".

Article 20

Last paragraph, delete the words from "as far as the nearest frontier" to the end of the paragraph and substitute "shall be borne by the country or territory where they are in residence as far as the nearest frontier or port of embarkation or airport in that country in the direction of the country or territory of origin and the cost of the remainder of the journey shall be borne by the country or territory of origin".

Final protocol

Delete the first paragraph, that is, from "The Parties to the Convention" to "other similar offences", and substitute the following:

"Nothing in this Convention shall be deemed to prejudice any legislation which ensures stricter conditions for the enforcement of the provisions for securing the suppression of the traffic in persons and of the exploitation of others for purposes of prostitution than the conditions provided by this Convention."

Document A/C.3/L.13

United States of America: amendments to articles 7, 8, 9, 10, 11, 14, 16, 18, 19, 20, 23, 27, 30 and to the final protocol

[Original text: English]
[3 October 1949]

Article 7

Substitute "to the extent permitted by domestic law" for "subject to the requirements of domestic law".

Article 8

For the first paragraph substitute the following:
"The offences described in Articles 1 and 2 of this Convention shall be regarded as included as extraditable in any extradition treaty which has been or may hereafter be concluded between any of the Parties to this Convention, provided that implementing laws making the offence or offences criminal under the local law shall be in effect, as contemplated in this Convention, in the State requesting the extradition of a person charged with an offence falling within the scope of this Convention, as also in the State from which extradition is requested."

Article 9

Delete article 9 and insert the following:

"In countries or territories where the principle of extradition of nationals is not recognized and where, in the observance of such policy, provision is made by constitution or statute or decree expressly prohibiting their extradition, nationals who have returned to their own country or territory after the commission abroad of any of the offences referred to in Articles 1 and 2 of this Convention shall be prosecuted and punished in the same manner as if the offence had been committed in that country or territory, even in a case where the offender has acquired his nationality after the commission of the offence.

"This provision shall not apply, if, in a similar case, the extradition of an alien cannot be granted."

Article 10

Delete article 10.

Article 11

Action with respect to article 11 will depend on action taken with respect to articles 9 and 10.

Article 14

Substitute "letters rogatory" for "letters of request" wherever the phrase appears in article 14.

Article 16

Insert "and" before "records of conviction."

Article 18

Substitute "to have a watch kept on" for "to ensure the supervision of" in sub-paragraph (c).

Article 19

Following the word "repatriation" at end of last sentence, add: "and to aid the country or territory of origin in checking traffic in prostitution."

Article 20

In the first paragraph, after the words "domestic law", add the words: "and without prejudice to prosecutions or other action for violations thereunder."

At the end of the first sentence of sub-paragraph (b), add the words: "or whose expulsion is ordered in conformity with law".

Article 23

Delete article 23 and insert the following:

"If any dispute shall arise between the Parties to this Convention relating to its interpretation or application and if such dispute cannot be satisfactorily settled by other means, the dispute shall, at the request of any one of the parties to the dispute, be referred to the International Court of Justice."

Article 27

Substitute "such" for "this" as the penultimate word of the first paragraph.

Delete the third paragraph.

Article 30

Delete article 30 and insert the two following articles:

"Article ...

"Each Contracting State undertakes to adopt within a reasonable time legislative or other measures, in accordance with this Convention and in accordance with its constitutional processes, to give effect, as a matter of domestic law, to the obligations set forth in this Convention, where such obligations are not already made effective by legislative or other measures."

"Article ...

"In the case of a federal State, the following provisions shall apply:

"(a) With respect to any articles of this Convention which are determined in accordance with

the constitutional processes of that State to be appropriate in whole or in part for federal action, the obligations of the federal government shall to this extent be the same as those of parties which are not federal States;

“(b) In respect of articles which are determined in accordance with the constitutional processes of that State to be appropriate in whole or in part for action by the constituent states, prov-

inces, or cantons, the federal government shall bring such articles, with favorable recommendation, to the notice of the appropriate authorities of the states, provinces or cantons at the earliest possible moment.”

Final protocol

Delete the final protocol.

Document A/C.3/L.15

Recapitulation of amendments to article 17

ORIGINAL TEXT

The Parties to this Convention agree to take or

to encourage, through their public and private educational, health, social, economic and other related services, measures for the prevention of prostitution and

for the rehabilitation of prostitutes.

[Original text: English and French]
[7 October 1949]

AMENDMENTS PROPOSED BY:

Afghanistan: “and”

United Kingdom and New Zealand: “for the rehabilitation and social adjustment of the victims of prostitution and of the offences referred to in this convention.”

Document A/C.3/L.17

United Kingdom of Great Britain and Northern Ireland: draft resolution

[Original text: English]
[12 October 1949]

The General Assembly

Takes note of the recommendations contained in resolution 243 B(IX) of the Economic and Social Council,

Approves the attached Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others,

Requests the Secretary-General to fix the earliest possible date on which the Convention will be opened for signature during the present session of the General Assembly,

Urges all States Members of the United Nations to sign or accept the Convention at the present session,

Urges any State Member of the United Nations not signing or accepting the Convention to communicate its reasons therefor,

Invites all non-member States to sign or accept the Convention at the earliest possible date,

Urges all States signing or accepting the Convention to take as soon as possible the necessary steps in order to extend the application of the Convention to territories for which they have international responsibilities, subject, where necessary for constitutional reasons, to the consent of the governments of such territories,

Urges that every State signing or accepting the Convention which does not make a notification under article 27 thereof in respect of any terri-

tries for which it has international responsibility shall notify to the Secretary-General within a year of the date of signature or of deposit of its formal instrument of acceptance and thereafter at the end of every succeeding year the territories mentioned in Article 27, paragraph 3, sub-paragraphs (a), (b) and (c), to which the provisions of the Convention have not yet been applied, stating the reasons therefor.

Document A/C.3/L.40

Letter from the President of the General Assembly to the Chairman of the Third Committee

[Original text: English]
[28 November 1949]

The Chairman of the Sixth Committee, Mr. Lachs, has forwarded to me the attached memorandum (A/C.6/L.102),¹ containing the replies of the Sixth Committee to the questions submitted by the Third Committee in accordance with the latter's resolutions of 3, 4 and 6 October 1949, with respect to the draft convention for the suppression of the traffic in persons and of the exploitation of the prostitution of others,² together with comments on some other legal problems connected with this draft.

Mr. Lachs informs me that an addendum on the question of the federal clause referred to in the footnote to the first paragraph of section IV of the memorandum will be forthcoming shortly.

Would you kindly bring this memorandum to the attention of your Committee.

(Signed) Carlos P. RÓMULO

¹Reproduced in this volume.
²See document A/C.3/526 and Corr. 1 reproduced in this volume.

Memorandum from the Chairman of the Sixth Committee to the Chairman of the Third Committee on questions referred to the Sixth Committee

[Original text: English]
[25 November 1949]

1. The Third Committee adopted the following resolutions requesting the assistance of the Sixth Committee in regard to the draft convention for the suppression of the traffic in persons and of the exploitation of the prostitution of others:

(a) *"The Third Committee*

"Recommends to the President of the General Assembly to request the Sixth Committee to give as early consideration as possible to articles 8, 12, 25, 26, 28, 29, 30, 31 and 32 of the draft convention for the suppression of the traffic in persons and of the exploitation of the prostitution of others and to any other article in relation to which a legal problem may arise that the Third Committee does not feel competent to solve, together with the texts of other articles as approved by the Third Committee, and to forward back to the Third Committee approved texts for the articles submitted to its consideration, together with any comments it deems necessary to submit on any other legal problem arising from the draft convention." [Adopted 3 October 1949 (A/C.3/522)]

(b) *"The Third Committee*

"Requests the Sixth Committee to inform it what would be the legal effects of deleting or retaining the clause "subject to the requirements of domestic law" in all the articles of the draft convention for the suppression of the traffic in persons and of the exploitation of the prostitution of others in which this clause appears, having due regard, likewise, to the provisions of article 13 of the draft convention; and in particular, to inform

it whether the retention of this clause would leave the States parties to this convention free to refrain from punishing any of the acts which are punishable under the terms of the draft convention." [Adopted 4 October 1949 (A/C.3/523)]

(c) *"Article 9: The Committee felt that in view of the close relationship between articles 8 and 9, the Sixth Committee, to which article 8 has been referred, should also pronounce itself on article 9."* [Adopted 6 October 1949 (A/C.3/525)]

(d) *"Article 10: Taking into account the aims of article 10 and similar articles in other international conventions, the Sixth Committee is requested to consider the legal difficulties mentioned during the debate of article 10 in the Third Committee and to submit its recommendations to the Third Committee."* [Adopted 6 October 1949 (A/C.3/525)]

2. In accordance with the foregoing requests made by the Third Committee, the Sixth Committee took the following action:

(a) It examined articles 8, 9, 12, 25, 26, 28, 29, 30, 31 and 32 of the draft convention and, where advisable, recommended new texts for those articles.

(b) It considered the meaning of the clause "subject to the requirements of domestic law" in the various articles in which this clause appears and adopted a statement in regard to this, and in addition suggested new clauses to replace the clause in question.

(c) It considered the legal difficulties raised with respect to article 10 dealing with jurisdiction over aliens for offences committed abroad and recommended the deletion of this article.

(d) It considered other legal problems arising from the draft convention and on the basis thereof decided to draw certain considerations to the attention of the Third Committee and also to propose drafting changes in some of the articles.

I

TEXTS APPROVED BY THE SIXTH COMMITTEE OF THE SPECIFIC ARTICLES
REFERRED TO IT BY THE THIRD COMMITTEE

Article 8

ORIGINAL TEXT

The offences referred to in Articles 1 and 2 of this Convention shall be included as extraditable in any extradition treaty which has been or may hereafter be concluded between any of the Parties to this Convention.

The Parties to the Convention which do not make extradition conditional on the existence of a treaty shall henceforward recognize the offences referred to in this Convention as cases for extradition between themselves.

Extradition shall be granted in conformity with the law of the country or territory to which the request is made.

RECOMMENDED TEXT

The offences referred to in Articles 1 and 2 of this Convention shall be regarded as extraditable offences in any extradition treaty which has been or may hereafter be concluded between any of the Parties to this Convention.

The Parties to the Convention which do not make extradition conditional on the existence of a treaty shall henceforward recognize the offences referred to in Articles 1 and 2 of this Convention as cases for extradition between themselves.

Extradition shall be granted in accordance with the law of the State to which the request is made.

Article 9

In countries or territories where the principle of the extradition of nationals is not recognized,

In States where the extradition of nationals is not permitted by law, nationals who have returned

Nationals who have returned to their own country or territory after the commission abroad of any of the offences referred to in Articles 1 and 2 of this Convention shall be prosecuted and punished in the same manner as if the offence had been committed in that country or territory, even in a case where the offender has acquired his nationality after the commission of the offence.

This provision shall not apply if, in a similar case, the extradition of an alien cannot be granted.

to their own State after the commission abroad of any of the offences referred to in Articles 1 and 2 of this Convention shall be prosecuted in and punished by the courts of their own State.

This provision shall not apply if, in a similar case between the Parties to this Convention, the extradition of an alien cannot be granted.

Article 12

Nothing in this Convention shall be interpreted as determining the attitude of a Party towards the general question of the limits of criminal jurisdiction under international law.

Nothing in this Convention shall be interpreted as determining the attitude of a Party towards the general question of the limits of criminal jurisdiction under international law.

Article 25¹

This Convention shall come into force upon the expiration of ninety days following the day on which two or more States have signed it without reservation or accepted it in accordance with Article 24.

The present Convention shall come into force on the ninetieth day following the date of deposit of the second instrument of ratification or accession.

For each State ratifying or acceding to the Convention after the deposit of the second instrument of ratification or accession, the Convention shall enter into force ninety days after the deposit by such State of its instrument of ratification or accession.

Article 26

A State which has signed without reservation as to acceptance or accepted pursuant to Article 24 shall become a Party to this Convention upon the expiration of ninety days following the date of such signature or acceptance, or, if the Convention has not entered into force at that time, then upon its entry into force.

(Replaced by second paragraph of Article 25 above.)

Article 28

After the expiration of five years from the entry into force of this Convention, it may be denounced by a formal instrument deposited with the Secretary-General of the United Nations.

After the expiration of five years from the entry into force of this Convention, any Party to this Convention may denounce it by a written notification addressed to the Secretary-General of the United Nations.

Such denunciation shall take effect one year from the date upon which it is received by the Secretary-General of the United Nations. Such denunciation shall be operative only in respect of the State on whose behalf it was made, or if it was on the behalf of a territory to which this Convention has been extended under Article 27, then only in respect of that territory.

Such denunciation shall take effect for the Party making it one year from the date upon which it is received by the Secretary-General of the United Nations.

Article 29

The Secretary-General of the United Nations shall inform all Members of the United Nations and non-member States referred to in Article 24 of the date of entry into force of this Convention and shall notify them of all signatures and acceptances received in accordance with Article 24, of all notifications received in accordance with Article 27 and of all denunciations received in accordance with Article 28.

The Secretary-General of the United Nations shall inform all Members of the United Nations and non-member States referred to in Article 24:

(a) Of signatures, ratifications and accessions received in accordance with Article 24;

(b) Of the date on which the present Convention will come into force in accordance with Article 25;

(c) Of denunciations received in accordance with Article 28.

¹A revised text of Article 24 may be found in section IV.

Article 30

It is understood that when this Convention is signed without reservation as to acceptance, or an instrument of acceptance or any subsequent notification is deposited on behalf of any State, that State shall be in a position under its own law to give effect to the terms of this Convention.

Each Party to the Convention under-adopt, in accordance with its constitutional legislative or other measures necessary for the application of the present Convention.

Article 31

The Parties to this Convention which are also Parties to one or other of the international instruments referred to in sub-paragraphs 1, 2, 3 and 4 of the Preamble shall, as between themselves, treat those instruments as abrogated by this Convention.

The provisions of this Convention shall apply in the relations between the Parties to the provisions of the international instruments referred to in sub-paragraphs 1, 2, 3 and 4 of the Preamble, each of which shall be deemed to be terminated when all the Parties thereto shall have become Parties to this Convention.

When all Parties to any one of the instruments referred to in sub-paragraphs 1, 2, 3 and 4 of the Preamble shall have become Parties to this Convention, that instrument shall be deemed to be terminated.

Article 32

In accordance with Article 102 of the Charter of the United Nations, this Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

(Deleted in view of the recent amendments recommended to be made in the rules on the application of treaties.)

III

THE CLAUSE "SUBJECT TO THE REQUIREMENTS OF DOMESTIC LAW"

The Third Committee requested the Sixth Committee to inform the Third Committee what would be the legal effects of deleting or retaining the clause "subject to the requirements of domestic law"¹ in all the articles of the draft convention in which this clause appeared, having due regard to the provisions of article 13 of the draft convention; and in particular, to inform it whether the retention of this clause would leave the States Parties to the Convention free to refrain from punishing any of the acts which are punishable under the terms of the draft convention.

The Sixth Committee considered, first, the meaning of the clause in question. It found, as the Third Committee had found, that the clause was susceptible of different interpretations. According to one interpretation, the insertion of the clause in a particular article would mean that a contracting State would be obliged to carry out an obligation imposed in that article only in so far as its domestic law allowed it to do so. Thus a State would be free to refrain from punishing an act otherwise punishable under the convention if its domestic law in one way or another did not permit the punishment of that act.

A second and quite different meaning which has been suggested is that the clause does not introduce an exception to the obligation itself, but only

relates to the application of the obligation. On this interpretation a party would have to comply with the obligations in the convention but it would have discretion to carry out these obligations in conformity with a particular procedure or administrative arrangement or other condition imposed by domestic law.

In view of the ambiguity revealed in the clause "subject to the requirements of domestic law" the Sixth Committee concluded that it would be desirable to eliminate this phrase completely and to substitute a new clause to accomplish the result intended in each of the articles of the draft convention in which this clause appeared. The Sixth Committee considered together *articles 3² and 4³* of the draft convention which deal with the obligation to punish "attempts" "preparatory acts" and "acts of participation". Should it be desired that the contracting parties shall be free to refrain from punishing these secondary offences if their domestic law does not permit such punishment, then it is suggested that each of the paragraphs in these articles begin with the clause "to the extent permitted by domestic law".

On the other hand, if it is desired that these acts be made offences but that it should be left to the domestic law to define the offence and to determine the procedure and punishment of the offence, then it is suggested that no clause of this kind be inserted. It is required since article 13 already gives the contracting party the right to define, prosecute and punish the offences under the convention.

When the Sixth Committee was known, it would be possible to refer to article 3 if the Committee so decided.

³The Sixth Committee took note of the new draft of article 4 (A/C.3/526 and Corr. 1, section IV) submitted by the Secretariat, and expressed its preference for this text, from the standpoint of drafting (See section IV, below).

¹See annex I to the present document.

²Article 3 deals with "attempts" and "preparatory acts". Although the Third Committee decided at its 238th meeting to delete the phrase "subject to the requirements of domestic law" in article 3, when this clause was considered subsequently several representatives recalled the action taken as regards article 3, and the Chairman agreed, at the 240th meeting, that when the legal opinion of the Sixth

with its domestic law. Consequently, even reference is made to domestic law in articles 13, 14 and 15. The State would, under article 13, still have the right to define "attempts", "preparatory acts" and "participation" in its own way and to determine the conditions regarding prosecution and punishment.

With regard to article 7 the Sixth Committee has noted that certain States do not under their domestic law disqualify the offenders from the exercise of civil rights for offences such as those contemplated by the convention. Similarly in some States a prior domestic conviction would not necessarily be taken into account for the purpose of establishing recidivism. If it is desired to grant States discretion in regard to these questions, it is suggested that the clause "to the extent permitted by domestic law" should also be inserted in this article. On the other hand, if it is merely desired to qualify this article with reference to the legal and administrative requirements of domestic law, then it would be sufficient to insert the phrase "in accordance with the conditions laid down by domestic law".

A similar analysis is suggested in regard to articles 16, 19 and 20, which deal with the transmission of information and with certain administrative arrangements and procedures.

The Sixth Committee recognizes that it is for the Third Committee to decide which of the alternatives should be adopted for each of the articles mentioned. However, since the question of domestic law is in large part a legal matter, the Sixth Committee considers that it is appropriate for it to submit positive recommendations in regard to the clause to be used in these articles. The Sixth Committee therefore recommends:

1. That the phrase "to the extent permitted by domestic law" be inserted to qualify the obligations in articles 3, 4, 7 and 16.

2. That the phrase "in accordance with the conditions laid down by domestic law" be inserted in articles 19 and 20.

III

LEGAL DIFFICULTIES INVOLVED IN ARTICLE 10 OF THE DRAFT CONVENTION

With regard to the request of the Third Committee that the Sixth Committee consider the legal difficulties mentioned during the discussion of article 10 of the draft convention in the Third Committee and that the Sixth Committee submit recommendations on this subject to the Third Committee, the Sixth Committee recommends to the Third Committee that article 10 be deleted from the draft convention for the following reasons:

With regard to criminal offences a large number of States recognizes only the principle of territorial jurisdiction or of jurisdiction based on nationality of the offender. If the convention were to recognize the principle of jurisdiction based on the place where offences committed abroad, this would have for its consequence that only a limited number of States would become parties to the convention.

¹See *Official Records of the fourth session of the General Assembly, Supplement No. 10 (A/925)*, paragraph 16.

²There was a proposal before the Sixth Committee to insert in the draft convention an article relating to the special position of federal or non-unitary States in con-

Secondly, the practical difficulties of asserting jurisdiction over aliens for offences committed abroad and of conducting a fair trial would be considerable, since the Courts of the country where the offender had been arrested would have insufficient knowledge of the facts and circumstances, insufficient means of investigating the case, hearing witnesses and so on.

Thirdly, the limited number of cases which might be tried under this article does not justify this exception to the widely accepted principles of criminal jurisdiction referred to above.

The Sixth Committee draws the attention of the Third Committee to the fact that the International Law Commission has placed "Jurisdiction with regard to crimes committed outside national territory" on its list of topics provisionally selected for codification.¹

IV

ADDITIONAL SUGGESTIONS IN RESPECT OF CERTAIN ARTICLES OF THE DRAFT CONVENTION

In view of the request of the Third Committee to the Sixth Committee to submit any comments it deemed necessary on any other legal problems arising from the draft convention, the Sixth Committee makes the following suggestions² to the Third Committee:

1. Throughout the draft convention the words "country or territory" should be replaced by the word "State", as the former phrase is no longer appropriate after the deletion of article 27.

2. The Sixth Committee draws the attention of the Third Committee to the desirability of giving a definition of the term "prostitution" for the purposes of the convention.

3. In article 1, sub-paragraph 2, it is suggested that the words "or is an accessory in" be deleted, since accessories are already covered by article 4 dealing with participation. Moreover, it would be difficult for many countries to accept a provision bringing accessories into the category of extraditable offenders (See article 8).

The Sixth Committee wishes to point out that in a number of States incitement to prostitution and similar acts are only punished if committed for gainful purposes. In view of the fact that this restriction is absent from the definitions of article 1 as adopted by the Third Committee, it may be anticipated that a number of States will be unable to accept the convention.

4. With regard to article 4 attention is drawn to the alternative draft submitted by the Secretary-General (A/C.3/526 and Corr. 1, section V), which the Sixth Committee deems preferable. It is advisable to delete from the first paragraph of this article the reference to article 3, as it would not seem to be the intention to punish "participation" in attempts and preparatory acts. The Sixth Committee moreover recommends the insertion of the word "intentional" before "participation".

5. As the French text of article 12 is not satisfactory, it is suggested that it be made to conform closely to the English text of that article.

in connexion with the obligation of parties to the convention to adopt the necessary legislative measures for the implementation of the convention. However, the Committee did not agree on a text for such an article.

6. It is suggested that the word "and" should be inserted after "police records" in the last paragraph of article 16.

7. It is suggested that in article 20 the words "and without prejudice to prosecution or other action for violations thereunder" should be inserted after the words "domestic law" in the first paragraph and that the words "or whose expulsion is ordered in conformity with the law" should be inserted in sub-paragraph 2, after the words "authority over them".

8. In the French text of article 23 the words *par tout autre moyen* should be replaced by *par d'autres moyens*.

9. In connexion with the changes recommended for articles 25 and 29 (see section I) the following text is recommended for article 24:

"This Convention shall be open for signature on behalf of any Member of the United Nations and also on behalf of any other State to which an invitation has been addressed by the Economic and Social Council.

"The Convention shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

"The States mentioned in the first paragraph which have not signed the Convention may accede to it.

"Accession shall be effected by deposit of an instrument of accession with the Secretary-General of the United Nations.

"For the purposes of the present Convention the word 'State' shall include all the colonies and Trust Territories of a State signatory to or acceding to the Convention and all territories for which such State is internationally responsible."

ANNEX I

STATEMENT MADE BY THE ASSISTANT SECRETARY-GENERAL IN CHARGE OF THE LEGAL DEPARTMENT REGARDING TERMINOLOGY PREVIOUSLY USED IN REGARD TO THE QUALIFICATION CONCERNING DOMESTIC LAW

I

Clauses used in the 1937 draft convention which, under the Economic and Social Council resolution, was taken as the basis for the present convention

1. Article 3 of the 1937 draft convention, which is

the basis for article 4 of the present text, includes the clause "so far as the domestic law permits".

2. Article 4 of the 1937 draft convention, which is the basis for the present article 7, uses the clause "within the conditions prescribed by the domestic law".

3. Article 12 of the 1937 draft convention, which is the basis for the present article 16, contains the clause "within the framework of the law of that country".

II

Language used in relevant provisions of the 1904 convention

1. Articles 19 and 20 of the present draft convention are derived from articles 2 and 3 of the 1904 convention on white slave traffic. In these articles the clause used is "within legal limits".

III

It will be seen from these references that the clause "subject to the requirements of domestic law" has not been used in any of the relevant provisions of the 1937 draft convention or the 1904 convention. The clause appears to have been introduced first in the revised draft prepared by the Secretariat as a basis for discussion in the Social Commission. In this draft, the clause "subject to the requirements of domestic law" may be found only in article 7. The Social Commission decided, upon the recommendation of the drafting committee, to use this clause "subject to the requirements of domestic law" throughout the convention wherever reference was made to domestic law or to the limits of law. This recommendation appears to have been made simply on the assumption that uniform terminology was desirable and without any consideration of the specific effects that the clause would have in each of the articles.

IV

Finally I should perhaps mention that we have examined certain international conventions for the repression of crimes other than those relating to the white slave traffic. In none of these conventions have we found the phrase "subject to the requirements of domestic law". In the 1929 convention on counterfeiting and the 1936 convention on drugs, the articles dealing with previous convictions are qualified by the clause "within the conditions prescribed by domestic law". However, these conventions do not contain any similar qualification in the articles which define the offences or which prescribe punishment. It might, however, be noted that both of these conventions contain a provision similar to that incorporated in article 13 of the present text, which says that the offences should in each country be defined, prosecuted and punished in conformity with the rules of domestic law.

AGENDA ITEM 63¹

Refugees and stateless persons: item proposed by the Economic and Social Council

Document A/971

Note by the Secretary-General

[Original text: English]
[7 September 1949]

1. On 6 August 1949, at its ninth session, the Economic and Social Council adopted resolution 248A(IX), reading as follows:

"The Economic and Social Council,

"Recalling the resolution of 12 February 1946 in which the General Assembly proclaimed that the problem of refugees and displaced persons was international in scope and nature,²

"Having taken cognizance of the report of the Secretary-General³ and of the communication from the General Council of the International Refugee Organization, dated 11 July 1949,⁴

"Considering that the question of the protection of refugees who are the concern of the IRO is an urgent one owing to the fact that the IRO expects to terminate its services about 30 June 1950,

"Considering that at that time there will still be a considerable number of refugees many of whom will not be capable of being rapidly absorbed into the national communities of the countries where they are living, and that this number may possibly be increased by other refugees in a similar position,

"Noting the conclusions submitted by the General Council of the IRO in section 5 of its aforementioned communication,

"Requests the Governments which are Members of the United Nations, and all the other States, to provide, after the termination of the IRO, the necessary legal protection for refugees who have been the concern of the IRO under its mandate;

"Requests the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions, to prepare for the consideration of the fourth session of the General Assembly a plan for such organization within the framework of the United Nations as may be required to enable the United Nations to discharge the function of international protection of refugees, and related functions, taking into account the following alternatives:

"(a) The establishment of a high commissioner's office under the control of the United Nations;

"(b) The establishment of a service within the United Nations Secretariat;

"Further requests the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions, to transmit with such plan of organization a proposal with respect to the nature and extent of the legal protection functions to be performed, taking into consideration the experience of the League of Nations, the Intergovernmental Committee on Refugees and the IRO, the various provisions of national legislation relating to refugees, the special problems in occupied areas, and the observations made by Governments during the current session of the Council.⁵ This proposal might also include the following:

"(a) The methods by which States not Members of the United Nations may be brought into association with the work of the United Nations for refugees and stateless persons;

"(b) The administration of any assistance funds which the General Assembly might put at the disposal of the United Nations for the benefit of certain classes of refugees;

"(c) Reporting at stated intervals to the Council and the General Assembly concerning the effectiveness of existing international measures for the legal protection of refugees and such further international action as may be necessary;

"Recommends that the General Assembly at its fourth session:

"(a) Decide the functions and organizational arrangements within the framework of the United Nations necessary for the international protection of refugees after the IRO terminates its activities; and

"(b) Make the budgetary provision for the financial year 1950 necessary for the assumption of such functions."

2. As requested by the above resolution, the Secretary-General has been preparing a plan for such organization within the framework of the United Nations as may be required to enable the United Nations to discharge the function of the international protection of refugees and related functions. In preparing this plan, he has taken into account the two alternatives outlined in the resolution of the Economic and Social Council.

3. The Secretary-General will present the plan to the General Assembly as soon as his consultations with the Advisory Committee on Administrative and Budgetary Questions have been concluded.

¹The Rapporteur's report on this item will be found in the *Annex to the Plenary Meetings* under symbol A/1118.

²See *Resolutions adopted by the General Assembly* during the first part of its first session, page 12.

³See documents E/1112, E/1112/Add.1 and E/1112/Add.1/Corr.1.

⁴See documents E/1392 and E/1392/Corr.1.

⁵See documents E/SR.326 and 327.

Document A/C.3/527 and Corr. 1

Report of the Secretary-General

[Original text: English]
[26 October 1949]

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INTRODUCTION

1. The present report is submitted by the Secretary-General in compliance with the Economic and Social Council Resolution 248A(IX) dated 6 August 1949.

2. It will be recalled that the Economic and Social Council at its sixth session had adopted its resolution 116D(VI) relating to stateless persons, which requested the Secretary-General, in consultation with interested commissions and specialized agencies: (a) to undertake a study of the existing situation in regard to the protection of stateless persons by the issuance of necessary documents and other measures, and to make recommendations to an early session of the Council on the interim measures which might be taken by the United Nations to further this object; (b) to undertake a study of national legislation and international agreements and conventions relevant to statelessness, and to submit recommendations to the Council as to the desirability of concluding a further convention on this subject.

3. In accordance with this resolution, the Secretary-General presented a study¹ to the Council, which was examined by the Council at its ninth session. The Council had also before it a communication² from the General Council of IRO, dated 11 July 1949, calling attention to the fact that IRO contemplated termination of its activities on 30 June 1950 and suggesting that the Economic and Social Council should examine the problem of future international action on behalf of refugees in the light of the above.

4. After a thorough discussion of the problem, the Council adopted resolution 243A(IX) and resolution 248B(IX) on 6 and 8 August 1949, respectively. Resolution A forms the basis of the present report. Resolution B appoints an *ad hoc* Committee, consisting of representatives of thirteen governments, to consider the desirability of preparing a revised and consolidated convention relating to the international status of refugees and stateless persons and, if they consider such a course desirable, draft the text of such a convention; and to consider means of eliminating the problem of statelessness, including the desirability of requesting the International Law Commission to prepare a study and make recommendations on this subject.

5. In presenting this report the Secretary-General has followed closely the terms of reference of resolution 248A(IX), and the report thus deals mainly with the organization for "international protection and related functions" and with "the nature and extent of legal protection functions". It does, however, also deal with the particular points mentioned in the resolution, such as the role of non-member States and the administration of any assistance fund which the General Assembly might put at the disposal of the United Nations. The important question of material assistance has not been dealt with in a substantial way since this was not requested by the Council's resolution. The question can in fact only be considered on the basis of the IRO plans and the arrangements made for the benefit of needy refugees at present within its mandate. The communication of the General Council of the IRO in regard to this problem is being circulated separately.³

6. By the same communication the Secretary-General has been informed of a recommendation of the General Council of IRO on 20 October 1949 to the member Governments of IRO that operations be continued for an additional period of nine months, that is, to 31 March 1951. The General Council asks the General Assembly "to take decisions of principle forthwith and to make preparations for the establishment of the machinery which should come into force at a date no later than 1 January 1951". The Secretary-General has refrained from making fully detailed recommendations regarding the organization of the future service in the present report, believing that such proposals could more appropriately be made after the decisions of principle have been taken by the General Assembly.

7. In accordance with the Council resolution, the Secretary-General submitted this report to the Advisory Committee on Administrative and Budgetary Questions. The Committee did not comment but suggested that the report be circulated, the Committee reserving its right to make comments at a later date.

CHAPTER I

DEFINITION OF THE TERM "REFUGEE" AND SCOPE OF THE PROBLEM

Definition of the term "refugee"

8. Before considering the nature and extent of the international protection functions and the plan of organization it is necessary to determine the categories of persons who would fall within the mandate of the proposed service.

9. Resolution 248A(IX) of the Economic and Social Council does not explicitly define the class of refugees who are to be the concern of the proposed legal protection service. Nevertheless it appears clear from a reading of the resolution as a whole⁴ that the Council used the term "refugees" in the sense in which that term has been defined in the Constitution of IRO. Accordingly, the Secretary-General does not believe that he is called upon to propose a new definition or modi-

¹Document E/1112, E/1112/Add.1 and E/1112/Add.1/Corr.1.

²Document E/1392 and E/1392/Corr.1.

³See document A/C.3/528.

⁴In the third paragraph of the Council resolution it is stated that "the question of the protection of refugees who are the concern of the IRO is an urgent one"; in the fifth

paragraph reference is made to the conclusions submitted by the General Council of the IRO and in the sixth paragraph governments are expressly requested to "provide, after the termination of the IRO, the necessary legal protection for refugees who have been the concern of the IRO under its mandate".

fications of the existing IRO definitions. It will indeed be recalled that the question of defining the refugees entitled to assistance is a complex one and that the mandate of IRO was developed by the General Assembly only after considerable discussion in several committees of the Assembly and of the Economic and Social Council.

10. The proposed protection service would therefore concern itself with those refugees who are within the scope of IRO, in accordance with Annex I of the IRO Constitution.¹ In general, it may be noted that the term "refugee" is broadly defined in the Constitution of IRO. It applies to a person outside of his country of nationality or of former habitual residence (whether he has retained his nationality or is *de jure* stateless) who belongs to any of several specified categories commonly recognized as having a refugee status.² The term "refugee" also applies to a person outside his country of nationality or former habitual residence who as a result of events subsequent to the outbreak of the Second World War is unable or unwilling to avail himself of the protection of the government of his country of nationality or (in the case of stateless persons) of former nationality.³

11. While these classes of refugees are broadly described, they are qualified by certain important conditions which must be met before a refugee in one of these classes becomes eligible for assistance. In particular, the refugee must express valid objections to repatriation, the Constitution itself indicating what shall be considered as valid objections.⁴ Likewise the refugee must not fall within any groups barred from assistance: he would, for instance, cease to be the concern of the organization on acquiring a new nationality or becoming otherwise firmly established; nor could he become the concern of the organization if he intends to settle in other countries for purely economic reasons. Several other classes of persons are expressly excluded, for example, war criminals and traitors, and persons who since the end of hostilities have participated in an organization to overthrow by armed force a Member of the United Nations, or who have become leaders of movements hostile to a Member of the United Nations or sponsors of movements encouraging refugees not to return to their country of origin.⁵

12. It should be noted that the definitions of refugees under the Constitution of IRO necessarily require individual decisions as to the eligibility of each applicant, decisions which must be based in substantial part upon factors in the attitude of the individual himself. As a result IRO has been required to develop somewhat elaborate machinery to determine whether applicants for assistance come within the constitutional definitions of refugees.⁶ Whether or not such individual decisions

should be made by the proposed international office or left to national authorities should be considered by the General Assembly in connexion with the proposed functions.⁷

13. In conclusion, it must be borne in mind that the protection accorded to refugees by the international service will apply both to refugees granted a conventional status and to those who are not.

Scope of the problem

14. While the new service would concern itself with those refugees who come within the mandate of the IRO Constitution, it does not follow that statistically the numbers of persons to be benefited will be the same as those assisted by IRO. There are several reasons for this. In the first place, the main tasks of IRO have been repatriation, resettlement, care and maintenance; legal and political protection has on the whole been a secondary task, which has been performed largely within the framework of material assistance. It is obvious that a great many persons who have been receiving IRO material assistance will not require legal protection in the future. In most cases, these persons will have re-established themselves and acquired a new nationality in the countries of resettlement; and even those who remain behind will, in many cases, receive adequate protection in the territory of their residence.

15. On the other hand, there are refugees throughout the world who have never received material assistance from IRO, but to whom IRO would be entitled to accord legal protection under the terms of its Constitution. Such legal protection has never been extended, mainly because IRO has been preoccupied with its major tasks, and because it has operated primarily from the viewpoint of the refugee and displaced person problem in Europe. One must anticipate that if the United Nations assumed the function of legal protection on the basis of the broad definition of the IRO Constitution, requests for such assistance would be received from individual refugees scattered throughout the world who have not previously requested IRO aid.

16. In view of these considerations, it is quite impossible to furnish any exact statistical information regarding the numbers of refugees who would be the concern of the proposed protection service.⁸

17. While, according to resolution 248A(IX) of the Council, the legal protection functions will be exercised on behalf of refugees, irrespective of whether they have a nationality or are stateless, the General Assembly may wish to consider that the service should also afford protection, under certain conditions to be defined, to persons who, without being refugees, are *de jure* stateless.

¹Article 1 of the IRO Constitution states: "The mandate of the Organization shall extend to refugees and displaced persons in accordance with the principles, definitions and conditions set forth in Annex I, which is attached to and made an integral part of this Constitution." Annex I is reproduced in full as appendix I to the present report.

²For example, victims of Nazi or fascist regimes, Spanish Republicans, persons considered refugees before the Second World War, for reasons of race, religion, nationality, or political opinion.

³See Annex I to the Constitution, part I, section A, paragraph 2.

⁴Annex I to the Constitution, part I, section C.

⁵Part II of annex I of the Constitution of IRO lists the classes of persons who will not be the concern of the organization.

⁶In actual practice, IRO requires the completion by applicants of a written form which is reviewed, normally with a personal interview, by an Eligibility Officer assigned to the area in which the applicant appears. An applicant rejected as not falling within the mandate of the organization must be notified by the Eligibility Officer of his right to appeal to a semi-judicial Review Board. This Review Board with headquarters in Geneva and panels which travel on circuit throughout the principal areas in which refugees are located, was established by IRO in accordance with annex I of the Constitution.

⁷See points (j) and (k) of the proposed functions in Chapter II (paragraphs 34 to 38 below).

⁸Approximate figures concerning the various waves of refugees had been given in document E/1112 (Introduction). At present, however, only a fraction of the number involved would need protection.

A. Nature of legal protection

18. It is understood that the duty of protecting the refugee rests in the first instance upon the governments of countries in the territory of which the refugees are living. The international protection is complementary to the protection afforded by governments.

19. The international legal protection of refugees¹ consists essentially of efforts on the part of an international service to ensure that refugees who do not have the protection of the government of their countries of nationality or former habitual residence shall not be subject to legal and social disabilities arising from their peculiar status. In order to understand the nature of the problem which faces the General Assembly in this connexion, it has been thought desirable that some indication of the nature of these disabilities should be given at this point.

20. The refugee's disabilities arise from the fact that he neither possesses the ultimate possibility of returning to his own country, nor enjoys the protection of that country while away from it.

21. In the memorandum which it submitted to the Economic and Social Council, IRO has summarized under three headings the disabilities usually encountered by the refugee, as they relate to (a) conditions of residence, (b) international travel and (c) legal status in the country of residence.² The IRO statement on these points is as follows:

"Conditions of residence"

"9. Unless he is considered to be an immigrant who is authorized to settle in a country, a refugee is generally given temporary asylum with a short-term residence permit which must be renewed at frequent intervals. The entry of refugees is often encouraged in a period of prosperity when there is a shortage of national labour, but in periods of unemployment it is often the refugee who is dismissed first, and such dismissal may lead to his expulsion from the country of asylum.

"10. In some countries, the enjoyment of particular rights is dependent upon a residence permit

¹It is to be noted that in the past the term usually used was "political and legal protection":

(a) By a resolution of 30 September 1930, adopted by the League of Nations Assembly, at its eleventh session, the Assembly entrusts the Secretary-General with "the political and legal protection of the refugees . . ." (*Official Journal of the League of Nations*, Special Supplement No. 84, 1930);

(b) By a resolution of 30 September 1938, at its nineteenth session, the Assembly placed on the High Commissioner the duty "to provide for the legal and political protection of refugees . . ." (*Official Journal of the League of Nations*, Special Supplement No. 183, 1938, annex 8, page 137);

(c) Article 2, paragraph 1, of the IRO Constitution states: "The functions of the Organisation to be carried out in accordance with the purposes and the principles of the Charter of the United Nations shall be: . . . the legal and political protection . . . of persons who are the concern of the Organisation under the provisions of Annex I";

(d) Again, many special agreements concluded by IRO with governments contain clauses confirming that the organisation will provide for the legal and political protection of refugees residing in the territory of the contracting State or in a territory occupied by its armed forces. See, particularly, agreements concluded with *Australia*, paragraph 6 (b); for *Germany*, United States Zone, VIII,

which is valid for a prescribed period. Permits granted for a lesser period debar refugees from enjoyment of these rights.

"11. The inferior position of the refugee reacts unfavourably upon his settlement and delays his assimilation in that he is not in a position to obtain from the consular authorities of his country of origin many documents which are necessary for various acts of civil life.

"International travel"

"12. The refugee generally has no national passport. The authorities of the country which the refugee would wish to enter are reluctant to receive him because his identity is often not established, his legal status is uncertain, and his eventual departure will present serious difficulties because no other country is likely to be more willing to receive him and, furthermore, he is not able to return to his country of origin. There is, moreover, no State either able or willing to intervene to support his application for admission. Since he often cannot enter the territory of a State lawfully, the refugee does so clandestinely. A certain freedom of movement is essential if a refugee is to settle in a country in which he can be assimilated. The absence of any freedom of movement for refugees constitutes a serious obstacle to their even distribution over the world and is prejudicial to countries which, by their geographical position, are called upon to bear the brunt of an influx of refugees.

"Legal status of refugees in countries of residence"

"13. The inferior status of the refugee is illustrated in all his legal relationships. First of all his personal status which determines his legal capacity (age of obtaining majority, legal capacity of married women etc.) his family rights (marriage, divorce, recognition and adoption of children, his rights of succession) is often in doubt. In order to contract a marriage a foreigner must usually produce a certificate which is obtained from his consul specifying the requirements of his personal status (age, parents' consent, degrees of relationship), and other civil registration documents (e.g., birth certificates, certificates of celibacy or widowhood), which are not usually available to the refugee.

"14. The position of the refugee is generally inferior to that of a normal alien in respect of

paragraph 12 (d); for *Germany*, French Zone, III, paragraph 12; for *Austria*, United States Zone, II, paragraph 5 (i) and III, paragraph 9; for *Austria*, British Zone, IV, paragraph 11; for *Austria*, French Zone, paragraph 12; with *Brazil*, paragraph 31; (These words are to be noted: "*les droits appartenant aux Etats de protéger leurs nationaux se trouvant à l'étranger seront exercés au Brésil par l'OIR . . . à l'égard des réfugiés qui résident au Brésil aussi longtemps qu'ils seront apatrides ou pour d'autres raisons ne jouiront pas de la protection de leur pays d'origine et relèveront par conséquent du mandat de l'OIR conformément à la Constitution de celle-ci*"); with *Denmark*, II (e) and VII, paragraph 18 and 19; *France* (Metropolitan) article 6; with *France* (Installation of the delegation) article 7; with *France* (Guiana), VII, new paragraph 3; with *France* (Morocco); with *Guatemala*, article 5; with *Italy*, II, paragraph 1 (f); with *Luxembourg*, VIII, paragraph 28 (*Le Gouvernement reconnaît à l'OIR la protection politique et juridique des personnes relevant de son mandat et ne jouissant en droit ou en fait de la protection d'aucun gouvernement, les mêmes droits que ceux appartenant à un Etat à l'égard de ses ressortissants*); with the *Netherlands*, paragraph 6 (a); with the *United Kingdom of Great Britain and Northern Ireland* (workers from the United States Zone of Germany), article XIII.

²See document E/1392.

access to most trades and professions. In the case of nationals of other countries some restrictions are waived by virtue of treaties concluded on the basis of reciprocity. The refugee is not in a position to benefit from treaties of this kind.

"15. In questions of relief, social security, family allowances, the refugee is usually at a disadvantage in that foreigners are generally assimilated to nationals in these matters by virtue of special treaties or general conventions which do not apply to stateless refugees.

"16. A detailed statement analysing the special disabilities of refugees arising out of their statelessness in law or in fact is contained in United Nations document E/1112 (prepared by the Secretary-General of the United Nations, in pursuance of resolution 116D(VI) of the Economic and Social Council, dated 1 March 1948). The Director General wishes to draw the special attention of the General Council to title I, chapters 1 and 2 of this study."

B. Specific functions

22. Legal protection would consist in efforts to remove these and similar disabilities of refugees who do not enjoy the protection of their government of nationality or former habitual residence.

23. With this as an objective, the proposed service would exercise certain specific functions. A list and description of possible functions is given below, based on the activities previously undertaken by international organizations in this field. In presenting this list of functions the Secretary-General wishes to draw attention to the important

¹It is understood that the fact that the new service is empowered to exercise any given functions does not signify that it would exercise all its functions within all countries. The new service, like the organs preceding it, would exercise its functions within any given country in agreement with the government thereof.

²See footnote to point (e), below.

³Notably the Convention concerning the Status of Refugees coming from Germany, signed at Geneva, 10 February 1938, and the Agreement relating to the Issue of a Travel Document to Refugees who are the Concern of the Intergovernmental Committee on Refugees, signed in London, 15 October 1946.

⁴Article 3 (d) of the Statutes of the Nansen International Office as approved by the Council of the League of Nations at its sixty-second session, on 19 January 1931 (*Official Journal of the League of Nations*, No. 2, 1931, annex 1263) includes as one of the functions of the office "Facilitating, within the limits of its competence, the application, in particular cases, of the arrangements that have been made for the benefit of the refugees." This function is likewise envisaged in article 1 of the Arrangement and of the Agreement of 30 June 1928. Many instances of the lending of IRO's good offices to governments are to be found in the special agreements concluded by IRO.

⁵(a) This power was exercised by the High Commissioner's Office of the League of Nations created in 1921 (*Minutes of the Council of the League of Nations*, thirteenth session, annex 224).

(b) The Intergovernmental Committee on Refugees (paragraph (a) of the revised statutes of 1944) concluded certain special agreements, in particular with the Governments of *Belgium* on 13 February 1947, *Bolivia* on 1 April 1947, *Brazil* on 1 April 1947, *Chile* on 7 February 1947, *Colombia* on 15 March 1947, *Ecuador* on 21 April 1947, *Netherlands*, *Peru* on 3 March 1947, *Venezuela* on 17 February 1947 — see document IRO/LEG/GOV/10). These agreements related to the resettlement of refugees. Nevertheless, some of them contained clauses relating to the functions of political and legal protection exercised by the Intergovernmental Committee on Refugees and to the establishment of delegations by it. (See article 8 of the Agreement with the Belgian Government, article VIII of the Agreement with the Netherlands Government, and the Agreement with Venezuela which accords the delegate of the Intergovernmental Committee on Refugees the same

distinction between the functions which, on the one hand, concerns refugees as a class or large groups of refugees and those functions which, on the other hand, relate solely to action on behalf of individual refugees. The assumption of responsibility for individual cases by the United Nations would of course have substantial administrative consequences, which will be treated separately, in chapter III, below.

The following functions are proposed:¹

(a) *To seek the wider application of existing and future conventions relating to the improvement of the status of refugees*²

24. The international service would in appropriate cases seek to obtain further ratifications of and accessions to existing conventions,³ and would also seek to extend the application of new conventions, including such revised and consolidated conventions as may result from the work of the *ad hoc* Committee set up under resolution 248B(IX) of the Economic and Social Council.

(b) *To consult with governments with a view to facilitating the application of conventions*⁴

25. The international service would be empowered to consult with, and make suggestions to, governments regarding the legislative and administrative measures which might appear necessary to secure the implementation of the provisions of international conventions in force at any one time.

(c) *To negotiate and conclude agreements with individual governments*⁵

26. In some cases it would be desirable for the international service to make special arrangements

status as that accorded to diplomatic representatives.)

(c) The IRO Constitution contains special provisions relating to this function. Article 2, paragraph 2 of the Constitution states that the Organization shall have power to conduct negotiations and "conclude agreements with countries able and willing to receive refugees and displaced persons for the purpose of ensuring the protection of their legitimate rights and interests in so far as this may be necessary". Article 15 states: "The relationship of the Organization with the governments or administrations of countries in which displaced persons or refugees are located, and the conditions under which it will operate in such countries, shall be determined by agreements to be negotiated by it with such governments or administrations in accordance with the terms of this Constitution."

(d) IRO has concluded 20 special agreements, with: Germany: United States Zone, 28 July 1948; British Zone; French Zone, 6 September 1947.

Australia, 21 July 1947.

Austria: United States Zone, 11 August 1948; British Zone; French Zone.

Brazil, 30 April 1948.

Denmark, 19 November 1948.

France: (relating to the installation of the delegation), 13 January 1948; (relating to quasi-consular functions) 13 January 1948; (relating to the introduction of workers) 13 January 1948; (relating to Morocco) 8 July 1948; (recruitment for French Guiana) 21 April 1949.

Guatemala, 6 September 1948.

Italy, 24 October 1947.

Luxembourg, 9 March 1949.

Netherlands, 22 October 1947.

United Kingdom (introduction of workers of the United States Zone of Germany).

Turkey, 24 June 1948.

Some of these agreements extend to refugees coming within the mandate of IRO some of the advantages accorded by the Convention of 28 October 1933 [Agreement with *Brazil*, article 30; *France* (introduction of workers, article 6; and *Guiana*, article 7); *Netherlands*, paragraph 6 (a)].

(e) It is to be noted that the agreements concluded by IRO with *Brazil*, paragraph 40, *France* (*Guiana*) article 12 and *Luxembourg* article 11, provide that the rights accorded to refugees introduced by IRO shall remain accorded to them after the dissolution of the organization.

with particular governments granting certain rights to refugees. Such arrangements might be embodied in formal agreements. In connexion with some countries such action might, in effect, involve the succession of the new international service to the position previously occupied by IRO with respect to the legal protection clauses of the agreements concluded by IRO.

(d) *To report upon the carrying out of conventions and agreements in force and to further their implementation*¹

27. This function would involve obtaining information on legislative and administrative measures taken with a view to carrying out the conventions and agreements referred to above, under points (a), (b) and (c). The service would also be empowered to approach governments to further the implementation of conventions and agreements, and to report upon observance of these conventions and agreements to the appropriate organs of the United Nations.

(e) *To propose the conclusion of new conventions and modifications to existing conventions*²

28. While the *ad hoc* Committee previously

(f) These agreements recognize that it is IRO's function to determine whether the refugee falls under its mandate ("determination of eligibility").

See agreements concerning:

Germany, United States Zone, IV (e); French Zone, II, paragraph 2.

Austria, United States Zone, II, paragraph 5; British Zone, II, paragraph 2, and IV, paragraph 2; French Zone, II, paragraph 2.

Denmark, II (a).

France (installation of delegation), paragraph 6.

Italy, II, paragraph 1 (b).

Netherlands, paragraph 2 (a).

Turkey, II, paragraph 5.

¹(a) The resolution adopted on 30 September 1930 by the League of Nations Assembly (*Official Journal of the League of Nations*, Special Supplement No. 84, 1930) charges the Secretary-General: "... (b) to provide for, keep in touch with and regularize the application of the existing arrangements and agreements." (See *Minutes of the Council of the League of Nations*, sixtieth session, 1930, annex 1232, pages 1462 and 1463.)

(b) This function was vested in 1938 in the new High Commissioner. Article 2 (b) of the resolution adopted by the League of Nations Assembly on 30 September 1938, at its nineteenth session (*Official Journal of the League of Nations*, Special Supplement No. 183, 1938, annex 8) placed upon the High Commissioner the duty "to superintend the entry into force and the application of the legal status of refugees, as defined more particularly in the Conventions of 28 October 1933, and 10 February 1938".

(c) See also articles 2, paragraph 2 (j) and 4, paragraph 8 of the IRO Constitution together with the various agreements concluded by IRO.

²1. *Relevant texts*

(a) The report adopted on 27 June 1921 by the League of Nations Council at its thirteenth session concerning the creation of a High Commissioner's Office (*Minutes of the Council of the League of Nations*, thirteenth session, annex 224) stated that: "This High Commissioner's task would be to define the legal status of refugees..."

(b) By its resolution on 30 September 1930, the Assembly of the League of Nations at its eleventh session (*Official Journal of the League of Nations*, Special Supplement No. 84, 1930) the Secretary-General was instructed (c) to provide, if necessary, for the revision of the present arrangements and agreements and for the conclusion of fresh arrangements and agreements". (See *Minutes of the Council of the League of Nations*, sixtieth session, 1930, annex 1232.)

(c) By its resolution adopted on 24 February 1936 by the Council of the League of Nations (*Official Journal of the League of Nations*, No. 2, 1936, No. 3705) the High Commissioner for Refugees from Germany was instructed "(a) to prepare and arrange, an agreement with the Secretary-General, for the meeting of an intergovernmental conference with a view to arranging a system of legal protection for refugees coming from Germany". The Assembly of the League of Nations at its seventeenth session adopted, on 10 October 1936, a resolution (*Official Journal*

referred to is charged with the task of considering the desirability of preparing a revised and consolidated convention, there may be a need in the future for additional instruments and modifications of existing conventions. The proposals made in this regard by the service would be submitted to the Council.

(f) *To make proposals to and maintain liaison with governments with a view to remedying the disabilities of refugees and to this end to lend its good offices to governments to facilitate the repatriation, emigration or resettlement of refugees, or to make suggestions relating to their assimilation.*

29. Apart from its functions in connexion with the application of the specific terms of conventions and agreements, the service might also be empowered to make proposals to and maintain a general liaison with governments, whether or not parties to these conventions and agreements, with a view to removing the disabilities of refugees referred to earlier in this chapter.³

30. In certain cases it might be desirable, as one possible means to this end, for the service to

of the League of Nations, Special Supplement No. 155, 1936, annex 7) which states: "As regards the improvement of the legal status of refugees: to approach governments in order to obtain their accession to the Provisional Arrangement of July 4th, 1936, and to prepare an intergovernmental conference for the adoption of an international convention on the status of these refugees."

(d) By the resolution adopted on 30 September 1938 at its nineteenth session, the Assembly (*Official Journal of the League of Nations*, Special Supplement No. 183, 1938, annex 8, page 137) placed upon the High Commissioner the duty "(a) to provide for the political and legal protection of refugees, as entrusted to the regular organs of the League by paragraph 3 of the Assembly's decision of 30 September 1930" (see (b) above).

2. *Practice*

The task of promoting general agreements in favour of refugees has been effectively exercised by the different bodies entrusted with the international protection of refugees.

(a) Thus the Arrangements of 5 July 1922, 31 May 1924 and 12 May 1926 relating to the creation of the "Nansen" passport were due to the initiative of Dr. Nansen, High Commissioner of the League of Nations.

(b) The same applies to the Arrangements of 30 June 1928 relating to the legal status of Russian and Armenian refugees and to the extension to other categories of refugees of certain measures adopted in favour of Russian and Armenian refugees.

(c) The promotion of the Convention of 28 October 1933 was due to the Intergovernmental Advisory Commission and to the International Nansen Office.

(d) The High Commissioner's Office for Refugees coming from Germany promoted the Provisional Arrangement of 4 July 1936 as well as the Convention of 10 February 1938.

(e) The Intergovernmental Committee on Refugees promoted the London Agreement of 15 October 1946 relating to the establishment of an identity and travel document.

³(a) Among the functions of the High Commissioner's Office created in 1921 appeared that of providing access to employment to refugees (*Minutes of the Council of the League of Nations*, thirteenth session, annex 224). According to article 3 of the Statutes of the Nansen International Office (*Official Journal of the League of Nations*, No. 2, 1931, annex 1263), the latter is charged with "(a) ... facilitating the task of finding them work and settling them" and "(b) Giving general directions to relief institutions ... and co-ordinating their work".

(b) One of the functions of the High Commissioners of 1938-46 was also to assist the efforts of governments concerning the "permanent settlement" of refugees. [See resolution adopted on 30 September 1938 by the Assembly of the League of Nations at its nineteenth session—*Official Journal of the League of Nations*, Special Supplement No. 183, 1938, annex 8, page 137, paragraph 2 (d).]

(c) It is also one of the main tasks of IRO. See article 2, paragraph 1 (b) of the Constitution together with the special agreements concluded by IRO with various governments.

lend its good offices to governments to facilitate the repatriation, emigration or resettlement of refugees,¹ or to make suggestions relating to their assimilation.

¹Assistance in the repatriation, emigration and resettlement of refugees was one of the permanent tasks of the international protection service.

(a) In 1921 the High Commissioner's Office was instructed, *inter alia*, "to organize their repatriation or their allocation to the various countries which might be able to receive them" (*Minutes of the Council of the League of Nations*, thirteenth session, annex 224).

(b) Article 3 (a) of the Statutes of the Nansen International Office was similarly worded.

(c) The resolution adopted by the Council of the League of Nations on 24 January 1936 (*Official Journal of the League of Nations*, No. 2, 1936, No. 3705) instructed the High Commissioner for refugees coming from Germany to facilitate their settlement and their emigration.

(d) The High Commissioner's Office created in 1938, had among its tasks: "(d) to assist the governments and private organizations in their efforts to promote emigration and permanent settlement." (See *Official Journal of the League of Nations*, Special Supplement No. 183, 1938, annex 8.)

(e) The Intergovernmental Committee on Refugees continued to assist the emigration of refugees and their settlement in countries of immigration. (See Official Record of the twentieth meeting of the Executive Committee held on 16 July 1946.)

(f) Article 2, paragraph 1 (a) and (b) and paragraph 2(g) and (j) of the IRO Constitution, contains provisions for the repatriation, emigration and resettlement of refugees. The numerous special agreements concluded by IRO cover these questions. The annual reports of the General Director of IRO make a balance sheet of the results achieved by the organization in this sphere.

(g) In certain countries, in order to facilitate co-operation between IRO and national authorities the agreements arrived at established joint committees (*Italy*, Agreement of 24 October 1947, II, paragraph 3 and VII; *Brazil*, Agreement of 30 April 1948, article II) composed of representatives of the governments concerned and of IRO.

²(a) The right to nominate representatives was considered as implicitly covered by the mandate of the High Commissioner created in 1921. It was clear that the central service, without local bodies, could not fulfil the tasks it had been assigned. Also, from the beginning, the High Commissioner had representatives in various countries.

(b) Article 1 of the Arrangement of 30 June 1928 relating to the legal status of Russian and Armenian refugees contains the following clause: "It is recommended that the High Commissioner for Refugees shall, by appointing representatives in the greatest possible number of countries, render the following services, in so far as such services do not lie within the exclusive competence of the national authorities. . . ." The following countries signed that Arrangement: Germany, Austria, Bulgaria, Estonia, Greece, Latvia, Poland, Romania, Switzerland, Czechoslovakia and Yugoslavia. (*Publications of the League of Nations*, XIII, Refugees, 1930, XIII.1.)

(c) Article 18 of the Statutes of the Nansen International Office is more explicit in this respect. It contains the following clause: "The Nansen International Office for Refugees may appoint representatives in countries belonging to the League of Nations, such representatives to be chosen in agreement with the governments concerned. These representatives acted as agents for the Secretary-General of the League of Nations and fulfilled the quasi-consular functions enumerated in article 1 of the Arrangement and of the Agreement of 30 June 1928, for the duration of the Nansen Office, that is, to 1938. According to the annual reports of the Administrative Council of the Nansen International Office to the Assembly of the League of Nations, the Office had representatives in the following eighteen countries: Austria, Belgium, Bulgaria, China, Czechoslovakia, Danzig, Estonia, Finland, France, Germany, Greece, Latvia, Poland, Romania, Switzerland, Syria, Turkey and Yugoslavia. (Reports of the Administrative Council of the Nansen International Office to the Assembly of the League of Nations—documents Nos. 24 of 16 August 1932; A.19 of 30 August 1933; A.12 of 20 August 1934; A.22 of 29 August 1935; A.23 of 3 September 1936; A.21 of 20 August 1937 and A.21 of 10 August 1938.) The total number of semi-consular services rendered by its representatives during the period from 1 July 1932 to 30 June 1939 amounts to 655,739. (*Ibid.*)

(d) France and Belgium concluded, on 30 June 1928, the agreement relative to the functioning of the services of the High Commissioner for Refugees of the League of

(g) To nominate representatives in interested countries, in agreement with the governments thereof²

Nations. Article 1 of this agreement states: "*Les gouvernements qui ratifient le présent Accord admettront à l'exercice des attributions suivantes les représentants nommés dans les conditions déterminées ci-après par le Haut Commissaire de la Société des Nations pour les réfugiés. . .*"

(e) When the new High Commissioner's Office was created in 1938, it maintained the greater part of these representatives. Paragraph 6 of the resolution adopted by the Assembly on 30 September 1938 during its nineteenth session, states: "The High Commissioner shall consult the governments of the principal countries of refuge as to the need for appointing representatives therein. Should they agree, he may appoint to those countries representatives approved by them." (*Official Journal of the League of Nations*, Special Supplement No. 183, 1938, annex 8, page 137.)

(f) This practice was continued by the Intergovernmental Committee on Refugees which had delegates in Belgium, the United States of America, France, Italy, the Middle East, the Netherlands, Switzerland and Czechoslovakia. The seat of the Committee was in London.

(a) Article 15 of the Constitution of IRO envisages the determination, by agreements to be negotiated between the organization and governments, of the conditions under which the organization will operate in the countries where refugees and displaced persons are located. Numerous agreements which IRO has concluded with different governments contain clauses concerning the installation and functions of delegations of the Organization.

(b) Special agreements concluded between IRO and various governments contain clauses concerning the installation and functions of delegations. Reference is made to the agreements concluded with *Australia* (paragraph 10); *Germany*, United States Zone (article III, paragraph 4); *Germany*, French Zone (article II, paragraph 2); *Austria*, United States Zone (article I, paragraph 4; *Austria*, British Zone (article III, paragraph 5); *Austria*, French Zone (article II, paragraph 2); *Brazil* (paragraph 13); *France*, agreement relative to the installation to the delegation; *France* (Guiana) (article VII, paragraph 3); *France* (Morocco); *Guatemala* (article 6); *Italy* (articles IV and VII); *Netherlands* (paragraph 6 (a)).

(i) On 19 August 1949 IRO was represented in different countries and in different parts of the world, either by offices, by representatives or by benevolent organizations chosen for this purpose, as follows:

East Africa: 1 delegation, 3 representatives;
Germany: 4 delegations; (United States Zone, British Zone, French Zone, international research service, and eight other offices);
Austria: 1 delegation;
Australia and New Zealand: 1 delegation, 2 offices;
Austria: 1 delegation;
Belgium: 1 delegation;
Brazil: 1 delegation;
Canada: 1 delegation, 1 office;
Colombia: 1 representative;
Denmark: 1 delegation;
Egypt: 1 representative (for individual cases);
Spain: the following benevolent organizations: American Joint Distribution Committee and the American Relief Organizations;
United States of America: 1 delegation;
Far East: 2 delegations;
France: 1 delegation;
Guatemala: 1 delegation;
Israel: 1 representative (for individual cases);
Italy: 1 delegation, 3 offices;
Lebanon: 1 delegation;
Luxembourg: 1 delegation;
Mexico: 1 delegation;
Paraguay: 1 delegation;
Netherlands: 1 delegation;
Peru and Bolivia: 1 delegation;
Philippines: 1 delegation, 1 office;
Poland: 1 delegation;
Portugal: The three following benevolent organizations: American Joint Distribution Committee, National Catholic Welfare Conference, Unitarian Service Committee;
United Kingdom of Great Britain and Northern Ireland: 1 delegation;
Switzerland: 1 delegation;
Czechoslovakia: 1 delegation;
Turkey: 1 representative;
Venezuela: 1 delegation.

(h) *To collaborate with public and private organizations in order to carry out the functions assigned to the international service*¹

31. This would involve mainly the exchange of information, between the international service and the organizations signified in the heading, as to the needs of refugees and the specific areas where action on the part of these organizations might be helpful.

32. It would be understood that such collaboration would be maintained only with such organizations as share the purposes of the international service.

(i) *To make a continuous survey of all aspects of the refugee problem, to prepare documentation and statistics on the position of refugees, and to bring to the attention of the appropriate bodies of the United Nations any future situations which appear to require urgent attention*

¹(a) This collaboration is envisaged in the 1921 report of the Council of the League of Nations, relating to the establishment of the High Commissioner's Office (*Minutes of the Council of the League of Nations*, thirteenth session, annex 224);

(b) So also in article 3 of the Statutes of the Nansen International Office, which provides that the functions of the Office included "(c) Collecting and distributing with the help of other bodies, particularly the Advisory Committee of the private organizations, the resources placed at its disposal . . ." and "(b) Giving general directives to relief institutions which already exist, or which may be established subsequently with the authorization of the various national authorities, and co-ordinating their work".

(c) The resolution adopted by the Council of the League of Nations on 24 January 1936 (*Official Journal of the League of Nations*, No. 2, 1936, rubric 3705) relative to the incorporation into the League of Nations of the High Commissioner's Office for Refugees coming from Germany, provides: "It shall be the High Commissioner's duty . . . (c) to establish such liaison as he may consider desirable and in the manner which may appear most suitable with the private associations dealing with assistance to refugees and with their emigration and employment, the activities of these associations being recognized to be useful by the League of Nations."

(d) At its seventeenth session the Assembly of the League of Nations, in its resolution of 10 October 1936, instructed the High Commissioner "to encourage initiative on the part of private organizations; to support such initiative by negotiations with the governments of the countries of refuge . . ." (*Official Journal of the League of Nations*, Special Supplement No. 155, 1936.)

(e) In its resolution adopted 30 September 1938 at its nineteenth session the Assembly placed upon the High Commissioner the duty "(d) to assist . . . private organizations in their efforts to promote emigration and permanent settlement" (*Official Journal of the League of Nations*, Special Supplement No. 183, 1938, annex 8).

(f) The Intergovernmental Committee on Refugees had amongst its duties, "(a) de negocier avec . . . les associations bénévoles . . .", and "(b) de recevoir des fonds tant des gouvernements que de sources privées".

(g) Article 2, paragraph 2 (f) of the Constitution of IRO enables it "to consult and co-operate with public and private organizations whenever it is deemed advisable . . .", and article 2, paragraph 2(a) "to receive and disburse private and public funds".

(h) The special agreements concluded between IRO and various governments contain clauses in this respect.

²(a) Article 3 of the Statutes of the Nansen International Office as approved on 19 January 1931 by the Council of the League of Nations at its sixty-second session (*Official Journal of the League of Nations*, No. 2, 1931, annex 1263) states that in particular, the functions of the Nansen Office included: "(a) Collecting and collating information regarding the material and moral welfare of the refugees . . ."

(b) The resolution of 30 September 1930, adopted by the League of Nations Assembly at its eleventh session (*Official Journal of the League of Nations*, Special Supplement No. 84, 1930) instructed the Secretary-General "(a) to study the evolution of the refugee problem. . . ." (See *Minutes of the Council of the League of Nations*, sixtieth session, 1930, annex 1232.)

(c) The Intergovernmental Committee on Refugees was

33. In addition to obtaining statistical and other information on the refugee problem,² the service would be empowered to draw attention to new emergency situations requiring international action without the need for specific authorization for such reporting in each particular instance.

(j) *To issue certificates of identity and related documents to refugees or in lieu thereof to determine whether refugees are eligible to receive such documents from national authorities*

34. Under this heading the international service would render two types of service with respect to the issuance of documents to individual refugees. First, the service would be authorized to issue directly to refugees documents certifying the identity and status of the refugee.³

charged by its Executive Committee (twentieth meeting, 16 July 1946) with the collecting, in agreement with the governments and with UNRRA, of such information as might be necessary for the emigration and resettlement of refugees.

(d) Similar clauses are to be found in the agreements concluded by IRO with various governments.

³(a) Article 1 of the Agreement of 30 June 1928 concerning the functions of the League of Nations High Commissioner for Refugees provided that the governments ratifying the Agreement were to permit representatives nominated by the League of Nations High Commissioner for Refugees to exercise the following powers:

"(a) Certifying the identity and the position of the refugees;

"(b) Certifying their family position and civil status, in so far as these are based on documents issued or action taken in the refugees' country of origin;

"(c) Testifying to the regularity, validity, and conformity with the previous law of their country of origin, of documents issued in such country;

"(d) Certifying the signature of refugees and copies and translations of documents drawn up in their own language;

"(e) Testifying before the authorities of the country to the good character and conduct of the individual refugee, to his previous record, to his professional qualifications and to his university or academic standing.

"(f) Recommending the individual refugee to the competent authorities, particularly with a view to his obtaining visas, permits to reside in the country, admission to schools, libraries, etc."

This Agreement was ratified by Belgium on 2 May 1929 and by France on 21 May 1929, and was later denounced by these two countries.

Documents issued in pursuance of this Agreement are considered as authentic and take the place of documents relating to civil status when documents issued or action taken in the refugee's country of origin are involved (see *Revue critique du droit international privé*, 1948, No. 3, page 310, and 1939, No. 3, page 443—*Cour de Paris, Première Chambre*, 29 April 1939, *Affaire Wolinski*; *Cour de cassation, Chambre civile*, 18 January 1948; *Cour de Paris, Première Chambre*, 17 July 1948, *Affaire Pecheral*).

(b) Article 1 of the Arrangement of 30 June 1928 relating to the legal status of Russian and Armenian refugees contains similar provisions.

(c) During the period of the International Nansen Office (1930-1938) representatives of the Office were received by the following countries: Austria, Belgium, Bulgaria, China, Czechoslovakia, Danzig, Estonia, Finland, France, Germany, Greece, Latvia, Poland, Romania, Switzerland, Syria, Turkey and Yugoslavia.

(d) These functions of the Nansen Office were assumed in 1938 by the High Commissioner of the League of Nations.

(e) In France, the provisions of the Agreement were extended to German and Austrian refugees (Decree of 10 May 1945, *Official Journal of the League of Nations*, 4 August 1945), to Spanish refugees (Decree of 3 July 1945, *Official Journal of the League of Nations*, 4 July 1945) and finally, in pursuance of two agreements concluded on 13 January 1948 with IRO (one relating to the quasi-consular services and the other to the installation and to the functioning of the delegation), to all refugees coming within the mandate of IRO (concerning the devolu-

35. Secondly, the service would be authorized to determine whether individual refugees were within its mandate and therefore eligible to receive documents to be issued by the national authorities.¹ This function has been exercised by the Intergovernmental Committee on Refugees and IRO pursuant to the London Travel Agreement of 1946. Under this arrangement the IRO determinations of eligibility are the basis for the actual issuance of travel documents by the national governments parties to the London Travel Agreement. It should, however, be noted that such determinations of eligibility have been made by IRO in connexion with its major functions of rendering care and maintenance and other material assistance.

36. Both of the foregoing activities would require the proposed international service to decide in individual cases whether refugees fell within the categories which were to enjoy protection. In particular, attention is drawn to the fact that the service would then have responsibility for determining whether individual refugees had valid objections to returning to their countries of nationality or former habitual residence, as defined in the IRO Constitution, annex I, part I, section C, paragraph 1.

(k) *To act in the interests of individual refugees before national authorities*²

37. Under this heading the new service would be empowered to act on behalf of individual refugees in order to protect their rights and interests under existing agreements or special arrangements. IRO has indicated that its activity of this character has involved numerous interventions in particular cases.³ It appears that such individual interventions have related to deportation and expulsion, naturalization, restitution and indemnification, the exercise of certain trades and professions, applications for admission to educational institutions and many other proceedings which appeared to require international protection for individual refugees.

tion of these functions after the dissolution of the League of Nations—see the Decrees of 23 December 1946 and of 30 June 1947, *Official Journal* of 16 July 1947).

(f) The system of quasi-consular services is applied in Denmark in pursuance of article VII, paragraph 19 of the special Agreement concluded with IRO on 19 November 1948. It is also applied in French Guiana in pursuance of article VII, paragraph 4 of the special Agreement concluded with IRO on 21 April 1949.

(g) According to article V of the Agreement concluded on 26 September 1947 between the Government of the United Kingdom of Great Britain and Northern Ireland and IRO concerning the introduction of workers from the United States Zone of Germany, IRO is entrusted with the establishment and distribution to refugees of identity papers.

¹(a) A system has been adopted in the French Zone of Germany in pursuance of the instruction of 9 August 1949 of General Koenig (Just./31) which provides:

"1. *Toute personne ayant la qualité de "réfugié", c'est-à-dire pouvant produire un certificat du Directeur de l'Organisation internationale pour les réfugiés (OIR) ou de son représentant, établissant qu'elle est sous la protection de cet organisme, doit bénéficier de la dispense prévue par l'article 19 de la Loi No 16 du Conseil de contrôle.*

"2. *Les documents exigés pour l'accomplissement de certains actes d'état civil, les pièces, documents ou jugements concernant l'état civil d'un réfugié émanant du pays d'origine des intéressés, pourront être remplacés par des déclarations sous la foi du serment. Ces déclarations seront faites, si possible, par des témoins, sinon par l'intéressé lui-même, devant un notaire allemand ou l'officier PDR du Cercle de sa résidence.*"

(b) A similar instruction was issued in the British Zone on 22 April 1949 (L/Z/514/1) to the Regional Commis-

38. Such individual interventions may be undertaken with the national authorities of the country where the refugee is living, with the consular authorities of the country to which the refugee wishes to go or with the authorities of a foreign country in which the refugee has interests.

C. *Authority of the Economic and Social Council with regard to legal protection functions*

39. The General Assembly may wish to consider the possibility of authorizing the Council to instruct the service to assume additional functions in the field of the legal protection of refugees, or to undertake economic and social functions beyond those involved in legal protection.

D. *The question of material assistance*

40. At the ninth session of the Economic and Social Council, certain delegations called attention to the need for assuring material assistance for certain groups of refugees who would still be in need of care and maintenance in various areas of operation of IRO after that organization would have laid down its mandate. The number of such refugees, however, cannot at this time be estimated even approximately.

41. IRO document GC/109, dated 6 October 1949, submitted to the fourth session of the IRO General Council, estimates that on 30 June 1950, approximately 149,400 refugees eligible for aid under the organization's Constitution, and having "limited opportunities for resettlement" will still be receiving care and maintenance. Of this number, about 100,000 would be in the British, French and United States occupation zones of Germany, the remainder in Austria, France, Italy, and other areas of IRO operations. The Director-General of IRO, in a statement to the fourth session of the General Council on 13 October 1949, expressed the opinion that of this number of approximately 149,400 refugees, about 20,000 would require institutional care of an indefinite duration, because of advanced age, poor health, chronic ailments etc.

sioners of Rhine-Westphalia, Schleswig-Holstein, Lower Saxony and Hamburg.

²(a) Article 1 of the Arrangement and of the Agreement of 30 June 1928 provided that three of the functions of the High Commissioner which he exercised through his representatives were to be to "(a) Certify the identity and the position of the refugees", "(e) Testify before the authorities of the country to the good character and conduct of the individual refugee, to his previous record, to his professional qualifications and to his university or academic standing" and "(f) Recommend the individual refugee to the competent authorities particularly with a view to his obtaining visas, permits to reside in the country, admission to schools, libraries, etc."

In Belgium the Circular of the Minister of Justice, dated 10 December 1948 grants safe-conducts to transitory refugees provided with IRO certificates confirming that the refugee falls within the scope of the mandate of IRO (*Moniteur Belge* of 18 December 1948.)

In France the police request from refugees who apply for residence permits, travel permits or Nansen passports, the production of documents supplied by IRO certifying their identity, civil status, nationality and refugee status. Similar certificates must usually be produced at consulates in support of requests for visas.

(b) A particular type of intervention concerns the case where the refugee has interests to protect outside his country of residence. An international authority could in this case come to the aid of the refugee. In this way the representatives of the Intergovernmental Committee on Refugees and of IRO have been called upon to take steps in favour of refugees in order to secure the unblocking or relief from sequestration of their property situated in foreign countries.

(c) See also the two previous footnotes.

³See document E/1392, paragraphs 19 to 40 inclusive.

In addition, there would be some 30,000 dependents of these institutional "hard core" cases.

CHAPTER III

ORGANIZATION AND FINANCIAL ARRANGEMENTS FOR THE INTERNATIONAL PROTECTION OF REFUGEES

42. Three particular organizational and administrative problems are referred to in resolution 248 (IX) A of the Economic and Social Council as requiring special attention in the Secretary-General's report.

(a) The alternative forms for the discharging of the function of the international protection of refugees by the United Nations, viz. the establishment of a High Commissioner's Office under the control of the United Nations or the establishment of a service within the United Nations Secretariat;

(b) Methods by which States not Members of the United Nations may be brought into association with the work of the United Nations for refugees and stateless persons; and

(c) The administration of any assistance funds which the General Assembly might put at the disposal of the United Nations.

43. The Secretary-General has given full weight to the discussions held in the Economic and Social Council concerning these problems as well as to the experience of the League of Nations, the Intergovernmental Committee on Refugees and IRO in taking his own position with regard to each of these points.

44. It should be noted that the decisions made in regard to the definition of the protection functions, the question of material assistance, and the relations of the service to governmental and private activity will have a considerable bearing on the character and size of the organization required, the distribution of staff between headquarters and local offices, and the type of personnel to be appointed.

Forms of organization

A. Office of a High Commissioner

45. The establishment by the General Assembly, under Article 22 of the Charter, of the Office of a High Commissioner would be based upon and would be following the practice and experience of the League of Nations from 1921 to 1946. The precedents set by the League of Nations in this regard are described in appendix II to this report.

46. The High Commissioner should be made responsible to the United Nations through the General Assembly. He should report to the General Assembly through the Economic and Social Council, and should also report to the Council at such other times as the Council may request and should comply with its directives.

47. The Secretary-General would be prepared to appoint the High Commissioner if the General Assembly should so desire.

48. The High Commissioner for refugees under this plan would enjoy a special status within the United Nations. He would possess the degree of independence and the prestige which would seem to be required for the effective performance of his functions.

49. The responsibility and authority for programme decisions and actions should belong to the

High Commissioner alone, within the directives which he receives from the General Assembly and from the Economic and Social Council. The High Commissioner should, at the same time, remain in constant contact with the Secretary-General, keeping him informed of his activities and consulting him to the greatest possible extent.

50. Moreover, to avoid administrative and financial complications, the High Commissioner should avail himself of all appropriate services of the Secretariat and should submit all appointments of his staff to the appropriate service within the Secretariat for approval. The staff, for which suitable persons from non-member countries concerned with the refugee problem would be eligible, should be considered a part of the Secretariat of the United Nations.

51. The administrative expenses of his Office should be borne in the regular budget of the United Nations and thus the High Commissioner's estimates should be subject to approval by the Secretary-General in accordance with the financial rules and regulations of the United Nations.

B. Establishment of a service within the United Nations Secretariat

52. The alternative form of organization, which found favour among certain members of the Economic and Social Council, was the establishment of a service within the United Nations Secretariat. The chief advantages attributed to this plan were administrative simplicity and economy and centralization of responsibility for all United Nations programmes in the Secretary-General.

53. A director would be appointed, who, with his staff, might form a special service reporting directly to the Secretary-General or be placed within one of the existing departments of the Secretariat. A precedent for the establishment of a refugee service within the Secretariat may be found in resolution 212 (III) of the General Assembly concerning the appointment of a Director of United Nations Relief for Palestine Refugees; that appointment, however, was envisaged as being of a purely temporary and indeed very short-term character.

54. The Secretary-General is not in favour of such a solution in the present case and considers that, of the alternatives indicated by the Council, the establishment of an office of high commissioner would be the more appropriate.

Participation of non-member States

55. The Council also requested that the Secretary-General should include in his proposal "methods by which States not Members of the United Nations may be brought into association with the work of the United Nations for refugees and stateless persons". From the debates in the Council, it is clear that the objective of this recommendation was to associate in these activities countries, such as Switzerland or Italy, which have made a considerable contribution to refugee work.

56. The Council would naturally be free to invite any States, whether Members of the United Nations or not, to participate in its discussions, without right to vote. The General Assembly may, however, wish in addition to consider providing for the establishment by the Council of an inter-governmental consultative committee in which the States most concerned in the problems of refugees,

whether Members of the United Nations or not, would be represented.

57. Should assistance funds be contributed by governments on a voluntary basis for use by the High Commissioner, such a Committee might appropriately exercise supervision over the administration of such funds.

Administration of assistance funds

58. In dealing with the administration of assistance funds, it must be recognized that the amounts involved and the type of material assistance would have a considerable influence on the organization of the work. Since these factors would remain largely unknown until the General Assembly decided to make a grant of funds, it is suggested that concrete recommendations can only be made when a specific situation is under discussion. The possibilities might range from subsidies to governments for institutional care to large-scale operations such as the United Nations Relief for Palestine Refugees.

59. However, from an organizational and financial point of view, the Secretary-General considers it desirable to suggest certain general principles. Should such funds be put at the disposal of the High Commissioner, he should not, except in unusual circumstances, be responsible for their distribution to individuals but should be directed to make them, if possible, available through governments or existing voluntary organizations for the execution of particular projects, as in the case of the United Nations Relief for Palestine Refugees and following the precedents of the Nansen Office. Any other solution would involve considerable administrative difficulties for the High Commissioner and budgetary consequence for the United Nations.

60. If it is decided to include material aid in the functions of the High Commissioner, it would seem desirable to authorize him to accept private as well as public contributions as in the case of the Directors of the United Nations Relief for Palestine Refugees and the United Nations International Children's Emergency Fund. Any such funds should be administered under a special set of financial regulations approved by the General Assembly. The High Commissioner should be given authority to promulgate detailed rules to implement the regulations approved by the General Assembly.

61. The question of allocation of such funds between areas, if the amounts are significant, may well require special consideration of the desirability of an intergovernmental committee or board combining the executive functions of allocation with the advisory functions noted in paragraph 56 above. This pattern is now followed in the case of the Executive Board of UNICEF.

62. The administrative expenses involved in maintaining the funds should be supported by the budget of the new service.

63. The transactions should be subject to audit by the United Nations Board of Auditors, although the Board should be allowed to accept audited accounts from the voluntary societies to whom funds have been allocated for distribution to particular categories of refugees.

Budgetary implications

64. During the ninth session of the Economic and Social Council held in July-August 1949, the

urgency of this problem appeared to be such that the Council recommended that the fourth session of the General Assembly should make budgetary provision for the financial year 1950 necessary for the assumption of functions relating to the protection of refugees.

65. At the time of preparing the present report, it seems reasonably certain, in the light of recent developments in the International Refugee Organization, that this specialized agency will be able to carry on its legal protection functions throughout 1950.

66. In view of these changed circumstances, the Secretary-General has not prepared detailed budget estimates for submission at this time, believing it desirable that the General Assembly should decide on the nature and scope of the functions and the basic organizational pattern prior to the development of budget estimates. Study has been given to relevant parts of the budgets of the League of Nations, the Intergovernmental Committee on Refugees, and IRO, however, and it may be of assistance to the General Assembly to know that the first full year of operation following the establishment of the High Commissioner's Office, assuming that all the legal protection functions described in chapter II were performed, would cost approximately 750,000 dollars (net). This assumes that a headquarters office and sixteen branch offices in countries of residence of substantial numbers of refugees would be created. The headquarters office would consist of approximately ten professional and ten secretarial and clerical workers; the branch offices would vary in size according to the number of refugees in the country or region but would average four professional and four clerical staff members each. If national governments agree to perform the clerical work involved in the preparation of international travel documents for refugees determined to be eligible by the High Commissioner's Office, this average number might be reduced somewhat.

67. It is assumed that in at least half of the areas, it will be possible to attach such branches of the refugee service to existing United Nations offices with resulting savings in rent and common services. The estimate assumes that the salary of the High Commissioner and the headquarters staff would be assimilated to international rates. It has been assumed, however, that salaries of staff located in branch offices would be based on appropriate local rates.

68. If the General Assembly were to eliminate certain of the functions outlined in chapter II, the size of the organization would of course be reduced with a consequent reduction in the estimates. It should be noted that a substantial portion of the estimated expenditures relates to functions (*j*) and (*k*) in chapter II above, which involve responsibilities in connexion with individual refugees.

69. If it is agreed that machinery should be established to come into effect by 1 January 1951, it is suggested that the Secretary-General be authorized to draw on the Working Capital Fund, if necessary, to meet the cost of establishing a small planning office three months prior to that date.

70. The Secretary-General is of the opinion that the administrative costs of a system of international protection of refugees should be borne on

the regular budget of the United Nations to ensure adequate and continuing support of the programme. Any funds for material aid should be carried on a separate budget.

71. After the first budget, it is recommended that the High Commissioner should prepare his estimates and that they should be reviewed and included in the Secretary-General's budget estimates in the normal way. Existing machinery should also be used for allotment of funds within the approved budget and other financial controls.

APPENDIX I

ANNEX I OF THE CONSTITUTION OF THE INTERNATIONAL REFUGEE ORGANIZATION

[In the mimeographed text of this report, appendix I reproduced in full annex I of the Constitution of the International Refugee Organization. For the text of the annex see *Resolutions adopted by the General Assembly* during the second part of its first session, resolution 62 (I), pages 110 to 115 inclusive.]

APPENDIX II

LEAGUE OF NATIONS HIGH COMMISSIONERS FOR REFUGEES

Three High Commissioners were appointed by the League of Nations at different times to deal with various categories of refugees.

1. The Council of the League of Nations by a resolution dated 27 June 1921¹ decided to appoint a High Commissioner for Russian Refugees, and appointed Dr. Nansen to the post on 20 August 1921.²

This High Commissioner, who was responsible to the League of Nations, derived his authority from the Assembly and the Council, with whose instructions and directives he was required to comply.

He was assisted by an Intergovernmental Advisory Commission set up by an Assembly resolution dated 25 September 1928³, and by an advisory committee of private organizations.

He submitted an annual report to the Assembly and periodical reports to the Council.

He was empowered to maintain direct relations with governments and to negotiate agreements.⁴

Officials of the High Commissioner's Office were part of the League of Nations staff while at the same time responsible to the High Commissioner.

The League of Nations defrayed all the administrative expenses of the High Commissioner's Office,⁵ but made no contribution towards defraying the expenditure on material assistance to refugees. Such expenditure was met by funds coming from various sources (for example, Nansen stamps which were paid for by refugees themselves in accordance with the Agreement of 12 May 1927, and private charity).

This High Commissioner's Office existed until the death of Nansen, in 1930, when political and legal protection was assumed *de jure* by the regular organs of the League of Nations⁶ and *de facto* by the Nansen Office.

It is to be noted that during the existence of this High Commissioner's Office there were various changes in the duties assigned to it. For example, from 1925 to 1929 the International Labour Office

took over responsibility for material assistance, emigration and settlement of refugees.

2. The High Commissioner for refugees coming from Germany was appointed under a resolution of the League of Nations Council dated 26 October 1933.⁷

Owing to the opposition of the German Government this High Commissioner's Office was not at first incorporated in the League of Nations. The High Commissioner was appointed by the Council of the League of Nations, but the League of Nations made no contribution towards defraying the expenses of the High Commissioner's Office and exercised no control over its activities. The High Commissioner was assisted by a Governing Body of States which were prepared to assist refugees and it was to this Governing Body that the High Commissioner had to submit periodic reports.

A change occurred in 1936 and the High Commissioner's Office for German Refugees was incorporated in the League of Nations.

The High Commissioner's Office for German Refugees thereafter functioned in a similar manner to the above-mentioned High Commissioner's Office for Russian Refugees set up in 1921.

3. A High Commissioner for the two categories of protected refugees (Russian, Armenian and assimilated refugees on the one hand, and refugees coming from Germany on the other) was appointed under a resolution of the League of Nations Assembly dated 30 November 1938.⁸

The main features of this High Commissioner's Office, which remained in being until 31 December 1946 were as follows:

(a) *Position of the High Commissioner with regard to the League of Nations:*

The High Commissioner was appointed by the League of Nations Assembly for a period of five years. He was to be assisted by a Deputy High Commissioner not of the same nationality and a "small staff" appointed by him.

He was not placed under the authority of the Secretary-General of the League of Nations.

His headquarters was to be in London.

The Assembly resolution stated: "The High Commissioner shall have no power to enter into any legal commitment whatsoever on behalf of the League of Nations: the League assumes no responsibility, legal or financial, in respect of his activities" (paragraph 5).

The High Commissioner was to report to the Assembly annually on his work (paragraph 3).

The accounts in respect of funds intended for assistance to refugees were to be periodically audited by the Auditor of the League of Nations (paragraph 8).

(b) *Duties of the High Commissioner:*

The duties of the High Commissioner as defined in paragraph 2 of the Assembly resolution were as follows:

(i) To provide for the political and legal protection of refugees;

(ii) To superintend the entry into force and the application of the legal status of refugees, as defined by international agreements;

(iii) To facilitate the co-ordination of humanitarian assistance;

Budget (Council resolution of 27 June 1921, paragraph 5). The High Commissioner subsequently submitted his budgetary estimates to the Assembly. These were examined by the Fifth Committee (Social Committee) before being examined by the Fourth Committee (Budget Committee).

⁶See *Official Journal of the League of Nations*, Special Supplement No. 84, page 157.

⁷See *Minutes of the Council of the League of Nations*, seventy-seventh session, section 3346, page 1616.

⁸*Official Journal of the League of Nations*, Special Supplement No. 183, page 136.

¹See *Minutes of the Council of the League of Nations*, thirteenth session, 1921, section 427, pages 53 and 54.

²See *Minutes of the Council of the League of Nations*, fourteenth session, 1921, annex 245, page 64.

³*Official Journal of the League of Nations*, Special Supplement No. 64, page 149.

⁴League of Nations document C.277.M.203-1921. Preparatory document for the Conference held on 30 June 1928.

⁵In the first year (1921) expenses were charged to "Unforeseen Expenditures" in the League of Nations

(iv) To assist the governments and private organizations in their efforts to promote emigration and permanent settlement.

The High Commissioner was instructed to consult the Governments of the principal countries of refuge as to the need for appointing representatives therein, and should they agree, to appoint representatives approved by them.

It was the High Commissioner's duty to keep "in close touch with the governments concerned and the competent official bodies" and "to establish contact, in such manner as he might think best, with private organizations dealing with refugee questions" (paragraph 4).

(c) *Expenses of the High Commissioner's Office:*

(i) The administrative expenditure (salaries of the High Commissioner and his staff, travelling expenses, rent of premises, office expenses etc.) was covered by a grant from the League of Nations, fixed annually by the Assembly. It was specified that it should in no case be employed for the relief and settlement of refugees (paragraph 7).

(ii) The High Commissioner could "accept funds from governments or private sources". He could not however "himself provide assistance to refugees" and he was to allot these funds "among such organizations and such official bodies, if any, as he might consider best qualified to administer such assistance" (paragraph 8).

Document A/C.3/528

Note by the Secretary-General

[Original text: English]
[26 October 1949]

The attached memorandum has been addressed to the General Assembly by the General Council of the International Refugee Organization in pursuance of resolution No. 54 adopted by that body on 20 October 1949:

"The General Council of the International Refugee Organization,

"Having examined and discussed the reports of the Director-General on action taken to date with a view to the completion of the programme of the organization (document GC/102), on the resettlement of refugee specialists (document GC/108), on the number of refugees and displaced persons to be moved in repatriation and resettlement programmes (document GC/109), and on action taken by the Economic and Social Council of the United Nations on matters of concern to IRO (document GC/104),

"Resolves

"1. To take note of the reports;

"2. To approve the steps taken and the measures proposed by the Director-General for the implementation of resolution No. 39;

"3. To address once again an urgent and immediate appeal to all governments of goodwill to do all in their power to liberalize in the broadest manner their selection and admission standards;

"4. To authorize the Director-General to continue to seek solutions for the continuing care and permanent settlement of refugees proven to be institutional cases, by means of direct negotiations with governments and interested agencies;

"5. To instruct the Director-General to pursue his efforts to reduce the number of persons who have theoretically limited opportunities of resettlement by continuing to develop, with the help of interested governments, nominative resettlement schemes and by sending special representatives to countries of resettlement with a view to promoting individual sponsorship and employment offers;

"6. To request all governments to facilitate the task of the special representatives of the Director-General, to give them full support in their task of promoting placement possibilities for refugees with specialist skills or with limited opportunities for resettlement, and to admit those refugees and displaced persons for whom resettlement opportunities will have been found;

"7. To request the Director-General to transmit to the Secretary-General of the United Nations all the necessary documents, resolutions and records of the fourth session of the General Council, in order to assist the General Assembly of the United Nations in its urgent task of establishing a plan of organization to ensure the protection of refugees (and the administration of any possible assistance funds) after IRO shall have terminated its activities; and

"8. To transmit to the General Assembly of the United Nations the attached memorandum adopted by the General Council on 20 October 1949."

MEMORANDUM TO THE GENERAL ASSEMBLY OF THE UNITED NATIONS¹

1. At a time when the United Nations General Assembly has had the problem of refugees and displaced persons put before it, by the resolution of the Economic and Social Council dated 6 August 1949,² the IRO General Council at its fourth session desired to reaffirm the basic views set forth in its memorandum to the Economic and Social Council, dated 11 July 1949,³ and to pass on to the Assembly the latest information in its possession.

2. This information mainly concerns the date on which IRO proposes to bring its operations to an end, and the probable position at that time. It also relates to the special difficulties IRO is encountering in completing its programme, and the assistance which the Organization expects from governments.

I. *Date of termination of IRO operations*

3. The IRO General Council, anxious that the Organization should complete its programme as soon as possible after 30 June 1950, the date on which in the ordinary course of events its mandate was expected to end, took important decisions during its special session in July 1949, with a view to setting limits to a problem which may never be completely resolved, and to preparing the final period of IRO operations.

4. The most important step of this order taken at that time was the adoption of the date limit of 31 August 1949, from which date the Organization was to stop, and has indeed stopped, accepting any further registrations except for legal protection.

5. Taking into account the present rate of repatriation and resettlement operations and the new applications registered, it can now be estimated that by 30 June 1950 provision will have been made for the future of 970,000 refugees and

¹Revised version of document GC/129/Rev.1.

²Resolution 248 A (IX).

³See documents E/1392 and E/1392/Corr.1.

displaced persons, and that there will still be about 292,000 for whom a solution remains to be found by IRO. In addition, there will be a very large number of refugees who will require legal protection.

6. In these circumstances, the General Council has agreed to propose to the member governments an additional period of nine months of IRO operations and has recommended their consideration of a budget to permit the continuation of the Organization's programme for the supplementary period.

7. Although the General Council agreed to recommend this extension to the member governments, it is not at present in a position to say definitely what action governments will take in the matter. While it was necessary for certain delegations to reserve their position on this question, the representatives of almost all members of the Organization indicated that their governments would consider sympathetically this extension.

8. Being aware of the need to avoid any break in continuity in this field, the Council recommends that the United Nations General Assembly should proceed immediately with the discussion of the problem which has been put before it. If there is an extension of IRO operations beyond 30 June 1950, it will still be necessary for the General Assembly to take decisions of principle forthwith and to make preparations for the establishment of machinery which should come into force at a date no later than 1 January 1951.

9. It should be added, incidentally, that although this possible extension may bring about a change in some aspects of the problem, it cannot alter the principles in the light of which the problem must be considered.

10. On the one hand, the general principles of the question of international protection for refugees cannot be affected; on the other hand, although the problem with which IRO has to deal will have been reduced in extent by the end of a supplementary period, it is none the less possible to state now that the work cannot be entirely completed and international responsibilities will definitely have to be met at the end of that period.

11. Lastly, the decisions which the Assembly may adopt might be of considerable assistance in the solution of a number of specially acute problems which the Organization has to face. At all events the consequence of such decisions would be a clarification of the position, since the governments most directly concerned in the problem would be able to estimate now how much assistance they can reasonably expect to receive from the international community.

II. *The refugee problem up to the end of IRO operations*

12. The work at present waiting to be done by the Organization, in terms of figures, apart from the legal protection of all refugees coming within its mandate, can be defined as follows: during the present financial year, the Organization hopes to repatriate or resettle 367,500 persons, so that by 30 June 1950, 970,000 refugees will have been provided for; at that date a solution will still have to be found for the cases of 292,000 refugees. Assuming that there is an extension, there will remain at the end of that supplementary period

substantial numbers of persons who will require continuing legal protection and others who may need other assistance.

13. These estimates, however, are not enough to give an accurate picture of the position, because allowance must be made for the steady flow of refugees to which IRO will continue to grant its protection as long as it exists, but for whom it will be unable to provide care and maintenance or to organize resettlement.

14. Furthermore, it must be borne in mind that of the total number of refugees at present cared for by the Organization, about 150,000 are in circumstances which have so far made resettlement difficult, if not impossible, for them. They consist of people left alone in the world, unable to support themselves, requiring hospital accommodation or permanent care, or of individuals or whole families who, on grounds of age, health, occupation etc., have not as yet been resettled in other countries.

15. The local re-establishment of these people has never seemed desirable unless it represents their own free choice. But the Assembly should be made aware of the fact that the Organization cannot achieve this aim alone, and that very far-reaching and energetic co-operation from the largest possible number of governments is required.

16. The resettlement policy of IRO has sometimes been misunderstood. The General Council believes that it will only be facilitating the study of the problem put before the General Assembly if it takes this opportunity of informing the General Assembly, in an objective manner, of the true facts of the problem, as it appears to those who for the past two years have been bearing this heavy responsibility on behalf of the whole international community.

17. The General Council is aware of the difficulties governments have had to face in regard to their resettlement policy. It must pay a tribute to the constant efforts made by a large number of governments, both to increase the quotas accepted and to liberalize certain of their regulations governing immigration. Appreciating as it does the magnitude of the results achieved, it expresses its gratitude and admiration to all the governments which, looking beyond their own immediate interests, have in fact consented, in a true spirit of international solidarity, to receive on their territories refugees dependent on their material support. Without the help which came from these various sources, IRO could have done nothing.

18. The governments members of the Organization have always been conscious of the humanitarian aspect of the problem, and they have always tried to find the fairest possible solution, both for those who are readily employable and for those who are not.

19. The General Council has, however, been forced to conclude, and to pass that conclusion on to the General Assembly, that in spite of all the improvements which have been brought about, a further effort will have to be made if the Organization is to complete its programme and set the seal upon its work by conferring upon the sum total of its achievements a character fully in harmony with the international ideal.

20. The General Council, anxious to do all it could in this matter, has just approved an initial

allocation of 10 million dollars for the solution of the "hard core" problem, and an additional allocation, a larger one, is contemplated should the life of IRO be prolonged for some months.

21. Only if there is active support from the governments, however, can these allocations make it possible to achieve a just and complete solution, and the General Council must solemnly call the attention of the United Nations to the fact that if this support is not forthcoming, the General Assembly will be faced with vast problems when IRO is terminated.

22. In this connexion, the General Council again draws attention to the fact that in the above-mentioned message to the Economic and Social Council, it expressed the unanimous hope that the largest possible number of countries would in future help IRO to complete its programme by showing themselves as liberal as possible in their immigration policy. The Council wishes to express this hope again today, still more urgently, and with a fuller knowledge of the problem. It is convinced that a recommendation by the United Nations on the subject would meet with a response from a larger number of governments.

III. *The refugee problem after the termination of the Organization*

23. The appraisal of the problem which will in fact exist after the termination of IRO depends to a large extent on the collaboration which governments will give the Organization in the coming months.

24. It can be stated already, however, that a problem of international responsibility will in any event remain to be solved.

25. The General Council has already referred to the steady influx of refugees to whom the Organization continues to extend its protection although it is, unfortunately, unable to grant them more effective assistance.

26. It is to be feared, on the other hand, that in spite of the efforts of the Organization, a relatively large number of refugees who are unable to support themselves may, upon the termination of the Organization, be left behind in conditions the adequacy of which is at the present stage open to doubt. It is clear that the existence of these refugees creates for the international community a problem which, as far as principles are concerned, does not depend on the number of persons involved, and that, on the other hand, the scope of the problem will vary according to the extent to which governments will until then contribute to its solution.

27. In this connexion, it appears that if certain governments were sure that they would, in the future, receive some assistance, however small, for the care of the most deserving cases, they would be more willing to receive or to keep on their territories refugees requiring permanent assistance; this would facilitate the solution of the acute problem of the "hard core" which IRO is endeavouring to achieve.

28. In appreciating the international responsibilities involved in this matter, it should be borne in mind that thirty countries had voted in favour of the Constitution of IRO and had thus recognized that the solution of the problem of the refugees was an international responsibility.

29. It is known that twenty months of effort were needed to obtain the fifteen acceptances required and that the establishment of the Organization was therefore delayed and its activity slowed up for a long period; and that in actual fact only eighteen member governments bear the whole burden.

30. IRO, which is a non-permanent Organization, is facing a problem which in certain aspects appears unfortunately to be of a permanent character. Consequently, the General Council requests the General Assembly of the United Nations to consider its responsibilities and if, in the absence of more precise data, a final decision to be implemented forthwith in the matter of financial responsibility for assistance appears difficult at present, nevertheless to contemplate the possibility of such assistance, in case this assistance—as is unfortunately probable—might prove indispensable at a later stage.

Document A/C.3/529

France: draft resolution

[Original text: French]
[27 November 1949]

The General Assembly,

Recalling its resolution 8 (I) of 12 February 1946, in which it proclaimed that the problem of refugees and displaced persons was international in scope and nature,

Having examined resolution 268 A (IX) of the Economic and Social Council, dated 6 August 1949, the Secretary-General's report (A/C.3/527) of 26 October 1949, and the communications dated 11 July and 20 October 1949 from the General Council of the International Refugee Organization,

Considering that the International Refugee Organization's mandate with respect to refugees will, in the normal course of events, cease on 30 June 1950 and will not be extended for nine months unless the States members of IRO comply with the recommendation adopted by the General Council on 20 October 1949,

Considering that the various documents aforesaid show that the existence of a large number of refugees after the termination of IRO will create problems necessitating co-operation between an international organ and the various governments concerned,

Considering that in its aforesaid resolution the Economic and Social Council requested the governments of States Members of the United Nations, and of other States, to provide the necessary legal protection for refugees, and recommended the General Assembly at its fourth session to decide the functions and organizational arrangements within the framework of the United Nations necessary for the international protection of refugees after IRO terminated its activities, and to make the necessary budgetary provisions for the financial year 1950,

Considering, with regard to the form of the organization to be set up, that the Secretary-General has stated in his report that the most suitable solution would be the establishment of a High Commissioner's Office having special status within the United Nations and possessing the degree of independence and prestige required for the exercise of its functions,

Considering that the General Council of IRO, desirous of avoiding any interruption of continuity in protection and assistance, has requested the General Assembly to take decisions of principle forthwith and to make preparations for the establishment of machinery which should come into force at a date no later than 1 January 1951,

Decides to establish a High Commissioner's Office for Refugees in accordance with the principles and procedures defined in the document annexed to the present resolution;

Requests the Secretary-General to undertake the study of a complete plan of administrative and budgetary arrangements, with a view to submitting the same to the Economic and Social Council at its eleventh session and enabling the General Assembly at its fifth session to ensure the establishment of the High Commissioner's Office no later than 1 January 1951;

Decides further to resume consideration of the problem of refugees at its fifth session, with a view to making any financial arrangements which may appear essential for assisting particular categories of refugees.

ANNEX

Chapter I—General principles

(a) The final solution of the problem of refugees is to be sought in their voluntary repatriation and in their assimilation into national communities.

(b) The improvement of the situation of refugees necessitates close and loyal collaboration between the High Commissioner and the governments concerned.

(c) In view of the large numbers of refugees, their dispersion throughout the countries of the world, the nature and complexity of the problems requiring solution and the responsibility in this regard of the countries of reception or immigration, the High Commissioner's functions shall not, save under special arrangements necessitated by exceptional circumstances and based on agreements concluded between the High Commissioner and the governments concerned, be exercised in the form of executive services. They shall essentially consist of a higher direction, liaison and control service. They shall therefore as a rule concern groups and categories of refugees.

(d) The States Members of the United Nations and all other States of goodwill shall be called upon to grant the High Commissioner all the facilities required to enable him to discharge his mission.

(e) In order to bring States not members of the United Nations which may be interested in this problem into association with the work of the High Commissioner, he shall set up a consultative council in which such States may be represented.

(f) In order to fulfil the tasks assigned to him, the High Commissioner shall co-operate with the various specialized agencies, which shall be called upon to lend him their assistance to the full extent of their powers.

(g) The High Commissioner's work shall be entirely non-political and shall not be used to justify interference of any kind in the powers of the countries of residence.

Chapter II—Organization

(a) The High Commissioner's Office for Refugees established under the United Nations shall have its headquarters at Geneva.

(b) The Office shall be directed by a High Commissioner assisted by a Deputy Commissioner appointed for a term of five years by the General Assembly on the recommendation of the Economic and Social Council.

(c) The High Commissioner shall be responsible to the United Nations through the General Assembly

and shall report to the General Assembly through the Economic and Social Council. Between sessions of the General Assembly he shall be required to report to the Economic and Social Council at its request and shall comply with the directives of the Council.

(d) The High Commissioner shall bear responsibility for policy decisions and actions within the directives which he receives from the General Assembly and from the Economic and Social Council. He shall maintain contact with the Secretary-General, keep him informed of his activities and consult him when necessary.

(e) He shall appoint and dismiss his own staff, which shall be subject to the Staff Regulations of the United Nations.

(f) Pursuant to the foregoing he shall appoint in every country where such liaison appears to him necessary, with the agreement of its Government, a representative responsible for maintaining liaison with such Government.

(g) He shall as far as possible avail himself of the services of the United Nations in matters of general administration.

(h) The administrative expenses of the High Commissioner's Office shall be borne in the regular budget of the United Nations, and the High Commissioner's budget estimates shall be submitted by him for the approval of the General Assembly.

Chapter III—Powers of the High Commissioner

(a) The powers of the High Commissioner shall extend to all refugees.

(b) The definition provisionally adopted shall be that contained in the Constitution of IRO.

The High Commissioner shall be responsible to the General Assembly for his interpretation of that definition.

He shall consider the inclusion in his mandate of categories of refugees which IRO was unable, for purely financial reasons, to bring under its protection.

In addition, he shall at the earliest possible date examine, with particular reference to the work of the Committee appointed to prepare a convention for the protection of refugees, the conditions under which the aforesaid definition should be modified so as to include all categories of persons who, for political, religious or racial reasons, are or may in the future be deprived of the protection of their country of origin.

(c) The High Commissioner's powers of interpretation aforesaid shall include decision of the question whether refugees are permanently established.

(d) In pursuance of the principles laid down in paragraph (c) of chapter I, refugee status shall be determined, in accordance with the terms hereinbefore defined or later to be defined, by the national authorities, and the High Commissioner shall intervene solely in order to supervise the implementation by such authorities of the provisions laid down.

Chapter IV—Powers

(a) Any problem concerning groups of refugees may be referred to the High Commissioner by the United Nations or by a government; and the High Commissioner may himself take up such a problem, or refer it to the United Nations and to the government concerned. The High Commissioner shall seek, initiate and facilitate the execution of the most suitable solutions to such problems.

(b) To this end the High Commissioner shall promote the conclusion and ratification of international conventions providing for the protection and assistance of refugees and laying down conditions of repatriation, emigration and resettlement, and shall supervise the application of such conventions and propose any necessary amendments thereto.

(c) The High Commissioner shall promote, through special agreements with governments, the execution of

any measures designed to facilitate the solution of the problems within his mandate and to improve the situation of refugees.

(d) The High Commissioner shall undertake general enquiries and may, when called upon to do so, take up individual cases. Where necessary, he shall make recommendations to the governments with which he maintains relations through his representative.

(e) The High Commissioner shall administer the assistance funds placed at his disposal by the General Assembly, by governments or by national or international public or private agencies, and shall distribute them among governments, groups, associations and charitable institutions, supervise their application, and co-ordinate activities designed to assist refugees.

(f) The High Commissioner shall periodically convene the consultative council provided for in paragraph (e) of chapter I, report to it on his activities and, where necessary, consult it on any decisions required to be made.

(g) The High Commissioner shall study and submit as soon as possible to the Economic and Social Council the final statute of his organization, which shall be drafted with due regard to the general principles laid down in the General Assembly's resolution and in the annex thereto.

Document A/C.3/L.25

Byelorussian Soviet Socialist Republic: draft resolution

[Original text: Russian]
[10 November 1949]

The General Assembly,

Noting that its resolution 8 (I) of 12 February 1946 on the question of refugees, according to which the main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin, has not been fully implemented and that hundreds of thousands of victims of aggression continue to remain outside their countries of origin awaiting return thereto,

Recommends that the States Members of the United Nations implement the resolution of 12 February 1946 so as to complete the repatriation of refugees and displaced persons during 1950;

Requests the Governments of States Members of the United Nations, in whose territories there are refugees and displaced persons, and the International Refugee Organization to furnish the Secretary-General of the United Nations with complete information concerning the refugees and displaced persons in their territories and camps, as well as information concerning their living conditions;

Requests the Secretary-General to submit to the tenth session of the Economic and Social Council a report on the information received from governments and the International Refugee Organization.

Document A/C.3/L.26

France: draft resolution

[Original text: French]
[11 November 1949]

The General Assembly,

Recalling its resolution 8 (I) of 12 February 1946, in which it proclaimed that the problem of refugees and displaced persons was international in scope and nature,

Having examined resolution 248A (IX) of the Economic and Social Council, dated 6 August 1949, the Secretary-General's report (A/C.3/527) of 26 October 1949, and the communications dated 11 July and 20 October 1949 from the General Council of the International Refugee Organization,

Considering that in its aforesaid resolution the Economic and Social Council requested the Governments of States Members of the United Nations, and of other States, to provide the necessary legal protection for refugees, and recommended the General Assembly at its fourth session to decide the functions and organizational arrangements within the framework of the United Nations necessary for the international protection of refugees after IRO terminates its activities, and to make the necessary budgetary provisions for the financial year 1950,

Considering, with regard to the form of the organization to be set up, that the Secretary-General has stated in his report that the most suitable solution would be the establishment of a High Commissioner's Office having special status within the United Nations and possessing the degree of independence and prestige required for the exercise of its functions,

Decides to establish as of 1 January 1951 a High Commissioner's Office for Refugees in accordance with the principles and procedures defined in the document annexed to the present resolution,

Requests the Secretary-General to undertake the study of a complete plan of administrative and budgetary arrangements, including the budgetary supervision of any assistance funds for submission to the Economic and Social Council at its eleventh session, so that the General Assembly at its fifth session can take steps to establish the High Commissioner's Office not later than 1 January 1951,

Requests the Economic and Social Council to examine, at its eleventh session, in what way States not Members of the United Nations may be brought into association with the work of the High Commissioner's Office.

ANNEX

Chapter I—General principles

(a) The final solution of the problem of refugees is to be sought in their voluntary repatriation and, failing that, in their assimilation into national communities.

(b) The improvement of the condition of refugees calls for collaboration between the High Commissioner and the governments concerned, which are invited to grant the High Commissioner the necessary facilities for the discharge of his duties.

(c) The High Commissioner's functions shall consist in essence of general direction, liaison and supervision. They shall as a rule concern groups and categories of refugees.

(d) In order to fulfil the tasks assigned to him, the High Commissioner shall co-operate with the various specialized agencies, which shall be called upon to lend him assistance within their competence.

(e) The High Commissioner's work shall be of an entirely non-political character and shall involve no encroachment whatsoever on the duties incumbent on the authorities of the countries of residence.

Chapter II—Organization

(a) The High Commissioner's Office for Refugees established under the United Nations shall have its headquarters at Geneva.

(b) The Office shall be directed by a High Commissioner elected for a term of five years by the General Assembly on the recommendation of the Economic and Social Council, who shall be assisted by a Deputy Commissioner appointed by him.

(c) The High Commissioner shall be responsible to the United Nations through the General Assembly and shall report to the General Assembly through the Economic and Social Council. Between sessions of the General Assembly he shall be required to report to the Economic and Social Council at its request, and shall comply with the directives of the Council. He shall maintain contact with the Secretary-General, keep him informed of his activities and consult him when necessary.

(d) He shall appoint and dismiss his own staff, which shall be subject to the staff regulations of the United Nations.

(e) Pursuant to the foregoing he shall appoint in every country where such liaison appears to him necessary, with the agreement of its government, a representative responsible for maintaining liaison with such government.

(f) The administrative expenses of the High Commissioner's Office shall be borne on the regular budget of the United Nations.

Chapter III—Terms of reference of the High Commissioner

(a) The High Commissioner shall be competent to deal as a provisional measure, with refugees as defined in the Constitution of the International Refugee Organization. He shall also be competent to deal with the categories of refugees covered by the international convention referred to in resolution 248B (IX) of the Economic and Social Council, dated 8 August 1949. He will further deal with such other categories of refugees as may be defined by the General Assembly or the Economic and Social Council.

(b) The High Commissioner shall seek, stimulate and facilitate the execution of the most suitable solutions to the problems with which he is entrusted. In addition, the United Nations may refer to him any other refugee problem.

(c) To this end the High Commissioner shall promote the drawing up and ratification of international conventions providing for the protection and assistance of refugees and laying down conditions of repatriation, emigration and resettlement, and shall supervise the application of such conventions and propose any necessary amendments thereto. He shall satisfy himself that refugees are granted legal protection.

(d) Within the limits of his budgetary resources, the High Commissioner shall promote, through special agreements with governments, the execution of any measures calculated to facilitate the solution of the problems within his mandate and to improve the condition of refugees.

(e) The High Commissioner shall administer any assistance funds which may be placed at his disposal, and shall distribute them among governments, groups, associations and charitable institutions, supervise their use, and co-ordinate assistance work to refugees.

Document A/C.3/L.28

United States of America: draft resolution

[Original text: English]
[11 November 1949]

The General Assembly,

Having examined resolution 248A (IX) of the Economic and Social Council, dated 6 August 1949; the report of the Secretary-General of 26 October 1949 (A/C.3/527); and the communications dated 11 July 1949 (E/1392) and 20 Octo-

ber 1949 (A/C.3/528) from the General Council of the International Refugee Organization;

1. *Decides* to establish by 1 January 1951 the Office of High Commissioner for Refugees;

2. *Decides* that the Office of High Commissioner for Refugees shall

(a) Be so organized within the framework of the United Nations as to possess the degree of independence and the prestige required for the effective performance of the High Commissioner's duties;

(b) Function until 31 December 1953, unless it is otherwise decided by the General Assembly before that date;

(c) Be financed under the budget of the United Nations; and

(d) Receive policy directions from the General Assembly and the Economic and Social Council;

3. *Considers* that means should be provided whereby interested Governments non-members of the United Nations may be associated with the work of the Office of the High Commissioner;

4. *Decides* that the persons falling under the competence of the Office of the High Commissioner for Refugees shall be those defined in annex I of the Constitution of the International Refugee Organization;

5. *Decides* that the High Commissioner's duties shall be as follows:

(a) To provide for the protection of refugees and displaced persons falling under the competence of the Office;

(b) To promote the conclusion and ratification of international conventions providing for the protection of refugees and to supervise the application of the provisions of such conventions, and to propose any necessary amendments thereto;

(c) To promote through agreements with governments the execution of any measures calculated to improve the situation of refugees and to reduce the numbers of refugees requiring protection;

(d) To assist governments and private organizations in their efforts to promote voluntary repatriation of refugees or their assimilation in national communities;

(e) To facilitate the co-ordination of the efforts of voluntary agencies concerned with the welfare of refugees;

6. *Decides* that the High Commissioner shall report to the General Assembly annually on his work through the Economic and Social Council and at such other times as the Economic and Social Council may request;

7. *Decides* that the High Commissioner in the performance of his duties

(a) Shall keep in close touch with the governments concerned and the competent official bodies;

(b) Shall establish contact in such manner as he may think best with private organizations dealing with refugee questions;

8. *Decides* that

(a) The High Commissioner shall be appointed by the Secretary-General of the United Nations for three years from 1 January 1951;

(b) The High Commissioner shall appoint for a period of three years a Deputy High Commissioner, who shall not have the same nationality as the High Commissioner. He shall also appoint under the staff regulations of the United Nations a small staff of persons devoted to the purposes of the Office to assist him;

(c) The High Commissioner shall consult the governments of the principal countries of refuge as to the need for appointing representatives therein. Should they agree, he may appoint to those countries representatives approved by them;

(d) The Office of High Commissioner shall be in Geneva, Switzerland;

9. Requests the Secretary-General

(a) To prepare a detailed draft resolution for the establishment of this Office describing its functions and organization in accordance with the provisions of this resolution;

(b) To prepare, in consultation with the Advisory Committee on Administrative and Budgetary Questions, a draft budget for the operation of the Office in 1951;

(c) To circulate this draft resolution together with such explanations as he may deem appropriate to governments by 15 February 1950, for comment;

(d) To submit to the Economic and Social Council at its eleventh session the draft resolution with such amendments thereto as he may deem appropriate, together with such comments thereon as may have been received from governments;

10. Requests the Economic and Social Council

(a) At its eleventh session to prepare a final draft of this resolution and to submit this draft to the General Assembly for consideration at its fifth regular session;

(b) To transmit to the General Assembly at its fifth regular session such recommendations as the Council may deem appropriate as to additional categories of refugees not defined in the Constitution of the International Refugee Organization which should become the concern of the Office of the High Commissioner for Refugees.

Document A/C.3/L.29

France and United States of America: draft resolution

[Original text: English-French]
[13 November 1949]

The General Assembly,

Considering that the problem of refugees is international in scope and nature and that its final solution can only be provided by the voluntary repatriation of the refugees or their assimilation within new national communities,

Having examined resolution 248A (IX) of the Economic and Social Council dated 6 August 1949; the report of the Secretary-General of 26 October 1949 (A/C.3/527); and the communications dated 11 July 1949 (E/1392) and 20 October 1949 (A/C.3/528) from the General Council of the International Refugee Organization,

Considering that in its aforesaid resolution the Economic and Social Council requested the Governments of States Members of the United Nations

and of other States, to provide the necessary legal protection for refugees who have been the concern of IRO, and recommended to the General Assembly at its fourth session that it should decide the functions and organizational arrangements within the framework of the United Nations necessary for the international protection of refugees after IRO terminates its activities;

1. *Decides* to establish as from 1 January 1951 a High Commissioner's Office for Refugees in accordance with the provisions of the annex to the present resolution;

2. Requests the Secretary-General:

(a) To prepare detailed draft provisions for the implementation of this resolution and the annex attached thereto, to circulate these draft provisions to governments for comment, and to submit them to the Economic and Social Council at its eleventh session together with such comments thereon as may have been received from governments;

(b) To prepare, in consultation with the Advisory Committee on Administrative and Budgetary Questions, a draft budget for the operation of the Office in 1951;

3. Requests the Economic and Social Council:

(a) To prepare at its eleventh session a draft resolution embodying provisions for the establishment of the Office of High Commissioner and to submit it to the General Assembly for consideration at its fifth regular session;

[(France) (b) To transmit to the General Assembly at its fifth regular session such recommendations as the Council may deem appropriate regarding the definitions of the term "refugee" to be applied by the High Commissioner;]

[(United States) (b) To transmit to the General Assembly at its fifth regular session such recommendations as the Council may deem appropriate as to categories of refugees not defined in the constitution of IRO which should become the concern of the Office of High Commissioner;]

4. *Decides* to review, not later than at its eighth regular session, the arrangements for the Office of High Commissioner with a view to determining whether the Office should be continued beyond 31 December 1953.

ANNEX

1. The Office of High Commissioner for Refugees should:

(a) Be so organized within the framework of the United Nations as to possess the degree of independence and the prestige required for the effective performance of the High Commissioner's duties;

(b) Be financed under the budget of the United Nations; and

(c) Receive policy directions from the General Assembly and the Economic and Social Council.

2. Means should be provided whereby interested governments non-members of the United Nations may be associated with the work of the Office of High Commissioner.

[(France) 3. Pending the adoption by the General Assembly of new definitions for the term "refugee", the definitions contained in annex I of the Constitution of the IRO should provisionally be applied by the High Commissioner.]

[(United States) 3. Persons falling under the competence of the Office of High Commissioner for Ref-

ugees should be refugees and displaced persons defined in annex I of the Constitution of the IRO and such others as the General Assembly may from time to time determine.]

4. The High Commissioner, in order to promote, stimulate and facilitate the execution of the most suitable solutions to the problems with which he is entrusted, should provide for the protection of refugees and displaced persons falling under the competence of the Office by

(a) Promoting the conclusion and ratification of international conventions providing for the protection of refugees, supervising the application of the provisions of such conventions, and proposing any necessary amendments thereto;

(b) Promoting through special agreements with governments the execution of any measures calculated to improve the situation of refugees and to reduce the numbers of refugees requesting protection;

(c) Assisting governments and private organizations in their efforts to promote voluntary repatriation of refugees or their assimilation within new national communities;

(d) Facilitating the co-ordination of the efforts of voluntary agencies concerned with the welfare of refugees;

[(France) (e) Distributing among private and, as appropriate, official agencies which he deems best qualified to administer such assistance any funds, public or private, which he may receive for this purpose. The accounts relating to these funds should be periodically verified by the auditors of the United Nations. For the information of the General Assembly, the High Commissioner should include in his annual report a statement of his activities in this field.]

5. The High Commissioner should report to the General Assembly annually on his work through the Economic and Social Council and to the Council at such other times as the Council may request.

6. The High Commissioner's work should be of an entirely non-political character and relate as a rule to groups and categories of refugees. In the performance of his duties, he should:

(a) Keep in close touch with the governments and intergovernmental organizations concerned and invite the assistance of the various specialized agencies;

(b) Establish contact in such manner as he may think best with private organizations dealing with refugee questions.

7. The High Commissioner should be [(France)

electd by the Economic and Social Council on the nomination of the Secretary-General] [(United States) appointed by the Secretary-General] for a term of three years from 1 January 1951.

8. The High Commissioner should appoint for a period of three years a Deputy High Commissioner, who should not have the same nationality as the High Commissioner. He should also appoint under the staff regulations of the United Nations a small staff of persons devoted to the purposes of the Office to assist him.

9. The High Commissioner should consult the governments of the countries of residence of refugees as to the need for appointing representatives therein. In any country recognizing such need, he may appoint a representative approved by the government of that country. Subject to the foregoing, the same representative may serve in more than one country.

10. The High Commissioner's Office should be in Geneva.

Document A/C.3/L.32

United Kingdom of Great Britain and Northern Ireland: amendment to draft resolution of France and United States of America (A/C.3/L.29)

[Original text: English]
[15 November 1949]

A. Delete paragraph 1 (c) of the annex and substitute:

"(c) Receive policy directions from the United Nations according to methods to be determined by the General Assembly."

Delete paragraph 5 of the annex and substitute:

"The High Commissioner should report to the United Nations periodically as determined by the General Assembly."

B. Should the above amendment not be accepted, the United Kingdom proposes the following:

In paragraph 1 (c) of the annex, delete the following: "and the Economic and Social Council".

In paragraph 5 of the annex, delete the following: "through the Economic and Social Council and to the Council at such other times as the Council may request".

AGENDA ITEM 64¹

Freedom of information—Access for news personnel to meetings of the United Nations and the specialized agencies: item proposed by the Economic and Social Council

Document A/1965

Note by the Secretary-General

[Original text: English]
[25 August 1949]

1. Pursuant to resolution 59 (I) of the General Assembly and resolution 74 (V) of the Economic and Social Council, the United Nations Conference on Freedom of Information was held at Geneva from 23 March to 21 April 1948. The Final Act of the Conference is contained in E/CONF.6/79.

2. Resolution No. 9 of the Final Act of the Conference reads:

“Considering that the United Nations, in accordance with the aims and purposes of its Charter, should be prepared to grant all the necessary facilities for enabling media of information to function with full freedom and responsibility in following the course of its work and that of Conferences called by it and its specialized agencies,

“The United Nations Conference on Freedom of Information

“Recommends that the United Nations General Assembly adopt a resolution urging that accredited news personnel of all countries should have free access:

“(a) To countries where meetings of the United Nations or its specialized agencies or any Conferences convened by them take place, in accordance with the terms and conditions of agreements made by the United Nations or its specialized agencies with the Governments of such countries; and

“(b) To all sources of information connected with such meetings except in cases where, in accordance with the rules of procedure, meetings are held in private.”

3. At its seventh session, the Economic and Social Council, by resolution 152 (VII), transmitted, *inter alia*, this resolution to the General Assembly.

4. During the second part of the third regular session of the General Assembly the Third Committee, at its 225th meeting, considered this resolution. At its 211th plenary meeting on 13 May 1949, the General Assembly adopted resolution 277B (III), under the terms of which resolution No. 9 was referred to the Economic and Social

Council for appropriate action, at the Council's discretion.

5. During its ninth session (July-August 1949) the Economic and Social Council referred the item to its Social Committee which considered the resolution at its 88th and 89th meetings. The Committee had before it documents E/1352 and E/1352/Corr.1, which were prepared by the Secretary-General and contained relevant extracts from agreements between the United Nations and governments and specialized agencies and governments. At its 302nd plenary meeting the Council, by its resolution 241A (IX), decided as follows:

“The Economic and Social Council,

“Having considered resolution No. 9 adopted by the United Nations Conference on Freedom of Information,²

“Recommends the following draft resolution for the consideration of the General Assembly:

“The General Assembly,

“Considering that the United Nations, in accordance with the aims and purposes of its Charter, should be prepared to grant all the necessary facilities for enabling media of information to function with full freedom and responsibility in following the course of its work and that of conferences called by it and its specialized agencies,

“Urges all States Members of the United Nations to grant news personnel of all countries who have been accredited to the United Nations or specialized agencies, as the case may be, free access:

“(a) To countries where meetings of the United Nations or specialized agencies or any conferences convened by them take place, for the purpose of covering such meetings, in accordance with the terms and conditions of agreements made by the United Nations or its specialized agencies with the Governments of such countries, or, in the absence of such an agreement, on terms and conditions similar to those contained in agreements made by the United Nations or its specialized agencies with other Member States; and

“(b) To all public information sources and services of the United Nations and the specialized agencies and to all meetings and conferences of the United Nations or of the specialized agencies which are open to the Press, equally and without discrimination.”

¹The Rapporteur's report on this item will be found in the *Annex of the Plenary Meetings* under the symbol A/1011.

²See *Final Act of the United Nations Conference on Freedom of Information* (E/CONF.6/79).

Document A/C.3/L.7

Recapitulation of amendments to the draft resolution submitted by the Economic and Social Council to the General Assembly (A/965)

[Original text: English]
[28 September 1949]

Proposed paragraph (Lebanon) to be inserted between the first and second paragraphs:

Requests the Secretary-General

“(a) To prepare a draft model agreement concerning access of news personnel to meetings of the United Nations and specialized agencies, taking into account the existing agreements on this subject and the experience derived from their implementation; this model would serve as a basis for future agreements to be concluded with the governments of States within whose territories such meetings are held;

“(b) To submit the draft model agreement to Member States and specialized agencies for comments and to present a text, taking the comments received into account, to the fifth session of the General Assembly; and meanwhile,”

Third paragraph:

(Philippines)

“(a) To their respective territories whenever meetings of the United Nations or specialized

agencies or any conferences convened by them are held therein.”

(Saudi Arabia)

Separate vote on the second part of paragraph (a) “or, in the absence of such an agreement, on terms and conditions similar to those contained in agreements made by the United Nations or its specialized agencies with other Member States; and”

Fourth paragraph:

(Peru)

“(b) To all meetings and conferences of the United Nations or of the specialized agencies which are open to the Press, and to all information sources and public services of the United Nations and the specialized agencies, equally and without discrimination.”

(India)

“(b) To all such information sources and public services of the United Nations and the specialized agencies and to all such meetings and conferences of the United Nations or of the specialized agencies as are open to the Press, equally and without discrimination.”

(Cuba)

“(b) To all information sources and public services of the United Nations and the specialized agencies and to all meetings and conferences of the United Nations or of the specialized agencies which are open to the Press, equally and without discrimination.”

AGENDA ITEM 65¹

Advisory social welfare services: item proposed by the Economic and Social Council

Document A/975

Note by the Secretary-General

[Original text: English]
[13 September 1949]

1. The General Assembly, by resolution 58 (I) adopted on 14 December 1946, authorized the Secretary-General, in consultation with the Economic and Social Council, to make provision, with the co-operation of the specialized agencies where appropriate, for the continuance of advisory functions in the field of social welfare carried on by UNRRA. In the same resolution, the General Assembly requested the Secretary-General to report to the Social Commission of the Economic and Social Council on the measures taken in compliance with the resolution. This has been done regularly.

2. At its fourth session, the Social Commission, having studied the Secretary-General's reports² on the implementation of resolution 58 (I), recommended to the Economic and Social Council that the advisory social welfare services be placed on a continuing basis, rather than on the present year-to-year basis.

3. At its ninth session, the Economic and Social Council after discussing the recommendations of the Social Commission,³ adopted on 23 July 1949 the following resolution (243E (IX)):

"The Economic and Social Council,

"Having noted the studies and conclusions of the Secretary-General and the views of the Social Commission with respect to the programme of advisory social welfare services, from which it is evident that this programme is rendering useful and needed services to Governments,

"Recognizing that the advisory social welfare services are being maintained on a year-to-year basis only, but believing that they should now be placed on a continuing basis,

"Recommends that the Social Commission continue to appraise the effectiveness of the services in assisting countries in developing their necessary social welfare services, and report to the Council thereon;

"Commends the efforts of the Secretary-General in obtaining financial participation on the part of recipient countries and requests the Secretary-General to implement his plans to increase such participation;

"Recommends that the General Assembly adopt the following resolution:

¹The Rapporteur's report on this item will be found in the *Annex to the Plenary Meetings* under the symbol A/1068.

²See documents E/CN.5/109, E/CN.5/109/Add.1 and

"The General Assembly

"Authorizes the Secretary-General to place on a continuing basis, rather than on the present year-to-year basis, the advisory social welfare services originally authorized by resolution 58 (I);

"Directs the Secretary-General:

"1. To include an amount for these services in the budget of the United Nations in the future;

"2. To continue this work in 1950 at approximately the same level of expenditure on the part of the United Nations as in 1949."

Document A/C.3/521

Note by the Secretary-General

[Original text: French]
[29 September 1949]

As early as 1946 the General Assembly decided (resolution 58 (I)) to include in the budget the funds required to provide countries, which request and show the need for it, with social welfare assistance in the form of:

(a) Experts (individuals or groups), to put into practice new technical measures in any branch of social welfare;

(b) Fellowships, to enable suitably qualified social welfare officials to observe and familiarize themselves with the experience of other countries administering social welfare programmes;

(c) Demonstrations for the social rehabilitation of physically handicapped persons;

(d) Supplies of technical publications intended for the training of social welfare workers.

The services mentioned under (a), (b) and (c) may be rendered to all countries without distinction; the services mentioned under (d) may be rendered only to Member countries devastated during the war.

For this purpose, the General Assembly placed the following funds, voted during its first, second and third sessions, at the disposal of the Secretary-General:⁴

1947.....	\$670,186
1948.....	\$670,186
1949.....	\$675,000

The Social Commission and the Economic and Social Council have very closely followed the way in which this programme was received by the various countries and applied by the Secretariat, during

E/CN.5/110.

³See document E/1369.

⁴See documents E/CN.5/7 and Add.1, E/CN.5/29 and Add.1, E/CN.5/48, E/CN.5/109 and Corr.1 and Add.1.

the three above-mentioned years. The Economic and Social Council has submitted the following resolution to the General Assembly for its approval (243E (IX)):

"The General Assembly

"Authorizes the Secretary-General to place on a continuing basis, rather than on the present year-to-year basis, the advisory social welfare services originally authorized by resolution 58 (I);

"Directs the Secretary-General:

"1. To include an amount for these services in the budget of the United Nations in the future;

"2. To continue this work in 1950 at approximately the same level of expenditure on the part of the United Nations as in 1949."

In order to provide the General Assembly with the basic data required for consideration of this resolution, the Secretary-General submits the necessary information as briefly as possible under the following headings:

- I. Programme (resolution 58 (I)): 1947, 1948, 1949.
- II. Financial contributions of participating countries.
- III. Co-ordination with similar programmes of the specialized agencies and other departments of the Secretariat.
- IV. Brief analysis of existing difficulties caused by the temporary nature of the programme.
- V. Draft programme for 1950.

I. PROGRAMME

The following tables show the development of the programme, year by year, in relation to:

A. The number of participating countries and the types of services requested;

B. The social welfare fields covered by the programme.

A
Requests for services
1947

Participating countries	Experts requested by	Fellowships	Demonstration equipment	Technical publications	Films	Seminars	Host countries	Experts supplied by
							(fellows and seminars)	
Albania .....	×	×	..	..	..	..	..	..
Argentina .....	..	..	..	..	..	×	..	..
Australia .....	..	..	..	..	..	..	..	×
Austria .....	×	×	×	..	..	..	..	..
Belgium .....	..	..	..	..	..	..	×	..
Bolivia .....	..	..	..	..	..	×	..	..
Brazil .....	..	..	..	..	..	×	..	×
Canada .....	..	..	..	..	..	..	×	..
Chile .....	..	..	..	..	..	×	..	..
China .....	×	×	×	×	..	..	..	..
Colombia .....	..	..	..	..	..	×	×	..
Costa Rica .....	..	..	..	..	..	×	..	..
Cuba .....	..	..	..	..	..	×	..	..
Czechoslovakia .....	×	×	×	×	..	..	×	..
Denmark .....	..	..	..	..	..	..	×	×
Dominican Republic .....	..	..	..	..	..	..	..	..
Ecuador .....	..	..	..	..	..	×	..	..
El Salvador .....	..	..	..	..	..	×	..	..
Finland .....	..	×	×	..	..	..	..	..
France .....	..	..	..	..	..	..	×	×
Greece .....	×	×	..	×	..	..	..	..
Guatemala .....	..	..	..	..	..	×	..	..
Haiti .....	..	..	..	..	..	×	..	..
Honduras .....	..	..	..	..	..	×	..	..
Hungary .....	×	×	×	..	..	..	..	..
India .....	..	×	..	..	×	..	..	..
Italy .....	×	×	..	..	..	..	..	..
Mexico .....	..	..	..	..	..	×	..	..
Nicaragua .....	..	..	..	..	..	×	..	..
Panama .....	..	..	..	..	..	×	..	..
Paraguay .....	..	..	..	..	..	×	..	..
Peru .....	..	..	..	..	..	×	..	..
Philippines .....	×	×	×	×	..	..	..	..
Poland .....	×	×	×	×	..	..	..	..
Sweden .....	..	..	..	..	..	..	×	..
Switzerland .....	..	..	..	..	..	..	×	..
Union of Soviet Socialist Republics .....	..	..	..	..	..	..	..	×
United Kingdom of Great Britain and Northern Ireland .....	..	..	..	..	..	..	×	×
United States of America .....	..	..	..	..	..	×	×	×
Uruguay .....	..	..	..	..	..	×	×	..
Venezuela .....	..	..	..	..	..	×	..	..
Yugoslavia .....	..	×	×	×	..	..	..	..
TOTAL	9	12	8	6	1	19	11	7

Requests for services (continued)

1948

Participating countries	Experts requested by	Fellowships	Demonstration equipment	Technical publications	Films	Seminars	Host countries	Experts supplied by
							(fellows and seminars)	
Albania	..	×	..	..	×	..	..	..
Australia	..	..	..	..	×	..	..	×
Austria	×	×	×	..	×	..	..	..
Belgium	..	..	..	..	..	..	×	..
Brazil	..	..	..	..	..	..	×	×
Canada	..	..	..	..	×	..	×	×
Chile	..	×	..	..	×	..	..	×
China	×	×	×	×	×	..	×	..
Czechoslovakia	×	×	×	×	×	..	×	..
Denmark	..	..	..	..	..	..	×	×
Ecuador	×	×	..	..	..	..	..	..
Egypt	..	×	..	..	×	..	..	..
Finland	..	×	×	..	×	..	..	..
France	..	..	..	..	×	..	×	×
Greece	×	×	..	×	×	..	..	..
Guatemala	×	..	..	..	..	..	..	..
Haiti	..	×	..	..	..	..	..	..
Hungary	×	×	×	..	×	..	..	..
India	..	×	..	..	×	..	..	..
Italy	×	×	..	..	×	..	..	..
Lebanon	..	×	..	..	..	..	..	..
Luxembourg	..	..	..	..	..	..	×	..
Mexico	..	..	..	..	..	..	×	..
Netherlands	..	×	..	..	×	..	..	..
Norway	..	×	..	..	..	..	×	..
Pakistan	..	..	..	..	×	..	..	..
Philippines	×	×	×	×	×	..	..	..
Poland	×	×	×	×	×	..	..	..
Sweden	..	..	..	..	..	..	×	..
Switzerland	..	..	..	..	..	..	×	..
Turkey	..	×	..	..	..	..	..	..
Union of South Africa	..	..	..	..	..	..	..	×
Union of Soviet Socialist Republics	..	..	..	..	..	..	×	×
United Kingdom of Great Britain and Northern Ireland	..	..	..	..	..	..	×	×
United States of America	..	..	..	..	..	..	×	×
Venezuela	..	..	..	..	..	..	×	..
Yugoslavia	..	×	×	×	×	..	..	..
TOTAL	10	19	8	6	18	..	14	10

1949

Participating countries	Experts requested by	Fellowships	Demonstration equipment	Technical publications	Films	Seminars	Host countries	Experts supplied by
							(fellows and seminars)	
Albania	(*)
Argentina	..	×
Australia	..	×	×	..
Austria	×	×
Belgium	..	×	×	×	×
Bolivia	×
Bulgaria	×
Canada	×	..
Ceylon	..	×
Chile	..	×	×	×
China	..	×
Czechoslovakia	(*)	(*)	(*)	×	×	..
Denmark	..	×	×	..
Ecuador	×	×
Egypt	(*)	×	×	×
Finland	..	×	×	..
France	..	×	×	×	..
Greece	×	×	×
Guatemala	×	×	×
Haiti	..	×
Hungary	(*)
India	(*)	×	×
Iran	(*)	×
Iraq	..	×	×	×
Israel	..	×
Italy	×	×	×
Japan	(*)	×
Jordan	..	×	×	×
Lebanon	..	×	×	×	×	..
Luxembourg	×	×	×	..
Mexico	×	..

*Negotiations in progress.

Requests for services (continued)
1949 (continued)

<i>Participating countries</i>	<i>Experts requested by</i>	<i>Fellowships</i>	<i>Demonstration equipment</i>	<i>Technical publications</i>	<i>Films</i>	<i>Seminars</i>	<i>Host countries</i>	<i>Experts supplied by</i>
							<i>(fellows and seminars)</i>	
Netherlands .....	..	×	..	..	..	×	×	..
New Zealand .....	..	×	..	..	..	..	..	×
Norway .....	..	×	..	..	..	..	×	..
Pakistan .....	..	..	..	..	×	..	..	..
Philippines .....	×	×	..	×	..	..	..	..
Poland .....	×	×	×	×	..	..	..	..
Saudi Arabia .....	..	×	..	..	×	×	..	..
Sweden .....	..	×	..	..	..	..	×	..
Switzerland .....	..	×	..	..	..	..	×	..
Syria .....	..	×	..	..	×	×	..	..
Turkey .....	..	×	..	..	..	×	..	..
Union of Soviet Socialist Republics .....	..	..	..	..	..	..	(*)	(*)
United Kingdom of Great Britain and Northern Ireland .....	..	..	..	..	..	×	×	×
United States of America .....	..	×	..	..	×	×	..	..
Yemen .....	..	×	×	×	..	..	..	..
Yugoslavia .....	..	×	×	×	..	..	..	..
TOTAL	13	36	6	4	11	15	18	6
1948	10	19	8	6	18	..	14	10
1947	9	12	8	6	1	19	11	7

(*) Negotiations in progress.

The above data show that the number of requests for consultants, fellowships, seminars and films has greatly increased from year to year. The following table is given as an example:

	<i>Fellowships requested</i>	<i>Fellowships granted</i>
1947.....	150	104
1948.....	172	122
1949.....	290	205 ¹

The same does not apply to requests for demonstration equipment which is due primarily to the fact that the recipient countries' main requirement is practical demonstrations. For this reason the Secretariat has provided, in the 1950 programme, for the organization of centres where the use of such equipment may be taught. As regards technical publications, their distribution is limited by the very terms of resolution 58 (I), which provides that this service may be rendered only to Member countries devastated during the war.

B

Scope of the programme (1947-1949)
1947

- Child welfare :
 - In general
 - Youth welfare
 - Juvenile delinquency
 - Maternal and child care
 - Treatment of children in institutions
 - Psychological guidance for children
 - Treatment of mentally defective children
- Organization of local social welfare centres
- Employment services
- Social welfare services in industry
- Psychiatric social services
- Rehabilitation of physically handicapped persons, including the manufacture of prosthetics
- Social aspects of health, including medico-social services
- Social aspects of housing
- Social aspects of nutrition
- Social insurance
- Welfare legislation
- Social research

- Social welfare administration
- Social welfare training
- Vocational guidance

In the absence of an International Labour Organisation fellowship programme, the United Nations programme has been extended to certain fields coming under the International Labour Organisation.

1948/1949

- Child welfare :
 - In general
 - Youth welfare
 - Juvenile delinquency
 - Maternal and child care
 - Treatment of children in institutions
 - Psychological guidance for children
 - Treatment of mentally defective children
 - Child health and welfare services
 - Problems of homeless children
- Organization of local social welfare centres, including social welfare services in rural communities
- Employment services
- Labour relations
- Social welfare services in industry :
 - In general
 - Specifically, in factories and workers' communities
- Standards of living
- Medico-social services
- Psychiatric social services
- Social welfare services in rural communities
- Social welfare services for nomadic tribes
- Social welfare services and problems of industrialization
- Social welfare services for displaced persons
- Social welfare services for refugees
- Village welfare projects
- Administrative methods for general welfare
- Rehabilitation of physically handicapped persons :
 - General rehabilitation programmes
 - Occupational therapy
 - Services for the blind
 - Services for deaf-mutes
 - Manufacture and use of prosthetics
- Social aspects of housing

¹As at 26 September 1949.

Social aspects of health
 Social aspects of nutrition
 Social defence
 Penitentiary services and prison administration
 Treatment of adult delinquents
 Probation
 Establishment of a juvenile court system
 Plans for the establishment of social welfare institutions
 Social insurance
 Welfare legislation
 Family and social security
 Social research
 Social welfare administration
 Social Welfare Interpretation (one candidate applied for a period of observational training in this field but subsequently withdrew his application)
 Training of social welfare workers
 Vocational guidance

In the absence of an International Labour Organisation fellowships programme, the United Nations programme has been extended to certain fields coming under the International Labour Organisation. However, in view of the large number of applications for fellowships in fields coming under the United Nations, the number of fellowships in fields within the scope of the International Labour Organisation has been appreciably reduced.

The above tables show the progressive extension of the programme in relation to the number and geographical distribution of the participating countries and the increasingly varied nature of the services requested. The services requested have been rendered only in part for various reasons, mainly those stated in Chapter IV of this report.

II. FINANCIAL CONTRIBUTIONS OF PARTICIPATING COUNTRIES

The Social Commission, the Economic and Social Council and the General Assembly have requested the Secretariat to aim at a progressive increase in financial participation by recipient countries,¹ and the Secretariat has endeavoured to put these directives into effect, not without success, as is shown by the following data showing cases in which the recipient States have participated.

(a) *Experts* 1947

Offices and office supplies
 Secretaries and interpreters

1948/1949

Offices and office supplies
 Secretaries and interpreters
 Cost of telegrams and postage
 Internal travel
Per diem allowances

(b) *Fellowships* 1947

Salaries of civil servants holding fellowships
 Clothing allowances
 Language courses

1948

Salaries of civil servants holding fellowships
 Clothing allowances
 Language courses
 Travelling expenses to the port of embarkation

¹Social Commission documents E/CN.5/152, E/1359; resolution 155 (VII) dated 13 August 1948 of the Economic and Social Council.

1949

Salaries of civil servants holding fellowships
 Clothing allowances
 Language courses
 Travelling expenses to and from the country of observation

(c) *Seminars*

1947

All expenses of the seminar, with the exception of those defrayed by the host country, were borne by the United Nations.

1949

The participating countries paid the travelling expenses and subsistence allowances of their representatives.

The value of this financial participation cannot be stated in dollars, as it took very varied forms and is expressed in other currencies.

For information, we give the various forms of participation by the following countries in 1949:

POLAND

Experts

1. Offices: Three furnished offices, telephone.
2. Staff: Two permanent secretaries, one temporary secretary and one temporary social welfare assistant.
3. Cost of telegrams and postage, office supplies, reproduction of documents, etc.
4. Internal travel (by rail, air, motor coach) and one car with driver.
5. *Per diem* allowances paid in national currency.

Fellowships

1. Expenses incidental to travel, i.e. transport to the port of embarkation, visas, passports and medical examinations.
2. Language courses (for one month before departure and one month after arrival in the country of observation).
3. Salaries of civil servants holding fellowships.
4. Round-trip travelling expenses of four fellowship-holders whose expenses can be paid in national currency.

ECUADOR

Experts

1. Offices and office supplies: Three furnished offices, telephone.
2. Secretarial staff: Two temporary social welfare assistants.
3. Internal travel.
4. *Per diem* allowances paid in national currency.

Fellowships

One month's stipend paid to four fellowship-holders taking observation courses in Chile, Mexico and Canada.

PHILIPPINES

Experts

1. Offices.
2. Staff: One secretary, one messenger and one driver.
3. Cost of postage and telegrams.

4. Transport: One automobile; internal travel by air or motor coach.
5. *Per diem* allowances paid in national currency.

Fellowships

Forty per cent of the travelling expenses of nine fellowship-holders taking observation courses in the United States, Europe, Australia and Canada.

FRANCE

The French Government has set up an *ad hoc* inter-ministerial service to deal with United Nations fellowship-holders who go to France for their observation course. It paid fifty per cent of the round-trip travelling expenses of its own fellowship-holders. In its capacity as host country, France bears the local costs of the United Nations seminar organized for the European countries.

The above data show that the recommendations of the General Assembly have already been put into effect. These recommendations could, however, be applied still more extensively if the programme were of a more permanent nature and if Governments and the Secretariat no longer had to cope with the difficulties created by its essentially temporary character.

III. CO-ORDINATION WITH SIMILAR PROGRAMMES OF THE SPECIALIZED AGENCIES AND OTHER DEPARTMENTS OF THE SECRETARIAT

(a) Specialized agencies: WHO, UNESCO, ILO, FAO.

(b) ICEF.

(c) Department of Economic Affairs (General Assembly resolution 200 (III)).

The Secretariat has endeavoured, on the one hand, to avoid duplication and overlapping and, on the other hand, to co-ordinate action when one and the same country requests technical assistance from various bodies. Responsibility for seeing that effective co-ordination is established rests mainly with the recipient countries, but in addition the competent departments of the Secretariat keep each other informed of requests received. In the field of fellowships the Administrative Committee on Co-ordination has set up an *ad hoc* working group responsible for ensuring the planning, liaison and co-ordination of programmes by agreement between the competent international agencies. The Committee has been able to secure considerable uniformity in the basic principles governing the fellowship programmes of the United Nations and the specialized agencies.¹ The specialized agencies contribute by supplying lecturers for seminars provided for in the programme established by the participating countries.

Practice has shown the usefulness of co-ordinated and integrated action. Genuine progress has been made and will continue to be made in this direction.

IV. BRIEF ANALYSIS OF EXISTING DIFFICULTIES

Experience has shown that the services provided in accordance with resolution 58 (I) are greatly appreciated by the recipient countries. Nevertheless, certain difficulties have arisen in operating the programme owing to the fact that neither the participating countries nor the Secretariat were able to tell in advance whether the programme would be continued for the following year. These

services cannot be fully effective unless they are planned, during preparation as well as execution, by the countries concerned and by the Secretariat. In the case of less-developed countries, in which the systematic organization of social welfare administration is still in its infancy, the Secretariat must provide assistance and advice in the initial phase when requests for services are being prepared. Such a request forms part of a national plan covering the whole field of social welfare, and the plan of operation is spread over a number of years. Assistance necessitates the repeated despatch, at the request of the Government concerned, of experts who carry out a preparatory enquiry and study with the national authorities in order to determine the exact type of advisory services required. It should be noted that such countries frequently do not possess a team of social welfare technicians qualified to determine precisely how technical assistance from abroad is to be incorporated in the national programme and to supplement the national effort which is its main basis.

On receiving such requests for preparatory assistance, the Secretariat first asks the countries to assemble all the documentation and other information required, so that it may ascertain the nature of the problem and assist the experts in their task.

The Secretariat selects the experts, who must not only be the best available, but must also, as far as possible, have a real understanding of the social, political, economic and cultural structure of the country to which they are to proceed and know the language or one of the languages spoken there. After selection, the names of the experts must be submitted to the Government concerned for approval. The experts must then be brought to Lake Success for briefing on their task. When this preparatory work has been completed they can proceed on their mission. On its completion they must submit a report to the Secretary-General for transmittal to the Government, to enable the latter to submit a specific and definite request for advisory services to the Secretary-General. This request must be studied by the Secretariat and the methods of execution decided on; co-ordination with the specialized agencies, if necessary, must be arranged; participation of the applicant country must be negotiated and agreed upon, and experts must be recruited, prepared for their work, etc.

The above procedure takes time if it is to be carried out systematically, and it is clearly difficult to undertake these various steps on the basis of a programme which requires the annual approval of the General Assembly.

A similar position exists with regard to the fellowship programme. The General Assembly's decision to continue the programme is normally taken in November. Hence, requests for services cannot reach the Secretariat until the end of the first quarter or the beginning of the second quarter of the following year. The Secretariat must then proceed to select the fellowship-holders, inform the host countries of the names of the candidates approved and notify the recipient countries if such candidates are accepted. It then supplies each fellowship-holder with the basic documentation required to enable him to prepare for his period of observation. It must arrange for the fellowship-holders' travel to regional headquarters, where they are briefed, and send them to the countries of observation. The Secretariat must pay particular heed to the fact that the countries of observation do not wish

¹See documents COORD/PREP.108.

to receive fellowship-holders during the holiday period—an unsuitable time for their training. Consequently, in many cases, the period of observation cannot profitably start until September. As the programme finishes at the end of the year and there is no assurance that it will be continued during the following year, the fellowship-holders' work must end before December, and they are thus obliged to return to their own countries before the end of the normal period of observation. It is clear that this must prevent them from deriving full advantage from the fellowships granted.

Seminars—Seminars are organized on a regional basis, and their preparation therefore necessitates a very lengthy preliminary period of research and study. When the host country's invitation has been received, a provisional programme has to be drawn up and submitted to the countries in the area which may wish to participate in the seminar. On receipt of the replies from Governments, a programme committee of the participating countries has to be set up, methods of organization and financial participation discussed with this committee, and a programme drawn up for submission to the respective Governments. When the programme has been finally approved, the organization of the seminar can be started in conjunction with the host country. All this takes considerable time, especially as several specialized agencies take part in the work of the seminar.

These few examples show the difficulties encountered in the operation, on its present basis, of the advisory services programme, and show that any defects in the execution of the programme are inevitable under such conditions. These difficulties would be more easily dealt with if the General Assembly were to adopt the resolution submitted to it by the Economic and Social Council.

V. DRAFT PROGRAMME FOR 1950

In his budget estimates for 1950 (A/903), the Secretary-General proposes a provision of \$635,900 for the whole of the programme. The Economic and Social Council, however, recommended that the services covered by the programme should be maintained at the same level as in 1949, and, consequently, the budget appropriation is the same as that for 1949.

It is, of course, clear that the distribution of these funds between the various types of services which may be rendered depends entirely on the requests made by the Governments concerned. However, in order to give the General Assembly the clearest possible picture of the services which can be provided by the Secretary-General for this sum in 1950, the following table is submitted:

(1) *Advisers* \$175,900

The programme will cover not only individual experts requested by a particular country, but also groups of experts forming a mission either for one country or for a group of countries having similar

problems, as well as regional liaison officers and officials for liaison with the ICEF regional centres.¹

In the first case the applicant countries themselves shall bear the cost of the necessary auxiliary services and subsistence allowances. In other cases the costs in respect of administrative staff shall be borne by the United Nations.

The amount budgeted will enable a total of approximately twenty experts to be sent to the countries requesting them in 1950.

(2) *Fellowships* \$300,000

The programme will cover not only fellowships in the field of social welfare, but also the organization of a service for the international exchange of social welfare workers by means of bilateral or multilateral agreements concluded under the auspices of the United Nations; the annual organization of regional conferences of representatives of the host countries or of the countries of origin of the fellowship-holders, to study common problems; and lastly, the possible recruitment of a few specialists for temporary assistance to the permanent staff, either at headquarters or at the regional centres, in order to strengthen by the exchange of technical advice the relations created by their period of study between fellowship-holders and the United Nations.

The amount budgeted will enable some 175 fellowships² to be granted in 1950, assuming that increased participation by the recipient countries reduces the average cost of a fellowship from \$2,000 to \$1,500.

(3) *Regional seminars* ³ \$80,000

The programme will comprise the organization of two or three regional seminars (Far East, Eastern Europe, Middle East) which will cost an average of \$30,000, and the despatch of experts to certain regions to prepare and organize the seminars to be held in 1951 (South America, Central America).

(4) *Demonstration equipment and literature* \$50,000

The programme should enter a new phase in 1950. In order to obtain tangible results, the despatch of prosthetics and technical publications could be progressively replaced by the organization of demonstration centres for on-the-spot instruction in the use of equipment intended for the rehabilitation of physically handicapped persons. Furthermore, past experience has clearly demonstrated the desirability of publishing annually a small international bibliography on social welfare.

(5) *Films* \$30,000

Films are extremely effective in the social welfare field in certain less-developed regions where most of the population can be influenced only by visual and auditory means. The Secretariat will continue to provide for the production of such films whenever they can be of real use, as those already produced have proved their usefulness.

¹The Social Commission has, in fact, adopted the principle of linking the work of the ICEF closely to the permanent child welfare programme of the Social Activities Division and the Commission.

²In 1949, the total number of requests for fellowships was 290, of which only 205 could be granted.

³As in the case of those organized in 1947 and 1949, the proposed seminars would comprise meetings of several dozen responsible officials from the various countries in the region, and some ten lecturers sent to report on the most recent technical developments.

Document A/C.3/L.21/Rev. 1

Belgium and Lebanon: amendment to the draft resolution submitted by the Economic and Social Council to the General Assembly (A/975)

[Original text: French]
[19 October 1949]

Add the following after paragraph 2 of the draft resolution contained in resolution 243E (IX):

“3. Requests the Economic and Social Council to review the terms of resolution 58 (I) in the light of the provisions of paragraph 1 above, and to recommend to the [next regular session of the]¹ General Assembly any modifications which it may consider necessary therein.

¹The addition of these words was proposed by the Chairman and accepted by the originators of the amendment at the 253rd meeting.

Document A/C.3/L.23

Ethiopia: amendment to the draft resolution submitted by the Economic and Social Council to the General Assembly (A/975)

[Original text: English]
[19 October 1949]

Add the following after paragraph 2 of the draft resolution contained in resolution 243E (IX):

“3. Requests the Economic and Social Council:

“a) To examine the terms of resolution 58 (I) with a view to widening its scope so as to include provision for training of inexperienced scholars particularly from under-developed countries where suitably qualified social welfare officials lack;

“b) To study the possibility of establishing a permanent United Nations organization for advisory social welfare services, and to report thereon to the next regular session of the General Assembly.”