22 NOV 1945
SAIDO

Comissão Preparatória das Nações Unidas

Londres, em 31 de outubro de 1945.

S. DE E. DAS RELAÇÕES EXTERIORES
SERVIÇO DE COMUNICAÇÕES
21 NOV 1945
17368

Nº 29

Recomendações do Comité nº 9
(Liquidação da Liga das Nações)

602.(04)

Senhor Ministro,

Tenho a honra de passar às mãos de Vossa Excelência o texto das recomendações do Comité nº 9, a respeito da transferência para a Organização das Nações Unidas das funções não-politicas, de certos órgãos e do acêrvo da Liga das Nações.

2. Como se perceberá pelo exame das referidas recomendações, existe um entendimento tácito entre os funcionários da Liga para, em nome dos antigos membros, facilitar a transferência. O Comité de Supervisão foi autorizado a celebrar acôrdos a respeito e uma Assembléa Geral, que se reunirá em fevereiro, nada mais fará do que ratificar a transferência, então desaparecendo definitivamente a velha Liga das Nações.

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3. No Comité nº 8, esteve a príncipio representado o Brasil pelo Senhor Henrique R. Valle, mas, por falta de pessoal, fui obrigado a retirá-lo do mesmo quando se reuniu o Comité nº 2 (Consêlho de Segurança), onde êle passou a servir.

A Sua Excelência o Senhor P. Leão Velloso,
Ministro de Estado das Relações Exteriores.

servir.

4. Não se espera que os membros da Liga que não fazem parte da Organização por causa de se haverem mantido neutros, como Portugal, Suíça e Suécia, - criem dificuldades à transferência. Como é bom recordar, a regra da Liga das Nações é da unanimidade. Foi sugerido, e talvez seja aceito, que aquêles estados que não estejam de acôrdo com a transferência, signifiquem pela abstenção seu voto contrário.

Aproveito a oportunidade para renovar a Vossa Excelência os protestos da minha respeitosa consideração.

[signature]

CHAPTER IX: THE LEAGUE OF NATIONS

Section 1: Recommendation Concerning the Transfer of certain Functions, Activities and Assets of the League of Nations.

THE EXECUTIVE COMMITTEE

HAVING CONSIDERED the possibility of transferring certain functions, activities and assets of the League of Nations which may be considered desirable for the United Nations to take over, and

CONSIDERING, after it had received the report (Part III, Chapter IX, Section 3) of a committee which had examined this problem, that it would be useful for the United Nations to state certain terms for this transfer,

RECOMMENDS:

1. that the functions, activities and assets of the League of Nations be transferred to the United Nations with such exceptions and qualifications as are made in the report referred to above, + and without prejudice to such action as the United Nations may subsequently take with the understanding that the contemplated transfer does not include the political functions of the League, which have in fact already ceased, but solely the technical and non-political functions;

2. that the resolution (Part III, Chapter IX, Section 2) on the taking over of functions and powers entrusted to the League of Nations under certain international and other agreements be submitted to the General Assembly of the United Nations;

+ The Committee recommends that no political questions should be included in the transfer. It makes no recommendation to transfer the activities concerning refugees, mandates or international bureaux. The contemplated transfer will not include transfer of personnel. Transfer of assets and liabilities "should imply neither profit nor loss for the United Nations". The problem of separating the finances of the International Labour Office from those of the League is left for later consideration.

The transfer of economic activities is qualified by the words "such work in this field as the United Nations might wish to continue"; that of the health activities by the words "subject to any decisions made in the future regarding a new health organisation"; and that of the social activities by the words "the question as a whole will have to be referred to the competent organ of the United Nations". The transfer of functions arising from treaties is qualified by the words "as far as is possible and desirable".

3. that continuity be maintained in the work done by the League of Nations on such technical and non-political questions, more especially Economic+ and Health questions and those relating to the control of the Drug Traffic, as, under the Charter, are to be dealt with by the United Nations or by a specialised agency brought into relationship with it;

4. that the United Nations, effectively assume at the earliest possible moment, the powers and functions attributed to the League of Nations under international conventions concerning the control of the Drug Traffic;

5. that the Library and all the archives of the League of Nations be taken over by the United Nations;

6. that the League of Nations, prior to the transfer, settle the question of contributions to be paid to the League of Nations by members in arrears, the question of the payment to the judges of the Permanent Court of International Justice of arrears in salaries and other claims;

THE EXECUTIVE COMMITTEE

SUGGESTS

that the Preparatory Commission should appoint a small Committee to discuss with the Supervisory Commission of the League of Nations the parallel measures that should be adopted by the League of Nations and the United Nations. This Committee might, where necessary, consult with representatives of the International Labour Organisation on all matters regarding the liquidation of the League of Nations which are of interest to the International Labour Organisation and which it was impossible to settle directly with the League.

+ At the request of the Emergency Economic Committee for Europe the Executive Committee especially recommends that continuity be maintained in the preparation and publication of statistics.

CHAPTER IX. THE LEAGUE OF NATIONS

Section 2. Draft Resolution on the Taking Over of League of Nations Functions under International Agreements

The General Assembly of the United Nations,

CONSIDERING that 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 whose continuance after the dissolution of the League it is, or may be, desirable that provision should be made by the United Nations, and

HAVING BEEN INFORMED by certain members of the United Nations, which are parties to some of the instruments in question and are Members of the League of Nations, that it is their intention to move at the forthcoming session of the Assembly of the League a resolution whereby the members of the League would so far as this is necessary, assent and give effect to the procedures contemplated in the present resolutions,

RESERVES the right to decide, after due examination, not to take over any particular function or power and to determine by which organ of the United Nations or by which specialised agency each particular function or power taken over should be exercised,

RECORDS that those Members of the United Nations which are parties to the instruments in question give their assent by the present Resolution to the procedures contemplated below and express their resolve to use their good offices to secure the cooperation, of the other parties to the instruments so far as this may be necessary, and

DECLARES that, in principle and subject to the provisions of this Resolution and of the Charter of the United Nations, it is willing to take over the exercise of functions and powers previously entrusted to the League of Nations, and adopts the following decisions:

I. Secretariat Functions

CONSIDERING that, under certain of the instruments mentioned at the beginning of the present Resolution, the League of Nations, for the general convenience of the parties, has undertaken to act as custodian of the original signed texts of the instruments, and to perform certain functions of a secretariat character not affecting the operation of the instruments and not relating to the substantive rights and obligations of the parties, including: receipt of additional signatures and of instruments of ratification, accession and denunciation, receipt of notice of extension of the instrument to colonies or possessions of a party or to protectorates of territories for which it holds a mandate, notification of such acts to other parties and other interested states, issue of certified copies, and circulation of information or documents which the parties have undertaken to communicate to each other,

CONSIDERING that it would be contrary to the interests of all the parties for the performance of these functions to be interrupted, and that it would be convenient for the United Nations to have the custody of the instruments in question many of which are connected with activities of the League of Nations which the United Nations is likely to continue,

THE GENERAL ASSEMBLY of 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 secretariat functions formerly entrusted to the League of Nations.

II. Functions and Powers of a Technical and Non-Political Character

CONSIDERING that, among the instruments mentioned at the beginning of the present Resolution, there 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, and seeing that certain of these instruments are intimately connected with activities which the United Nations will or may continue,

CONSIDERING, however, there should be careful examination of the question of which organs of the United Nations or of the specialised agencies brought into relation with the United Nations should, in the future, exercise the functions and powers in question, insofar as they are maintained;

THE GENERAL ASSEMBLY OF THE UNITED NATIONS decides that, subject to these reservations, it is willing to take the necessary measures to ensure the continued exercise of the functions and powers mentioned in this part of the present resolution.

III. Treaties and International Conventions, Agreements and other Instruments having a Political Character

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