



# International Events

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## UNITED NATIONS

THIS report will review the developments of the period July, 1949, to July, 1950, in the several major areas of interest to the Jewish consultant organizations in the United Nations (UN). Of the topics reviewed, most were scheduled to be discussed, in one context or another, at the fifth session of the General Assembly in the fall of 1950. These included: the Covenant of Human Rights and implementation articles; the ratifications of the Genocide Convention; the refugee convention and the High Commission for Refugees; the Convention on the Declaration of Death of Missing Persons; the report of the International Law Commission on the codification of the principles of the Nuremberg Tribunal; and the UN International Children's Emergency Fund (UNICEF). Other topics reviewed briefly, but not on the agenda of any UN body, were: the California court decision citing the UN Charter; the UN Conference of Non-Governmental Organizations (NGO's) interested in migration problems; and the problem of the Jewish war orphans.

### *Human Rights*

At the time of writing (July, 1950) the Economic and Social Council (ECOSOC) had just completed its review of the results of the important Sixth Session of the Human Rights Commission, held from March 27 to May 19, 1950, at Lake Success, N.Y. The sixth session of the Commission had completed the draft Covenant of Human Rights and draft measures of implementation, and sent them on to ECOSOC, without any recommendation as to whether or not they should be forwarded to the Fifth General Assembly for adoption and eventual submission to UN member governments for ratification. This decision was left to ECOSOC.

#### COVENANT OF HUMAN RIGHTS

As completed by the Commission, the Covenant was limited to the basic civil and political rights familiar to American tradition and law. These included: the right to life; protection against discrimination on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status; protection against slavery, forced labor, arbitrary arrest or detention; protection against imprisonment for inability to fulfill contractual obligations; freedom to leave one's country and to return; the right to a fair and public hearing by an independent

and impartial tribunal; the right to be presumed innocent until proven guilty; protection against *ex post facto* laws; the right to recognition as a person before the law; freedom of religion, expression, assembly, and association, and the equal protection of the law.

Although the Commission included representatives of the major geographical areas, the Covenant was drafted largely under the influence of the United States and the Western European countries.

The Commission decided to postpone consideration of economic and social rights because of their more controversial nature, and because of lack of time to consider them adequately at this session. It decided to take these up at its seventh session in 1951, with a view to drafting a supplementary covenant.

The Commission postponed for consideration at its Seventh Session a number of other articles proposed for inclusion in the Covenant, such as the right of asylum, and called attention in its report to still other proposed articles recommended by various governments, including articles on participation in government, on national self-determination and on minorities (proposed by the Soviet Union), and on the protection of minority languages (proposed by Yugoslavia).

#### DEROGATION

One of the most significant articles included in the Covenant was Article 2, dealing with "derogation." This article allowed derogation from the Covenant only in the event "of a state of emergency officially proclaimed by the authorities" or "of a disaster," and was thus an improvement over the earlier and broader language of "public interest" and "public welfare." This article also restricted derogation "to the extent strictly limited by the exigencies of the situation." Most significant, it forbade any derogation whatsoever from the articles asserting the right to life, freedom from involuntary medical and scientific experimentation, freedom from slavery and servitude, freedom from imprisonment on grounds of inability to fulfill contractual obligations, the non-retroactivity of laws, the right to juridical personality, and freedom of thought, conscience, and religion. [Articles 3, 4, 5 (paragraphs 1 and 2), 7, 11, 12 and 13.] These rights, from which under no circumstance might there be derogation, were thus to be in effect the beginning of a precise international juridical definition of the concept of inalienable rights.

Nevertheless, criticism of this article continued to be widespread, chiefly because of the vagueness of the term "state of emergency." It was feared that this vagueness might lead to arbitrary action on the part of governments intent upon curtailing or destroying the civil or political liberties of their peoples, who might create artificial emergencies in order to escape their obligations under the Covenant.

#### IMPLEMENTATION

The most controversial phase of the Commission's work concerned the problem of implementation, the central issues of which were the questions of individual petition and the character of the permanent human rights

body. On the side of more forceful implementation were ranged chiefly the governments of India, Lebanon, Guatemala, Denmark, and most of the NGO's, while the governments of the United States and the United Kingdom supported more conservative measures.

The Soviet bloc, consistent with its stand in virtually every situation where the problem of sovereignty was involved, opposed any and all international measures of implementation, arguing that the implementation of the Covenant should be the exclusive concern of the ratifying states.

The Commission developed several limited implementation measures, although it stressed that these decisions were not to prejudice later consideration of separate protocols on the subject. By a narrow margin of 7 to 6 with 1 abstention, it approved the proposal to establish a permanent Human Rights Committee to be responsible for implementation. This committee was to be elected by states parties to the Covenant, rather than by the United Nations as such, or as proposed by France—by the International Court of Justice as an impartial body. It would receive complaints only from states, and only after available domestic remedies had been exhausted; it would ascertain the facts in disputes and make available its good offices to the states concerned with a view to a friendly solution. Only after the passage of from eighteen to twenty-four months would the committee act, its action being limited to publishing a report. By an overwhelming vote of 7 to 1, the Commission decided against an Indian proposal to assign the committee the functions of supervising the general observance of the Covenant.

Most disappointing to the NGO's was the decision to limit complaints to states. The proposal to grant the right of petition to NGO's was rejected by a vote of 7 to 4, with 3 absentions; to individuals, by a vote of 8 to 3, with 3 absentions.

The major interest of most of the NGO's, particularly of the Jewish ones, was directed to the problem of implementation. On various occasions during 1949-50, as well as during preceding years, these organizations urged the acceptance of the principle that individuals and private groups should have direct access to the UN when their rights under the Covenant were violated through the right of petition, as well as that there should exist a permanent body responsible for the observance of the Covenant. Proposals to this effect were advocated in written memoranda and oral statements directed to the Commission, as well as directly to the member governments of the UN.

These proposals were made by the organizations separately, as well as jointly through various co-ordinating committees and agencies. One of the bodies through which the organizations urged support of these principles was the Joint Committee of American Agencies on Human Rights, in which Jewish groups were represented. On March 20, 1950, the Joint Committee addressed a letter to the United States Mission to the United Nations, criticizing as inadequate the United States position that only states parties to the Covenant might submit complaints of violation. This letter argued that if states alone were complainants, it was inconceivable that aggrieved parties would have access to the UN, since states would hesitate, except for political reasons, to complain against other states regarding violations of rights. The letter also

urged the establishment of a continuing agency with a secretariat or other designated official, with the authority to receive, screen, and act on petitions.

#### ATTORNEY-GENERAL PROPOSAL

An interesting implementation proposal was that of a UN Attorney-General, submitted to the Sixth Session of the Commission by the Consultative Council of Jewish Organizations, composed of the American Jewish Committee, the Anglo-Jewish Association, and the Alliance Israélite Universelle. This proposal outlined a conception of the position and functions of a UN Attorney-General in a scheme of implementation based on semi-judicial organs and procedure. The right to initiate proceedings in cases of violations of human rights and to be a party thereto would be concentrated in a special organ of the international community to be known as a UN Attorney-General. As an organ of the UN, the Attorney-General would speak and act as the conscience of the covenanting states, including the state against which violations of human rights might be instituted. He would have the right to institute proceedings against states in the same way as leave is granted by a sovereign to be sued in domestic courts. He would use discretion in the exercise of his functions and thus guarantee against abuses of the sort feared by opponents of individual and group petition.

The right of group petition, limited for the time being to organizations enjoying consultative status with the Economic and Social Council, was urged upon the Commission by the World Jewish Congress, which took the position that no Covenant at all would be preferable to one without adequate implementation.

Also actively interested in the issue of implementation was the Coordinating Board of Jewish Organizations (composed of the B'nai B'rith, the Board of Deputies of British Jews, and the South African Jewish Board of Deputies), which on various occasions urged the establishment of fact-finding commissions to make surveys of the status of human rights in various parts of the world, and of "watch-dog" committees in member countries of the UN, to safeguard the observance of human rights.

Among other consultative organizations that expressed themselves on these and other issues before the Commission, were: the Commission of the Churches on International Affairs, the International League for the Rights of Man, the International Union of Catholic Women's Leagues, and the International Confederation of Free Trade Unions.

#### *California Court Decision*

Another development of interest to Jewish consultant organizations in the UN, was the action of the Appellate Court of the State of California in invalidating on April 24, 1950, a state law restricting land ownership by aliens, on the ground that it was in conflict with and was superseded by the human rights clauses of the UN Charter. The court held that the charter "has now become the supreme law of the land," and, as a treaty under the Constitution, took precedence over any conflicting state laws.

This was the first time that the UN Charter had been invoked in the

United States as grounds for invalidating the law of a state; this decision, if upheld, could have far-reaching implications. The decision, which caused a stir in legal circles, was to be appealed to the California Supreme Court on the ground that the Charter was not a "self-executing" treaty, but only implied a pledge by the United States to take the necessary legislative action to carry out the promise in the Charter without which it could not supersede existing law.

### *Genocide Convention*

The Genocide Convention, adopted by the General Assembly on December 9, 1948, had by the end of August, 1950, been ratified by seventeen nations—including Australia, Ecuador, Ethiopia, France, Guatemala, Iceland, Israel, Liberia, Monaco, Norway, Philippines, Panama, Saudi Arabia, Turkey, Transjordan, Viet Nam, and Yugoslavia. Twenty ratifications were needed to make the convention binding and to give it the status of international law. At the time of writing (July, 1950), the convention was awaiting action by the United States Senate Foreign Relations Committee, whence, if confirmed, it would go to the Senate floor for full debate.

At the public hearings of a special Genocide Subcommittee of the Senate Foreign Relations Committee held in January, 1950, a large number of voluntary organizations appeared to urge ratification of the convention. These organizations included labor and veterans' groups, women's clubs, citizens' committees, church groups, business and legal groups, etc. The predominant position of the testimony presented was one favorable to ratification. A minority of the witnesses, led by a small faction within the American Bar Association (ABA)—its special Committee on Peace and Law through the UN—opposed ratification. (The ABA's Section on International Law supported ratification.) The Department of State, through Deputy Under-Secretary of State Dean Rusk, and the Solicitor-General, Philip Perlman, urged approval of the convention. President Harry S. Truman himself, in June and again late in August, 1950, made a special plea urging Senate ratification before the adjournment of Congress.

#### DEBATE ON GENOCIDE CONVENTION

The arguments of the opponents of ratification were, among others, that the convention would result in an invasion of domestic law; that it defined genocide so broadly—in its reference to destruction of a group "in part"—as to make the killing of one individual an international crime; that it might subject Americans to trial in foreign tribunals without the benefits of the safeguards guaranteed in American law; that it might infringe on freedom of expression, and that it did not apply to the types of genocide practiced by political groups, which was the Soviet brand of genocide.

The advocates of ratification repeatedly endeavored to lay these objections to rest. They explained that no invasion of domestic law was involved and that the convention was not self-executing, as clearly stated in Article 5, requiring enactment of implementing legislation in accordance with the constitutional processes of the signatory countries. They explained that to

constitute the crime of genocide an act must be coupled with specific *intent* to destroy the *entire* group, even if *only part* was affected. They stressed that the Convention retained the principle of territorial jurisdiction over criminal acts, so that, as formulated, an American could not be tried by foreign tribunals.

The exponents of the Genocide Convention argued that Article III (c), which concerned "direct and public incitement to commit genocide," did not violate freedom of expression. For, since each state agreed to enact enabling legislation solely in accordance with its constitution, only incitements which were a "clear and present danger" would be proscribed in each country. They explained that to have included the concept of "political" genocide in the convention would have so complicated it as to render it nigh impossible of ratification by any government.

On April, 12, 1950, the Genocide Subcommittee recommended to the full Senate Foreign Relations Committee that it approve the Convention, with several "understandings" designed to prevent a distortion of its meaning at some future date which might cause embarrassment to the United States. The term "understandings" was used instead of the more usual one of "reservations."

"Understanding" 1 explained the clause in Article II of the Convention—"with intent to destroy in whole, or in part, a national, ethnical, racial or religious group, as such"—to mean the intent to destroy an entire group, "in such a manner as to affect a substantial portion of the group concerned." This was intended to lay to rest the fear that the words "or in part" might imply that the killing of one or several persons could be considered genocide, bringing such crimes as murder and lynching under the Convention.

"Understanding" 2 construed the words "mental harm" in Article II—which includes, among other genocidal acts, "causing serious bodily or mental harm to members of the group"—to mean "permanent physical injury to mental faculties." This was intended to satisfy the criticism that "mental harm" might be construed to mean emotional disabilities experienced by individuals belonging to a segregated minority group.

"Understanding" 3 explained the words "complicity in genocide" appearing in Article III of the Convention to mean "participation before and after the fact and aiding and abetting in the commission of the crime of genocide." The intention here was to meet the criticism that the term "complicity" was foreign to American criminal law.

Finally, to make clear that the Convention would not infringe upon states' rights, the following statement was appended to the understandings:

[The Senate considers its consent to the ratification of the convention] to be an exercise of the authority of the Federal government to define and punish offenses against the law of nations, expressly conferred by Article I, Section 8, Clause 10 of the United States Constitution, and consequently, the traditional jurisdiction of the several states of the Union with regard to crime is in no way abridged.

In July, 1950, reports were prevalent that the Senate Foreign Relations Committee was inclined to condition its ratification upon the acceptance

of these "understandings," or perhaps even stronger ones, in the form of "reservations." Since the accepted international treaty procedure required the consent to such reservations of all other ratifying states, it was feared that, should any other states refuse to accept these reservations, ratification by the United States might be indefinitely postponed. It was also indicated that the required twenty ratifications might become available even without ratification by the United States, the United Kingdom and the Soviet bloc.

During 1949-50, Jewish agencies, along with numerous other religious and civic groups, carried on extensive educational efforts through the use of the various mass media, including pamphlets, fact sheets, lectures, and radio, to gain ratification of the Convention by the government of the United States.

### *Refugee Convention and High Commissioner for Refugees*

In August, 1948, the Economic and Social Council (ECOSOC), mindful of the impending termination of the International Refugee Organization (IRO), had established an Ad Hoc Committee on Statelessness and Related Problems to consider the desirability of preparing a convention for the protection of refugees and stateless persons, and also to consider means of eliminating the problem of statelessness. The General Assembly at its Fourth Session in December, 1949, decided in principle on the establishment of a High Commissioner's Office for Refugees to succeed the IRO in 1951, and set forth certain principles which should govern its functioning. The Assembly resolution would have set up the High Commissioner's Office as a temporary agency for a period of three years, would have assigned it funds only for administrative expenses, and would have limited its role mainly to legal protection. It was anticipated that the convention developed by the Ad Hoc Committee would provide a statement of the rights of refugees whose enforcement the High Commissioner would be assigned to oversee.

The Ad Hoc Committee, which met at Lake Success from January 16 to February 16, 1950, faced two major problems. It had, first, to determine which classes of refugees should enjoy the benefits of any international agreement drafted, and, second, to prepare substantive articles which would represent the minimum deficiencies which ought to be accorded to the refugees.

The Committee decided at the outset not to include in the principal draft convention prepared by it stateless persons who were not refugees, but who became such as a result of conflicting nationality laws. It decided that this convention should apply only to enumerated categories of refugees, based in the main on the definition of "refugee" in the IRO constitution. It would thus apply principally to refugees in Europe, including the post-World War I refugees, refugees from Fascist, Nazi, and Quisling regimes, and refugees who had fled from Eastern Europe because of persecution resulting from events in Europe between the outbreak of World War II and January 1, 1951.

The Committee decided against attempting to include in the convention Palestinian refugees or refugees from India and Pakistan, and specifically excluded members of former German minorities in countries outside of Germany who were in Germany at the time, on the grounds that such persons

were being, and should be, assimilated into the German community. It also excluded persons found to have committed war crimes.

The substantive provisions of the convention followed generally those of older agreements, but reflected some changes found necessary by years of experience as well as by the social and economic developments of intervening years. The Committee sought to avoid, on the one hand, a mere codification of existing practices, and on the other, the formulation of ideal solutions which few governments would accept. The convention included provisions dealing with the legal status of refugees, their rights to employment, rationing, housing, education, relief, social security, freedom of movement, and protection against expulsion. It also incorporated the provisions of a previous agreement for the issuance of travel documents resembling the "Nansen Passport."

With respect to these substantive provisions, the refugee would enjoy a status at least as favorable as those accorded to aliens generally. With regard to certain benefits, he would enjoy the best treatment accorded in the particular country to any aliens, while with regard to others, he would be assured the same treatment as accorded to nationals. The refugee would also enjoy those rights which were normally accorded to aliens subject to reciprocity (i.e., if the country of their nationality accorded similar rights), even though with regard to refugees there could, of course, be no such reciprocity. The convention also guaranteed the refugee freedom from discrimination on grounds of race, religion, country of origin, or the fact that he was a refugee.

While the Committee felt itself unable to undertake any major action in regard to the problem of stateless persons who were not refugees, it proposed to ECOSOC a draft resolution embodying general recommendations to governments for the alleviation of the problem, and requested the International Law Commission to prepare at the earliest possible date drafts of international agreements for the permanent solution of this problem.

#### PARTICIPATION OF NGO'S

The meeting of the Ad Hoc Committee was attended by representatives of various NGO's, including the Jewish groups. Several Christian NGO's, such as the World Council of Churches and the Friends' World Committee for Consultation, stressed the need for a broader definition of refugee to include German refugees. The World Jewish Congress submitted a memorandum urging that the convention establish two categories of refugees and stateless persons consisting of those permanently established in their countries of residence and those living there temporarily, and that the first category be granted all the rights of citizens while a special status be established for the second. The memorandum also urged that stateless persons who had resided for a specified period in the country of reception should receive the right of naturalization.

The Agudas Israel submitted a memorandum urging that refugees should not be expelled from any country except "on grounds of national security or public order and according to such precedural safeguards as are provided by law," and that they should not be expelled in any manner whatsoever.

"to the frontiers of territories where their life or freedom would be threatened on account of race, religion, nationality or opinions." The Coordinating Board of Jewish Organizations urged the adoption of the principle that there should be "no loss of nationality without the acquisition of a new nationality." Of these recommendations, only that of the Agudas Israel was substantially incorporated in the draft convention.

In anticipation of the ECOSOC session in the summer of 1950, which was to review the draft of the Ad Hoc Committee, as well as a report of the Secretary-General on the proposed High Commissioner's Office, the CCJO submitted a memorandum to the Secretary-General commenting on several aspects of the terms of reference of the High Commissioner. This memorandum suggested, among other points, that the High Commissioner's Office be established as a continuing agency rather than for a limited three-year period, and that the High Commissioner be authorized to administer various forms of welfare and assistance rather than be restricted merely to supervision of legal protection.

The ECOSOC session in the summer of 1950 revealed a sharp division of views on various aspects of the refugee issue. Thus, the British, Belgian, Canadian, Pakistan, and other delegations favored the broadening of the definition of refugee, as well as of the authority of the High Commissioner. The United States, on the other hand, partly out of fear of unlimited commitments to the UN for which the United States would have to provide the major part of the funds, favored the more restricted definitions of "refugee" and of the authority of the High Commissioner.

Finally, the ECOSOC decided, on the subject of the draft convention, to make a specific decision only on the definition of refugee. Its decision on definition adhered closely to that advocated by the United States. Otherwise, ECOSOC instructed the Ad Hoc Committee to reconvene to revise the draft in the light of the Council's debate and of comments of governments. The revised draft would then be submitted to the forthcoming session of the Assembly for definitive action.

On the question of the High Commissioner's Office, the Council resolved to transmit to the Assembly with a recommendation for adoption a statute to govern its operation.

This statute assigned to the High Commissioner the duty to

provide international protection for the refugees falling under his competence and to seek permanent solutions for the problems of these refugees, by assisting Governments and, subject to the approval of the Governments concerned, voluntary agencies in facilitating their voluntary repatriation or their assimilation within new national communities. (Chapter I, Section 1).

The statute further provided that

Unless the General Assembly subsequently decides otherwise no expenditure other than expenditures relating to the functioning of the High Commissioner's Office shall be borne on the budget of the United Nations and all other expenditures relating to the activities of the High Commissioner shall be financed by voluntary contributions. (Chapter I, Section 4).

The statute also authorized the High Commissioner to "engage in such additional activities, including repatriation and resettlement activities, as the General Assembly may determine within the limits of the resources placed at his disposal" (Chapter III, Paragraph B, Section 3). The request that the High Commissioner be empowered as part of his basic mandate to provide material aid was rejected by a wide margin.

### *Migration Problems*

In January, 1950, a Conference of NGO's Interested in Migration Problems held under the auspices of the UN and the International Labor Organization (ILO) was attended by representatives of over thirty NGO's, including six Jewish organizations, and by observers of various governmental organizations. This conference discussed various problems in the field of migration, including: the future role of NGO's in assisting migrants, especially as regards legal protection and statelessness; declarations concerning immigration, legal protection, nationality, and statelessness; the problem of families broken up as a result of migration; and the possibilities of co-operation between NGO's and the UN, ILO, and other inter-governmental agencies interested in migration.

The Conference adopted various recommendations with respect to these matters, one of the more interesting being that concerned with the drafting of a Charter of the Rights of the Migrant. A working party of the Conference met in Geneva in June, 1950, and developed a draft of such a charter, which was then circulated among the various NGO's and which was to be reviewed at the next General Conference of NGO's interested in migration problems to be held in Geneva in March, 1951. The Conference also set up working parties to consider the problems of assistance to indigent aliens, the types of information to be furnished migrants prior to their departure, and the types of services to be rendered to migrants on arrival at their destinations.

The Jewish organizations that participated most actively in the work of the Conference and its working parties included the Consultative Council of Jewish Organizations, the World Jewish Congress, Hebrew Sheltering and Immigrant Aid Society (HIAS), and the United Service for New Americans (USNA). Many other organizations, Catholic, Protestant and non-sectarian, also participated actively.

### *Convention on the Declaration of Death of Missing Persons*

Another problem in the UN field that concerned the Jewish consultative organizations was that of the Declaration of Death of Missing Persons.

The toll of World War II included a vast number of persons who had disappeared without a trace. The result was a number of problems concerning marriage, property, and other matters for which no disposition could be made.

The Economic and Social Council (ECOSOC), therefore, at its Seventh Session in the summer of 1948, had established an Ad Hoc Committee to

draft a convention covering this problem. The draft developed by this Committee, which met in Geneva in June, 1949, covered mainly the deaths of persons whose last residence had been in Europe, Asia or Africa, and who had disappeared during the period between 1939 and 1945, in circumstances affording reasonable ground to infer that they had died because of the war, or because of racial, religious, political, or national persecution.

The draft provided for the establishment of courts empowered to adjudicate the death of missing persons and to issue declarations of death regarding them. It provided for the setting up of an international bureau to maintain a central registry for cases in which a declaration was sought and for court decisions granting such declarations. It provided that every declaration of death should have the same legal effects in the country in which it was issued as did official death certificates issued in accordance with the national laws of that country.

The ECOSOC, on August 9, 1949, transmitted this draft to the General Assembly, which considered it at its Fourth Session, and on December 3, 1949, decided that an international conference of government representatives should be convened by April 1, 1950, with a view to concluding a multilateral convention on the subject.

A final text of a Convention on the Declaration of Death of Missing Persons was adopted on April 6, 1950, by this special UN conference, and was to come into force after two states had acceded. At the time of writing, (July, 1950) no governments had yet ratified the convention.

Among the NGO's which were active in this matter and which submitted comments and suggestions to the UN and its member governments, were the Consultative Council of Jewish Organizations (CCJO), the World Jewish Congress, the Agudas Israel, the Beth Din, London Court of the Chief Rabbi, the National Committee of the Red Cross, the National Union for Child Welfare, the International Social Service, and the International Law Association.

### *International Law Commission*

The General Assembly in its resolution of December 11, 1946, had directed its newly created International Law Commission—whose function was to develop and to codify international law—to “formulate the principles of international law recognized in the charter of the Nuremberg tribunal. . . .”

The International Law Commission considered these tasks at length at its First Session held during May and June, 1949, and at its following session held during June and July, 1950. The text of its formulation, as approved on June 19, 1950, set forth seven principles as stemming from the Nuremberg Charter. Included were the principles that individuals might be held responsible for crimes under international law even where domestic law did not establish the acts in question as crimes; that they might be held responsible whether or not they had committed the act in question as heads of states or as responsible government officials, and whether or not they had acted pursuant to order of superiors, provided a moral choice was in fact possible to them. The crimes held punishable were: crimes against peace,

war crimes, crimes against humanity, and complicity in the commission of the foregoing types of crimes.

Of particular interest to the Jewish organizations was the definition of crimes against humanity, namely,

murder, extermination, enslavement, deportation, and other inhuman acts done against *any civilian population*, or persecution on political, racial or religious grounds, when such acts are done or such persecutions are carried on *in execution of or in connection with any crime against peace or any war crime.* (Principle VI, c; *author's italics.*)

The limitation of this definition to actions perpetrated "in connection with any crime against peace or any war crime" was disappointing to many groups, particularly the Jewish NGO's, who had hoped that crimes against humanity, whether or not committed "in connection with any crime against peace or any war crime," would be included in the international code under preparation. This limitation, contained in the Nuremberg Charter, was disappointing because on the basis of it, the crimes against humanity committed in Germany before 1939, were judged not to be crimes against international law. Memoranda expressing this disappointment were submitted by the World Jewish Congress to the first and second sessions of the International Law Commission in April, 1949, and June, 1950, respectively.

Also of particular interest to Jewish organizations were the words "*any civilian population*," which the Commission explained to mean that the enumerated acts might be judged "crimes against humanity" even if committed by the perpetrator against his own population.

### *Jewish War Orphans*

Another problem that concerned the Jewish NGO's was that of the European Jewish war orphans, particularly those in Holland, who had been given refuge in Christian homes during World War II and not been returned to the fold of the Jewish community after the end of the war.

Most active in relation to this problem was the Committee on Jewish War Orphans, established by the late Chief Rabbi Hertz of the United Kingdom, and the Agudas Israel, which, along with the other Jewish NGO's, hoped to see included in the Covenant of Human Rights an article establishing the principle that children should be brought up in the religion of their parents, or, at least, that the ECOSOC would recommend to the member governments of the UN that they facilitate the return to the Jewish community of these Jewish orphans. Neither of these alternative courses was adopted in the UN, among other reasons because of the complexity of the problem and the failure of the NGO's, Jewish and non-Jewish, to agree upon a generally accepted formula on the religious rights of orphan children.

### *UN International Children's Emergency Fund (UNICEF)*

The activities of the UNICEF were followed with interest by the Jewish NGO's. The CCJO succeeded in interesting the UNICEF in the idea of an

anti-trachoma campaign in North Africa, in connection with UNICEF'S anti-tuberculosis campaign. A CCJO proposal to this effect was made at the opening meeting of the NGO Advisory Committee on UNICEF-UNAC Appeal for Children in July, 1949. The carrying out of this program was to be contingent on the request of the countries involved for such assistance. At the time of writing (July, 1950), negotiations were in progress to interest the authorities in North Africa in making such requests.

An important decision of ECOSOC with respect to the needs of children was made at its session in the summer of 1950, when it recommended a shift of emphasis from emergency to long-range objectives, through the establishment of a permanent organization to be called the UN International Children's Endowment Fund. This fund was to have as its purpose: the providing of supplies, training services and advisory assistance in support of national permanent programs for children; and the meeting of relief needs in case of serious emergencies. At the time of writing (July, 1950), it appeared that this recommendation had only limited support, chiefly that of the United States and the Western European countries.

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