
TRANSFER OF CERTAIN FUNCTIONS, ACTIVITIES AND
ASSETS OF THE LEAGUE OF NATIONS

REPORT OF THE LEAGUE OF NATIONS COMMITTEE
TO THE GENERAL ASSEMBLY

Rapporteur: Mr. H.T. Andrews (Union of South Africa)

The General Assembly in its Eighteenth Plenary Meeting held on 26 January 1946, referred to the League of Nations Committee the question of the possible transfer of certain functions, activities and assets of the League of Nations.

After having considered these questions on the basis of Chapter XI of the Report of the Preparatory Commission of the United Nations and of the Report of the Committee set up by the Preparatory Commission to discuss and establish with the Supervisory Commission of the League of Nations a Common Plan for the transfer of the assets of the League of Nations, (see Documents A/18; A/18/Add/1; A/18/Add/2), the League of Nations Committee has approved the following resolutions, the adoption of which I have the honour to propose:

I

**FUNCTIONS AND POWERS BELONGING TO THE LEAGUE
OF NATIONS UNDER INTERNATIONAL AGREEMENTS**

Under various treaties and international conventions, agreements and other instruments, the League of Nations and its organs exercise, or, may be requested to exercise, numerous functions or powers for the continuance of which after the dissolution of the League, it is, or may be, desirable that the United Nations should provide.

Certain Members of the United Nations, which are parties to some of these instruments and are Members of the League of Nations,

have informed the General Assembly that at the forthcoming session of the Assembly of the League they intend to move a resolution whereby the Members of the League would, so far as this is necessary, assent and give effect to the steps contemplated below.

THEREFORE

1. The General Assembly reserves the right to decide, after due examination, not to assume any particular function or power, and to determine which organ of the United Nations or which specialized agency brought into relationship with the United Nations should exercise each particular function or power assumed.
2. The General Assembly records that those Members of the United Nations which are parties to the instruments referred to above assent by this Resolution to the steps contemplated below and express their resolve to use their good offices to secure the co-operation of the other parties to the instruments so far as this may be necessary.
3. The General Assembly declares that the United Nations is willing, in principle and subject to the provisions of this Resolution and of the Charter of the United Nations, to assume the exercise of certain functions and powers previously entrusted to the League of Nations, and adopts the following decisions, set forth in A, B, and C below.

A. FUNCTIONS PERTAINING TO A SECRETARIAT

Under certain of the instruments referred to at the beginning of this Resolution, the League of Nations has, for the general convenience of the parties, undertaken to act as custodian of the original signed texts of the instruments, and to perform certain functions, pertaining to a secretariat, which do not affect the operation of the instruments and do not relate to the substantive rights and obligations of the parties. These functions include:

the receipt of additional signatures and of instruments of ratification, accession and denunciation; receipt of notice of extension of the instruments to colonies or possessions of a party or to protectorates or territories for which it holds a mandate; notification of such acts to other parties and other interested states; the issue of certified copies; and the circulation of information or documents which the parties have undertaken to communicate to each other. Any interruption in the performance of these functions would be contrary to the interests of all the parties. It would be convenient for the United Nations to have the custody of those instruments which are connected with activities of the League of Nations and which the United Nations is likely to continue.

THEREFORE

The General Assembly declares that the United Nations is willing to accept the custody of the instruments and to charge the Secretariat of the United Nations with the task of performing for the parties the functions, pertaining to a secretariat, formerly entrusted to the League of Nations.

**B. FUNCTIONS AND POWERS OF A TECHNICAL
AND NON-POLITICAL CHARACTER**

Among the instruments referred to at the beginning of this Resolution are some of a technical and non-political character which contain provisions, relating to the substance of the instruments, whose due execution is dependent on the exercise, by the League of Nations or particular organs of the League, of functions or powers conferred by the instruments. Certain of these instruments are intimately connected with activities which the United Nations will or may continue.

It is necessary, however, to examine carefully which of the organs of the United Nations or which of the specialized agencies

brought into relationship with the United Nations should, in the future, exercise the functions and powers in question, in so far as they are maintained.

THEREFORE

The General Assembly is willing, subject to these reservations, to take the necessary measures to ensure the continued exercise of these functions and powers, and refers the matter to the Economic and Social Council.

C. FUNCTIONS AND POWERS UNDER TREATIES,
INTERNATIONAL CONVENTIONS, AGREEMENTS
AND OTHER INSTRUMENTS HAVING A
POLITICAL CHARACTER

The General Assembly will itself examine, or will submit to the appropriate organ of the United Nations, any request from the parties that the United Nations should assume the exercise of functions or powers entrusted to the League of Nations by treaties, international conventions, agreements and other instruments having a political character.

II

NON-POLITICAL FUNCTIONS AND ACTIVITIES OF THE
LEAGUE OF NATIONS OTHER THAN THOSE MENTIONED IN I

1. The General Assembly requests the Economic and Social Council to survey the functions and activities of a non-political character which have hitherto been performed by the League of Nations in order to determine which of them should, with such modifications as are desirable, be assumed by organs of the United Nations or be entrusted to specialized agencies which have been brought into relationship with the United Nations. Pending the adoption of the measures decided upon as the result of this examination, the Council should, on or before the dissolution of the League, assume and continue provisionally the work hitherto done by the following League departments: The Economic, Financial and Transit Department, particularly the research and

statistical work; the Health Section, particularly the epidemiological service; the Opium Section and the secretariats of the Permanent Central Opium Board and Supervisory Body.

2. The General Assembly requests the Secretary-General to make provision for taking over and maintaining in operation the Library and Archives and for completing the League of Nations Treaty Series.

3. The General Assembly considers that it would also be desirable for the Secretary General to engage for the work, referred to in paragraphs 1 and 2 above, on appropriate terms, such members of the experienced personnel by whom it is at present being performed as the Secretary-General may select.

III

TRANSFER OF THE ASSETS OF THE LEAGUE OF NATIONS TO THE UNITED NATIONS

The General Assembly having considered the Report of the Committee set up by the Preparatory Commission to discuss and establish with the Supervisory Commission of the League of Nations a Common Plan for the transfer of the assets of the League of Nations, approves of both the Report of the Committee set up by the Preparatory Commission and of the Common Plan submitted by it.

IV

APPOINTMENT OF A NEGOTIATING COMMITTEE

The General Assembly approves of the setting up of a small negotiating committee to assist the Secretary General in negotiating further agreements in connection with the transfer of certain assets in Geneva, and in connection with the premises in the Peace Palace in the Hague. This Committee shall consist of one representative designated by the delegations, if they so desire, of each of the same eight Members as previously constituted the Committee created by the Preparatory Commission: Chile, China, France, Poland, South Africa, the Soviet Union, the United Kingdom and the United States of America.