

United Nations

Nations Unies

UNRESTRICTED

**ECONOMIC
AND
SOCIAL COUNCIL**

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COMMITTEE ON ARRANGEMENTS FOR CONSULTATION WITH
NON-GOVERNMENTAL ORGANIZATIONS

LIST OF COMMUNICATIONS RECEIVED FROM NON-GOVERNMENTAL ORGANIZATIONS
GRANTED CONSULTATIVE STATUS IN CATEGORIES (b) OR (c)

Note: This list is submitted in accordance with the provisions of Section IV, paragraph 4, of the Report of the Committee on Arrangements for Consultation with Non-Governmental Organizations, approved by the Council on 21 June 1946 (Resolution 2/3 of 21 June 1946, in Official Records of the Economic and Social Council, First Year, Second Session, pages 360-365)

World Jewish Congress (Congrès juif mondial)

This organization presents a "Memorandum Concerning the Necessity of a Convention on Missing Persons" dated 16 June 1948. This necessity arises from the disappearance of about ten million European civilians during the war due to starvation, disease, military action, mass deportation, and extermination, under conditions which make it impossible to officially record their deaths or to obtain material evidence concerning the time, cause and circumstances. This lack of evidence exceedingly complicates the problem of the legal status of Missing Persons. The enactment of special laws or other action by many countries has not solved this problem since a legal document establishing the fact and date of death is always necessary.

The problem cannot, in fact, be solved on a national basis because the Missing Persons, their property and survivors have been or may be in many different countries, because most national laws on this subject apply only to citizens or persons whose last usual residence was within the particular country, because courts often refuse to recognize decisions of foreign courts, because communication with the judicial and administrative organs of foreign states is either not possible or is very slow, because it is frequently impossible under existing rules to find a competent court which can assume jurisdiction, and because great difficulties arise under existing circumstances when several persons have an interest in a declaration of death of the same person or when the missing person has property in a number of states.

/The World

The World Jewish Congress, therefore, proposes a Convention to contain two main features:

1. The setting up of rules for uniform domestic legislation in all adhering states relating to:
 - (a) the general presumption of death of persons who have been missing since the end of the war and the date of presumptive death for all such persons;
 - (b) conditions required for a declaration of death, i.e. the period which must elapse before applications may be made, the enumeration of persons authorized to apply and the places where applications may be made;
 - (c) the procedure for a declaration of death;
 - (d) legal consequences of such a declaration;
 - (e) registration of such declaration.
2. International measures to:
 - (a) limit the number of actions relating to the same person;
 - (b) create a central publication gazette;
 - (c) direct mutual assistance in all procedures;
 - (d) establish a common organ of the contracting parties to implement the Convention.
