

6. *Invites* the specialized agencies, in the fields with which they are concerned, to study measures to remedy slavery, conditions similar to slavery, and servitude in all its forms, with special reference to the question of measures of international co-operation to achieve this end.

*789th plenary meeting,  
29 April 1954.*

## B

*The Economic and Social Council,*

*Noting* the report <sup>41</sup> of the Secretary-General on his consultations concerning the desirability of a supplementary convention on slavery and its possible contents,

*Noting* further that the Government of the United Kingdom of Great Britain and Northern Ireland has submitted a draft <sup>42</sup> of a supplementary convention,

*Considering* the observations of the Governing Body of the International Labour Office set out in document E/2540/Add.3,

1. *Decides* to transmit to all governments and to the International Labour Organisation any draft supplementary convention on slavery submitted by governments;

2. *Requests* the Secretary-General to deal accordingly with the draft contained in document E/2540/Add.4;

3. *Invites* all governments and the International Labour Organisation to submit comments on this draft and on any other draft to the Secretary-General;

4. *Requests* the Secretary-General to prepare a report on the replies received in accordance with the preceding paragraph for consideration by the Council at its nineteenth session.

*789th plenary meeting,  
29 April 1954.*

## 526 (XVII). Statelessness

### A

#### DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS

*The Economic and Social Council,*

*Noting* that there exist a certain number of persons not covered by any domestic nationality law and designated by the term "stateless persons",

*Considering* that the General Assembly decided by its resolution 429 (V) to convene a conference of plenipotentiaries to complete the drafting of and to sign both the Convention relating to the Status of Refugees and the Protocol relating to the Status of Stateless Persons,

*Considering* that the aforesaid Conference, which was held at Geneva in July 1951, adopted and opened for signature the Convention relating to the Status of Refugees, but decided to take no decision on the draft Protocol and referred the latter for further study to the appropriate United Nations organs,

*Considering* that the General Assembly, in resolution 629 (VII), requested the Secretary-General to

communicate the provisions of the draft Protocol to all the governments invited to the Conference of Plenipotentiaries with a request for their comments, and that in their comments a number of governments advocated the adoption and opening for signature of a revised text,

*Considering* that the Assembly, in resolution 629 (VII), also requested the Council to take, in the light of these comments, whatever action seemed useful in order that a text might be opened for signature after the Convention relating to the Status of Refugees had entered into force, and that the latter Convention entered into force on 22 April 1954,

*Having consulted* the Secretary-General as prescribed in General Assembly resolution 366 (IV) approving the rules for the calling of international conferences of States,

#### 1. *Decides*:

(a) That a second conference of plenipotentiaries should be convened and that the agenda of the conference should include the following items:

(i) The revision of the draft Protocol relating to the Status of Stateless Persons, in the light of the provisions of the Convention relating to the Status of Refugees of 28 July 1951 and of the observations made by the governments concerned;

(ii) Adoption of the revised Protocol and opening of the Protocol for signature by all States Members of the United Nations and by non-member States invited to attend the first Conference of Plenipotentiaries held at Geneva in 1951;

(b) That invitations to attend the second Conference of Plenipotentiaries should be extended to all States invited to attend the first Conference;

2. *Requests* the Secretary-General to make all necessary arrangements for the calling of the second Conference of Plenipotentiaries, in accordance with the terms of General Assembly resolution 366 (IV) and of the present resolution.

*784th plenary meeting,  
26 April 1954.*

### B

#### PROBLEM OF STATELESSNESS

*The Economic and Social Council,*

*Having regard* to Council resolutions 116 D (VI), 248 B (IX), 319 B (XI) section III, and 352 (XII),

*Noting* the report <sup>43</sup> by the Secretary-General pursuant to Council resolution 352 (XII) and bearing in mind the report <sup>44</sup> of the International Law Commission on the work of its fifth session,

*Considering* that the causes of statelessness are often different from those which justified recognition of the status of refugees,

*Endorses* the principles underlying the work of the International Law Commission, which has endeavoured in particular to determine the causes of statelessness and the changes to be made in the various national legisla-

<sup>41</sup> See document E/2540.

<sup>42</sup> See document E/2540/Add.4.

<sup>43</sup> See documents E/2230, Add.1 and 2.

<sup>44</sup> See document A/2456.

tions in order to remove those causes, and requests it to continue its work with a view to the adoption of effective international instruments for the reduction and elimination of statelessness.

784th plenary meeting,  
26 April 1954.

## 527 (XVII). Recognition and enforcement abroad of maintenance obligations

*The Economic and Social Council,*

Recalling its resolution 390 H (XIII) requesting the Secretary-General to prepare a working draft of a model convention or of a model reciprocal law, or both, and requesting him to convene a committee of experts with a view to formulating the text of such instruments on the recognition and enforcement abroad of maintenance obligations,

Having considered the report<sup>45</sup> of the Committee of Experts on the Recognition and Enforcement Abroad of Maintenance Obligations,

Having noted the importance of the question as reflected in General Assembly resolution 734 (VIII),

Taking account of the valuable work of social agencies in encouraging and facilitating voluntary fulfilment of family obligations and the progress made in reaching international understanding through bilateral and regional conventions,

Recognizing the legal, social and economic difficulties which are to be overcome in the recovery abroad of claims for maintenance,

### 1. Requests the Secretary-General:

(a) To transmit the report of the Committee of Experts to governments for information and such action as they may deem appropriate;

(b) To ascertain from States Members of the United Nations and those non-members of the United Nations which are members of any of the specialized agencies whether they consider it desirable to convene a conference of plenipotentiaries to complete the drafting of the Convention<sup>46</sup> on the Recovery Abroad of Claims for Maintenance, and whether they are prepared to attend such a conference;

(c) To report to the Council on the result of this consultation not later than the nineteenth session;

2. Recommends to governments to use the text of the Model Convention on the Enforcement Abroad of Maintenance Orders [annexed hereto] as a guide for the preparation of bilateral treaties or uniform legislation to be enacted by individual States.

784th plenary meeting,  
26 April 1954.

## ANNEX

### MODEL CONVENTION ON THE ENFORCEMENT ABROAD OF MAINTENANCE ORDERS<sup>a</sup>

(prepared by the Committee of Experts on the Recognition and Enforcement Abroad of Maintenance Obligations, Geneva, 28 August 1952)

#### PREAMBLE

Considering that the situation of dependants left without means of support by persons in another country constitutes a pressing humanitarian problem, and

Considering that the prosecution or enforcement abroad of claims for maintenance gives rise to serious legal and practical difficulties, and

Considering that it is therefore necessary to facilitate the enforcement, in the territory of one of the Contracting Parties, of maintenance orders, as well as of other instruments subject to execution, rendered or concluded in the territory of the other Contracting Party,

Wherefore the Contracting Parties have agreed as follows:

#### ARTICLE 1

##### Definitions

In this Convention:

(a) A "maintenance order" is any judicial act of a court (judgment, decree, decision, order and the like) or provision thereof, whereby a person is required to make payment of a sum or sums of money towards the maintenance of any dependant, rendered in a proceeding brought in whole or in part for the purpose of enforcing a duty of support established by the law of the country where the order is made;

(b) A "court" is any judicial authority however described, competent to pronounce maintenance orders according to the governing domestic law;

(c) An "original court" is the court by which the maintenance order was given; and an "enforcing court" is the court in which it is sought to obtain enforcement of a maintenance order;

(d) A "judgment creditor" is the person in whose favour the maintenance order was given; and a "judgment debtor" is the person against whom the maintenance order was given.

#### ARTICLE 2

##### Conditions of enforcement

1. A maintenance order pronounced by a court in the territory of one of the Contracting Parties shall be enforced in the territory of the other Contracting Party in the manner provided in this Convention if the following conditions are fulfilled:

(a) The original court has jurisdiction in accordance with Article 3 of this Convention;

(b) The order is enforceable in the country of the original court;

(c) The order is not subject to review in the country of the original court;

(d) Where the order was given by default, the enforcing court is satisfied that the judgment debtor actually received notice in sufficient time to defend the proceedings. If the enforcing court considers that this requirement has not been observed it may refuse enforcement even though such notice was served on the judgment debtor in accordance with the law of the country of the original court;

(e) The order is not inconsistent with a prior judgment which as between the same parties, is recognized as *res judicata* under the law of the enforcing court. Enforcement may also be refused if, prior to the pronouncement of the order of the original court,

<sup>45</sup> See document E/AC.39/1.

<sup>46</sup> *Ibid.*, annex I.

<sup>a</sup> See document E/AC.39/1, annex II.