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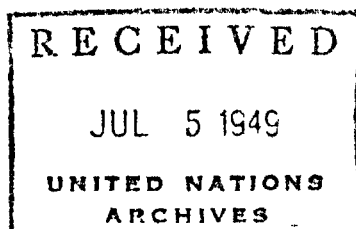
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REPORT OF THE AD HOC
COMMITTEE ON DECLARATION OF DEATH
OF MISSING PERSONS

Held at Geneva
from 7 to 21 June 1949



LIST OF CONTENTS

- A. List of contents
- B. Introduction, Meetings, Organization
- C. Terms of Reference of the Committee
- D. Consideration of Terms of Reference
 - 1. Possibility of Meeting the Purposes of General Assembly Resolution 198 (VII) by Other Procedures than by the Adoption of a Single International Convention
 - (a) National Legislation
 - (b) Bilateral Treaties
 - (c) Dissemination of Information Concerning Displaced Persons
 - 2. Proposed Convention
 - (a) Objective
 - (b) Geographical Scope
 - (c) Basis for Declaring a Missing Person Dead under the Convention
 - (d) Limitation of Tribunals Issuing Declarations of Death and of Applicants Seeking Them
 - (e) Effect of Declarations of Death
 - (f) International Bureau
 - (g) Formal Provisions; Signature or Acceptance with Reservations
- E. Recommendation for Early Action
- F. Text prepared by the Delegation of U.S.S.R. as amendment to Part D (1) of the Report.
- G. Proposed Draft Resolution of the Economic and Social Council
- H. The Draft Convention on Declaration of Death of Missing Persons

B. MEMBERSHIP, MEETINGS, ORGANIZATION

1. Establishment of the Committee

The ad hoc Committee was established by Resolution No. 209 (VIII) of the Economic and Social Council adopted on 2 March 1949 (E/1220).

2. Meetings

The Committee held 18 meetings, from 7 to 21 June 1949.
(E/AC.30/SF.1-18.)

3. Members of the Committee and their Representatives

Members of the Committee	Representatives
Brasil	Mr. Antonio Houaiss
Denmark	Mr. Henrik Zytphen-Adeler
France	Mr. Hubert Posse
Lebanon	Mr. Jamil Mikaoui Mr. Albert Nassif, Alternate
Poland	Mr. Jacek Rudzinski
United States of America	Mr. H. Graham Morison Mr. U. Bonnell Phillips, Adviser
Union of Soviet Socialist Republics	Mr. A. Koulagenkov Mr. Kalougin, Adviser

4. Specialized Agencies and Non-Governmental Organizations

The International Refugee Organization was represented at the Committee and participated in the discussions.

The following non-governmental organizations, with consultative status, were also represented and presented statements:

Consultative Council of Jewish Organizations

International Social Service

World Jewish Congress

5. Secretariat

The Secretary-General was represented by Mr. Oscar Schachter, Deputy Director of the General Legal Division. Mr. Karl E. Lachmann acted as Secretary of the Committee and Mr. George M. Szabad served as Special Consultant.

6. Election of Officers

The following Officers were elected:

Chairman: Mr. Jamil Mikaoui (Lebanon)

Vice-Chairman: Mr. Hubert Posse (France)

7. Adoption of the Report

The Committee adopted the following Report by a vote of 5 in favour, 2 against and no abstentions (E/AC.30/SR.18).

C. TERMS OF REFERENCE OF THE COMMITTEE

On August 24, 1948 the Economic and Social Council adopted Resolution No. 158 (VII) in which it recognized the urgency and importance of solving the legal difficulties arising from the disappearance of numerous victims of war and persecution, expressed the view that these difficulties might best be solved by an international Convention, and requested the Secretary-General (i) to prepare, in collaboration with the International Refugee Organization and other competent organizations, a preliminary draft convention on the subject; (ii) to submit this convention to Member Governments for comment, and (iii) to submit it, along with the comments received from the governments, to the Council at its Eighth Session "in order to enable the Council to take such action as may be appropriate, with a view to definitive action on this matter by the General Assembly at its fourth regular session".

In accordance with the request of the Council embodied in the above resolution, the Secretary-General prepared a Draft Convention on Declaration of Death of Missing Persons and submitted it to the various governments for comment on October 26, 1948 (document E/1071).

On March 2, 1949 the Economic and Social Council, at its Eighth Session, adopted Resolution No. 209 (VIII) in which it noted the Draft Convention, requested Member Governments which had not yet submitted

comments to do so at the earliest possible date and, noting that the questions raised by the Draft Convention had a complex legal character, established an ad hoc committee composed of persons "specially versed in this matter" to be nominated by, and represent, the following seven Member Governments: Brazil, Denmark, France, Lebanon, Poland, United States of America and the Union of Soviet Socialist Republics.

By the terms of this resolution, the Committee was instructed by the Council

- "1. To examine if the purpose of Council Resolution 158 (VII) may be met by other procedures than by the conclusion of a single international convention;
2. To study the draft Convention prepared by the Secretary-General, with the comments of governments and of the International Refugee Organization, and thereafter to prepare a draft, or if necessary, any other proposals in case the drafting of a convention is not practicable; and
3. To place such draft Convention or any other proposals before the Council at its Ninth Session if feasible."

The Committee met at Geneva between June 7 and June 21. It held 18 sessions and examined a large number of comments, proposed amendments and suggestions submitted by governments (see documents E/1071 Add. 2, E/1071 Add. 3, E/1071 Add. 4, E/AC.30/1, E/AC.30/2, E/AC.30/4, E/AC.30/7, E/AC.30/10, E/AC.30/11, E/AC.30/12, E/AC.30/15, E/AC.30/16, E/AC.30/27 and E/AC.30/44), the International Refugee Organization (see documents E/1071 Add. 1, E/AC.30/5 and E/AC.30/14) and Non-Governmental Organizations (see documents E/AC.30/3 and E/AC.30/13).

On the basis of its deliberations, the Committee decided by a vote of 5 to 2 to transmit to the Council at its Ninth Session a proposed Convention on Declaration of Death of Missing Persons, which is submitted herewith as Part H of this report.

D. CONSIDERATION OF TERMS OF REFERENCE

1. Possibility of Meeting the Purposes of Council Resolution 158 (VII) by Other Procedures than by the Conclusion of a Single International Convention.

The information submitted to the Committee by the Governments, the International Refugee Organization and the interested Non-Governmental Organisations indicates that the laws of the various countries affected by the problem do not provide uniformly a simple and rapid procedure in cases where death cannot be established by ordinary means. In many such cases there is no authority which can, in the absence of a formal death certificate, adjudicate or declare the person's death. Even where a competent authority exists, proof of the fact of death before such authority may be difficult or costly because of its geographic remoteness from the surviving relative or for other reasons. Moreover, even when a declaration of death is obtained, many difficulties stand in the way of its being recognized in other States where it may have to be presented for the purpose of obtaining the distribution of property or of clarifying the personal status of the applicant. The lack of uniform rules in the various national laws further leads to conflicts in the handling of the same matters by tribunals of different countries.

The problem caused by the mass disappearance of victims of war and persecution affects a number of the Members of the United Nations. It is clearly an international problem and must be solved through international action. Before reaching the conclusion that such action can be achieved most effectively, if not solely, through the adoption of an international convention, the Committee, in accordance with the Council resolution creating it (Resolution No. 209 (VIII)), considered various other procedures which might conceivably solve the problem. Its views on these procedures follow.

(a) Internal Legislation

In theory, of course, the difficulties resulting from the present situation could be removed if all of the States concerned amended their laws to fill existing gaps and to bring their respective legislations on these points in close conformity with each other. As a practical matter, however, it is unlikely that States would amend their internal legislation along parallel lines without simultaneously obtaining assurance of reciprocal treatment in other States. Such co-ordinated action on the part of legislatures of numerous countries appears wholly unlikely, and certainly is not practicable in any foreseeable time. Thus, this solution cannot meet the objectives expressed by the Council which recognized the urgency of the problem in the light of the tremendous suffering already caused to the survivors of war and persecution.

Even if uniform revision of internal legislation were feasible, such revision, to achieve the ends of the Council, would involve the same problems as the promulgation of an international Convention and at the same time would be far slower and more cumbersome.

(b) Bilateral Treaties

Substantially the same considerations as expressed in connection with the possibility of revising internal legislation apply to the possible solution of the problem through bilateral treaties. The adoption of a complete network of such treaties, which would have to be consistent with each other, would raise many more difficulties and be far less feasible than the enactment of a single convention, to be accepted by the various governments affected.

(c) Dissemination of Information Concerning Displaced Persons

A minority of the Committee was of the view that the problem can be handled by internal legislation if implemented by the dissemination of full and accurate information to the States which suffered enemy occupation

concerning the whereabouts of their nationals falling within the scope of the Convention. The majority of the Committee, however, is of the opinion that such a process falls far short of meeting the objective of the Council. While the dissemination of such information to the public assists in dispelling the erroneous impression in some instances that a displaced person is dead, it could not begin to approach to solving the problem of the greater number of cases where the absentees are still living but could not be found in any place. Without expressing any opinion on the feasibility or advisability of disseminating such information as a supplementary measure, it may well be pointed out that the publication of the proposed Convention for notice and publication may in itself serve to help to achieve the same end.

2. Proposed Convention

(a) Objectives

The proposed Convention has two main objectives, (1) to facilitate the issuance of the declarations of death of missing persons on a broad jurisdictional basis, affording a convenient choice of tribunals and a simple and inexpensive but legally sound, procedure; (2) to provide for the recognition of such declarations by other States parties to the Convention.

(b) Geographical Scope

The Convention is made applicable to missing persons who were formerly resident in Europe, Asia and Africa. This geographical limitation was included in order to achieve more precisely the objective sought by the Council: namely, to solve the problem of the missing persons who disappeared because of actual warfare or as a result of persecution and mass extermination. By limiting the Convention in this way, the presumption of death is also given additional validity since it is supported by greater probability than would be the case if all missing persons the world over were included. But it should be stressed that in limiting the class of

* See the statement and proposed resolution submitted by the Delegation of the U.S.S.R. contained in Part F below.

missing persons, the Committee does not intend that the Convention should be applied only in the continents mentioned. On the contrary, it is considered of particular importance that the Convention be given effect in other areas as well, since the survivors or assets of the missing persons may be located in these other areas.

(c) Basis for Declaring a Missing Person Dead under the Convention

It may be noted that the draft of the Convention submitted by the Secretariat has been revised (i) to make the requirement of a reasonable ground to infer that the disappearance was due to death caused by war or persecution an affirmative rather than a negative one, (ii) to limit the scope of the Convention to residents of the continents which were the areas of actual warfare and persecution, and (iii) to increase from three to five years the period which must elapse from the last known date when the person was probably alive. In addition, the Committee revised the proposed draft of the Secretariat by (iv) inserting a proviso in Article 3 expressly requiring that a public notice be given reasonably designed to afford the alleged decedent an opportunity to appear if he is alive. All of these revisions were made for the purpose of providing substantial safeguards against the issuance of declarations of death on what might otherwise be an inadequate basis in fact if not in law.

(d) Limitation of Tribunals Issuing Declarations of Death and of Applicants seeking them.

While the Committee deemed it desirable to retain the choice of tribunals contemplated by the draft submitted by the Secretariat, the right to proceed in the place of residence of the applicant was limited to close relatives, namely, parents, issue, brothers, sisters or spouses, and the term "tribunal" was expressly limited to those authorities empowered to adjudicate the fact of death under the governing local law. Likewise it was deemed advisable to define the persons having a legal interest sufficient to institute a proceeding in order to avoid any

possibility of such proceedings being instituted by persons whose interest is too remote.

(e) Effect of Declarations of Death

With the above safeguards the Committee felt that it was appropriate to provide that the declarations shall have the same legal effect in the country in which they are issued as official death certificates and to provide for recognition of such declarations in other States parties to the present Convention. The requirement of recognition was qualified by the Committee, however, to allow the local law of certain States (whose constitutional system at the time of ratification of the Convention does not permit the issuance of declarations of death or absence as such) to limit the effect of foreign declarations to a prima facie presumption of death which may be rebutted by evidence to the contrary.

(f) International Bureau

To achieve the ends of the Convention and to enable its other provisions to be carried into effect, it provides for the establishment of an International Bureau for Declarations of Death. The seat, composition, organization and method of operation of the bureau are to be determined by the Secretary-General of the United Nations, and its expenses are to be allocated among the States parties to the Convention on the basis of a scale established by the Secretary-General in consultation with such States. This provision leaves open the possibility of the Bureau being established either within the Secretariat of the United Nations, or within another existing organization or as a separate independent body. In view of the difficulty of determining the extent of the work to be done by the Bureau and the organization required, it was considered advisable to leave this decision to the Secretary-General. The Committee trusts, of course, that the expenses of the International Bureau will be minimized to the greatest possible extent.

Among the functions of the Bureau will be the receipt and transmission of relevant information on applications for declarations of death, notification of tribunals in which applications are filed for declarations already sought elsewhere, and the receipt and transmission of communications concerning decisions on the various applications. In this connection, it was deemed desirable to amend the draft submitted by the Secretariat by requiring that the Bureau notify close relatives of the missing person of the decision on an application to declare him dead.

(g) Formal Provisions; Signature or Acceptance with Reservations

The provisions of the Convention on signatures and acceptance, entry into force, parties, notifications by the Secretary-General, duration, disputes and registration are self-explanatory and in the main follow similar provisions of other international conventions concluded under the auspices of the United Nations. The Committee also decided to include a special article dealing with the subject of reservations in order to facilitate adherence by States which for reasons of domestic law are unable to comply strictly with all of the provisions of the Convention. This article provides that the Secretary-General shall, in the first instance, decide whether or not reservations shall be accepted, but that his decision may be overruled if a majority of the contracting parties disagree with his determination. This procedure would not, however, apply to reservations which would limit, or be inconsistent with, those provisions deemed essential, as for example, the articles dealing with the effect and recognition of declarations, the International Bureau and the territorial effect. Accordingly, reservations to these essential articles, (i.e. Articles 5, 6, 7, 8, 9, 11 and 12) could be effectively made only if they are accepted unanimously by the contracting parties.

E. RECOMMENDATION FOR EARLY ACTION

The second World War ended almost four years ago. It is a matter of common and tragic knowledge that during it millions of human beings were killed by mass bombings or were deported from their homes and exterminated under circumstances making accurate identification difficult or impossible. Many of those who disappeared must now be proved to have died, in order that their property may be disposed of, or to enable their surviving spouses to remarry or their orphans to be adopted. The problem is made particularly acute by the destitute condition of many or most of the survivors of such missing persons. For many of these survivors the ability to establish their relatives' death and thus to validate their claims as heirs, to recover identifiable possessions confiscated from the missing persons, or to claim damages under restitution laws, is a matter of dire necessity.

The urgency of the problem has been recognized by the Council in its resolutions directing the Secretary-General to prepare a draft Convention and subsequently appointing this Committee. Having studied this problem, the Committee is firmly of the opinion that it is of utmost importance and urgency, and accordingly it respectfully recommends early action by the Council on the proposed Convention submitted herewith.

F. TEXT PREPARED BY THE DELEGATION OF U.S.S.R.
AS AMENDMENT TO PART D (1) OF THE REPORT*

During consideration of the first question with the study of which the Committee was charged by Resolution 209 (VIII) of the Economic and Social Council, as to whether the aims set out in the Council's Resolution 158 (VII) could be achieved by the application of any procedure other than the conclusion of an international convention, the delegation of the U.S.S.R. drew attention to the fact that the question of the conclusion of such a

*The above text was not considered by the Committee which however decided to recommend to the Report as indicating the point of view of the delegation of the U.S.S.R.

convention had largely arisen as the result of the failure to implement the decision of the General Assembly of the United Nations relating to the return of displaced persons to their countries of origin, and to the fact that at the present time many displaced persons are in camps or have been sent to work in various countries, and have thus been placed in a difficult position in which they are deprived of the possibility of giving information about themselves. In the opinion of the Soviet Union delegation, the conclusion of a special international convention would be inexpedient, inasmuch as the task imposed by Resolution 158 (VII) of the Economic and Social Council must and can be carried out by providing the governments of those countries which suffered enemy occupation during the war with full information as to the present whereabouts of their nationals falling within the category of displaced persons, and by the introduction, in accordance with constitutional procedure, of suitable legal measures by those states in which the question of procedure for declarations of death in respect of persons who have disappeared without trace, has not been regularised by legislation. The delegation of the Soviet Union introduced a corresponding proposal, the text of which follows:

"The ad hoc Committee on Declaration of Death of Missing Persons considers that the conclusion of an International Convention on Declaration of Death of Missing Persons is inexpedient, inasmuch as the object specified in Resolution 158 (VII) concerning missing persons can and should be achieved by the submission to the Governments of countries which suffered enemy occupation during the war of full information as to the present whereabouts of their nationals falling within the category of displaced persons, as well as by adoption of internal legislative measures.

The ad hoc Committee trusts that the Economic and Social Council will adopt recommendations to the effect that:

1. States on whose territory are to be found refugees and displaced persons communicate a list of such persons to the governments of the countries where they were permanently domiciled prior to the war.
2. States in which the question of procedure for declaring the death of missing persons has not been regularised by legislation introduce appropriate legislative measures in accordance with their constitutional procedure."

G. PROPOSED DRAFT RESOLUTION OF THE ECONOMIC AND
SOCIAL COUNCIL

(Prepared by the Secretariat on the Basis of the Report
of the Ad Hoc Committee on Declaration of Death of
Missing Persons)

The Economic and Social Council,

Having considered the report and recommendations of the Ad Hoc
Committee on Declaration of Death of Missing Persons,*

Recognizing that the legal difficulties arising from the disappearance
of numerous victims of war and persecution in the years 1939-1945 present
an urgent problem which requires for its solution an international
convention,

Decides

- (1) to approve the proposed Convention on Declaration of Death of
Missing Persons which is attached hereto;
- (2) to recommend to the General Assembly
 - (a) that it approve the proposed Convention during its Fourth
Session;

* See document E/1368.

(b) that it fix the earliest possible date during its Fourth Session when the Convention shall be open for signature or acceptance;

(c) that it urge all eligible States to become parties to the Convention as soon as possible.

H. DRAFT CONVENTION ON THE DECLARATION OF DEATH OF MISSING PERSONS

CONSIDERING that military events and racial, religious, political or national persecution by Hitler Germany, militarist Japan and the other Axis powers have caused in the course of the Second World War the disappearance of persons whose death cannot be established with certainty,

CONSIDERING that this situation has produced difficulties of a legal nature which have placed a great number of human beings in a precarious position,

BEING CONVINCED that these difficulties can only be solved on an international basis,

THE STATES PARTIES TO THE PRESENT CONVENTION agree as follows:

Article 1 - Scope

The present Convention is applicable to declarations of death of persons whose last residence was in Europe, Asia or Africa who have disappeared in the years 1939-1945, under circumstances affording reasonable ground to infer that such disappearance was due to death as a consequence of events of war or racial, religious, political or national persecution; provided that members of armed forces serving in Europe, Asia or Africa shall not, by virtue of such service per se, be considered as having had their residence in those areas.

Article 2 - Competent Tribunals

1. The following tribunals empowered to adjudicate the fact of death under the governing local law shall be competent to issue declarations of death:

- (i) the tribunal of the place of the last domicile of the missing person;
- (ii) the tribunal of the place of the last voluntary or involuntary residence of the missing person;
- (iii) the tribunal of the place of the last residence of the missing person in the country of which he is a national, or, in a case where the missing person was never domiciled in that country, the tribunal of the capital of that country;
- (iv) in the case of an application filed by a close relative (i.e. parents, issue, brothers, sisters or spouse), the tribunal of the place of residence of the applicant;
- (v) the tribunal of the situs of property of the missing person.

2. An applicant may apply to any competent tribunal but, having made an application, shall not be entitled to make a subsequent application to another competent tribunal unless the first tribunal does not regard itself as competent to deal with the application, or unless he produces to the other tribunal substantial relevant evidence which he was not able to produce in the earlier application.

3. The term "tribunal" as used in this article shall apply to all authorities empowered to adjudicate the fact of death under the governing local law.

Article 3 - Application for Declaration of Death

1. At the instance of any natural or juridical persons having a legal interest in the matter or of an authority charged with the protection of the public interest, any competent tribunal in each State Party to the present Convention shall issue a declaration of death of any missing person within the scope of the present Convention, provided that a period of at least five (5) years has elapsed since the last known date on which the missing person was probably alive, as indicated by the reception of news or the occurrence of any other fact brought to the attention of the tribunal; and provided further that in the course of the proceedings for the issuance of such declaration public notice should have been given reasonably designed to afford the alleged decedent an opportunity to appear if he is alive.

2. The following natural or juridical persons shall be considered as having a legal interest within the meaning of the preceding paragraph:

- (i) persons who may be entitled to, or have an interest other than that of a creditor in, any part of the missing person's estate under a will or on intestacy;
- (ii) persons who may be entitled to, or have an interest other than that of a creditor in, any property the distribution of which may depend on the survival or death of the missing person;
- (iii) persons whose personal status may be affected by the survival or death of the missing person; and
- (iv) persons desirous of adopting the minor children of such missing person, and institutions or organizations entitled under their national or local law to co-operate in such an adoption proceeding.

Article 4 - Date of Death

1. In issuing a declaration of death the competent tribunal shall determine the presumed date of death, taking into consideration all known circumstances.
2. In the absence of any other indication, the presumed date of death shall be fixed as the last day of the year during which death probably took place, taking into account the last news of the missing person or any other fact brought to the attention of the tribunal; provided, however, that this presumed date of death shall have no effect in causing the lapse of an insurance policy for non-payment of premiums during that year.
3. In all cases death shall be presumed to have occurred at the last moment of the day of the presumed date of death.

Article 5 - Effects of a Declaration of Death

1. Every declaration of death issued in accordance with the present Convention shall have the same legal effects in the country in which it is issued as the official death certificate issued in accordance with the national laws of that country.
2. The foregoing provision shall not affect the law of the country concerned dealing with the reappearance of persons having previously been declared dead.

Article 6 - International Bureau for Declarations of Death

1. There shall be established an International Bureau for Declarations of Death. The Secretary-General of the United Nations shall determine its seat, composition, organization and method of operation.
2. A central registry shall be established in the Bureau.
3. The expenses of the Bureau shall be allocated among the States Parties to the present Convention in accordance with a scale to be

established by the Secretary-General of the United Nations in consultation with such States.

4. The working languages of the International Bureau shall be English and French.

Article 7 - Communication of Applications

1. A tribunal to which an application for declaration of death is made shall, within fifteen days of the receipt of the application, communicate to the International Bureau the following information, in so far as possible:

- (i) Full name of the missing person;
- (ii) Names of parents, spouse, children, and other known close relatives;
- (iii) Place and date of birth;
- (iv) Habitual residence;
- (v) Last known voluntary or involuntary residence;
- (vi) Any information as to nationality;
- (vii) The last known date on which the missing person was probably alive according to the application;
- (viii) Name and address of the applicant, his interest and status;
- (ix) Date of institution of the proceedings.

2. If the Bureau ascertains that an application is already pending, it shall immediately notify the tribunal to which the later application has been made. Such tribunal shall suspend its proceedings pending a final decision by the other tribunal and shall inform the applicant of the ~~tribunal~~ before which proceedings have already been instituted and of the name of the other applicant.

Article 8 - Publication and Communication of Decisions

1. A tribunal issuing a decision upon an application for a

declaration of death shall communicate its decision to the International Bureau within fifteen days from the date on which such decision becomes final, whether the decision is positive or negative. Such communication shall contain the date of the decision and, if the decision is positive, the date established by the declaration of death as the presumed date of death, and if the decision is negative a short statement of the grounds for denying the application.

2. The International Bureau shall publish a monthly list of all applications and final decisions which are communicated to it. It shall simultaneously send notice of the decision to the close relatives whose names are communicated to it in accordance with Article 7 (ii) of the present Convention. The International Bureau shall also transmit to any tribunal in which an application has been filed for a declaration of death the grounds for any previous denial by any other tribunal of an application for a declaration of death concerning the same missing person.

3. A declaration of death shall not be issued in accordance with the present Convention until the expiration of three months from the publication of the application by the International Bureau.

Article 9 - Mutual Assistance

The conditions under which assistance is afforded, and also the form in which tribunals shall afford each other mutual assistance in proceedings under the present Convention, shall be governed by special agreements relating to mutual assistance among tribunals or by the applicable legislation of each country.

Article 10 - Exemption from Costs and Free Legal Assistance

Proceedings under the present Convention shall be granted exemption from all costs and charges and free legal assistance shall

be provided in all cases where, under the national law, such exemption or assistance is granted to nationals of the country where a proceeding is pending.

Article 11 - Recognition of Declarations of Death

All declarations of death issued under the present Convention shall be recognized by every State Party to the Convention, whether or not it was a party at the time of the issuance of such declarations, and shall be given the same effect, and be subject to the same rules with respect to reconsideration, as declarations issued by the competent tribunals of the State, where presented; provided, however, that in States Parties to the Present Convention, whose constitutional system at the time of ratification of the Convention did not permit the issuance of declarations of death or absence as such, the local law may provide that declarations issued under the present Convention shall have the effect of a prima facie presumption of death, and, in the absence of contrary evidence, shall require a finding of death of the missing person on the date established by the declaration of death.

Article 12 - Signatures and Acceptances

1. The present Convention of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be open for signature or acceptance on behalf of any Member of the United Nations and also of any non-Member State to which an invitation has been addressed by the Economic and Social Council.

2. Any such State may:

- (a) Sign without reservation as to acceptance;
- (b) Sign subject to acceptance and subsequently accept; or
- (c) Accept.

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

4. The word "State" as used in this Article shall be understood to include the territories for which each State Party to the present Convention bears international responsibility.

Article 13 - Entry into Force

The present Convention shall come into force upon the expiration of thirty days following the day on which two or more States have become parties to it in accordance with Article 12.

Article 14 - Parties

A State which has signed without reservation as to acceptance, or accepted pursuant to Article 12, shall become a Party to the present Convention upon its entry into force or upon the expiration of thirty days following the date of such signature or acceptance, if executed after its entry into force.

Article 15 - Notifications by the Secretary-General

The Secretary-General of the United Nations shall inform all Members of the United Nations and non-Member States referred to in Article 12 of the date of entry into force of the Convention and shall notify them of all signatures and acceptances received in accordance with Article 12.

Article 16 - Duration

The present Convention shall be valid for a period of five years from the date of its entry into force.

Article 17 - Disputes

All disputes arising out of the interpretation or application of the present Convention shall be referred to the International Court of Justice, unless in any case it is agreed by the States Parties to the dispute to have recourse to another mode of settlement.

Article 18 - Registration

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

Article 19 - Reservations

A reservation made by a State at the time of its signature or acceptance pursuant to Article 12 shall be dealt with as follows:

- (a) The Secretary-General of the United Nations shall determine in the first instance whether such reservation should or should not be accepted;
- (b) He shall communicate his determination to all of the contracting parties, or if the Convention has not yet entered into force, to the States members of the Economic and Social Council.
- (c) His determination shall become a final decision accepting or rejecting the reservation unless he receives, within three months from the date of his communication to the States mentioned in sub-paragraph (b) above, communications from a majority of such States disagreeing with his determination; in that event, the view of such majority shall be decisive.

However, this article shall not apply to reservations which limit, or are inconsistent with, the provisions of Articles 5, 6, 7, 8, 9, 11 and 12.