IIC1/Liqu./3/6

Correspondance 1947

Pour la question des publications voir aussi dossier

I.I.C.I./Liqu. 3/4

Publications

NOTES ON A MEETING OF HEADS OF SECTION HELD ON WEDNESDAY, DECEMBER 18TH, 1947 AT 4 P.M.

Subject: IMMEDIATE MEASURES TO BE TAKEN FOR IMPLEMENTING THE AGREEMENT BETWEEN UNESCO AND THE INTERNATIONAL INSTITUTE FOR INTELLECTUAL COOPERATION.

The meeting considered three main points of the implementation of the above-mentioned Agreement:

(i) Transfer to Unesco of the Institute's assets;

(ii) Possibilities of Unesco carrying out part of the activities of the Institute;

(iii) Possibilities of Unesco taking over part of the personnel of the Institute.

Transfer of Assets.

It was decided to undertake this transfer, not during the last days of December, but during the longer period, and not all the assets at once, but by degrees. The archives and working tools are to come first, then the library and the stock of publications, and lastly, the furniture and materials.

As long as Unesco is only going to have the use of these assets while the property remains with the United Nations, it was decided to make an inventory of them all. For the archives it was considered that we should take over temporarily a person from the Institute to make this inventory; this decision will be made on the 6th January, when Dr. Huxley comes back, and the work will be paid for as such, and not as a salary.

The library is not catalogued or inventoried. It will be brought over in wooden cases, which will remain intact for a long period until this catalogue is made, a task which will also be undertaken gradually. The publications are also to come, but no selling of the publications will take place until a specific agreement is concluded between the United Nations and Unesco to determine the details of the use of the Institute's assets by Unesco.

The furniture and materials have already an inventory almost complete, according to Monsieur Mayoux, but considering that the French Government has an interest in part of this furniture, it was decided to defer this matter until (i) the French Government has been consulted on this

Subject:

point and (ii) the United Nations agrees. According to Monsieur Mayoux, most of the furniture is legally the property of the Institute itself, and therefore will become the property of the United Nations on December 31st, and Unesco may use it; but as the French Government has decided to allocate the space now occupied by the Institute to the French National Commission for Unesco, it would perhaps be an equitable thing to leave part of that furniture to the French Government, a part which, after all, will not be very large as M. Mayoux believes they will only use five or six offices, a couple of typewriters, one roneo, etc.

A last word was said about the archives, with special reference to the part of it which has been serving the International Studies Conference. It was agreed that although Unesco could claim the absolute use of those archives, it might be advisable to leave part of them provisionally to the International Studies Conference until the relations between that body and Unesco can be further defined.

All the assets of the Institute to be transferred to Unesco will become a distinct deposit within Unesco in the strict sense of the word, but it was decided that for a better use of the library, both the books coming from the Institute and the library of Unesco, should be amalgamated, having, of course, a special catalogue and a special card index for the books of the Institute so that at any moment when the United Nations might ask us to turn back the Institute's assets we should be able to do so.

Programme.

As Unesco has been authorised to carry ontwith that part of the activities of the Institute which correspond to specific projects in Unesco's programme approved by the General Conference, it was suggested that the Director of the Institute, Monsieur Mayoux, should get in touch with the different sections of the Secretariat, to discuss the practical possibilities of carrying out that idea. It was decided that as the basis of that work was exactly the programme of the activities of the Institute, an official of that body, appointed by M.Mayoux, should draw up a memorandum after analysing and comparing the programmes of both organisations, and after discussion with

the Heads of Sections of Unesco, in which a practical way for Unesco to carry out the work of the Institute would be outlined and suggested.

It was also decided that that official of the Institute (possibly Madame Malter) should start working on the 6th January, paid by Unesco and should present the report on the 30th January, in order that a further study of it by the Secretariat of Unesco could make it available for presentation to the session of the Executive Board of Unesco at the end of February. This official of the Institute would also be taken for that temporary work.

Personnel.

M. Mayoux asked that we should look at the problem of personnel from the human angle rather than from the legalistic point of view. He stressed the point that the main thing in favour of the Institute's personnel that Unesco could do was to alleviate the uncertainty under which that personnel will live from the 31st December onwards, if not by appointment with Unesco, at least with the negative result, so they could consider the possibility of another job.

Mrs. Longley offered to circulate files to the Heads of Section so that they could report back to her on personnel questions, and she, in turn, would act in the matter as soon as practicable. She considered that for secretaries and third assistants, decisions could be made now, but she regretted that owing to the policy of Unesco of cutting down the French personnel in Unesco most of the secretaries of the Institute would not be able to be taken over.

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xx/2/jbc.

Tt, CF

Cpté OB/GM-N° 4151
XR/23812

le 16 décembre 1947.

Messieurs,

Votre lettre du 12 décembre, adressée à l'Institut international de Coopération intellectuelle, vient de parvenir à l'Organisation des Nations Unies pour l'Education, la Science et la Culture.

Je tiens à vous informer que la question de la liquidation financière de l'Institut est actuellement à l'étude à l'Organisation des Nations Unies, à Lake Success. Dès qu'un organe de liquidation sera constitué, il ne manquera pas d'examiner la question des diverses sommes dûes aux créanciers de l'Institut international de Coopération intellectuelle et vous en serez informé en temps utile.

Veuillez agréer, Messieurs, l'assurance de ma considération très distinguée.

André de Blonay,
Chef du Service des Relations Extérieures.

Département Etranger de la
Librairie Hachette,
79, Boulevard St Germain
PARIS VI°

th

FILE COPY

1.231/P-O.S
XR/23813

le 16 décembre 1947.

Monsieur,

Votre lettre du 12 décembre adressée à l'Institut international de Coopération intellectuelle vient de parvenir à l'Organisation des Nations Unies pour l'Education, la Science et la Culture.

Je tiens à vous informer que l'Institut a cessé ses activités le 31 décembre dernier et que notre Organisation doit en assurer la continuité.

... Nous vous remettons, ci-inclus, la documentation fonda-
... mentale de l'UNESCO ainsi que la liste de ses publications.

Veuillez agréer, Monsieur, l'assurance de ma considération très distinguée.

André de Blonay,
Chef du Service des Relations Extérieures.

Bureau des Oeuvres Sociales,
Ministère de la Reconstruction
et de l'Urbanisme,
37, rue de Lille,
PARIS VIIe

th

FILE COPY

nm.

FILE COPY

file

XR/23800

le 15 décembre 1947.

Monsieur,

J'ai l'honneur d'accuser réception de votre lettre du 13 novembre, par laquelle vous avez adressé à l'Unesco le duplicata du relevé de 20.007.-Francs resté impayé par l'Institut international de Coopération intellectuelle.

Je tiens à vous informer que la question de la liquidation financière de l'Institut est actuellement à l'étude à l'Organisation des Nations Unies, à Lake Success. Dès qu'un organe de liquidation sera constitué, il ne manquera pas d'examiner la question des diverses sommes dûes aux créanciers de l'Institut international de Coopération intellectuelle et vous en serez informé en temps utile.

Veuillez agréer, Monsieur, l'assurance de ma considération très distinguée.

André de Blonay,
Chef du Service des Relations Extérieures.

Bureau Central de la
Comptabilité téléphonique,
Direction des Services Téléphoniques,
16, Boulevard de Vaugirard,
Paris XV

nm/th

FILE COPY

OS. /J.D

MINISTÈRE DE LA RECONSTRUCTION ET DE L'URBANISME

67, RUE DE LILLE, 67

Adresse télégraphique :
EMERURBA - PARIS

DIRECTION DE L'ADMINISTRATION GÉNÉRALE

Bureau des Œuvres Sociales

RÉPUBLIQUE FRANÇAISE

TOUT LE COURRIER DOIT ÊTRE ADRESSÉ :
67, RUE DE LILLE, PARIS, 7E

PARIS, le 12 DEC 1947

N° I.391/P-O.S

Monsieur le Président,

J'ai l'honneur de vous faire connaître la création récente d'un foyer culturel au sein de mon Département Ministériel.

Je vous serais obligé de bien vouloir examiner la possibilité de m'adresser une documentation d'ensemble sur votre organisation ainsi que les périodiques que vous éditez. J'attacherais du prix à recevoir de votre part, une bibliographie d'ouvrages pouvant figurer utilement dans ce foyer.

Espérant une réponse favorable de votre part, je vous prie d'agréer, Monsieur le Président, l'assurance de mes sentiments distingués.

P/ Le Chef de Bureau des Œuvres Sociales

Monsieur le Président de
l'Institut International
de Coopération Intellectuelle
2, rue de Montpensier
PARIS - 1er

DÉPARTEMENT ÉTRANGER HACHETTE

LIBRAIRIE HACHETTE S. A. AU CAPITAL DE 110.000.000 DE FRANCS
79, BOULEVARD SAINT-GERMAIN
(SIXIÈME ARRONDISSEMENT)

REGISTRE DU COMM. SEINE 55.390
RÉPERT. DES PROD. SEINE C. A. 4610
COMITÉ DES ARTS ET COMMERCES
DU LIVRE N° 11.0059

TÉLÉPH. DANTON 97-40 ET LA SUITE
COMPTE CHÈQUES POST. 1063-81-PARIS
ADR. TÉLÉGR. AGLIBRAIRI-PARIS 25

PARIS, LE 12 Décembre 1947

Références à rappeler :

Comptabilité OB/GM
N°4154

INSTITUT INTERNATIONAL DE
COOPERATION INTELLECTUELLE
2,Rue Montpensier,2
PARIS

Messieurs,

Nous vous informons que votre compte dans nos livres, se trouve débiteur,d'une somme de francs 405,-,faisant l'objet du retour qui vous a été effectué en date du 14 Novembre 1947,Livre 642 F°95.

Nous vous prions,pour la bonne régularité de nos écritures, de nous donner votre accord sur ce montant,et nous faire savoir, comment vous comptez nous effectuer le remboursement de celui-ci.

Dans cette attente ,veuillez agréer,Messieurs,nos salutations distinguées.

DEPARTEMENT ETRANGER
de la LIBRAIRIE HACHETTE

FILE COPY

XR/x1089

le 10 décembre 1947.

Cher Monsieur,

Vos papiers sont actuellement en ma possession, vous pouvez venir les chercher quand vous voudrez.

J'espère que vous allez bien et que vos conférences se poursuivent avec succès.

A bientôt et meilleur souvenir.

M. Halbwachs.

Monsieur Borne de CHAVANNES,
10, rue Mézières,
PARIS VI

th

FILE COPY

DIRECTION
DES SERVICES TÉLÉGRAPHIQUES ET TÉLÉPHONIQUES DE PARIS

Comptabilité Richelieu
16, boul. de Vaugirard,
PARIS-15e.

Compte de Chèques postaux : **N° 120-82 Paris**
Téléphone : **SÉGUR 84-07**

NUMÉRO D'APPEL : Ric 6691 — MONTANT DU DÉPÔT DE GARANTIE : 8600

Institut international
de coop. intellectuelle
2 rue Montpensier
Paris 1er

RELEVÉ DES REDEVANCES D'ABONNEMENT ET TAXES DES COMMUNICATIONS TÉLÉPHONIQUES

Présenter le présent relevé en venant verser

Redevances d'abonnement

Période { Duplicata

Paris, le 18 NOVE 1947

relevé de 6 mois d'abt décembre 1946 à avril 1947

NUMÉRO du compte (1)	DÉBIT — Sommes restant dues d'après le relevé précédent (2)	DÉBIT — Sommes dues pour l'abonnement (3)	DÉBIT — Sommes dues pour taxes téléphoniques et télégraphiques (4)	CRÉDIT (5)	TOTAL de la SOMME DUE (6)	AVOIR à reporter (7)
	14491	727	12489		27707	

L'Administration est autorisée à interrompre votre ligne si le versement de la **somme due** (voir col. 6 ci-dessus) n'est pas effectué **dans un délai de 7 jours** à un bureau de poste de votre quartier

VOIR AU DOS : AVIS IMPORTANT

J. S. 520890. [21762]

AVIS IMPORTANT

Tout règlement supérieur à 10.000 fr. doit être obligatoirement effectué par chèque barré, mandat de virement de banque ou par virement de c/c postal. (Ordonnance du 26 octobre 1945.)

Les chèques barrés et les mandats de virements assignés sur la Banque de France **doivent être datés du jour où ils sont mis à la poste et adressés directement au chef du Bureau Central de la Comptabilité Téléphonique de Paris** [16, boulevard de Vaugirard, Paris (15e)] et émis à l'ordre de ce comptable.

Les chèques et virements bancaires ne sont pas admis en règlement des redevances lorsque leur montant est destiné à payer des sommes inférieures à **20 francs.**

L'abonné qui désire recevoir sa quittance par poste doit l'indiquer et ajouter à la somme due le coût de l'affranchissement de la lettre d'envoi.

Communications urbaines. — La taxe unitaire des communications urbaines obtenues à partir des postes d'abonnés est fixée à 3 francs.

Communications interurbaines. — La taxe de chaque conversation est indiquée à l'encre rouge sur la fiche correspondante.

Indications de date, d'heure et de durée. — La date et les indications horaires de commencement et de fin sont imprimées en chiffres dans la partie supérieure gauche de la fiche.

Exemple

10 Ja	21	56	30
10 Ja	21	58	30

Dans l'exemple considéré la conversation a eu lieu le 10 janvier de 21 h. 56' 30" à 21 h. 58' 30"

AVIS IMPORTANT
PENDANT LA PERIODE D'ETE
DE JUIN A OCTOBRE
LES COMPTES SERONT
ENVOYES QUE TOUS LES 2 MOIS

Toutes réclamations concernant les sommes figurant sur le présent relevé doivent être adressées à M. le Chef du Bureau Central de la Comptabilité téléphonique, SECTION RICHELIEU, 16, boul. de Vaugirard, PARIS-15e.

Toute **contestation** relative à une communication téléphonique ou à un télégramme téléphoné doit être obligatoirement accompagnée, pour qu'il puisse y être donné suite, de la fiche concernant la communication ou le télégramme contesté.

EXPLICATION DES SOMMES CONTENUES DANS LES COLONNES DU RELEVÉ

Col. 2. — Somme dont le versement ne vous a pas été réclamé lors de l'envoi du compte précédent. (*Voir col. 6 de ce compte.*)

Col. 3. — Le détail de l'abonnement figure sur la copie de l'engagement ou le relevé d'installation remis à l'abonné.

Col. 4. — La somme indiquée dans cette colonne est égale au total des fiches de communications ci-annexées.

Col. 5. — Le crédit se compose de l'avoir à reporter du relevé précédent (*voir col. 7 de ce relevé*) et des dégrèvements, remboursements et bons de réponse payée

Col. 6. — Excédent du total des colonnes 2, 3, 4, sur la colonne 5.

Col. 7. — Excédent de la colonne 5 sur le total des colonnes 2, 3, 4 Cette somme est reportée à votre crédit ; elle figurera dans la colonne 5 de votre prochain relevé.

U.N.E.S.C.O.
I9 Avenue Kléber
Paris XVI eme
-:-:-:-:-
RIC. 66 9I

T. L. H.-92-G. S.
(445-J. 21307-36)

POSTES, TÉLÉGRAPHES ET TÉLÉPHONES

DIRECTION
DES
SERVICES TÉLÉPHONIQUES
DE PARIS

COMPTABILITÉ TÉLÉPHONIQUE

18, boulevard de Vaugirard

N° 964

Réponse à la lettre n°
du

Objet :

Comptabilité Interurbaine
-Richelieu
16, Boul' de Vaugirard - PARIS-XVe
Téléphone Ségur 84-07
C/C

RÉPUBLIQUE FRANÇAISE

Paris, le I8/II/47

Monsieur,

J'ai l'honneur de vous adresser ci-joint le duplicata du relevé de 28.007 frs resté impayé , de votre ancienne ligne ,RIC. 66 9I institut International de Coopération intellectuelle 2 rue Montpensier .

Je vous prie de bien vouloir solder au plus **tôt** cet arrièré afin qu'il nous soit possible de clôturer votre compte dans un bref délai .

Veuillez agréer, Monsieur, l'assurance de ma considération distinguée .

Le Chef du Bureau Central de
la Comptabilité téléphonique

23800

7 le
V. M.

AR/19771

30 octobre 1947.

Monsieur,

Votre lettre du 16 octobre, adressée à l'Institut international de Coopération intellectuelle, vient de parvenir à l'Unesco.

Je tiens à vous informer que la question de la liquidation financière de l'Institut est actuellement à l'étude à l'Organisation des Nations Unies ~~pour l'éducation, la science et la culture~~, à Lake Success. Dès qu'un organe de liquidation sera constitué, il ne manquera pas d'examiner la question des diverses sommes dûes aux créanciers de l'Institut international de Coopération intellectuelle et vous en serez informé en temps utile.

Veuillez agréer, Monsieur, l'assurance de ma considération très distinguée.

André de Blonay,
Chef du Service des Relations Extérieures.

Monsieur Kundig,
10, rue du Vieux Collège,
Genève

AM/th

IMPRIMERIE ALBERT KUNDIG

10, RUE DU VIEUX-COLLÈGE — GENÈVE

Institut de Coopération
Intellectuelle
2, rue de Montpensier

PARIS

Genève, le 16 octobre 1947.

Messieurs,

En date du 10 avril dernier, vous nous annonciez le règlement de notre facture de fr.suisses 7500.- pour l'ouvrage "Application du Calcul des Probabilités" (lettre signée par M. RISTORCELLI).

Or, jusqu'à ce jour, nous n'avons encore rien reçu.

Comme nous savons que la commission de liquidation de la Société des Nations achève ses travaux, nous venons une fois de plus vous demander où en est cette affaire, en vous priant de faire le nécessaire pour que notre facture soit payée. Nous ne vous cachons pas que nous sommes un peu surpris d'être restés sans nouvelles de votre part après cette dernière lettre qui semblait être un engagement définitif.

Dans l'attente de vous lire à ce sujet, nous vous prions de croire, Messieurs, à l'assurance de nos sentiments distingués.

N°249

11 septembre 1947

G/1117.

M.G. DE LA TOURNELLE, MINISTRE PLENIPOTENTIAIRE
DELEGUE ADJOINT AU CONSEIL DE SECURITE DES NATIONS UNIES

A

SON EXCELLENCE MONSIEUR GEORGES BIDAULT
MINISTRE DES AFFAIRES ETRANGERES

-Secrétariat des Conférences-

a.s. Liquidation de l'Institut International de Coopération Intellectuelle.

Par lettre No 502, en date du 30 aout dernier, vous aviez bien voulu me demander d'exposer à Monsieur PELT, les conditions de la liquidation de l'Institut International de Coopération Intellectuelle, et notamment de lui rappeler l'intervention auprès des Nations Unies de M. Brunskog au sujet du rachat éventuel par l'UNESCO de certains avoirs de l'Institut.

M. Pelt vient de me dire que le Département Juridique de l'ONU était chargé de l'étude de cette question et que son rapport serait ensuite soumis à M. Byron Price.

Je vous serai reconnaissant de me faire savoir si vous désirez que j'intervienne auprès de ce dernier ./.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

ORGANISATION DES NATIONS UNIES POUR L'EDUCATION, LA SCIENCE ET LA CULTURE

(U. N. E. S. C. O.)

New York Office — *Bureau de New York*

15 WEST 77th STREET (American Museum of Natural History) • Phone: ENdicott 2-8500 Ex. 317 • Cables: UNESCORG NEWYORK

Letter No. 461
Via airmail
M. Andre de Blonay
M. le Consieller
UNESCO
19 Avenue Kleber
Paris 16e

October 13, 1947

Dear M. le Consieller:

It is my opinion that if a man cannot make a decision for himself on major issues when the occasion arises, he is good for nothing. I therefore did not wait for a Paris authorization to postpone my departure to Mexico; and considering the four urgent problems that require my attention now at the United Nations, I phoned last night to the American Airlines and requested my ticket for next Sunday the 19th. If I had not done so I would have been forced to use the ticket for tonight.

May I call to your attention and for action at Headquarters, the following points:-

INTERNATIONAL INSTITUTE OF INTELLECTUAL COOPERATION

I had a conversation on Friday with Mr. Pelt and Mr. Ranshofen-Wertheimer of the Conference Department of United Nations.

The question had been passed to the Legal Department and it was supposed to go from there to Mr. Price, as it was the opinion of Mr. Pelt that the question was a legal one and the envisaged operation a financial one.

Mr. Kingston of the Legal Department informed me that they had been unable to assume any position because of the lack of information and background that they had on the whole question of the Institute. They were not sure if a liquidation had taken place for the assets of the Institute had been turned over to the League of Nations and subsequently to the United Nations.

I put the case before Mr. Kingston as follows:-

a) The United Nations had the property of the assets;

b) UNESCO is taking care of the assets as a deposit;

c) UNESCO has been granted the use of those assets subject to some conditions that seem acceptable to us in principle, but, UNESCO has not replied to the letter from Mr. Pelt containing that authorization pending the clearance of the problem of the debts of the Institute;

d) The Institute owes a certain amount of money to former officials of that Organization, and to some publishers, etc;

X. R.

No 4081
Date 17.10.47
Distrib: de Blonay

16 OCTO 1947
5744

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

ORGANISATION DES NATIONS UNIES POUR L'EDUCATION, LA SCIENCE ET LA CULTURE

(U. N. E. S. C. O.)

New York Office
15 WEST 77th STREET (American Museum of Natural History) • Phone: ENdicott 2-8500 Ex. 317 • Cables: UNESCORG NEWYORK

Bureau de New York

Letter No. 161
Via airmail
M. Andre de Blonay
M. le Conseiller
UNESCO
19 Avenue Kleber
Paris 16e

October 13, 1947

Dear M. le Conseiller:

It is my opinion that if a man cannot make decision for himself on major issues when the occasion arises, he is good for nothing. I therefore did not wait for a Paris authorization to postpone my departure to Mexico; and considering the four urgent problems that require my attention now at the United Nations, I phoned last night to the American Airlines and requested my ticket for next Sunday the 19th. If I had not done so I would have been forced to use the ticket for tonight.

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No 41
Date 17 10 47
Direct: M. de Blonay

16 OCT 1947

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

ORGANISATION DES NATIONS UNIES POUR L'EDUCATION, LA SCIENCE ET LA CULTURE

(U. N. E. S. C. O.)

New York Office — *Bureau de New York*

15 WEST 77th STREET (American Museum of Natural History) • Phone: ENdicott 2-8500 Ex. 317 • Cables: UNESCORG NEWYORK

e) Whether liquidation has taken place (which it has not in my opinion) or not, the question of the debts remains outstanding and it is the duty of the United Nations who has accepted the property of the assets to see that those credits are taken care of;

f) It is in UNESCO's interest that this be done, as in public opinion it is our Organization that has taken over the task of the Institute.

I further complemented my explanation by stating that to my knowledge the "liquidation" was a financial operation whereby the credits and debits of a legal person were balanced and allocated to their successors or liquidators of that Institution or legal person. However, even if a liquidation had taken place at the time of the suppression of the Institute, the fact that some creditors had sued the Institute before the Administrative Tribunal in Geneva, and that their claims had been sustained, implied that the assets of the Institute at least were subject to liabilities, and it was the duty and responsibility of the proprietor of those assets (namely, the United Nations) to see that those debts be covered. He agreed.

As to the procedure to be followed in the liquidation of the Institute, I suggested two lines:-

a) That the United Nations would assume the liabilities of the Institute and that UNESCO would undertake to buy the assets from the United Nations, allowing thus the latter Organization to cover the debts with the price paid by UNESCO. (I stated that this had been the procedure suggested by yourself and agreed by Mr. Brunskog who apparently had sent a cable containing that suggestion to the United Nations, a cable that had remained unanswered).

b) That in consultation with the French Government and with the countries who had signed and ratified the 1938 Convention to finance the Institute, the United Nations should set up a Board of Liquidation or Liquidation Committee - with Observers from United Nations and from UNESCO because the latter had continued the activities of the Institute - which Board should decide the procedure to pay the debts and to clear any remaining assets from any liabilities.

Mr. Kingston was not in a position to explain if the cable from Brunskog had or had not been received. But he agreed in principle that the step to be taken now is to proceed to the proper liquidation of the Institute and that initiative should come from the United Nations. He further stated, after I explained to him our urgency in the matter (because we have to present a document to the Mexico Conference) that UNESCO should write a letter to the United Nations in reply to that of Mr. Pelt granting us authorization of the Institute assets stating -

a) That UNESCO was very gratified for that authorization and would be ready to accept the conditions of it (namely, to present an annual inventory) but,

e) Whether liquidation has taken place (which it has in my opinion) or not, the question of the debts remains outstanding and it is the duty of the United Nations who has accepted the property of the assets to see that those credits are taken care of;

f) It is in UNESCO's interest that this be done, as in public opinion it is our Organization that has taken over the task of the Institute.

I further complement my explanation by stating that to my knowledge the "liquidation" was a financial operation whereby the credits and debits of a legal person were balanced and allocated to their successors or liquidators of that Institution or legal person. However, even if a liquidation had taken place at the time of the suppression of the Institute, the fact that some creditors had sued the Institute by the Administrative Tribunal in Geneva, and that their claims had been sustained, implied that the assets of the Institute at least were subject to liabilities, and it was the duty and responsibility of the proprietor of those assets (namely, the United Nations) to see that those debts be covered. He agreed.

As to the procedure to be followed in the liquidation of the Institute, I suggested two lines:-

a) That the United Nations would assume the liabilities of the Institute and that UNESCO would undertake to buy the assets from the United Nations, allowing thus the latter Organization to cover the debts with the price paid by UNESCO. (I stated that this had been the procedure suggested by yourself and agreed by Mr. Brunaky who apparently had sent a cable containing that suggestion to the United Nations, a cable that had remained unanswered).

b) That in consultation with the French Government and with the countries who had signed and ratified the 1938 Convention to finance the Institute, the United Nations should set up a Board of Liquidation or Liquidation Committee - with Observers from United Nations and from UNESCO because the latter had continued the activities of the Institute - which Board should decide the procedure to pay the debts and to clear any remaining assets from any liabilities.

Mr. Kingston was not in a position to explain if the cable from Brunskog had or had not been received. But he agreed in principle that the step to be taken now is to proceed to the proper liquidation of the Institute and that initiative should come from the United Nations. He further stated, after I explained to him our urgency in the matter (because we have to present a document to the Mexico Conference) that UNESCO should write a letter to the United Nations in reply to that of Mr. Felt granting us authorization of the Institute assets stating -

a) That UNESCO was very gratified for that authorization and would be ready to accept the conditions of it (namely, to present an annual inventory) but,

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

ORGANISATION DES NATIONS UNIES POUR L'EDUCATION, LA SCIENCE ET LA CULTURE

(U. N. E. S. C. O.)

New York Office — *Bureau de New York*

15 WEST 77th STREET (American Museum of Natural History) • Phone: ENdicott 2-8500 Ex. 317 • Cables: UNESCORG NEWYORK

b) That UNESCO would like, before accepting the use of the assets, to know the position assumed by the United Nations with regard to the debts of the International Institute of Intellectual Cooperation. After that letter, the United Nations would reply that they accept the responsibility for taking the initiative in liquidating the Institute and would proceed then as in (b) of para. ϕ of this letter.

Action by UNESCO

a) We should send immediately to the United Nations the supplementary inventories they request in the aforesaid letter from Mr. Pelt.(This, not because we have accepted the use but because we are depositors of the assets).

b) For the same reason, UNESCO should send to the United Nations a total inventory of the Institute's assets at the end of 1947, and,

c) UNESCO should send immediately a letter to the United Nations in accordance with the terms of para. # of this letter.

M. le Conseiller October 13, 1947

b) That UNESCO would like, before accepting the use of the assets, to know the position assumed by the United Nations with regard to the debts of the International Institute of Intellectual Cooperation. After that letter, the United Nations would reply that they accept the responsibility for taking the initiative in liquidating the Institute and would proceed then as in (b) of para. 4 of this letter.

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c) UNESCO should send immediately a letter to the United Nations in accordance with the terms of para. 7 of this letter.

COPY

I.I.C.I.

COPY

UNESCO - 15 West 77th Street, New-York, U.S.A.

October 13, 1947

Letter No. 461
Via Airmail
M. André de Blonay
M. le "Councellor"
Unesco
19 avenue Kléber
Paris 16ème

Extract

. . . . . .

INTERNATIONAL INSTITUTE OF INTELLECTUAL COOPERATION

I had a conversation on Friday with Mr. Pelt and Mr. Ranshofen-Wertheimer of the Conference Department of United Nations.

The question had been passed to the Legal Department and it was supposed to go from there to Mr. Price, as it was the opinion of Mr. Pelt that the question was a legal one and the envisaged operation a financial one.

Mr. Kingston of the Legal Department informed me that they had been unable to assume any position because of the lack of information and background that they had on the whole question of the Institute. They were not sure if a liquidation had taken place before the assets of the Institute had been turned over to the League of Nations and subsequently to the United Nations.

I put the case before Mr. Kingston as follows :-

a) The United Nations had the property of the assets ;
b) Unesco is taking care of the assets as a deposit ;
c) Unesco has been granted the use of those assets subject to some conditions that seem acceptable to us in principle, but Unesco has not replied to the letter from Mr. Pelt containing that authorization pending the clearance of the problem of the debts of the Institute ;
d) The Institute owes a certain amount of money to former officials of that Organisation, and to some publishers, etc. ;
e) Whether liquidation has taken place (which it has not in my opinion) or not, the question of the debts remains outstanding and it is the duty of the United Nations who has accepted the property of the assets to see that those credits are taken care of ;

.../...

f) It is in Unesco's interest that this be done, as in public opinion it is our Organisation that has taken over the task of the Institute.

I further complemented my explanation by stating that to my knowledge the "liquidation" was a financial operation whereby the credits and debits of a legal person were balanced and allocated to their successors or liquidators of that Institution or legal person. However, even if a liquidation has taken place at the time of the suppression of the Institute, the fact that some creditors had sued the Institute before the Administrative Tribunal in Geneva, and that their claims had been sustained, implied that the assets of the Institute at least were subject to liabilities, and it was the duty and responsibility of the proprietor of those assets (namely, the United Nations) "to see" that those debts be covered. He agreed.

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a) That the United Nations would assume the liabilities of the Institute and that Unesco would undertake to buy the assets from the United Nations, allowing thus the latter Organisation to cover the debts with the price paid by Unesco. (I stated that this had been the procedure subbested by yourself and agreed by Mr. Brunskog who apparently had sent a cable containing that suggestion to the United Nations, a cable that had remained unanswered).

b) That in consultation with the French Government and with the countries who had signed and ratified the 1938 Convention to finance the Institute, the United Nations should set up a Board of Liquidation or Liquidation Committee - with Observers from United Nations and from Unesco because the latter had continued the activities of the Institute - which Board should decide the procedure to pay the debts and to clear any remaining assets from any liabilities.

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a) That Unesco was very gratified for that authorization and would be ready to accept the conditions of it (namely, to present an annual inventory) but,

b) That Unesco would like, before accepting the use of the assets, to know the position assumed by the United Nations with regard to the debts of the International Institute of Intellectual Cooperation. After that letter, the United Nations would reply that they accept the

.../...

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c) Unesco should send immediately a letter to the United Nations in accordance with the terms of para. 4 of this letter.

. . . . . .

FILE COPY

IIeI

XR/15989

octobre 1947

Monsieur le Directeur,

Votre lettre adressée à l'Institut international de Coopération intellectuelle vient de parvenir à l'Organisation des Nations Unies pour l'Education, la Science et la Culture.

En effet, l'I.I.C.I. a cessé toute activité au 31 décembre 1946 et l'Unesco a été chargée de poursuivre certains de ses travaux.

En ce qui concerne les publications de l'Institut, l'Unesco est en train de procéder à l'inventaire des stocks. Cet inventaire ne sera terminé que d'ici environ deux mois.

Parmi les ouvrages que vous demandez, on peut prévoir dès maintenant que les volumes mentionnés aux points 1 à 5, 9, 11 et 12 de votre liste, seront disponibles après inventaire, et nous serons heureux, à ce moment-là, de vous les faire parvenir.

Le volume "Travail intellectuel" par Gilbert R.J. n'est pas du fonds de l'Institut.

Quant aux points 7, 8 et 10 de votre liste, ils visent des ouvrages de la Conférence Permanente des Hautes Etudes internationales en cours d'impression.

Par ailleurs, nous serions également heureux d'échanger des publications de l'Unesco, dont nous vous envoyons ci-joint la liste, contre celles que la Bibliothèque des Sciences Sociales de l'Académie des Sciences de l'U.R.S.S. avait proposées à l'Institut.

Veuillez agréer, Monsieur le Directeur, l'assurance de ma considération très distinguée.

André de Blonay
Relations Extérieures

Monsieur D. IVANOFF,
Directeur de la Bibliothèque des
Sciences Sociales de l'Académie
des Sciences de l'U.R.S.S.,
Ul. Frunze 11, Moscou.

FILE COPY

FILE COPY

XR 15992

Paris, le 10 octobre 1947

Monsieur l'Ambassadeur,

En réponse a votre lettre du 3 septembre 1947, j'ai l'honneur de vous informer que l'Unesco se propose de reprendre la publication de l'index translationum, créé par l'Institut international de Coopération intellectuelle. Le travail se fera sur une plus grande échelle, puisque l'on s'efforcera d'y comprendre les traductions parues dans le plus grand nombre de pays possible.

Il nous serait donc très utile d'obtenir les données bibliographiques ayant trait aux traductions d'ouvrages italiens et aux oeuvres étrangères traduites en langue italienne, avec la mention de leurs traducteurs.

En conséquence, nous serions très reconnaissants de bien vouloir nous indiquer quelles sont les institutions culturelles compétentes avec lesquelles nous pourrions correspondre.

En vous remerciant d'avance de votre précieux concours, je vous prie d'agréer, Monsieur l'Ambassadeur, les assurances de ma haute considération.

André de Blonay
Relations Extérieures

Monsieur l'Ambassadeur d'Italie
Ambassade d'Italie
51, rue de Varenne
Paris.

FILE COPY

1 copie
à Bruxelles
chez Hervieu
pour Datta

n°249

I I C I

11 septembre 1947

M.J. DE LA TOURNELLE, MINISTRE PLENIPOTENTIAIRE
DELEGUE ADJOINT AU CONSEIL DE SECURITE DES NATIONS UNIES

A

SON EXCELLENCE MONSIEUR GEORGES BIDAULT
MINISTRE DES AFFAIRES ETRANGERES

-Secrétariat des Conférences-

S.S. Liquidation de l'Institut
International de Coopération
Intellectuelle.

Par lettre No 302, en date du 30 août dernier, vous avez bien voulu me demander d'exposer à Monsieur FELT, les conditions de la liquidation de l'Institut International de Coopération Intellectuelle, et notamment de lui rappeler l'intervention auprès des Nations Unies de M. Brunshog au sujet du reclut éventuel par l'UNESCO de certains avoirs de l'Institut.

M. Felt vient de me dire que le Département Juridique de l'ONU était chargé de l'étude de cette question et que son rapport serait ensuite soumis à M. Byron Price.

Je vous serai reconnaissant de me faire savoir si vous désirez que j'intervienne auprès de ce dernier ./.

M E M O R A N D U M

DE : M. P. BEMBERG — Le 23 septembre 1947

A : M. ARENALES

Toutes les difficultés provenant de la liquidation des biens de l'Institut international de Coopération intellectuelle proviennent du fait que rien n'était prévu juridiquement pour cette liquidation.

1°- En effet, dans la lettre du Gouvernement français au Président du Conseil de la Société des Nations, en date du 8 décembre 1924 que vous trouverez en annexe, le paragraphe 7 qui traite du cas de la suppression de l'Institut, ne mentionne rien qui concerne un passif éventuel. Il n'est prévu seulement qu'un partage de l'actif.

2°- De ce fait, la Société des Nations ne s'est pas cru obligée de confier au Conseil de liquidation le soin de régler les dettes de l'Institut, comme l'écrivait M. Lester à M. Mayoux : "Aux termes de l'accord relatif à la création et au fonctionnement de l'Institut, il n'appartient pas à la Société des Nations d'assumer une responsabilité financière ou autre, du fait de la gestion de l'Institut." (voir annexe n° 2)

3°- Le gouvernement Français n'a pas cru devoir, non plus, prendre de responsabilité et a joué, depuis la disparition de l'Institut, un rôle extraordinairement passif. Cependant le Gouvernement français a un grand intérêt moral à ce qu'une solution du problème soit trouvée, et M. Dorget avait, un jour, suggéré oralement d'envoyer une note sur cette question à M. Parodi, délégué de la France aux Nations Unies. Il serait bon que vous le rencontriiez afin d'obtenir de lui un appui auprès des Nations Unies.

4°- Les Nations Unies n'ont pas encore pris de position et le but de votre mission serait de provoquer une décision de leur part. Pour l'instant, elles ont accepté le droit de propriété de certains biens de l'Institut par une résolution de la seconde session de l'Assemblée générale. Elles ont, d'autre part, accordé à l'Unesco la jouissance de ces biens, selon les conditions prévues dans la lettre de M. Pelt (voir annexe n° 3).

Juridiquement, du fait qu'elles ont accepté d'acquérir l'actif de l'Institut, elles ont accepté, de ce fait, de supporter le passif selon le principe universellement reconnu "Uni emolumentum, ibi onus".

.....

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Cependant, lorsque M. Brunskog vint à Paris le 18 juillet dans le but de régler définitivement la situation financière de l'Institut, selon les termes de son télégramme, il ne parut pas admettre la thèse de la responsabilité des Nations Unies, sans donner aucun argument sérieux.

Devant son attitude négative, M. de Blonay proposa une solution qui est décrite dans le procès-verbal de la réunion (voir annexe n° 4), c'est une proposition encore officieuse, mais qui a donné lieu à la rédaction d'un télégramme signé par M. Brunskog qui transmettait cette proposition aux Nations Unies. Le mystère est que ce télégramme n'aurait pas été envoyé, selon les dires du "Despatch Office". Aucune copie n'a été retrouvé; nous ne devrions donc pas nous étonner que les Nations Unies n'y aient pas répondu. Personnellement, je crois que ce télégramme n'est pas parti et cela vaut mieux ainsi. En effet, si vous obtenez que les Nations Unies acceptent la responsabilité financière de la gestion de l'Institut et liquide ses dettes, tout en laissant à l'Unesco la jouissance de l'actif, l'Unesco aura économisé 1 million de francs.

La solution idéale à obtenir serait que les Nations Unies constituent un Comité de liquidation à bref délai, jouissant des crédits nécessaires, qui viendrait à Paris régler ce passif; sinon la solution de M. de Blonay pourrait être suggérée.

Enfin, si aucun résultat n'est possible à l'heure actuelle, signalez au Secrétariat des Nations Unies que son refus sera évoqué devant la Conférence de Mexico et que la conférence décidera de l'action à entreprendre.

Je joins à ce dossier la copie du bilan de l'Institut qui s'élève à un passif d'environ 10.000 dollars ce qui n'est pas énorme.

Le 18 septembre 1947.

Monsieur le Secrétaire Général,

J'ai l'honneur de soumettre à votre attention le cas que présente la liquidation de l'Institut International de Coopération Intellectuelle. Je ne puis le faire qu'en mon nom personnel, mais en tant que dernier directeur de cet Institut, j'ai à coeur de voir le règlement définitif de sa situation financière heureusement effectué.

Le passif de l'Institut International de Coopération Intellectuelle s'élève à 1.503.397,89 fr français ainsi que le montre le bilan définitif établi le 18 juillet 1947 par MM. Brunskog, commissaire aux comptes de la Société des Nations et Ristorcelli, ancien chef des services administratifs de l'Institut International de Coopération Intellectuelle. Ce passif demeure impayé, tandis que l'actif a reçu une affectation au moins provisoire. Cet actif, composé de meubles et de livres, est d'une valeur qui balance celle du passif.

Il apparaît que l'ignorance des dettes ne peut durer sans qu'aient à en souffrir les intérêts légitimes des créanciers, le bon renom de l'Institut International de Coopération Intellectuelle et, par suite, celui de l'Organisation appelée à poursuivre la tâche de l'Institut.

M. Brunskog, commissaire aux comptes de la Société des Nations, et des représentants de l'Unesco ont récemment recherché en commun par quelle procédure pourrait être réglée, dans le plus bref délai, cette situation financière. Il a été porté à ma connaissance que, en conclusion de ces conversations, certaines suggestions précises devraient être soumises à l'agrément de l'Organisation des Nations Unies. Je relève dans le paragraphe C du Chapitre III du rapport général du comité de liquidation de la Société des Nations la phrase suivante : le Comité de Liquidation de la Société des Nations "has been glad to learn that, following negociations with the competent services of the United Nations Educational, Scientific & Cultural Organisation concerning the contingent right in the Institute's assets transferred to the United Nations, a project would be worked out for the early completion of the Institute's liquidation on a sound financial basis".

L'Organisation des Nations n'ayant pas encore fait connaître ses intentions quant au règlement du passif de l'Institut International de Coopération Intellectuelle, le problème pressant que pose l'extinction de ce passif demeure sans solution. C'est sur ce point que je désirais, Monsieur le Secrétaire Général, attirer votre attention, avec l'espoir que, sur votre intervention, seraient prises les mesures les mieux appropriées.

Je vous prie d'agréer, Monsieur le Secrétaire Général, les assurances de ma très haute considération.

(s) J.J.MAYOUX.

A Monsieur Trygve Lie
Secrétaire Général de l'Organisation des Nations Unies
Lake Success

FILE COPY

XR file 017.

MEMORANDUM

September 3rd, 1947.

To : Mr. Besterman
Mr. Lichtenberger.

From : E. Arenales.

01217

Assets of the International Institute of Intellectual Cooperation.

With reference to the inter-secretariat meeting, held on August 22nd, to discuss this point, I should be most grateful if you could let me have the comments and suggestions you proposed to forward to this Section, at this meeting, relating to Mr. Pelt's letter of July 29th. A copy of this letter was forwarded to you some time ago.

E. Arenales.

xr/2/jbc.

FILE COPY

0151

TO : M. Mayoux.
Mr. Carter.
M. Montagnier.
Mr. Besterman.
Mr. Lichtenberger.
Mr. Bomberg.

FROM : E. Arenales. August 22nd, 1947.

ASSETS OF THE INTERNATIONAL INSTITUTE OF INTELLECTUAL COOPERATION

It was decided at the U.N. Relations Meeting on the 21st August to hold an inter-secretariat meeting to discuss the terms of Mr. Adrian Pelt's letter of the 29th July (copy of which has already been circulated to you), authorising Unesco to utilise the assets of the I.I.I.C., requesting an addendum to the inventory originally sent to the United Nations, and an annual inventory of the assets at the end of each calendar year.

It will be appreciated if you could be present or send a representative to this meeting which will be held in M. de Blonay's office at 5 p.m. this afternoon.

FILE COPY

D1072

E. Arenales.

xx/2/jbc.

FILE COPY

d r a f t

To : The Secretary-General, United Nations.

Sir,

I have the honour to acknowledge receipt of Mr. Adrian Pelt's letter of the 29th July 1947 granting to the United Nations Educational, Scientific and Cultural Organisation the authorisation for the utilisation of the assets of the International Institute of Intellectual Cooperation, transferred by the League of Nations to the United Nations.

It is noted that Unesco is given the utilisation of these assets in accordance with the terms of Resolution 71(I) of adopted by the General Assembly on the 19th November, 1946, and also that the authorisation is granted for an indefinite period and may be terminated by either side upon six months' notification.

In the name of the United Nations Educational, Scientific and Cultural Organisation I fully agree to the condition that an annual inventory of the assets of the Institute be forwarded to the United Nations at the end of each calendar year.

Instructions have been given to forward to the United Nations an addendum covering the Institute's publications and copyrights now in the possession of the United Nations Educational, Scientific and Cultural Organisation.

I should like to take this opportunity of conveying to the United Nations the appreciation of the United Nations Educational, Scientific and Cultural Organisation for the resolution made by the General Assembly, in granting this authorisation.

I have the honour to be, etc.

classer

UNESCO INTER-OFFICE MEMORANDUM

LDS/Chief/Mm./96

To : M. de Blonay

Date : 21.8.47.

From : Theodore Besterman

Subject : I.I.I.C. Assets.

Mme Hervieu
Dust file

Thank you for the copy of Pelt's letter of 29th July about our utilisation of the assets of the I.I.I.C.

There is one point in this which I think needs clarification. Pelt asks for an inventory of I.I.I.C. assets, and also for an annual inventory. This was no doubt intended to refer to I.I.I.C. publications. However, to extend this procedure to the I.I.I.C. library would be a laborious and costly procedure. There is no catalogue of this library, which includes large numbers of pamphlets, documents, etc. To make an inventory of this material merely for the purpose of turning it out would hardly be practical or sensible. I will therefore assume that I can use reasonable discretion in reporting on the material which is being rejected and turned over to the clearing-house.

Th.B

X.R.
No. 1999.
Dat 22.8.47.
Distrib: de Blonay

To: M. E. Arenales 20th August, 1947

From: Head of Libraries Section

Subject: Authorisation for the utilisation by Unesco of the assets of the I. I. I. C.

With reference to your memorandum of 14th August, in which you ask for me to arrange for the addendum required by U.N. covering the Institute's publications and copyrights. This job is not one for the Libraries Section, but presumably for M. Montagnier, who is in charge of documents and maintains the stock of Institute publications.

E.J. CARTER

X F
1956
No.
Date 20.9.47
Distrib: Arenales

FILE COPY

XR/443

N. M

I I C I

Paris, le 7 août 1947

Monsieur le Directeur,

En réponse à votre lettre du 29 juillet dernier, j'ai l'honneur de vous informer que l'Institut International de Coopération Intellectuelle a cessé ses activités et que sa liquidation est actuellement terminée.

Veuillez agréer, Monsieur le Directeur, l'assurance de ma considération très distinguée.

N. WALTER
Relations Extérieures

Monsieur le Directeur
du Cercle de la Librairie,
Syndicat des Industries du Livre,
117, boulevard Saint-Germain,
PARIS (6e)

nm/yc

FILE COPY

XR/4431

Paris, le 7 août 1947

Monsieur le Directeur,

En réponse à votre lettre du 29 juillet dernier, j'ai l'honneur de vous informer que l'Institut International de Coopération Intellectuelle a cessé ses activités et que sa liquidation est actuellement terminée.

Veuillez agréer, Monsieur le Directeur, l'assurance de ma considération très distinguée.

M. MALTERRE
Relations Extérieures

Monsieur le Directeur
du Cercle de la Librairie,
Syndicat des Industries du Livre,
117, boulevard Saint-Germain,
PARIS (6e)

nm/yc

1121

XR/0856

M. Berkeley

5/8/47

Mme Malterre, Relations Extérieures

Concours internationaux d'architecture.

N'ayant pu vous joindre au téléphone, je vous envoie ci-joint la documentation que j'ai pu rassembler concernant les concours internationaux d'architecture et les activités de l'Institut International de Coopération Intellectuelle en cette matière.

Il s'agit de deux extraits provenant d'une publication de l'Institut. Si vous désirez avoir également le texte intégral du "Projet de règlement des concours internationaux d'architecture et arts associés", je tâcherai de me le procurer.

En tout cas, il s'agit là d'une activité interrompue par la guerre de 1939 et qui, de ce fait, n'a pas complètement abouti.

N. MALTERRE

YC

KR file copy
Returned SBC

Mr. Carter. 14.8.47.

E. Arenales.

Authorisation for the utilisation by Unesco of the assets of the I.I.I.C.

I am attaching a copy of the letter received from the United Nations granting Unesco authority to utilise the assets of the I.I.I.C., together with a draft reply.

If you feel that this letter from U;N. should be circulated to anyone else in the secretariat in addition to those people who have already received a copy, please let me know.

In the meantime, I would appreciate it if you would arrange for the addendum covering the Institution publications and copyrights, to which reference is made in the last paragraph of Mr. Pelt's letter, to be made and forwarded to me for onward transmission to the United Nations.

I should appreciate your comments and/or approval of the attached draft reply to the U.N. at the same time.

0 1004

FILE COPY

E. Arenales.

Mr. Carter.

K. Aronales.

Authorisation for the utilisation by Unesco of the
assets of the I.I.I.C.

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K. Aronales.

FILE COPY

0819
Droit d'auteur

à : M. HEPP

de : Mme MALTERRE (Relations Extérieures)

1er Août 1947

Veuillez trouver, ci-joint, la composition du Comité d'Experts pour le Statut Universel du Droit d'auteur.

Dès que la documentation de l'Institut international de Coopération intellectuelle concernant la question du Droit d'auteur sera rassemblée, je ne manquerai pas de vous la faire parvenir.

Mm/th

COMITE D'EXPERTS POUR LE STATUT UNIVERSEL DU

DROIT D'AUTEUR.

Le Comité d'experts constitué par l'Institut international de Coopération intellectuelle et l'Institut international de Rome pour l'Unification du Droit privé à propos du statut universel du droit d'auteur, s'est réuni à Bruxelles, au Palais des Académies, les 19, 20 et 21 octobre 1938. Ont pris part à ses travaux en qualité de représentants de l'Administration belge: MM. NYNS, Secrétaire général du Ministère de l'Instruction publique; de RUELLE, Jurisconsulte du Ministère des Affaires étrangères; COPPIETERS de GIBSON, Avocat près la Cour d'Appel de Bruxelles; GUISLAIN, Avocat près la Cour d'Appel de Bruxelles. - Allemagne: le Docteur KUHNEMANN, Conseiller à la Cour d'Appel de Berlin. - Etats-Unis d'Amérique: le Professeur Francis DEAK, Délégué de la Commission nationale américaine de Coopération intellectuelle. - Argentine: M. Carlos Alberto PARDO, Secrétaire général de la Délégation permanente de la République Argentine auprès de la S. d. N.. - Brésil: M. de MONTARROYOS, Délégué des Etats-Unis du Brésil auprès de l'Institut international de Coopération intellectuelle. - France: le Professeur BASDEVANT, Jurisconsulte du Ministère des Affaires étrangères. - Japon: le Professeur TAKAYANAGI, assisté de M. SUZUKI, M. SATO, Directeur de la Maison du Japon à la Cité Universitaire de Paris; - Bureau international de Berne pour la protection des oeuvres littéraires et artistiques: M. BENIGNE MENTHA, Directeur; - Confédération internationale des Sociétés d'Auteurs et Compositeurs: S.Exc. PIOLA-CASELLI, Sénateur du Royaume d'Italie, premier Président honoraire de la Cour de Cassation d'Italie; - Institut international de Rome pour l'Unification du Droit privé: S.Exc. PIOLA CASELLI, le

.....

Dr.Alfred FARNER, Secrétaire général a.i., de l'Institut international de Rome pour l'Unification du Droit privé; - Institut international de Coopération intellectuelle: Raymond WEISS, Conseiller juridique, M. Maas GEESTERANUS, Conseiller juridique adjoint. - Excusés: MM. le Sénateur José ANTUNA (Commission interaméricaine du Droit d'auteur); le Professeur Ernst HEYMANN (Allemagne); Lord MACMILLAN (Grande Bretagne); George MAILLARD (Association littéraire et artistique internationale); PODESTA-COSTA (Secrétariat de la S. d. N.).

Mr. Bemberg.6

9.51

UNITED NATIONS,
Lake Success,
New York.

463-3-6-1/AGK

29 July 1947.

Sir,

In pursuance of Resolution 71(I) adopted by the General Assembly on 19 November 1946, I am happy to grant herewith to the United Nations Educational, Scientific and Cultural Organisation authorisation for the utilisation of the assets of the International Institute of Intellectual Cooperation, transferred by the League of Nations to the United Nations.

This authorisation leaves the United Nations Educational, Scientific and Cultural Organisation free to utilise these assets in accordancw with the terms of the resolution so that continuity of the work performed by the Institute shall be ensured. The present authorisation is granted for an indefinite period and may be terminated by either side upon six months' notification.

The present letter will also acknowledge the receipt of your letter of 6th March 1947 and of the partial inventory of these assets dated 27th May received through your permanent representative at Lake Success. As a condition for the utilisation of these assets, the United Nations would expect to receive from the United Nations Educational, Scientific and Cultural Organisation an annual inventory at the end of each calendar year. In order to complete the inventory now on hand, an addendum covering the Institute's publications and copyrights now in the possession of the United Nations Educational, Scientif: and Cultural Organisation would be appreciated.

I have the honour to be,

Sir,

Your obedient Servant,

01010

FEDERAL RELATIONS SECTION

Adrian Pelt
Acting Secretary-General.

17.P

UNITED NATIONS,
Lake Success,
New York.

453-3-6-1/ADK 29 July 1947.

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I have the honour to be,

Sir,

Your obedient Servant,

Adrian Pelt
Acting Secretary-General.

0040

PERSONAL RELATIONS SECTION

Référence : 463-3-6-1/AGK

29 July 1947

Dr Julian HUXLEY,
Director-General,
United Nations Educational, Scientific
and Cultural Organization,
U.N.E.S.C.O. House,
19 Avenue Kléber, PARIS 16° (France)

Sir,

In pursuance of Resolution 71 (1) adopted by the General Assembly on 19 November 1946, I am happy to grant herewith to the United Nations Educational, Scientific and Cultural Organization authorization for the utilisation of the assets of the International Institute of Intellectual Co-operation, transferred by the League of Nations to the United Nations.

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I have the honour to be,

Your Sir,
obedient Servant,

signé: Adrian PELT
Acting Secretary-General

Please return to External Relations.

MAILING ADDRESS—*ADRESSE POSTALE*
BOX 1000, NEW YORK 1, N. Y., U. S. A.

CABLE ADDRESS—*TELEGRAMME*
UNATIONS NEW YORK

UNITED NATIONS NATIONS UNIES

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

EXECUTIVE OFFICE OF THE SECRETARY-GENERAL

UNESCO
BUREAU DU DIRECTEUR GÉNÉRAL
8/23

REFERENCE:

463-3-6-1/AGK

29 July 1947

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Dr. Julian Huxley,
Director-General,
United Nations Educational, Scientific
and Cultural Organization,
U.N.E.S.C.O. House,
19 Avenue Kléber,
Paris, 16e,
France.

Please return to General Relations.

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Adrian Pelt
Acting Secretary-General

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I have the honour to be,

Your Sir,
obedient Servant,

signé: Adrian PELT
Acting Secretary-General

TRANSFERT DES BIENS DE L'INSTITUT INTERNATIONAL DE COOPERATION INTELLECTUELLE à l'UNESCO.

Conformément à la Résolution de l'Assemblée générale du 19 novembre 1946, l'Organisation des Nations Unies pour l'Education, la Science et la Culture a reçu, des Nations Unies, l'autorisation d'utiliser les avoirs de l'Institut international de Coopération intellectuelle après sa dissolution, qui est devenue effective au 31 décembre 1946.

Ces avoirs se composent essentiellement du mobilier de l'Institut, dont un inventaire a déjà été établi, du stock de ses publications, de ses archives et de sa bibliothèque.

Diverses sections de l'Unesco, notamment celles des Publications, des Bibliothèques et Archives, s'emploient à l'heure actuelle à dresser un inventaire de ces biens, de les classer, trier et cataloguer.

Par ailleurs, la Résolution de l'Assemblée générale a précisé que l'Unesco devrait utiliser ces avoirs en vue d'assurer la continuité de l'oeuvre accomplie par l'Institut international de Coopération intellectuelle. Rappelons que l'article 2, de l'Accord conclu le 19 décembre 1946 entre l'Institut et l'Unesco, stipulait déjà que:

> "Dans le cadre du programme qui sera adopté par la Conférence générale dans sa première Session, l'Organisation des Nations Unies pour l'Education, la Science et la Culture s'efforcera d'assurer la continuité de l'oeuvre menée depuis 1924 par l'Institut international de Coopération intellectuelle, et de mener à bien, en particulier, certains travaux entrepris par l'Institut, ceci dans la mesure où la Conférence l'estimera opportun."

En application de cet Accord, l'Unesco a déjà repris un certain nombre de travaux menés à bien par l'Institut

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international de Coopération intellectuelle et envisage d'en reprendre d'autres au fur et à mesure du développement de ses services. Il est impossible d'en donner ici le détail. Bornons-nous à citer quelques exemples tels que l'Enquête sur la Revision des Manuels scolaires, celles du Bureau international de Statistiques universitaires, toutes les activités du Centre d'Information universitaire et du Centre d'information scolaire, et notamment la publication de listes périodiques de cours de vacances, l'enquête générale sur les bourses d'études à l'étranger, toutes les questions se rapportant à l'Education des Adultes, etc.. etc... pour ne parler que des activités en matière d'éducation. Mais il en est de même de toutes les autres branches (Sciences exactes et naturelles, Sciences sociales, Bibliothèques et Archives, Musées, Lettres et Arts, Philosophie et Humanités, etc...), où la plupart des activités de l'Institut international de Coopération intellectuelle ont été reprises sous une forme ou sous une autre, généralement avec des moyens plus puissants et sur une plus grande échelle.

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C A B L E

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03439 GENEVE SSS 50777 45 16/7 1747 - ETAT

SERAI PARIS VENDREDI MATIN STOP POUVEZ VOUS CONVOQUER
REUNION VENDREDI 18 JUILLET 10 HEURES A UNESCO STOP
MAYOUX RESTORCHELLI REPRESENTANT UNESCO ET WEISS POUR
REGLEMENT DEFINITIF SITUATION FINANCIERE INSTITUT
COOPERATION INTELLECTUELLE

BRUNSKOG VERIFICATEUR INSTITUT ET
ONU UNATIONS GENEVE

Distribution

Director-General's office.
Deputy Director General's office.
Professor Thomas' office.
Mr. Dembert
Mr. Mayoux
External Relations - for action.

17th July

Paris, le 15 juillet 1947.

Monsieur le Secrétaire général,

J'ai l'honneur de vous informer, qu'en conclusion de la correspondance échangée avec le Comité de liquidation de la Société des Nations concernant la liquidation de l'Institut international de Coopération intellectuelle, vous recevrez, sous pli séparé, le bilan définitif.

Je tiens à vous faire remarquer, dès maintenant, que dans l'actif de l'Institut international de Coopération intellectuelle figureront, outre les avoirs en banque, la valeur du mobilier et celle des publications, transférés aux Nations Unies, représentant une somme approximative de trois millions de francs français.

Ces biens, transférés par la Société des Nations aux Nations Unies, l'ont été à une époque où la liquidation financière de l'Institut n'était pas achevée. A l'heure actuelle ils se trouvent être grevés du montant du passif, tel qu'il ressortira du bilan que vous recevrez sous peu.

En conséquence, je vous prie d'informer les Nations Unies de cette situation pour que la liquidation de l'Institut puisse se terminer sur les bases indiquées ci-dessus.

Veuillez agréer, Monsieur le Secrétaire général, l'assurance de ma considération très distinguée.

Monsieur Jean Lester,
Secrétaire général de la
Société des Nations,
Genève

J.J. MAYOUX
Ancien Directeur.

Mr Monsour possède le texte définitif de ce procès-verbal

REUNION DU VENDREDI 18 Juillet 1947, tenue à 10h. du matin dans le bureau de M. de BLONAY.

Cette réunion a eu lieu à la demande de M. BRUNSKOG, Commissaire aux comptes, demande parvenue par câble à Paris le 17 juillet dans la soirée: voici le texte du câble:

"Serais Paris Vendredi matin - Pouvez-vous convoquer réunion vendredi 18 juillet- 10h. Unesco. Mayoux, Ristorcelli représentant Unesco et Weiss pour règlement définitif de la situation financière Institut Coopération intellectuelle- BRUNSKOG"

Etaient présents: M. de Blonay,
M. Brunskog,
M. Ristorcelli,
M. Bemberg,
M. Gebbelt et
M. Monsour (en l'absence de M.Mayoux et Mme Malterre)
M.M. Peissel et Navaux, appelés pour consultation,
M. Weiss, invité, n'a pas cru devoir s'y rendre.

M. de Blonay déclare que l'Unesco est prêt à racheter les biens de l'Institut transférés à l'ONU et prêtés à l'Unesco. La vente de ces biens, meubles et livres, devrait couvrir le passif, mais M. Navaux (Directeur des Fournitures (?)), déclare que les meubles qui ont été mis à la disposition de l'Unesco se trouvent divisés en plusieurs parties: une partie qui, à la demande du Gouvernement français, est utilisée en ce moment par la Commission française de l'Unesco. L'Unesco peut à tout moment reprendre cette partie du mobilier, une autre partie se trouve à l'Unesco même où elle est, selon M. Navaux, en réparation. La plupart des chaises dorées étant selon les propres termes de M. Navaux, perçées. La troisième partie aurait disparue. M.Navaux reconnait qu'il y a eu faute grave, dont le responsable serait son prédécesseur, M."Maquis". Ce M."Maquis"qui a procédé à un inventaire contradictoire avec M. Ristorcelli n'aurait pas exercé une surveillance suffisante et c'est pourquoi des fuites se seraient produites. M. Maquis a du reste été remercié à la suite de ces faits.

Quoiqu'il en soit, M. Brunskog demande que l'Unesco rachète les biens de l'Institut et, après quelques échanges de vues, la procédure suivante est adoptée:

l' ONU acceptera la succession de l'Institut, c'est-à-dire, aura à la fois la propriété de l'actif et la charge des dettes.

M. Brunskog fera en sorte que l' UNU, dans un bref délai, demande à l'Unesco de lui racheter les biens qui constituent l'actif: c'est avec le produit de cette vente que l'ONU éteindra le passif.

M. Peissel pense que l'Unesco n'aura aucune difficulté à trouver rapidement l'argent liquide nécessaire à l'achat des biens de l'Institut, la Trésorerie le permet, le Budget doit le permettre aussi.

M. Navaux présente cependant une objection: son budget d'achat"fournitures", dit-il, devrait être consacré à l'achat de matériel neuf.

M. Peissel fait remarquer d'autre part que l'Unesco doit être bien certain que la propriété de ces biens ne lui sera pas contestée par la suite. Il semble que la procédure proposée par M. Brunskog lui donne satisfaction.

M. Brunskog et M. Ristorcelli se retirent ensemble dans un bureau mis à leur disposition par M. de Blonay afin d'établir au plus vite le bilan définitif de l'Institut.

A la fin de l'après-midi le Bilan était dressé par MM. Ristorcelli et Brunskog. Voir copie, ci-jointe.

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VERIFICATION DES COMPTES

DE L'INSTITUT INTERNATIONAL DE COOPERATION INTELLECTUELLE

DU 1er JANVIER 1946 AU 18 JUILLET 1947

Rapport de M. U.A.J. Brunskog

Commissaire aux comptes de la Société des Nations

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1. J'ai examiné en détail les comptes de l'Institut International de coopération intellectuelle et constaté qu'ils sont réguliers.

2. En raison des circonstances, le Conseil d'administration n'a pas eu l'occasion de se réunir pour approuver le budget de l'exercice 1946. Le tableau suivant montre les recettes et les dépenses administratives à partir du 1er janvier 1946 jusqu'au 18 juillet 1947.

		Francs français	
Solde au 1er janvier 1946			1.137.387, 15
Recettes:			
Subvention de la France		5.357.000,-	
Prélèvement sur le Fonds de réserve		400.000,-	
Contribution aux frais généraux:			
a) Affectation au service des commissions nationales des intérêts produits par les fonds de l'exposition de 1937	38.056, 10		
b) Conférence des Hautes Etudes internationales	55.000,-	93.056,10	
Contribution aux frais d'impression du Calcul des probabilités		100.000,-	
Vente des publications		446.831,60	
Vente du papier		383.862,-	
Contribution aux frais d'entretien des locaux		166.359,-	
Profit réalisé sur devises étrangères		148.997,25	
Divers		179.263,80	7.275.369,75
TOTAL			8.412.756,90
Dépenses:			
Personnel		6.038.628,30	
Conférences internationales, comités d'études, réunions d'experts organisées par l'Institut, participation à des congrès, travaux de recherches et de préparation des conférences		272.310,50	
Publications de l'Institut		561.195,-	
Frais de bureau et achat de livres		383.920,30	
Frais de représentation		243.687,-	
Charges sociales		99.354,50	
Entretien des bâtiments et du mobilier, chauffage, éclairage		440.083,90	
Paiements sur l'exercice 1945		65.432,50	8.104.612,-
Solde au 18 juillet 1947			308.144,90

3. En ce qui concerne les actifs et les passifs des services administratifs, il faut d'abord mentionner que les mobiliers, la bibliothèque et les publications sont transférés à l'ONU. Selon des décisions du Tribunal Administratif le 27 février 1947, c'est-à-dire après le transfert mentionné ci-dessus, l'Institut doit payer aux anciens fonctionnaires une somme d'environ 1.235.000 francs français. Pour éviter un déficit non couvert d'un montant de 1.532.381,95 francs français, il est proposé que l'Unesco, qui dispose des actifs transférés de l'Institut à l'ONU, achète une partie des mobiliers etc.., de l'ONU pour couvrir les dettes de l'Institut. Par conséquent, l'ONU diminuerait le nombre des objets transférés par l'Institut. Il faut signaler que les mobiliers dans les comptes de l'ONU sont comptabilisés pour une valeur nominale de $1. Pour arriver à un tel arrangement, il faut donc un accord entre l'ONU et l'UNESCO, mais jusqu'à cette date, aucune réponse n'est arrivée de l'ONU.

Les actifs et les passifs connus au 16 juillet 1947 sont les suivants:

DEBIT

	Francs français	
Chèque en caisse	731,-	
En chèques postaux	7,60	
En banque (bloqué)	543.090,3 0	
	543.828,90	
Chèques non payés	235.684,-	308.144,90
Débiteur:		
Conseil économique français		21.809,30
Déficit		1.532.381,95
	TOTAL...	1.862.336,15

CREDIT

Créditeurs:

Traitements	5.640,-
Organisation internationale du Travail	189.640,15
Imprimerie Kundig	206.328,-
Arrault & Co	196.466,-
Compagnie des Eaux	1.873,-
Téléphones	28.007,-

Selon décisions du Tribunal Administratif (montant approximatifs):

M. Weiss	487.000,-	
Mme Mercier	322.750,-	
M. Hickel	248.000,-	
Mlle Rothbarth	176.632,-	1.234.382,-
	Total	1.862.336,15

4. Si l'arrangement mentionné au paragraphe 3 peut être conclu, je propose qu'un trustee soit nommé, soit M. Paul Ristorcelli, ancien chef comptable de l'Institut, ou bien un fonctionnaire de l'Unesco pour obtenir un règlement final des affaires de l'Institut.

5. Les Comptes spéciaux font l'objet du Tableau A.
Les soldes en banques au 18 juillet 1947, $17.975,98 qui doivent être transférés à la Fondation Rockefeller, sont bloqués. (signé) Uno Brunskog

Genève le 31 juillet 1947

Commissaire aux comptes

COMPTES SPECIAUX HORS BUDGET 1 JANVIER 1946 AU 18 JUILLET 1947

TABLEAU A

Désignation des Services	Solde fin 1945	Recettes	Total des sommes reçues	Dépenses	Solde en banque au 18 juillet 1947	Observations
A. En francs français						
1. Publication de la Collection des Classiques de l'Amérique latine	65.011,85		65.011,85	65.011,85		(versé aux différents pays intéressés.
2. Publications d'ouvrages littéraires japonais	176,60		176,60	176,60		(versé aux comptes administratifs.
3. Subventions de la Fondation Rockefeller a) Subvention pour l'organisation des Hautes Etudes internationales et la publication des travaux de cette conférence	90.170,93		90.170,93	90.170,93		(versé à la Fondation Rockefeller
b) Subvention pour le Groupe d'Etudes danubien de la Conférence des Hautes Etudes internationales	1.790,95		1.790,95	1.790,95		
4. Don de la Fondation Carnégie pour la Paix internationale destiné à faciliter les travaux relatifs aux problèmes danubiens	493,30		493,30	493,30		(versé à la Fondation Carnégie.
5. Enquête sur l'institution des échanges universitaires internationaux et sur les mesures prises dans tous les pays d'Europe pour favoriser ces échanges	36.465,76		36.465,76	36.465,76		(versé à l'American Council on Education
6. Préparation du lexique des termes politiques	16.495,-		16.495,-	16.495,-		(versé à la Fondation Carnégie
7. Affectation aux Commissions nationales des intérêts produits par les fonds de l'exposition de 1937	38.056,10		38.056,10	38.056,10		(versé aux comptes administratifs
8. Reversement en Caisse de traitements et d'indemnités non émargés	41.141,71		41.141,71	41.141,71		
9. Versements individuels à la Caisse de Retraite		3.500,-	3.500,-	3.500,-		
10. Fonds de Réserve	400.000,-		400.000,-	400.000,-		(versé aux comptes administratifs.
11. Dépôts pour le Tribunal administratif		12.245,-	12.245,-	12.245,-		
12. Dépôts pour provisions téléphoniques		4.000,-	4.000,-	4.000,-		
13. Conférence des Hautes Etudes (nouveau compte)		1.822.709,75	1.822.709,75	1.822.709,75		
	689.802,20	1.842.454,75	2.532.256,95	2.532.256,95		
B. En dollars						
1. Subventions de la Fondation Rockefeller						
a) Conférence des Hautes Etudes internationales (voir ci-dessus, A.3.a)	20.565,98		20.565,98	7.500,-	13.065,98	
b) Groupe danubien (voir ci-dessus, 3.b.)	4.910,-		4.910,-		4.910,-	
2. Don de la Fondation Carnégie (voir A.4)	7.850,-		7.850,-	7.850,-		
3. Conférence des Hautes Etudes Internationales (nouveau compte)		15.350,-	15.350,-	15.350,-		
	33.325,98	15.350,-	48.675,98	30.700,-	17.975,98	

VERIFICATION DES COMPTES
DE L'INSTITUT INTERNATIONAL DE COOPERATION INTELLECTUELLE
DU 1er JANVIER 1946 AU 18 JUILLET 1947.

Rapport de M. U.A.J. Brunskog

Commissaire aux comptes de la Société des Nations .

---

1. J'ai examiné en détail les comptes de l'Institut International de coopération intellectuelle et constaté qu'ils sont réguliers.

2. En raison des circonstances, le Conseil d'administration n'a pas eu l'occasion de se réunir pour approuver le budget de l'exercice 1946. Le tableau suivant montre les recettes et les dépenses administratives à partir du 1er janvier 1946 jusqu'au 18 juillet 1947.

		Francs français
Solde au 1er janvier 1946		1.137.387,15
Recettes :		
Subvention de la France	5.357.000,-	
Prélèvement sur le Fonds de réserve....	400.000,-	
Contribution aux frais généraux :		
a) Affectation au service des commissions nationales des intérêts produits par les fonds de l'exposition de 1937.....	38.056,10	
b) Conférence des Hautes Etudes Internationales....	55.000,-	93.056,10
Contribution aux frais d'impression du Calcul des probabilités		100.000,-
Vente des publications		446.831,60
Vente du papier		383.862,-
Contribution aux frais d'entretien des locaux		166.359,-
Profit réalisé sur devises étrangères..		148.997,25
Divers		179.263,80 7.275.369,75
TOTAL		8.412.756,90
Dépenses :		
Personnel	6.038.628,30	
Conférences internationales, comités d'études, réunions d'experts organisées par l'Institut, participation à des congrès, travaux de recherches et de préparation des conférences.....	272.310,50	
Publications de l'Institut	561.195,-	
Frais de bureau et achat de livres	383.920,30	
Frais de représentation	243.687,-	
Charges sociales	99.354,50	
Entretien des bâtiments et du mobilier, chauffage et éclairage	440.083,90	
Paiements sur l'exercice 1945	65.432,50	8.104.612,-
Solde au 18 juillet 1947		308.144,90

3. En ce qui concerne les actifs et les passifs des services administratifs, il faut d'abord mentionner que les mobiliers, la bibliothèque et les publications sont transférés à l'ONU. Selon des décisions du Tribunal Administratif le 27 février 1947, c'est-à-dire après le transfert mentionné ci-dessus, l'Institut doit payer aux anciens fonctionnaires une somme d'environ 1.235.000 francs français. Pour éviter un déficit non-couvert d'un montant de 1.532.381,95 francs français, il est proposé que l'UNESCO, qui dispose des actifs transférés de l'Institut à l'ONU, achète une partie des mobiliers etc., de l'ONU pour couvrir les dettes de l'Institut. Par conséquent, l'ONU diminuerait le nombre des objets transférés par l'Institut. Il faut signaler que les mobiliers dans les comptes de l'ONU sont comptabilisés pour une valeur nominale de ⌀ 1. Pour arriver à un tel arrangement, il faut donc un accord entre l'ONU et l'UNESCO, mais jusqu'à cette date aucune réponse n'est arrivée de l'ONU.

Les actifs et les passifs connus au 18 juillet 1947 sont les suivants :

Débit:	Francs français		Crédit:		Francs français
Chèque en caisse	731,-		Créditeurs :		
En chèques postaux	7,60		Traitements		5.640,-
En banque (bloqué)	543.090,30		Organisation internationale du Travail		189.640,15
Moins :	543.828,90		Imprimerie Kundig		206.328,-
			Arrault & Cie		196.466,-
Chèques non-payés	235.684,-	308.144,90	Compagnie des Eaux		1.873,-
Débiteur :			Téléphones		28.007,-
Conseil économique français		21.309,30	Selon décisions du Tribunal Administratif (montants approximatifs) :		
Déficit		1.532.381,95	M. Weiss	487.000,-	
			Mme Mercier	322.750.-	
			M. Michel	248.000,-	
			Mlle Rothbarth	176.632	1.234.382,-
Total		1.862.336,15		Total	1.862.336,15

4. Si l'arrangement mentionné au paragraphe 3 peut être conclu, je propose qu'un trustee soit nommé, soit M. Paul Ristorcelli, ancien chef comptable de l'Institut, ou bien un fonctionnaire de l'UNESCO pour obtenir un règlement final des affaires de l'Institut.

5. Les comptes spéciaux font l'objet du Tableau A.

Les soldes en banques au 18 juillet 1947, ⌀ 17.975.98 qui doivent être transférés à la Fondation Rockfeller, sont bloqués.

(Signé) Uno Brunskog
Commissaire aux comptes

Genève, le 31 juillet 1947.

TABLEAU A.

COMPTES SPECIAUX HORS BUDGET 1 JANVIER 1946 au 18 JUILLET 1947.

Désignation des Services	Solde à la fin de 1945	Recettes	Total des sommes reçues	Dépenses	Solde en banque au 18 juillet 1947	Observations
A. En francs français						
1. Publication de la Collection des Classiques de l'Amérique latine	65.011,85		65.011,85	65.011,85		(versé aux différents pays intéressés.
2. Publications d'ouvrages littéraires japonais	176,60		176,60	176,60		(versé aux comptes administratifs.
3. Subventions de la Fondation Rockfeller						
a) Subvention pour l'organisation des Hautes Etudes internationales et la publication des travaux de cette conférence	90.170,93		90.170,93	90.170,93		(versé à la Fondation Rockfeller.
b) Subvention pour le Groupe d'Etudes danubien de la Conférence des Hautes Etudes internationales	1.790,95		1.790,95	1.790,95		(
4. Don de la Fondation Carnégie pour la Paix internationale destiné à faciliter les travaux relatifs aux problèmes danubiens	493,30		493,30	493,30		(versé à la Fondation Carnégie.
5. Enquête sur l'institution des échanges universitaires internationaux et sur les mesures prises dans tous les pays d'Europe pour favoriser ces échanges	36.465,76		36.465,76	36.465,76		(versé à l'American Council on Education.
6. Préparation du lexique des termes politiques	16.495,-		16.495,-	16.495,-		(versé à la Fondation Carnégie.
7. Affectation aux Commissions nationales des intérêts produits par les fonds de l'Exposition de 1937	38.056,10		38.056,10	38.056,10		(versé aux comptes administratifs.
8. Reversement en Caisse de traitements et d'indemnités non émargés	41.141,71		41.141,71	41.141,71		
9. Versements individuels à la Caisse de Retraite		3.500,-	3.500,-	3.500,-		
10. Fonds de Réserve	400.000.-		400.000,-	400.000,-		(versé aux comptes administratifs.
11. Dépôts pour le Tribunal administratif		12,245.-	12.245,-	12.245,-		
12. Dépôts pour provisions téléphoniques		4.000,-	4.000,-	4.000,-		
13. Conférence des Hautes Etudes (nouveau compte)		1.822.709,75	1.822.709,75	1.822.709,75		
	689.802,20	1.842.454,75	2.532.256,95	2.532.256,95		
B. En dollars.						
1. Subventions de la Fondation Rockfeller						
a. Conférence des Hautes Etudes internationales (voir ci-dessus, A.3.a)	20.565,98		20.565,98	7.500,-	13.065,98	
b. Groupe danubien (voir ci-dessus, 3.b.)	4.910,-		4.910,-		4.910,-	
2. Don de la Fondation Carnégie (voir A.4.)	7.850,-		7.850,-	7.850,-		
3. Conférence des Hautes Etudes Internationales (nouveau compte)		15.350.-	15.350,-	15.350,-		
	33.325,98	15.350,-	48.675,98	30.700,-	17.975,98	

Paris, le 18 juillet 1947.

Monsieur,

Comme suite à la communication téléphonique de M. de la CORCE, nous vous remettons, ci-joint, copie de la lettre adressée à M. J. LESTER par M. J.J. MAYOUX.

Veuillez agréer, Monsieur, l'expression de nos sentiments dévoués.

Pour Mme Malterre:

Monsieur FOUQUES DUPARC,
Ministère des Affaires Etrangères,
13, quai d'Orsay,
PARIS

th

lettre du 15/7

Paris, le 13 juillet 1947.

Monsieur le Secrétaire général,

J'ai l'honneur de vous informer, qu'en conclusion de la correspondance échangée avec le Comité de liquidation de la Société des Nations concernant la liquidation de l'Institut international de Coopération intellectuelle, vous recevrez, sous pli séparé, le bilan définitif.

Je tiens à vous faire remarquer, dès maintenant, que dans l'actif de l'Institut international de Coopération intellectuelle figureront, outre les avoirs en banque, la valeur du mobilier et celle des publications, transférés aux Nations Unies, représentant une somme approximative de trois millions de francs français.

Ces biens, transférés par la Société des Nations aux Nations Unies, l'ont été à une époque où la liquidation financière de l'Institut n'était pas achevée. A l'heure actuelle ils se trouvent être grevés du montant du passif, tel qu'il ressortira du bilan que vous recevrez sous peu.

En conséquence, je vous prie d'informer les Nations Unies de cette situation pour que la liquidation de l'Institut puisse se terminer sur les bases indiquées ci-dessus.

Veuillez agréer, Monsieur le Secrétaire général, l'assurance de ma considération très distinguée.

Monsieur Jean Lester,
Secrétaire général de la
Société des Nations,
Genève

J.J. MAYOUX
Ancien Directeur.

BILAN au 18 juillet 1947

(Compte francs français)

En banque	307.411,96	Imprimerie Kundig	206.328, -
Chèques non payés	235.684, -	Traitements	5.640.-
Chèque en caisse	731.-	Arrault & Cie	196.466, -
Téléphones	21.809,30	Bureau international du Travail	189.640,15
		Chèques non payés	235.684, -
		Téléphones	28.007, -
		Cie des Eaux	1.873, -
		Tribunal administratif:	
		M.Meiss 480.000.-	
		Mme Mercier 315.000.-	
		M.Hickel 248.000.-	
Déficit	1.503.397,89	Mlle Rothbarth 162.396.-	1.205.396, -
	2.069.034,15		2.069.034,15

PBL.

9 juillet 1947

A : M. Zaniewicki

De : Mme Pannier (Bureau 372)

Mlle Matteau
file
IIIe

Copies pour : M. Montagnier
M. de Blonay
M. Lichtenberger

Demande de l'Institut scientifique du livre, Lódz (Pologne), de publications de l'I.I.C.I. :

Je vous ai transmis, le 27 juin dernier, une lettre de cet Institut scientifique demandant une assez grande quantité de publications de l'I.I.C.I., en vous suggérant d'essayer de faire bénéficier le demandeur, d'une des 15 collections offertes en 1946 à la Pologne par l'I.I.C.I. Vous avez bien voulu vous charger d'écrire, à cet effet, à la Bibliothèque de Médecine, à Varsovie, qui détenait provisoirement lesdites collections.

Votre lettre sera parvenue trop tard : veuillez, en effet, trouver ci-joint la copie de celle que je viens de recevoir de la Bibliothèque Nationale de Pologne et d'où il résulte que ces collections sont maintenant distribuées.

La liste des bénéficiaires, annexée à la lettre, ne comprend malheureusement pas l'Institut scientifique du livre.

Avez-vous déjà reçu une réponse de la Bibliothèque de médecine ?

H. P.

H. Pannier
P.B.L.

X. R.

No. 773

Dat. 9.7.47

Distrib: Mle de Blonay

COPIE

BIBLJOTEKA NARODOWA
Biuro Miedzynarodowej
Wymiany Wydawnictw

BIBLIOTHEQUE NATIONALE
Service Polonais
des Echanges internationaux

Nr. 3247/47/BW.

Warszawa le 28 juin 1947
Ul. Rakowiecka 6, Tel.9.13-30

Madame H. PANNIER
Service des Publications
Institut International de
Coopération Intellectuelle

UNESCO
19, avenue Kléber
PARIS 16e
(France)

Madame,

En réponse à votre lettre du 2 septembre 1946 que nous avons reçue en temps utile, nous avons l'avantage de vous informer que nous sommes entrés en possession de votre envoi de publications de l'Institut, composé de 5 collections complètes /ou presque/ et de 10 collections partielles, que nous avons distribuées selon la liste ci-jointe.

Une série de malentendus fâcheux a retardé de près d'un an la réception de cét envoi, nous vous prions donc de vouloir bien diriger tout envoi de livres pour la Pologne à notre adresse, laquelle réduite, est la suivante :

Biuro Wymiany, Biblioteka Narodowa
Rakowiecka 6, Warszawa 12.

Tout en vous remerciant de cet envoi généreux, nous vous prions, Madame, de vouloir bien agréer l'expression de nos sentiments les plus distingués.

Le chef du Service polonais des
Echanges Internationaux

Stanislaw Piotr Kaczorowski
Conservateur à la Bibliothèque Nationale

1 annexe.

COPIE

Zat.do L. 3247/47

Collections complètes /ou presque/

I.

1. Biblioteka Narodowa - Warszawa
2. " Uniwersytecka "
3. " Jagiellonska - Krakow
4. " Uniwersytecka - Poznan
5. " Uniwersytetu Katolickiego - Lublin

Collections partielles, plus ou moins étendues

II.

1. Biblioteka Politechniki - Warszawa
2. " S.G.H. - "
3. " Szk. Nauk Polit. "
4. " Publiczna - "
5. " Glowna Lekarska "
6. " Sejmowa - "
7. " Min. Oswiaty "
8. " Min. Spraw Zagr. "
9. " Uniwersytecka - Lodz
10. " " - Torun
11. " " - Wroclaw
12. " Politechniki - Gdansk
13. " Ak. Lekarskiej - "
14. " Miejska - "
15. " " - Bydgoszcz
16. " Slaska - Katowice
17. " Uniwersytetu im. Curie Sklodowskiej - Lublin
18. " Politechniki - Gliwice.

FILE COPY

à : M. BEMBERG

de : Mme MALTERRE

326

2.7.47

2 Juillet 1947

Je viens d'avoir une conversation avec M. Mayoux qui me prie de vous entretenir de diverses questions concernant l'Institut international de Coopération intellectuelle. J'ai essayé de vous téléphoner mais n'ai pu vous joindre.

Pourriez-vous m'appeler cet après-midi, à partir de 2h.1/2, pour que nous puissions prendre rendez-vous. Merci d'avance.

EXTERNAL RELATIONS SECTION 443 26/6.

MINISTÈRE
DES GD/ML
AFFAIRES ÉTRANGÈRES

Secrétariat des Conférences

Délégation Française à
l'U.N.E.S.C.O.

LIBERTÉ·ÉGALITÉ·FRATERNITÉ

RÉPUBLIQUE FRANÇAISE

PARIS, LE 24 Juin I947

N° 917

Mme Matteuzzi et puis à M. Mayoux

Cher Monsieur,

J'ai l'honneur d'accuser réception de la lettre xr/NM/mg/0I54 (sic) en date du I7 Juin, par laquelle vous avez bien voulu m'adresser un exploit d'huissier relatif à l'Institut de Coopération Intellectuelle.

Je n'ai pu que transmettre ce document, pour attribution, à Monsieur Jean-Jacques MAYOUX, Directeur de cet Organisme./.

Veuillez agréer, cher Monsieur, l'expression de mes sentiments les meilleurs.

Le Chef de la Délégation Française :

Guy DORGET

Monsieur de BLONAY
chef du Service des Relations
Extérieures de l'UNESCO
I9, Avenue Kléber
PARIS

Irrégulier

LA/350

23 Juin 1947

A : Mr. de Blonay

De : Mr. Bemberg

1. Dettes de l'Institut.-

J'ai remis à Mme Malterre, il y a quelques jours, un projet de lettre adressée au Conseil de Liquidation de la S.D.N., que je lui ai demandé de vous montrer. Entre temps, j'ai rencontré Costa du Rels, qui m'a paru catégorique en m'ôtant tout espoir de voir une telle requête de notre part couronnée de succès.

J'ai parlé de la question à Schalon, qui considère les Nations Unies comme maintenant responsables du passif de l'Institut. Il nous engage à écrire aux Nations Unies, de leur poser le problème et il m'a promis qu'il interviendrait en faveur de nos intérêts.

2. Amendements des règles de procédure du Conseil Exécutif.-

J'ai parlé à Compton, qui désirerait beaucoup voir le Secrétariat présenter lui-même les amendements aux règles de procédure du Conseil Exécutif, tels que suggérés par le State Department, mais l'existence même du Standing Committee n'ayant pas encore été consacrée juridiquement, et comme il serait souhaitable d'autre part de ne pas avoir un Standing Committee définitivement établi, il me semble, d'accord avec Gebelt, d'être dans l'intérêt de l'Unesco de ne pas encourager l'initiative américaine, et au contraire, rester passifs.

Si la Conférence de Mexico approuve officiellement l'existence du Standing Committee et pour cela, amende la Constitution, il sera bien temps de présenter un règlement intérieur amendé.

3. Lettres de créance.-

D'après le dossier des lettres de créance pour la Conférence Générale, je m'aperçois qu'elles sont de formes très variées.

Nous ne pouvons imposer une même formule à tous les Gouvernements. La

.../...

seule règle que nous devons faire observer est que la lettre de créance doit être signée d'un Chef de l'Etat, d'un Ministre ou d'un Chef de Mission Diplomatique mandaté à cet effet.

P.Bemberg

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951

19 Juin 1947

LIQUIDATION DE L'INSTITUT DE COOPERATION INTELLECTUELLE

Extrait.

1) Aux termes de la lettre du Gouvernement français au Président du Conseil de la Société des Nations en date du 8 décembre 1924 :

art. 4, paragraphe 2 - "Ni l'Etat français hi la Société des Nations n'assumeront aucune responsabilité financière ou autre quelle qu'elle soit du fait de la gestion de l'Institut international".

art. 7 - "En cas de suppression de l'Institut international ci-dessus visé, les terrain, bâtiment et objets mobiliers mis à la disposition de cet Institut par le Gouvernement de la République Française feront retour à l'Etat français. Les objets et notamment les archives et collections de documents installés dans les locaux par le Conseil d'Administration, ainsi que toute propriété acquise par l'Institut au cours de son fonctionnement resteront la propriété de la Société des Nations. Les institutions et associations à qui la jouissance de locaux aura été concédée par le Conseil d'Administration reprendront chacune leurs meubles et collections propres".;

art. 10 - La gestion financière de l'Institut sera indépendante de celle de la Société des Nations (Document C.8.25 (1) M.280. 1924. XII).

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COPY

LIQUIDATION DE L'INSTITUT DE COOPERATION

INTELLECTUELLE

Extrait.

1) Aux termes de la lettre du Gouvernement français au Président du Conseil de la Société des Nations en date du 8 décembre 1924 :

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19 Juin 1947

LIQUIDATION DE L'INSTITUT DE COOPERATION

INTELLECTUELLE

Extrait.

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art. 10 - La gestion financière de l'Institut sera indépendante de celle de la Société des Nations (Document C.8.25 (1) M.280. 1924. XII).

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2.092

LA/346

17 June 1947

To : Personnel Officer

From : Mr. Bemberg, Legal Section

Copies to : Mr. Berkeley - Mr. Hudson - Mr. Lebar.

May I call your attention to the question of the Administrative Tribunal of Unesco.

1. I send you a draft status on the 27th of March 1947, to which was attached a note where I suggested discussing that draft with you.

As the Board shall meet soon, I wonder if the time has not come now to have this Administrative Tribunal established, according to regulation 29 of the Staff Regulations.

2. As many contracts of the Staff were ending on the 1st of June, I suppose you are issuing new contracts. I would like to be informed of their legal aspect.

P. Bemberg
Legal Section

FILE COPY

xr/NM/mg/0154

le 17 Juin 1947.

Cher Monsieur,

Je vous envoie ci-joint la signification du jugement No. 7 rendu par le Tribunal Administratif du Bureau International du Travail, à la suite de la requête présentée par Mme Vve Charles Mercier contre l'Institut International de Coopération Intellectuelle, qui a été déposée à l'Unesco par suite de la fermeture de l'Institut, par Louis Baselli, huissier de la Préfecture de la Seine.

Veuillez agréer, Cher Monsieur, l'expression de mes sentiments les meilleurs.

André de Blonay,
Relations Extérieures.

à: Monsieur Guy DORGET,
Chef de la Délégation Française à l'Unesco,
Maison de l'Unesco,
Bureau 149.

annexe.

FILE COPY

Memorandum to : Dr. W. LAVES

from : A. de BLONAY

6/6/1947

UTILISATION PAR L'UNESCO des AVOIRS DE L' I.I.C.I.

Au cours de la réunion restreinte qui s'est tenue le vendredi 6 jain afin d'examiner le projet de lettre à adresser par les Nations Unies à l'UNESCO concernant l'utilisation par cette dernière des avoirs de l'Institut International de Coopération Intellectuelle, les décisions suivantes furent prises :

1) d'accepter le texte du projet de lettre de M. Trygve Lie, avec les modifications suivantes:

a. remplacer le membre de phrase "as per the inventory of ..... copies of which are in the possession of the United Nations and Unesco" par "as per the inventory to be established by Unesco".

b. supprimer la dernière phrase du 2ème paragraphe, qui se terminerait donc par : "end of each calendar year".

Vous trouverez d'ailleurs ci-joint copie du texte modifié du projet de lettre.

2) En ce qui concerne les modalités d'application, il a été décidé de faire établir l'inventaire de la bibliothèque et des archives par le service de M. Carter, tandis que celui du stock des publications à vendre serait fait par le service de Mr. Lichtenberger (une ancienne fonctionnaire de l'Institut, Mme Pannier, spécialisée dans les questions de vente des publications vient d'être engagée à ces fins).

Chacune de ces sections devra établir un budget indiquant les frais que comportera l'établissement de cet inventaire, de façon à ce que les Nations Unies puissent être informées du montant total que l'UNESCO aura à prendre à sa charge avant de pouvoir réaliser un bénéfice quelconque sur la vente future des publications de l'Institut International de Coopération Intellectuelle.

Il serait donc tacitement entendu que le produit de cette vente éventuelle ne retournerait pas aux Nations Unies, du fait des frais considérables encourus par l'UNESCO pour l'établissement de l'inventaire précité. La comptabilité des recettes serait tenue à part.

L'inventaire concernant le mobilier de l'Institut International de Coopération Intellectuelle a déjà été adressé aux Nations Unies.

L'inventaire complet sera envoyé aux Nations Unies dès que possible. Il sera ensuite révisé chaque année et les diminutions dûes soit aux ventes soit à la détérioration par l'usage, seront notifiées aux Nations Unies.

3) Enfin, la question de certaines dettes de l'I.I.C.I. fut également examinée (factures non-payées d'imprimeurs relatives à des publications de l'Institut; dernier numéro de Mouseion et dernier volume de la collection scientifique "Les Applications du Calcul des Probabilités").

Une décision devra être prise par l'Administration concernant ces publications. Si elles présentant une utilité et un intérêt certains pour l'Unesco,

.....

Memorandum to : Mr. W. LEWIS

From : A. de BIOLLEY

UTILISATION PAR L'UNESCO des AVOIRS DE L' I.I.C.I.

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a. remplacer la membre de phrase "as per the inventory of ..... copies of which are in the possession of the United Nations and Unesco" par "as per the inventory to be established by Unesco".

b. supprimer la dernière phrase du même paragraphe, qui se terminerait donc par : "end of each calendar year".

Vous trouverez d'ailleurs ci-joint copie du texte modifié du projet de lettre.

2) En ce qui concerne les modalités d'application, il a été décidé de faire établir l'inventaire de la bibliothèque et des archives par le service de M. Carter, tandis que celui du stock des publications à vendre serait fait par le service de Mr. Lichtenberger (une ancienne fonctionnaire de l'Institut, Mme Lamolet, spécialisée dans les questions de vente des publications vient d'être engagée à cet fins).

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Il serait donc tout-à-fait entendu que le produit de cette vente éventuelle ne retournerait pas aux Nations Unies, du fait des frais considérables encourus par l'UNESCO pour l'établissement de l'inventaire préalable. La comptabilité des recettes serait tenue à part.

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Une décision devra être prise par l'Administration concernant ces publications. Si elles présentent une utilité et un intérêt certains pour l'Unesco,

.....

cette dernière devra en acheter le droit de propriété en règlant aux deux imprimeurs les factures non-payées. Dans ce cas, ces publications ne seront pas comprises dans l'inventaire, n'étant pas propriété des Nations Unies.
En ce qui concerne Mouseion, le montant de la facture est de 196.466 Fcs français.
"Pour les Applications du Calcul des Probabilités" il s'agit d'une somme de 7.500.- francs suisses.

DRAFT LETTER

Sir,

In persuance of the General Assembly Resolution of 19 November 1946, I am happy to grant herewith to the United Nations Educational, Scientific and Cultural Organization authorization for the utilization of the assets of the International Institute of Intellectual Cooperation transferred by the League of Nations to the United Nations as per the inventory to be established by UNESCO. This authorization leaves UNESCO free to utilize these assets in a manner conducive to the aims set out in the General Assembly Resolution, i.e., that the continuity of the work performed by the Institute be ensured. The present authorization is granted for an indefinite period, and may be terminated by either side upon six months' notification.

In view of the requirements of our external auditors, it would be appreciated if UNESCO were to submit an annual inventory of these assets at the end of each calendar year.

I have the honour to be, etc..

TRIGVE LIE

Dr. Julian Huxley, etc.

UHO ARNALDO UNESCORG NEW YORK 6 June 1947

RE LIB LETTER INSTITUTE ASSETS EXPENSES REQUIRED INVENTORY PUBLICATIONS LIBRARY ESTIMATED TEN TO FIFTEEN THOUSAND DOLLARS MAXIMUM ANNUAL SALES REVENUE TWO TO THREE THOUSAND STOP DESIRE VERBAL UNDERSTANDING SALES REVENUES USABLE BY UNESCO HELP DEFRAY EXPENSES INVENTORY STOP LETTER SATISFACTORY ENDING QUOTE END EACH CALENDAR YEAR UNQUOTE BUT IN FIRST PARAGRAPH DELETE REFERENCE INVENTORY OR REWRITE QUOTE AS PER INVENTORY TO BE ESTABLISHED BY UNESCO UNQUOTE INVENTORY NOW YOUR POSSESSION INCOMPLETE REFERENCE LISTING ONLY FURNITURE STOP LETTER SHOULD AUTHORIZE USE ALL ASSETS INCLUDING PUBLICATIONS LIBRARY ETC.

BLONAY

Miss Gabaldon

Mme MALTERRE

re: invoice from ARRAULT to
International Institute of
Intellectual Cooperation
- Note from Miss Cuypers to M.de
Blonay June 2, 1947

M. de Blonay must decide himself as there are funds to be engaged by Unesco for the payment of that monthly publication, and then give his instructions to Miss Cuypers.

4th June 1947

Mme Malterre

file

June 4th, 1947.

to : Mr. George WOODWARD

from : Mme MALTERRE

You will find enclosed herewith a letter from Mr. A. Goodman concerning the publications of the International Institute of Intellectual Cooperation (Institut International de Coopération Intellectuelle, 1925 - 1946).

The point of view of Mr. de Blonay, as well as mine, is that it is better to send a copy of this book to Mr. Goodman who has sent a money order for this publication.

You will find a copy of the book downstairs at the Library and have it sent to Mr. Goodman with the other publications he asks for.

This is an exception, as generally the Institute books are not allowed for the time being to be sold or given free of charge.

x/NM/mg

encl.

June 4th, 1947.

To : Mr. George WOODMAN

From : Dame MAUTERRE

You will find enclosed herewith a letter from Mr. A. Goodman concerning the publications of the International Institute of Intellectual Cooperation (Institut International de Coopération Intellectuelle, 1926 - 1946).

The point of view of Mr. de Blomay, as well as mine, is that it is better to send a copy of this book to Mr. Goodman who has sent a money order for this publication.

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This is an exception, as generally the Institute books are not allowed for the time being to be sold or given free of charge.

x/MM/mg

encl.

Letter No.220

May 24, 1947

Dr. Julian Huxley
Director General
United Nations Educational, Scientific
and Cultural Organization
19 avenue Kleber
Paris 16e. France.

SUBJECT : Utilization by Unesco of the Assets of the Institute of Intellectual Cooperation

Dear Dr. Huxley:

This will confirm my cable of May 22 regarding the proposed draft letter of Mr. Tryve Lie to be addressed to you authorizing the utilization by UNESCO of the assets of the Institute of Intellectual Cooperation.

1. Copies of the cable and the draft letter mentioned above are enclosed.

2. Please note that as of this date, neither I nor the United Nations at Lake Success has received an official copy of the full inventory of the Institute assets as prepared by representatives of UNESCO and the Institute. This official copy should be sent to the United Nations, as soon as possible, since it will be an essential part of the letter of Mr. Lie to you.

Citation and inclusion of this inventory in the letter will constitute approval of it by the Secretary General of the United Nations. It is desirable, therefore, that this inventory be certified as correct, at least by you.

3. As I have informed Mr. de Blonay previously by cable (May 9), the thinking here in Lake Success is that a simple letter of authorization, instead of a long formal agreement with specific conditions and restrictions on the utilization of the assets, is sufficient.

Since I have not received any comment to the cable above, I take it that UNESCO is agreable to this simple letter form, providing for broad authorization to UNESCO. I myself am in favor of this procedure.

The draft of this letter was not agreed upon among officials

of the United Nations/

of the United Nations concerned until only last Wednesday. A copy of this draft is enclosed as mentioned in Item 1 above.

4. Please note the following points on the draft which were agreed upon by officials of the United Nations, with my concurrence, subject to your approval.

(a) That in connection with the opening sentence, citation will be made of the official inventory of the assets transferred by the League of Nations to the United Nations and now in the temporary custody of UNESCO. The inventory will be attached to the letter.

(b) That the last sentence of the letter stating that revenues, if any, which accrue from the utilization of these assets, will be credited to the United Nations, is now deleted, after our objections to it.

5. It is accepted in principle that these assets will not remain the same every year, that some of them may be disposed of " in a manner conducive to the aims set out in the General Assembly Resolution," that others will diminish in value through constant use, and that others may be broken or become useless in the process of time. Hence, the necessity of an annual inventory in accordance with requirements of the United Nations for audit purposes.

6. On the question of whether UNESCO can sell some of the Institute publications, I was advised that this is a matter for UNESCO to decide for itself. At any rate, the draft letter of authorization, if approved, leaves UNESCO " free to utilize these assets in a manner conducive to the aims set out in the General Assembly Resolution."

7. I presume, however, that such utilization of the assets in Item 6 will be reported in the annual inventory called for at the end of each calendar year. It is essential, therefore, that any revenues or profits accruing from the utilization of the assets are applied only to the furtherance of the aims set out in the General Assembly Resolution, and should be so declared in the inventory.

8. If you have any comments or objections to make, please cable them fol owed by a confirmation letter.

I hope this draft letter providing for broad authorization for UNESCO to utilize the Institute assets meets with your general approval.

Sincerely yours,

SVM

SOLOMON V. ARNALDO
Acting Resident Observer
of UNESCO at the
United Nations

cc. Dr. Walter H.C. Laves
Mr. Thomas
Mr. Peissel
M. André de Blonay

COPY

NLT/

HUXLEY
UNESCO
PARIS

May 22, 1947
COMMERCIAL

#193 URGENT ATTENTION ALSO LAVES HLONAY UNATIONS NOT YET RECEIVED FULL OFFICIAL INSTITUTE ASSETS INVENTORY PLEASE AIRMAIL UNATIONS COPY CERTIFIED BY YOU STOP FOLLOWING IS ABBREVIATED TEXT DRAFT LETTER TRYGVELIE TO HUXLEY AWAITING OFFICIAL INVENTORY COLON QUOTE IN PURSUANCE GENASSEMBLY RESOLUTION 19 NOVEMBER 1946 AM HAPPY GRANT HEREWITH TO UNESCO AUTHORIZATION FOR UTILIZATION ASSETS INTERNATIONAL INSTITUTE INTELLECTUAL COOPERATION THIS AUTHORIZETION LEAVES UNESCO FREE TO UTILIZE THESE ASSETS IN MANNER CONDUCIVE TO AIMS SET OUT IN GENASSEMBLY RESOLUTION, I.E., THAT CONTINUITY OF WORK PERFORMED BY INSTITUTE BE ENSURED. PRESENT AUTHORIZATION IS GRANTED FOR INDEFINITE PERIOD AND MAY BE TERMINATED BY EITHER SIDE UPON SIX MONTHS NOTIFICATION, IN VIEW REQUIREMENTS OUR EXTERNAL AUDITORS IT WOULD BE APPRECIATED IF UNESCO WERE TO SUBMIT AN ANNUAL INVENTORY OF THESE ASSETS AT END EACH CALENDAR YEAR ENDQUOTE STOP THIS BROAD AUTHORIZATION FINALLY AGREED UPON AFTER LONG CONSIDERATION BY LEGAL MINDS UNATIONS STOP STATEMENT CREDITING REVENUES TO UNITED NATIONS DELETED TODAY AFTER OUR OBJECTION YESTERDAY BUT ANNUAL INVENTORY REMAINS PLEASE CABLE COMMENT LETTER FOLLOWS

ARNALDO

D R A F T L E T T E R

463-3-6-1/NSS

Sir,

In pursuance of the General Assembly Resolution of 19 November 1946, I am happy to grant herewith to the United Nations Educational, Scientific and Cultural Organization authorization for the utilization of the assets of the International Institute of Intellectual Cooperation. This authorization leaves Unesco free to utilize these assets in a manner conductive to the aims set out in the General Assembly Resolution, i.e., that the continuity of the work performed by the Institute be ensured. The present authorization is granted for an indefinite period, and may be terminated by either side upon six months' notification.

In view of the requirements of our external auditors, it would be appreciated if Unesco were to submit an annual inventory of these assets at the end of each calendar year. [It would be understood, of course, that revenues, if any, which accrue from the utilization of these assets will be credited to the United Nations, and I shall be glad if you will advise the United Nations Comptroller, from time to time, of the amounts which are received in this connection.]

I have the honour to be, etc.

TRYGVE LIE

Dr. Julian Huxley
Director General
United Nations Educational, etc..
19 avenue Kleber
Paris 16e. France

Cleared personally by
N.S. Shalom/SKL

xr/NM/mg

Paris, le 20 Mai 1947.

Monsieur,

J'ai l'honneur d'accuser réception et de vous remercier, au nom du Directeur Général, de votre lettre du 16 Mai 1947.

Je tiens à vous informer que l'Institut International de Coopération Intellectuelle a cessé ses activités le 31 Décembre dernier. Il m'est donc impossible de vous envoyer les règlements dudit Institut.

Je vous signale néanmoins que ses archives et biens matériels ont été transférés à l'Unesco, à la suite d'un accord conclu entre les deux Organisations, selon les termes duquel l'Unesco aura la jouissance de ces biens et assurera la continuité de l'oeuvre passée de l'Institut.

Veuillez agréer, Monsieur, l'assurance de ma considération très distinguée.

André de BLONAY
Relations Extérieures

à : Monsieur Ali ZID,
Case Postale 466,
Tunis,
(Tunisie)

Tunis le 16/5/47 X

Ile Monsieur Ali Ziol
Case Postal 466 - Tunis - Tunisie

A Monsieur le Directeur Général
de
l'Institut International de Coopération
Intellectuelle, 19, Avenue Kléber Paris 16e

Monsieur le Directeur

J'ai l'honneur de vous demander de bien vouloir m'envoyer par retour du courrier les Réglements de l'Institut International de Coopération Intellectuelle.

Dans l'attente de vous lire, veuillez agréer Monsieur le Directeur mes sincères salutations.

Signé Ali Ziol

Institut Coop. Intellectuel LEGAL PB 9.51

FILT HUXLEY UNESCO PARIS.

NR 143 NEWYORK 175/174 7/51/50 22.

Received in External Relations Section
4.45 May 23rd.

NUMBER 197 URGENT ATTENTION ALSO LAVES ELONAY UNATIONS
NOT YET RECEIVED FULL OFFICIAL INSTITUTE ASSETS
INVENTORY PLEASE AIRMAIL UNATIONS COPY CERTIFIED BY YO
STOP FOLLOWING IS ABBREVIATED TEXT DRAFT LETTER
ENVOYELIE TO HUXLEY AWAITING OFFICIAL INVENTORY COLON
QUOTE IN PURSUANCE GENASSEMBLY RESOLUTION 19 NOVEMBER
1946 AM HAPPY GRANT HEREWITH TO UNESCO AUTHORISATION
FOR UTILISATION ASSETS INTERNATIONAL INSTITUTE
INTELLECTUAL COOPERATION THIS AUTHORISATION LEAVES
UNESCO FREE TO UTILISE THESE ASSETS IN MANNER CONDUCTI
TO AIMS SET OUT IN GENASSEMBLY RESOLUTION IN THAT
CONTINUITY OF WORK PERFORMED BY INSTITUTE BE ENSURED
PRESENT AUTHORISATION IS GRANTED FOR INDEFINITE PERIOD
AND MAY BE TERMINATED BY EITHER SIDE UPON 6 MONTHS
NOTIFICATION IN VIEW OF REQUIREMENTS OUR EXTERNAL

AUDITORS IT WOULD BE APPRECIATED IF UNESCO WERE TO SUBMIT AN ANNUAL INVENTORY OF THESE ASSETS AT END EACH CALENDAR YEAR END QUOTE STOP THIS BROAD AUTHORISATION FINALLY AGREED UPON AFTER LONG CONSIDERATION BY LEGAL MINDS UNATIONS STOP STATEMENT CREDITING REVENUES TO UNITED NATIONS DELIVERED TODAY AFTER OUR OBJECTION YESTERDAY BUT ANNUAL INVENTORY REMAINS PLEASE CABLE COMMENTS LETTER FOLLOWS

ARNALDO.

Distribution:

External Relations - for Action

Information:

Dr. Huxley
Dr. Leven.
M. Thomas.
Mr. Carter
Legal Section.

n° départ : 946/D/D
nm/rd.

le 13 mai 1947

Note au Directeur Général.

Copie au Directeur Général adjoint,
M. Thomas, sous-Directeur Général
M. de Rhoney,
M. Carter,
M. Lloyd.

De : M. Montagnier, Chef des Services Techniques et des Conférences.

Objet : Publications de l'Institut International de Coopération Intellectuelle.

1° - En attendant que les services qualifiés des Nations-Unies aient pris une décision au sujet de la propriété et de la vente des publications de l'ancien Institut de Coopération Intellectuelle, et pour répondre aux demandes de liquidation ou de réapprovisionnement émanant des agents de vente, je propose:

a) de faire transférer et vider dans un local disponible du rez-de-chaussée, et fermant à clé, tout le stock des publications de l'Institut.
M. Lloyd m'a fait connaître que Mme. Collin, ancien fonctionnaire de l'Institut pourra, cette semaine, aider au triage et au classement de ces publications,

b) de dresser un inventaire complet par publication,

c) de charger provisoirement le service de l'Impression et des Ventes (M. Lichtenberger) de répondre aux demandes des agents de l'Institut et de tenir, en liaison avec le Contrôleur, la comptabilité de ces opérations. Les recettes correspondantes seraient comptabilisées à part pour être, éventuellement, reversées à l'organisme désigné par les Nations-Unies.

d) de recruter Mme. Pannier qui s'occupait des publications de l'Institut. Mme. Pannier ferait partie du service de M. Lichtenberger qui avait d'ailleurs envisagé de la recruter pour le service des Ventes, en raison de son expérience.
Si l'Unesco n'est pas chargée des publications de l'Institut tout ou partie du salaire de Mme. Pannier serait déduit des sommes versées par les agents de vente de l'Institut.

e) d'envoyer à tous nos agents de vente, en annexe à la liste des publications et des prix de l'Unesco, préparée par M. Lichtenberger, la liste des publications de l'Institut.

f) Avant de prendre une décision sur les points b) à e), de consulter par télégramme et par la voie appropriée, les services compétents des Nations-Unies.

Je vous serais très obligé de me faire connaître si ces propositions rencontrent votre approbation.

FILE

IICI

xxxxxxxxxxxxxx xxxxxxxxxxxxxx

May 9, 1947

Dear Mr. Compton,

On behalf of the Director General I herewith acknowledge receipt of your letter of May 6th concerning the request of the United States War Department for permission to reprint a pamphlet published by the International Institute of Intellectual Cooperation in 1934.

I shall see that you get a copy of this pamphlet as soon as possible, but I am afraid that under the present circumstances, Unesco is not entitled to give to anyone the right of reprinting it. As you know, the assets of the Institute, which the United Nations have decided to transfer to Unesco, are at the present moment only under our custody, as the detailed conditions under which we shall be able to utilize them have not yet been settled by agreement between the United Nations and Unesco.

We hope that such agreement will be completed in the near future. It will certainly involve provisions for copyright on Institute publications.

As soon as the matter is settled, I shall get in touch with you again. Meanwhile, I hope that you will receive a copy of the pamphlet very shortly.

Sincerely yours,

Mr. Arthur A. Compton
Acting U.S. Representative
Unesco House, Room 101
Paris.

Andre de Blonay
Senior Counsellor
External Relations Section

l/g

24.6/47

Rendez-vous est pris pour
mardi 1er juillet à 15 h. dans
le bureau de M. Lichtenberger
C'est M. Gittler qui viendra.

2-7-47 H.P

Accord de principe.
Remise 40%. Nous ristournera 20%.
Demandé à la Distribution 12 collections.
Faire la facture quand elles seront en place

MEMORANDUM

TO: Mr. NAVAUX
Copies to: Mr. Montagnier
Mr. Lloyd

May 9th, 1947

Sale of our Publications at Unesco House

I mentioned to you some time ago that it is planned to establish a Sales Service on our premises in order to offer our publications to visitors.

It appears practical to handle these sales through the news-stand on the ground floor and I should be very much obliged if you could take up negotiations with the Transport Press to this end.

We could supply our publications to this firm on a consignment basis at a discount of 40% and they would account for sales at regular intervals.

A special showcase for the display of Unesco Publications might be set up.

I assume that the sales of our publications would form part of the entire turnover of the news-stand on which the Transport Press is paying a commission to us.) 20% ?

These details have to be discussed with the firm and I should be glad if you could take the necessary steps.

2080

Téléphoné à M. Navaux le 11.6.
Absent de son bureau.
Me rappellera. 12.6
M. Navaux attend une suite aux pourparlers dans 2 ou 3 jours.

To : M. Montagnier, Head of Conferences Section
From : Mr. Lichtenberger, Head of Printing & Sales Service

copies to : Mr. Laves Room 151
Mr. Carter Room 395
Mr. Lloyd Room 601
Mr. Bemberg Room 156

22.4.47

Subject : Contract to sales agents

In his letter of March 29, 1947, the Deputy Director-General has formally asked the United Nations' sales agents whether they would be willing to take over the sale of Unesco publications. The following firms have expressed their willingness to act as Unesco sales agents:

Columbia University Press, New York	for U.S.A.
H.M.Stationery Office, London	for Great Britain
Ejnar Munksgaard, Copenhagen	for Denmark
Editions A. Pedone, Paris	for France
Martinus Hijhoff, The Hague	for Holland
Agences & Messageries de la Presse, Brussels	for Belgium

Replies from other firms are being expected shortly, but pending their arrival a decision should be made regarding the form of contract. I have prepared the enclosed draft of a letter of contract which is simultaneously submitted to the various officers concerned. Certain modifications of this draft, which is based on the United Nations contract and on a contract submitted by the Columbia University Press, will be necessary from case to case.

As a rule, the commission on retail list prices, granted to the agents will amount to 40 per cent. An exception can be made in the case of Columbia University Press which demands a commission of 50 per cent in return for advertising activities and other extras, as the clipping service. On the other hand, H.M.Stationery Office demands a commission of only 33 1/3 per cent.

It is suggested that our retail prices should be fixed in American, British and French currency, and that price lists be circulated in the two working languages. Payment by the agents should also be made in one of the three currencies. List prices for countries outside of these areas will have to be established in each case.

Uniform rules regarding the payment of postage should be established. In principle, Unesco will deliver its publications free the agent's residence, and the agent will pay the costs of distribution from there on. Columbia University Press propose to charge us for such shipments as are made on our instructions, but this can be avoided by filling direct orders from

our headquarters here, and merely instruct the agent to send a bill to the client.

It is desirable to provide for a semi-annual accounting of sales and stocks by the agent. Columbia University Press suggest to made annual reports only, but in view of the fact that, at this stage, we shall have a small number of titles, and want to keep track of sales developments, we would want to get semi-annual reports.

Sales Desk at Unesco House

Our publications should be offered for sale at Unesco House, in order to fill requests from visitors and as a means of publicity, and an outlet should be created herefore. Such sales could be handled through the newstand on the ground floor, operated by Transports Presse which pays a commission of 20 per cent on its present turnover to Unesco. Arrangements could be made for the display of Unesco publications in a special showcase, and the sale of these publications through the newstand personnel. We would supply our titles to Transports Presse at a discount of 40 per cent, on a consignment basis, and they would account for sales at regular intervals. A clause should be inserted in the contract with our sales agent for France, exempting the sales at Unesco House from his territory.

I suggest an early decision regarding the form of contract so that the sales service can start functioning. There is an ever increasing number of inquiries and orders from organisations, and the public which cannot be properly attended to before agents are appointed. List prices will be established in the near future. As regards countries where United Nations have not yet appointed sales agents, it remains to be decided whether Unesco should take the initiative and appoint sales agents of its own, possibly in consultation with the UN sales section.

Copy for Mr. de Blonay

IIIC

May 6, 1947.

My dear Dr. Huxley:

I attach herewith an exchange of correspondence between the United States Department of State and the War Department concerning the desire of the latter to obtain copies of and Japanese translation rights for the pamphlet L'Esprit, l'ethique et la guerre, published in 1934 by the International Institute of Intellectual Cooperation.

Would you be good enough to supply me with copies of this pamphlet and advise me of the reply which should be made to the War Department concerning the request from the Supreme Commander for the Allied Powers on behalf of a Japanese publisher for permission to translate it.

Sincerely yours,

Arthur A. Compton
Acting U.S. Representative at UNESCO

Dr. Julian Huxley,
Director General,
UNESCO.

cc: Mr. de Blonay

COPY

WAR DEPARTMENT
War Department Special Staff
Civil Affairs Division
Washington 25, D. C.

17 April 1947

Chairman, United States Delegation for UNESCO
United States Department of State
Washington, D. C.

Dear Sir:

The War Department has received a request from the Supreme Commander for the Allied Powers on behalf of a Japanese publisher for permission to translate a publication of the International Institute of Intellectual Cooperation. The pamphlet is L'Esprit, l'ethique et la guerre, published in 1934.

The War Department understands that UNESCO has taken over the publications of the above named Institute. It will be appreciated if copies of the requested pamphlet could be sent to the War Department for transmission to Military Government authorities in Japan and if free Japanese translation rights of this pamphlet could be granted. A franked addressed label is enclosed for your convenience in mailing the pamphlets.

Your cooperation will be very much appreciated.

Sincerely yours,

DANIEL NOCE
Major General, GSC
Chief, Civil Affairs Division

1 Enc.
Franked addressed label

3

COPY

April 22, 1947

In reply refer to
OIC-01880

My dear General Noce:

I beg to acknowledge the receipt of your letter of April 17th, in which you request that UNESCO send to the War Department two copies of the pamphlet "L'Esprit, L'Ethique et la Guerre", published in 1934 by the International Institute of Intellectual Cooperation, for transmission to Military Government authorities in Japan.

The Department of State is not in possession of copies of this pamphlet. Accordingly, your request is being transmitted to the Secretariat of UNESCO in Paris.

Your inquiry whether free Japanese translation rights of the pamphlet can be granted is also being referred to UNESCO.

Sincerely yours,

Charles A. Thomson
Adviser
Office of International Information
and Cultural Affairs

Major General Daniel Noce, GSC
Chief, Civil Affairs Division
War Department
Room 4B 871, Pentagon
Washington, D. C.

COPY

IICI

M. de Blonay

Mme Walter

IICI

MEMORANDUM

May 9, 1947

TO: M. Montagnier, Conference & Unesco Month

FROM: Andre de Blonay, External Relations

You will find enclosed a request from the U.S. State Department for a copy of the pamphlet published by the International Institute of Intellectual Cooperation in 1934. I wonder if a copy of this pamphlet could be sent for remittance to Compton?

You will further note the reply I have given him concerning the copyrights and international rights concerning this publication.

1/g

mm/mms

file

Mme Malterre
IIIe file

N° 852/D/D

le 30 avril 1947

A : M. de Blonay, Chef de la Section des Relations Extérieures

De : M. Montagnier, Chef de la Division des Conférences et des Services Techniques.

Copie à : Mr. Lloyd, Chef de la Section des Documents,
Mr. Carter, Chef de la Section des Bibliothèques,
Mr. Navaux, Chef du Service du Matériel et des Voyages.

Objet : Publications de l'Institut de Coopération intellectuelle -

Mr. Carter a fait connaître à Mr. Lloyd que la bibliothèque ne pouvait prendre en charge le stock des publications de l'I.C.I. qui a été transféré ces derniers temps à l'Unesco. Il estime que cette tâche incombe à la Section des Documents. Je partage tout à fait son point de vue, mais mes services n'entreprendront rien avant d'en avoir été officiellement chargés par le Directeur général et d'avoir reçu un inventaire détaillé du stock transféré à l'Unesco.

Je crois savoir, d'autre part, que vous négociez avec les Nations Unies au sujet de ces publications et, dès qu'une décision aura été prise, je vous serais obligé de bien vouloir m'en informer.

Mr. Carter a signalé également à Mr. Lloyd que divers exemplaires de ces publications auraient disparu depuis qu"elles sont entreposées dans le couloir du rez-de-chaussée. Des mesures de conservation restent donc opportunes et on pourrait peut-être demander à M. Navaux de prévoir un local fermé pour entreposer provisoirement ces publications.

M. MONTAGNIER,
Conseiller Principal.

read 13/6/47

SOCIÉTÉ DES NATIONS

INSTITUT INTERNATIONAL
DE COOPÉRATION INTELLECTUELLE

Toute réponse doit être adressée au Directeur.

LEAGUE OF NATIONS

INTERNATIONAL INSTITUTE
OF INTELLECTUAL COOPERATION

Téléphone : LOUVRE { 34-35 / 66-15

Adresse Télégraphique : INTELLECTI-111-PARIS

Paris (1er) 2, Rue de Montpensier (Palais-Royal)

le 18 avril 1947.

Cher Monsieur Ristorcelli,

En diverses occasions antérieures j'ai déjà appelé votre attention et celle de M.MAYOUX sur la nécessité de joindre la liquidation de l'Office International des Musées à la liquidation d'ensemble de l'Institut. A titre purement gracieux j'ai continué après le 31 décembre 1945 à prêter mon concours, ceci à la demande même de M.MAYOUX, mais il va de soi que je ne saurais assumer plus longtemps des responsabilités qui ne m'incombent plus. Par ailleurs, mes occupations personnelles ne me laissent pas disposer du temps nécessaire pour m'occuper encore de ces questions.

J'ai tenu à mettre l'UNESCO au courant de la situation et lui proposer la collaboration de la COMMISSION INTERNATIONALE DES ARTS ET TRADITIONS POPULAIRES en vue de faciliter la distribution des derniers numéros de MOUSEION. Cette offre n'a pu être accueillie en sorte que l'ensemble de la question demeure en suspens et ne peut relever désormais que du service de la liquidation de l'Institut dans son ensemble.

Le bilan de la liquidation de l'OFFICE, tel qu'il ressort des tableaux ci-joints, est extrêmement simple.

Tous engagements administratifs, salaires, frais généraux, etc. ont été entièrement réglés grâce aux moyens financiers que m'avait procurés la vente des publications de l'OFFICE, conformément à la lettre de M.MAYOUX du 26 septembre 1946.

Il ne reste que les factures afférentes à l'édition des publications du programme de 1946 retardées pour cause de force majeure.

Selon les dispositions que j'avais envisagées, la contrepartie des sommes encore dues devait être procurée par la vente d'un lot de publications de l'OFFICE, ceci selon une promesse d'achat de la Direction Générale des Relations Culturelles.

En vue de l'exécution de cet arrangement, j'avais eu soin de faire conserver dans les bureaux de l'OFFICE le lot des publications qui avait fait l'objet de cette promesse d'achat et qui devrait être complété au fur et à mesure des nouvelles livraisons. J'estime que ma qualité de liquidateur de fait de l'OFFICE ne peut plus se justifier et je ne me considère pas en droit de conserver plus longtemps un lot de publications, c'est-à-dire un actif, dont je ne peux plus disposer pour les dernières opérations de liquidation. Ci-joint la liste détaillée des publications en

question que j'ai fait remettre aujourd'hui même à l'UNESCO. Cette liste constitue également le reçu de celle-ci. Par ailleurs, j'avise les imprimeurs que dorénavant ils doivent s'adresser à l'Institut pour toutes instructions concernant les livraisons et le règlement des factures.

Ce matin, j'ai reçu des imprimeurs trois colis contenant 50 exemplaires du dernier Supplément de MOUSEION (novembre/décembre 1946) ainsi que 50 exemplaires du Vol.57/58 de la même publication. Je les tiens à votre disposition; le reste de la livraison est conservé en dépôt chez les imprimeurs en attendant les instructions de l'UNESCO.

Ainsi qu'il ressort du bilan ci-joint, je suis encore détenteur d'une somme de 24.386,50 francs. Elle était destinée à compléter la somme nécessaire au règlement des factures encore en suspens et dont le total s'élève à 220.852 francs.

J'aurais bien voulu mettre à la disposition de l'Institut ce réliquat. M'ayant toutefois informé qu'il ne vous était plus possible de recevoir des fonds je me trouve dans l'obligation de le verser aux imprimeurs sous forme d'accompte sur la somme qui leur est due. Notre passif se trouve ainsi ramené à un total de 196.466,30 francs.

Le Secrétariat de l'UNESCO ayant été saisi de diverses questions relatives à la liquidation de l'OFFICE, je crois opportun de lui communiquer copie de la présente lettre et de ses annexes.

Je vous remets ci-joint les bons-matières non utilisés par l'OFFICE représentant un total de 3.090 kgs. de papier. Je me permets d'attirer votre attention d'autre part sur le fait qu'il y aurait peut-être lieu d'exiger des imprimeurs la réduction légale de 10%. En effet, les livraisons n'ont commencé que le 4 mars 1947, date à laquelle cette réduction était en vigueur.

Je ne me dissimule pas, mon cher Monsieur Ristorcelli, la peine supplémentaire que je vous donne en vous transmettant la liquidation de l'OFFICE, mais vous conviendrez que de mon côté j'ai fait pendant les derniers mois tout ce qui était en mon pouvoir pour vous décharger et pour seconder l'Institut dans sa liquidation, mais que je ne saurais continuer à agir sans titre ni mandat valables, la qualité de liquidateur de fait que m'avait confiée M.MAYOUX ne pouvant plus se justifier depuis l'intervention de l'UNESCO..

Je suis, bien entendu, toujours disposé à vous prêter mon concours pour faciliter la tâche qui vous est confiée et à vous communiquer tous éléments d'appréciation qui pourraient vous être utiles. Je reste également à votre disposition pour réprendre, le cas échéant, les conversations interrompues avec la Direction Générale des Relations Culturelles concernant l'achat d'un certain nombre de publications de l'Office des Musées en vue de la liquidation de son passif.

Très amicalement,

(E.Foundoukidis)

Monsieur P.RISTORCELLI,
2, rue de Montpensier,
Paris, Ier.

SOCIÉTÉ DES NATIONS

INSTITUT INTERNATIONAL
DE COOPÉRATION INTELLECTUELLE

Toute réponse doit être adressée au Directeur.

LEAGUE OF NATIONS

INTERNATIONAL INSTITUTE
OF INTELLECTUAL COOPERATION

Téléphone : LOUVRE { *34-35* / *66-15*

Adresse Télégraphique : INTELLECTI-111-PARIS

Paris (1er) 2, Rue de Montpensier (Palais-Royal)

O F F I C E I N T E R N A T I O N A L D E S M U S E E S

Vente de Publications

4ème trimestre 1946.

RECETTES.	Fcs.	DEPENSES.	Fcs.
Vente directe	115.747,65	Frais généraux : Correspondance, envoi de publications, fournitures, emballage, camionage, taxis, frais courants, etc.....	41.926,50
- do.-	24.678. -		
- do.-	18.522,15		
Vente par l'intermédiaire de l'I.I.C.I....	13.242, -	Personnel	59.133. -
		Impression de l'Index alphabétique des Instituts d'Art et d'Archéologie:facture Arrault & Cie.du 30/12/46.....	19.631,80
		Impression de "Mouseion" No.109-111, facture Jouve.....	18.914. -
		En caisse	32.584,50
TOTAL:	172.189,80	TOTAL:	172.189,80

Vente de Publications

4ème trimestre 1946.

O F F I C E I N T E R N A T I O N A L D E S M U S E E S

Situation des comptes au 18 avril 1947.

AVOIR.

En caisse ..... 24.386,50 fcs.

FACTURES A PAYER.

Imprimerie Arrault & Cie:

Facture No.10884	125.488,25	fcs.
- No.11078	75.347,40	-
- No.11196	20.017,15	-
Total:	220.852,80	-
Accompte payé le 18.4.47	24.386,50	-
Reste à payer:	196.466,30	-

O F F I C E I N T E R N A T I O N A L D E S M U S E E S

Etat de Recettes et de Dépenses
pendant la période Jan.-Fév.1937.

RECETTES.	Fcs.	DEPENSES	
En caisse	32.584,50	Frais généraux:.....	8.198,00

Recettes - Dépenses:
Solde en caisse ..... 24.386,50 fcs.

ARRAULT & Cie
MAITRES IMPRIMEURS

4 A 12, RUE DE LA PRÉFECTURE
TOURS (INDRE-&-LOIRE)

TÉLÉPH. : 37-91* (7 lignes groupées)
CHÈQUES POSTAUX NANTES 136-72
REGISTRE DE COMMERCE TOURS 4.200

LIVRES ET LABEURS
JOURNAUX - REVUES
IMPRIMÉS PUBLICITAIRES
TYPO-HÉLIO
BROCHAGE
PHOTOGRAVURE
STUDIO DE DESSIN

DUPLICATA

TOURS, LE 26 Décembre 1946

Livraison faite le 4 mai 1957

INSTITUT INTERNATIONAL DE COOPERATION INTELLECTUELLE
Doit M OFFICE INTERNATIONAL DES MUSEES

2, rue de Montpensier

PARIS - 1er

COMMANDE N° 10884

FACTURE N°

LES MARCHANDISES CI-DESSOUS PAYABLES DANS TOURS

3394

	REVUE MOUSEION 55-56		
	Texte : 22 flles in-8° double couronne à 700 ex.		
	Couverture : à 700 ex.		
	-----o-----		
	Composition, mise en placards, mise en pages et tirage avec gravures de 22 flles in-8° dble couronne à 4.600 f. la flle		101.200.--
	Surcharges :		
	187 légendes à 14,15		2.646.--
	190 lignes de notes et petit texte à 75 f. le %		142.50
	33 pages de petit texte à 50 f.		1.650.--
	Corrections d'auteur 120 h à 91 f.		10.920.--
	Couverture : composition et tirage		650.--
	Brochage de 700 ex. à 875 f. le %		6.125.--
	Emballage de 30 colis à 30 f.		900.--
			124.233.50
	Taxe de transaction		1.254.75
			125.488.25

Valeur payable sur relevé.

LIVRAISON faite en SUSPENSION DE LA TAXE

• *Nos traites ne sont pas une dérogation au lieu de paiement qui est Tours, seul lieu attributif de juridiction, quel que soit le mode de paiement.*

• *Les clichés, empreintes, volumes, etc., laissés dans les ateliers et magasins de l'Imprimerie ne sont assurés contre aucun sinistre, ils y restent aux risques et périls de leurs propriétaires. Il en est de même des papiers mis en dépôt par les éditeurs, ou pour leur compte, en vue d'impressions.*

ARRAULT & Cie
MAITRES IMPRIMEURS

4 A 12, RUE DE LA PRÉFECTURE
TOURS (INDRE-&-LOIRE)

TÉLÉPH. : **37-91*** (7 lignes groupées)
CHÈQUES POSTAUX NANTES 136-72
REGISTRE DE COMMERCE TOURS 4.200

LIVRES ET LABEURS
JOURNAUX - REVUES
IMPRIMÉS PUBLICITAIRES
TYPO-HÉLIO
BROCHAGE
PHOTOGRAVURE
STUDIO DE DESSIN

TOURS, LE 28 février 1947

Livraison commencée
le 18 Avril 1947

Doit M INSTITUT INTERNATIONAL DE
COOPERATION INTELLECTUELLE

2, rue de Montpensier

PARIS (1er)

COMMANDE N° 11078

FACTURE N° L 76

LES MARCHANDISES CI-DESSOUS PAYABLES DANS TOURS

2394

	MOUSEION Vol. 57-58		
	Texte : 168 pages in-4° couronne à 500 ex. Couverture a 500 ex.		
	-----o-----		
	Composition, mise en placards, mise en pages et tirage de 10 flles ½ in-8° couronne a 6.200 f. la flle		65.100 "
	Surcharges		4.500 "
	Corrections d'auteur : 55 h. à 91 f.		5.005 "
	Brochage de 500 ex/ à 625 f.		3.125 "
	Couverture		550 "
	Emballage de 8 colis à 30 f.		240 "
			78.520 "
	Baisse 5 %		3.926 "
			74.594 "
	Taxe de transaction		753 40
	Valeur payable sur releve.		75.347 40
		arrondi à	75.347 "

LIVRAISON faite en SUSPENSION DE LA TAXE

• *Nos traites ne sont pas une dérogation au lieu de paiement qui est Tours, seul lieu attributif de juridiction, quel que soit le mode de paiement.*

• *Les clichés, empreintes, volumes, etc., laissés dans les ateliers et magasins de l'Imprimerie ne sont assurés contre aucun sinistre, ils y restent aux risques et périls de leurs propriétaires. Il en est de même des papiers mis en dépôt par les éditeurs, ou pour leur compte, en vue d'impressions.*

ARRAULT & Cie
MAITRES IMPRIMEURS

4 A 12, RUE DE LA PRÉFECTURE
TOURS (INDRE-&-LOIRE)

TÉLÉPH. : 37-91* (7 lignes groupées)
CHÈQUES POSTAUX NANTES 136-72
REGISTRE DE COMMERCE TOURS 4.200

LIVRES ET LABEURS
JOURNAUX - REVUES
IMPRIMÉS PUBLICITAIRES
TYPO-HÉLIO
BROCHAGE
PHOTOGRAVURE
STUDIO DE DESSIN

TOURS, LE 28 Février 1947

Livraison commencée
le 18 Avril 1947

Doit M INSTITUT INTERNATIONAL DE
DE COOPERATION INTELLECTHELLE

2, rue de Montpensier
PARIS (1er)

COMMANDE N° 11196

FACTURE N° L 77

LES MARCHANDISES CI-DESSOUS PAYABLES DANS TOURS

2384

SUPPLEMENT MOUSEION 112-113

Texte : 40 pages in-4° couronne à 500 ex.
Couverture à 500 ex.

------o-------

Composition, mise en pages et tirage de 2 ilies ½ in-8° dble couronne a 6.500 f.		16.250 "
Surcharges		450 "
Corrections d'auteur : 25 h. a 91 f.		2.275 "
Couverture.- Composition et tirage en noir		550 "
Brochage 500 ex. à 255 f. %		1.275 "
Emballage de 2 colis à 30 f.		60 "
		20.860 "
Baisse 5 %		1.043 "
		19.817 "
Taxe de transaction		200 15
arrondi à 20.017 "		20.017 15

Valeur payable sur relevé.

LIVRAISON faite en SUSPENSION DE LA TAXE

• *Nos traites ne sont pas une dérogation au lieu de paiement qui est Tours, seul lieu attributif de juridiction, quel que soit le mode de paiement.*

• *Les clichés, empreintes, volumes, etc., laissés dans les ateliers et magasins de l'Imprimerie ne sont assurés contre aucun sinistre, ils y restent aux risques et périls de leurs propriétaires. Il en est de même des papiers mis en dépôt par les éditeurs, ou pour leur compte, en vue d'impressions.*

OFFICE INTERNATIONAL DES MUSÉES
ET ORGANISMES ASSOCIÉS

INTERNATIONAL MUSEUMS OFFICE
AND ASSOCIATED ORGANIZATIONS

PARIS, 2, RUE DE MONTPENSIER
(PALAIS-ROYAL)

Publications de l'OFFICE DESERNATIONAL DES MUSEES

livrées à l'UNESCO le I8 Avril I947

MUSEOGRAPHIE ..... 42 exemplaires (84 Vol. plus Index)

MANUEL DES PEINTURES ... 35

MANUEL DES FOUILLES 40

RECHERCHE I I0

RECHERCHE II 80

APPAUVRISSEMENT MONUMENTAL 75

REPERTOIRE DES MUSEES DE FRANCE I50

DOSSIER 2 125

MOUSEION 55-56 ..... I00 plus II6 en dépot soit 2I6

MOUSEION 57 -58 I00 non encore livrés par l'imprimeur.

PARIS, le I8 Avril 1947

Pour l'Unesco.

Accusé pour réception

H. Hennequin.

M. Hennequin._

. . . . . 4C

. . . . . 4O

. . . . . 1O

. . . . . 9O

. . . . . 7E

. . . . . 15O

. . . . . 15O

. . . . . 16O plus 11O en c'est soit 27E

.

COPIE

International Museums Office.

April 18th, 1947.

Dear Mr.Carter,

I think it appropriate to send you herewith, for your information, a copy of the letter which I have just addressed to M.Ristorcelli, who is dealing with the liquidation of the affairs of the International Institute of Intellectual Co-operation.

The conclusion to be drawn from that letter is that my agreeing, directly and personally, to wind up the International Museums Office has caused me far too much worry and you will, I am sure, understand that it is no longer possible for me to continue.

Today, I received 50 copies of the last volume of "Mouseion" (No.57/58), together with 50 copies of its Supplement, both of which publications contain the announcement we agreed upon in the course of one of our conversations. Deliveries have thus begun to come in and the relevant printers' invoices are payable as from today. For the time being, the complement of these publications will remain with the printers until further instructions are forthcoming from U.N.E.S.C.O.

Although the 50 copies of "Mouseion" and its Supplement were earmarked for the International Commission for Folk Art (C.I.A.P.), I prefer to place them immediately at your disposal, even if — when you are in possession of the necessary authorisations from the United Nations — I have to ask you to let me have a few copies for the C.I.A.P.; as you know, "Mouseion" was also its official organ.

I believe I have carried out my mission to the very end, despite the innumerable difficulties with which I have had to contend, and though, to my deep regret, I leave a liability behind me, you will, I trust, agree that I have done my very best to avoid it. However, this may be, I venture to hope that the International Museums Office has honorably terminated its existence and that whoever may be called upon to continue its work will find that they have inherited an asset which, after all said and done, is of no small significance.

There is no need for me to add that I shall always

be at your disposal to give you any information you may need for assessing the work of the Office, or any other relevant particulars, and you can be sure that it will at all times be a great pleasure for me to do so.

Believe me to be,

Yours sincerely,

E.Foundoukidis.

E.L.Carter Esq.,
Museums & Libraries Section,
U.N.E.S.C.O.,
19, Avenue Kléber, Paris, 16e.

30 f.

Cinquante-septième année. — N° 186. Le Numéro : [redacted] Dimanche 9 Août 1925.

JOURNAL OFFICIEL

[illegible]LIQUE FRANÇAISE

[illegible]RETS

[illegible]ATIONS ET ANNONCES

ÉDITION COMPLÈTE		
	SIX MOIS	TROIS MOIS
[illegible]	[illegible]	65 fr.
[illegible]	[illegible]	100 »

MINISTÈRE DES COLONIES

Taux officiel de la roupie (page 7689).

Académie des inscriptions et belles-lettres (page 7689).

— française (page 7689).

Annonces (page 7690).

DOCUMENTS PARLEMENTAIRES

PUBLIÉS EN ANNEXES

Chambre des députés. — Annexes: [illegible] (*pour l'édition complète*). (V[illegible] maire des annexes au *Jo*[illegible] chaque mardi.)

LOI autorisant la ratification de la convention concernant le chômage, élaborée à Washington par la conférence internationale du travail, signée à Paris, le 24 janvier 1921 par la France et la Belgique.

Le S[illegible]

le Sénat et par la Chambre des députés, sera exécutée comme loi de l'Etat.

Fait à Rambouillet, le 24 juillet 1925.

Unesco,
15, West 77th Street,
New York.

April 16, 1947.

M. Trygve Lie,
Secretary General,
United Nations,
Lake Success.

Sir,

I have the honour to transmit herewith a letter from Dr.Julian Huxley, Director-General of Unesco, dated March 6th, but received by the undersigned here at the United Nations Headquarters only today.

I deeply regret that by some oversight the letter had been sent from Paris by surface mail instead of by air mail.

May I express here my assurances of cooperation in working out an agreement between the United Nations and Unesco as to the conditions under which our organisation will be granted the use of the assets of the Institute of Intellectual Cooperation.

I have the honour to be, Sir,

Your obedient Servant,

Solomon V.Arnaldo
Acting Resident Observer of Unesco
at the United Nations.

Ministère des
Affaires Etrangères

Secrétariat
des Conférences

Délégation française
à l'Unesco

N° 687

Copie

Paris

Avril 1947

A l'attention des Relations
Extérieures

Monsieur le Directeur Général,

Vous avez bien voulu autoriser M. de Blonay à offrir à la Commission française pour l'Unesco, à titre de prêt, une partie du mobilier de l'Institut International de Coopération Intellectuelle, mobilier qui, aux termes de l'accord passé entre votre Organisation et l'Institut, doit être mis à la disposition de l'Unesco, tout en restant la propriété de l'Organisation des Nations Unies.

Je crois savoir qu'un accord de principe a été donné à ce prêt par un Représentant des Nations Unies et que l'accord formel de cette Organisation ne vous est pas encore parvenu.

J'ai l'honneur de vous adresser ci-joint copie en deux exemplaires de l'inventaire détaillé des meubles en question, dont le Gouvernement français assume, bien entendu, la responsabilité, tant à l'égard de l'Unesco qu'à celui des Nations Unies, en attendant l'accord définitif de cette dernière Organisation.

Je saisis cette occasion pour vous exprimer les plus vifs remerciements du Gouvernement français pour le geste généreux que vous avez eu envers la Commission nationale.

Veuillez agréer, Monsieur le Directeur Général, l'assurance de ma haute considération.

Le Chef de la Délégation p.i.

signé : Guy DORGET

UNITED NATIONS • NATIONS UNIES

LAKE SUCCESS, NASSAU COUNTY, NEW YORK

IN REPLY REFER TO:

406-2-1

31 March 1947.

Dear Mr. de Blonay,

Mr. Solomon V. Arnaldo of the New York office of the United Nations Educational, Scientific and Cultural Organization has transmitted to our Division of Coordination and Liaison the information conveyed to him in your letter of 7 March 1947, namely, that the agreement between your organization and the International Institute of Intellectual Cooperation was signed at the end of December last by the Director-General and Mr. Jean Jacques Mayoux.

I wish to thank you for this information.

Yours sincerely,

M. Perez-Guerrero,
Director, Division of Coordination and Liaison

Mr. Andre de Blonay
Senior Counsellor
External Relations Section
United Nations Educational,
Scientific and Cultural Organization
19, Avenue Kleber
Paris, 16, France.

2.51

28 Avril 1947

Monsieur,

Le Directeur Général me prie d'accuser réception de votre lettre nnn datée concernant le mobilier de l'ancien Institut International de Coopération Intellectuelle, qui a été provisoirement mis à la disposition de la Délégation française à l'Unesco.

Je tiens à préciser que, jusqu'ici, les Nations Unies n'ont pas encore donné leur accord à ce prêt. Des négociations à ce sujet sont en cours à New-York, et je ne manquerai pas de vous en faire connaître le résultat aussitôt qu'elles auront abouti.

En attendant, je vous remercie d'avoir bien voulu me faire parvenir un inventaire détaillé du mobilier de l'ancien Institut de Coopération Intellectuelle, qui se trouve actuellement à la disposition de la Délégation française à l'Unesco.

Veuillez agréer, Monsieur, l'assurance de ma considération distinguée.

André de Blonay,
Relations Extérieures.

Monsieur Guy DORGET
Délégation française à l'Unesco
Secrétariat des Conférences
Ministère des Affaires Etrangères
37 Quai d'Orsay
PARIS

2.092

To: Mrs. Longley. LA/282

From: Ph. Bemberg. 27th March 1947.

ADMINISTRATIVE TRIBUNAL

I am attaching a copy of the draft Statutes for an Administrative Tribunal prepared by this office a month ago for submission to the Standing Committee. Copies were sent to Dr. Huxley and Dr. Laves at the time, but unfortunately the matter did not appear on the Agenda.

The United Nations' Tribunal is competent to settle disputes arising from the administration of the medical benefits scheme and the provident fund. If our Tribunal is to be similar, it seems to me one reason more why it should be set up with the least possible delay, in view of the fact that the arrangements for the medical benefits scheme and provident fund are now completed.

It would, I think, be advisable for us to discuss the question when you have time and to bring it again to the attention of Dr. Laves, so that it may be considered at the next meeting of the Executive Board.

Ph. Bemberg.

UNITED NATIONS NATIONS UNIES

Reg.

Télégrammes : NATIONS, GENEVE
Téléphone : 2 80 00

Palais des Nations
GENEVE

REF. NO : G/I/4/10 (279)

March 26th 1947.

Dear de Blonay,

Thank you for your letter of March 21st transmitting the inventories of the assets of the International Institute of Intellectual Cooperation. I am most grateful to you for your help in this matter.

Yours sincerely,

Abelkin

Assistant Director.

Monsieur André de Blonay, Chief,
External Relations Department,
U.N.E.S.C.O.,
19, Avenue Kléber,
PARIS (16ème)

copy
for xr file

88 Devon St.,
Rosbury 19, Mass.

March 24, 1947.

Mr. R.L. Woodward,
Unesco Public Information Service,
Paris.

Dear Sir,

Some weeks ago I was loaned a copy of the recent publication of the International Institute of Intellectual Cooperation L'Institut International de Coopération Intellectuelle 1925-1946. I was much impressed by this publication and immediately endeavoured to obtain a copy from the Institute. I did not notice at the time that the publication contained a note to the effect that it was not for sale.

At the time that I sent my request I tried to expedite my receiving a copy by forwarding, to the Institute, a money order for what I assumed would be the approximate cost of the publication. Since that time I have heard neither from the officials of the Institute nor from Unesco, which has, by now, I assume, taken over the Institute's functions. I wondered, therefore, if it would be possible for you to look into this matter for me, and to discover if it is possible for me to obtain a copy of the publication.

In addition, I wish to obtain as many as possible of the recent Unesco publications. I am a student at the Harvard Graduate School of Education and I am at present assisting Professor H.W. Holmes in his course on International Educational Problems and Issues, which deals chiefly with Unesco. I am also writing a number of term papers relating to various aspects of Unesco's work, and whatever documents you can send to me will be put to very good use. I may say that I have endeavoured to obtain recent Unesco documents from both the UN and the Unesco offices in New York, amd have unsuccessfully attempted to place a standing order with them for Unesco documents.

I especially desire to obtain a copy of all the Unesco publications which have appeared since the beginning of November conference, particularly those relating to education. I would, for example, be most appreciative if I could have a copy of each of the various publications mentioned in volume 1, No. 1 of the "Newsletter" published by the Reconstruction and Rehabilitation Section, as well as a copy of the "Newsletter" itself. I should also like to receive a copy of all futue additions to the "Newsletter" (English edition).

Mr. R.L. Woodward,
Unesco Public Information Service,
Paris.

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I further wish to obtain a copy of the document (ECO/Conf/29- Conference for the Establishment of Unesco.

I realise, of coursem that there will be a charge for some if not all of these documents, and I will gladly remit a covering money order in advance, if desirable. Should it prove impossible for you to be able to send me a copy of the Institute publication, and if my money order for it has been turned over to you by the Institute, kindly apply it as a partial payment for the documents requested above.

Finally, I should greatly appreciate being notified as soon as possible of the appearance and price of any new Unesco publicationsm such as Fundamental Education.

Yours respectfully,

(signed) A. Goodman

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I realise, of course, that there will be a charge for some if not all of these documents, and I will gladly remit a covering money order in advance, if desirable. Should it prove impossible for you to be able to send me a copy of the Institute publication, and if my money order for it has been burned over to you by the Institute, kindly apply it as a partial payment for the documents requested above.

Finally, I should greatly appreciate being notified as soon as possible of the appearance and price of any new Unesco publications such as Fundamental Education.

Yours respectfully,

(signed) A. Goodman

LAKESUCCESS NY 39 28

47 IN VIRTUE OF GENERALASSEMBLY RESOLUTION OF 19 NOVEMBER 1946 AM HAPPY TO AUTHORIZE UNESCO ASSUME TEMPORARY CUSTODY ASSETS INSTITUTE INTELLECTUAL COOPERATION PENDING NOTIFICATION AT LATER DATE OF DETAILED CONDITIONS OF UTILISATION THESE ASSETS

TRYGVE LIE

FOR DICTATION TO RESIDENT OBSERVER

See last paragraph attached.

MEMORANDUM

March 31, 1947

TO: Mr. Carter, Libraries & Museums

FROM: Andre de Blonay, External Relations

In reply to your Memo of March 24th, I should like to inform you that the various points raised have been brought to the attention of our Resident Observer in New York. I have further sent him a cable, copy of which you received, suggesting that, as a compensation for the expenses incurred, U.N. should grant us the right to sell publications of the Institute for our profit.

As soon as a reply has been received, I will let you know. Meanwhile, I shall communicate some points of your memorandum which have not been put to them previously in detail, to our negotiators in New York.

1/ε

March 24th, 1947

To : M. de Blonay

From : Mr. Carter

With regard to the position of the Institute and International Museums Office libraries and stocks of publications, I suggest that the following letter be put into a form acceptable by you and sent to the United Nations Organisation, and that Mr. Cairns or whoever is responsible in New York, be asked to get definite answers from UN as soon as possible.

"Unesco, in accordance with the decisions of the General Conference, has assumed responsibility for the continuation of such parts of the programmes of the International Institute for Intellectual Cooperation as are considered appropriate. On the authority of the United Nations we have taken over the equipment, library and stock of unsold publications.

We urgently need a statement from the United Nations defining our obligations in respect to trusteeship of the Institute's property.
In the first place, it should be stated that we are aware that since Unesco includes within its members some, but not all, of the United Nations states, whatever authority we possess must be regarded as a responsibility or trust on behalf of UN as a whole, unless a decision is reached, which we will welcome, giving us total and inalienable authority to deal with this property in the manner in which we think best, subject, of course, to the overriding authority of United Nations for Unesco affairs in accordance with our charter.

The property of the Institute in question includes the property originally in the possession of the International Museums Office.

1. Library.

The Library has been built up over the past 20 years without the compilation of any catalogue, therefore no inventory of its contents exists, except for that special part of the Library collected by the International Museums Office. During the war and possibly since, there have been many losses, the exact extent of which is unknown to us.

We must compile an inventory or catalogue of the Library, but cannot do this without additional financial aid enabling us to employ the necessary staff. We calculate that at least three qualified librarians will have to be employed for a period of not less than 6 months, to make a complete inventory.

2. The stock of the Institute's and the International Museums Office's own publications.

There are many thousands of copies of past publications in stock. These are not in good order and no inventory exists. The work of compiling an inventory will require the services of two assistants for a period of two months.

Definite information is wanted with regard to our authority to sell or give copies of these publications to applicants. Many applications are being received which we are not fulfilling. We should be glad to have authority to do so. If we are to sell these publications, definite instructions must be given with regard to the utilisation of monies received. Are these to be credited to Unesco in return for our services as a sales agent?

Mr. Foundoukidis, one-time Director of the IMO, has suggested that his services might be continued for the distribution of IMO publications, so that the monies received can be credited to the IMO account to wipe out existing debts. Unesco has received no detailed statement of the financial position of the Institute or the International Museums Office at the time of their dissolution on 31st December. Since we have had no statement of accounts, we are unable to reach any opinion on the desirability of allowing the monies realised from the sales of the IMO publications to be credited to the IMO as Mr. Foundikidis suggests.

E. J. CARTER.

X-ref

MEMORANDUM

March 31, 1947

TO: Dr. Laves

FROM: Andre de Blonay, External Relations

I have read with interest your memorandum to Mr. Carter dated March 11th concerning storage of books from the Institute. One point I should like to make is that in a recent cable to our Resident Observer in New York I stressed the cost involved for Unesco in the storage and classification of books and publications handed over to us from the Institute of Intellectual Cooperation, and I have suggested that, in view of these costs, we should be authorized to sell whatever publications we do not need for our own benefit.

If this is not agreed to, we should then take up with U.N. the question of the costs incurred in the transfer of assets. In principle, I hardly think that we can ask them to bear the expenditure for materials which, in the last instance, are going to be used by Unesco.

1/g

cc: Mr. Carter

M. de Blonay.

MEMORANDUM

TO : Mr. E.J. Carter,

FROM : Mr. Laves.

March 11th, 1947.

Subject: Storage of books from the Institute of Intellectual Cooperation

In regard to your memorandum of March 6th concerning the storage of books from the Institute of Intellectual Cooperation, I agree that some storage space must be found. Before we rent space outside the building, however, I would like to raise the following questions : -

1) Is there no space in Unesco House for such storage? How many cubic feet of space would be required? Would it not be possible to store the books in one of the many less desirable rooms of Unesco House? The return from rent of these rooms cannot amount to as much as the probable rent in a public warehouse. I think this questions should be very carefully explored, since there are a good many rooms which are not adequate for office space.

2) If space must be rented outside, does this constitute an obligation upon Unesco under the terms of our agreement with United Nations, or can United Nations bear part of the cost.

3) If books are to be stored, is it possible to discard now those which we are not likely to want at any time?

cc. M. de Blonay,
M. Navaux.

MEMORANDUM

X- ref

xxxxxxxxxxxxxxx xxxxxxxxxxxxxxxx

21 Mars 1947

Cher Monsieur,

En reponse a votre lettre du 19 Fevrier, je viens vous faire savoir que je vous fais parvenir par meme courrier deux exemplaires de l'inventaire des avoirs mobiliers de l'Institut International de Cooperation Intellectuelle, qui sont en voie d'etre transferes a la Maison de l'Unesco.

Veuillez agreer, Cher Monsieur, l'assurance de mes sentiments les plus distingues.

Andre de Blonay
Relations Exterieures.

Monsieur A.B. Elkin
Directeur-Adjoint du Bureau
de Geneve des Nations-Unies
Palais des Nations
GENEVE

To : Mr. LAVES

cc. Mr. de BLONAY
Mr. NAVAUX

From : E.J. CARTER

15th March, 1947

Storage of Books from the L.I.L.C.

In answer to your questions contained in your memorandum of 11th March:-

1. I am getting Mr. Navaux's assistant, who is working at the Institute, to make, as near as possible, an exact estimate of the space required. It may be very difficult to produce an exact calculation because the books are scattered around piled about on floors. I understood quite clearly from Mr. Navaux that there is no available accommodation, but I am looking into this in greater detail.

2. Since we are only holding these books on behalf of U.N., we would seem to have a reasonable claim on U.N. for any expenses incurred. I am asking Mr. de Blonay if he can kindly put through an official enquiry to U.N.

3. The books that I consider mainly for storage outside are those in the stock pile of the Institute's own publications. All of these represent potential real estate since they are saleable. It will not be possible to start on any discarding until we have made our inventory. Also, presumably, we must obtain authority from U.N. if any of the books are to be destroyed.

With the staff available in the Library, slightly reinforced by the temporary service of three assistants from the Registry who have latterly been without work, we have been battling with the task of receiving the books of the Institute's Library. An inventory must also be made of these in due course. A very large number of them, possibly as much as 70% or 80%, will not be of current value to Unesco and I would gladly dispense of them, but since they are U.N. property we cannot do it entirely on our own authority.

Mr. de BLONAY - See the second and third questions of Mr. Laves memorandum. Will it be possible for you to make a formal enquiry to U.N. with regard to our authority to discard books from: 1) the Institute stock pile of their own publications ? 2) the stock of the Institute Library which is not required in the Unesco Library ?

Could we have a word, please, about this on Monday ?

EE

111C Rome Palletine

To : Mr. LAVES

cc. M. de BLONAY
M. NAVAUX

From : E.J. CARTER

11th March, 1947

Books, Periodicals, etc. from the I.L.I.C.

A decision must be reached soon about the Institute stocks other than the Library stocks which are being assimilated into our own Unesco Library.

In the course of the last twenty years the Institute has published several hundreds of books, pamphlets and periodicals, the stock of which is immense and of considerable value.

Applications are being received for these publications and clearly if some advertisement were made of them a considerable sale could be effected. It would be possible, for instance, to put a notice, even a complete list, in the Bulletin for Libraries.

I believe that Unesco now possesses authority from U.N. to deal with the sale of these publications. A decision must be reached as soon as possible on the following matters :-

a) the place where the stock pile is to be kept. I sent a note down to you some days ago recommending that we should find some warehouse for this purpose. My office looks out on whatever French Government building faces Unesco House in Rue Laperouse. Would it be possible to get some rooms in that building - they do not all seem to be occupied;

b) the method by which an inventory can be made. I understand U.N. have asked for an inventory (they have also asked for one copy of everything, including books in duplicate in the Institute Library). I suggest that two persons, possibly old Institute staff - whoever are available - be employed at once to compile this inventory. Possibly this is a job which Mr. Massoulier could do with a girl clerk;

c) the stock must be valued and any unpriced publications must have prices attached.

It must be decided which Department of Unesco is responsible for the maintenance and sale of this stock pile. It is not a job for the Libraries Section. I feel rather strongly that we cannot let this slide. A quite simple decision is required as to the placing of the responsibility for the execution of the necessary work, and most important of all, and also the most difficult, action must be taken to find suitable storage space.

EE

X

file

March 10th, 1947.

Dear Mr. Stanczyk,

I am instructed by the Director-General to acknowledge receipt of your letter of February 27th concerning Unesco's utilisation of the assets of the International Institute of Intellectual Cooperation, now the property of the United Nations.

Concerning the request for a copy of the detailed inventory of the archives of the Institute, we shall be glad to forward this to you as soon as available.

With relation to the request for the Library of the United Nations to have duplicates of books and publications of the Institute, as may be available after Unesco has taken over its assets, may I say that our Library Section agrees in principle with it. However, this whole question will have to be settled after the agreement between Unesco and the United Nations is made concerning the conditions under which the former organisation is to utilise the assets of the Institute.

Yours very truly,

E. ARENALES
Counsellor
External Relations

Jan Stanczyk, Esq.,
Director, Department of Social Affairs,
United Nations,
Lake Success,
NEW YORK.

March 7. 1947

Mr. M. Perez-Guerrero, Director
Division of Coordination and Liaison
United Nations
Lake Success, Nassau County
New York

Dear Sir,

I acknowledge receipt of your letter of February 25th which has just reached me and from which I was most disturbed to hear that our letter of December 20 had taken more than a month to reach you.

I want to confirm, herewith, that the agreement between Unesco and the International Institute of Intellectual Cooperation was signed on December 20, 1946, after we had written to you, so that it came into force at the time of the Institute's official dissolution. I am sorry that this information should not have been conveyed to you before.

In reply to your request of January 24, we had asked our New York office to get in touch with you on the subject.

You will find enclosed, for your information, a copy of the letter which the Director-General of Unesco wrote yesterday to the Secretary-General of the United Nations, in reply to his cable authorizing Unesco to assume temporary custody of the assets of the Institute pending notification at a later date of detailed conditions of utilisation of these assets. As stated in this letter, our Resident Observer in New York has been invited to initiate negotiations with the United Nations at the earliest possible date with a view of reaching an agreement on the conditions under which the assets will be utilised.

Your faithfully.

Andre de Blonay
Senior Counsellor
External Relations Section

l/g

March 7th, 1947.

To: M. de Blonay.

From: E.J. Carter.

See this letter from M. FOUNDIKIDIS, I suggest that we let him dispatch these copies of MOUSEION. There is obviously an obligation incurred by the I.I. of I.C. to distribute these 1946 publications and we don't want to have to do it. This is quite another matter to allowing him access to all publications in the I.I. of I.C. stock.

With regard to his right to an office as Secretary-General of the Commission des Arts populaires - you will see that he states specifically that this is by permission of the French government. Magoux confirms this.

Who is at present receiving I.M.O. correspondence and possibly cheques for publications ordered? This matter should be investigated.

I agree to the insertion of the notice in the last issue of MOUSEION as suggested.

E.J. CARTER,
Counsellor, Libraries and Museums.

March 7th, 1947.

Dear M. Foundoukidis,

Thank you for your letter of the 5th March, which I am glad to receive as a clarification of some of the matters we discussed. The points you raise will be discussed here and I hope to write to you again in a few days.

Yours sincerely,

E.J. CARTER,
Counsellor, Libraries and Museums.

M. El Foundoukidis,
Commission International
des Arts et Traditions Populaires,
2 rue de Montpensier,
PARIS.

COMMISSION INTERNATIONALE DES
ARTS ET TRADITIONS POPULAIRES

INTERNATIONAL COMMITTEE
ON FOLK ART AND FOLKLORE

PARIS, 2, RUE DE MONTPENSIER
(PALAIS-ROYAL)

PARIS, le 5 mars 1947

Cher Monsieur,

Comme suite à l'entretien que j'ai eu ce matin avec vous même et M. de Blonay, je crois devoir confirmer comme suit l'une des questions à laquelle il fut fait allusion au cours de cette rencontre.

Par suite de difficultés purement techniques, trois des dernières publications de MOUSEION, prévues dans le programme de l'exercice 1946 comme devant être éditées par l'Office international des Musées, n'ont pu être livrées par les imprimeurs. Dès lors, leur transmission aux abonnés et aux lecteurs ne pourra être matériellement achevée que ce mois-ci.

Pour plus de précision, je tiens à souligner qu'il s'agit des volumes 55-56 et 57-58 de la revue MOUSEION et du fascicule 112-113 de son supplément mensuel.

Ainsi que vous le savez, la revue MOUSEION était également l'organe de la Commission internationale des Arts et Traditions Populaires dont j'assume le secrétariat général. Cette organisation, vous ne l'ignorez pas, est indépendante de l'ancienne organisation de Coopération intellectuelle; elle conserve à sa disposition, grâce à la courtoisie du Ministère Français des Affaires Etrangères, un bureau dans les locaux du Palais-Royal. Ma présence dans ces locaux, en ma seule qualité de Secrétaire Général de la Commission internationale des Arts et Traditions Populaires, me permet de vous soumettre en ce moment la proposition suivante:

Pour prévenir toute complication et de nouveaux retards dans la distribution des derniers volumes de MOUSEION, le Secrétariat Général de la Commission internationale des Arts et Traditions populaires serait disposé à assumer la distribution des fascicules en question (abonnements, vente au numéro, échanges, services gratuits, etc.

Il va de soit, qu'une fois ces derniers services de Mouseion à ses lecteurs effectués, les exemplaires restant (envi-

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COMMISSION INTERNATIONALE DES
ARTS ET TRADITIONS POPULAIRES

INTERNATIONAL COMMITTEE
ON FOLK ART AND FOLKLORE

PARIS, 2, RUE DE MONTPENSIER
(PALAIS-ROYAL)

ron 350) resteront à la disposition de l'UNESCO.

Ce mode de faire aurait l'avantage de décharger, matériellement et moralement, l'UNESCO de la distribution des publications retardées pour des raisons fortuites, mais éditées sous la responsabilité de l'ancienne Coopération intellectuelle.

Je vous saurais gré de vouloir bien, pour prévenir tout nouveau délai, me faire part de votre accord dès que faire se pourra.

La présente lettre m'offre l'occasion d'appeler une nouvelle fois votre attention sur un point de détail qui avait déjà fait l'objet d'un entretien au mois de décembre 1946. Il s'agissait de ceci: - l'usage généralement observé en pareil cas voudrait que, lors de l'envoi aux lecteurs du dernier numéro de MOUSEION, soit joint ou inséré dans ce volume une notice sur les changements affectant la publication du périodique. Si vous voulez bien partager mon avis sur ce point, je ferai parvenir aux lecteurs de MOUSEION, en même temps que le dernier numéro de cette publication, la notice explicative, dont un projet figure ci-joint.

Veuillez agréer, Cher Monsieur, l'assurance de mes sentiments les meilleurs,

(E. FOUNDOUKIDIS)

E.L. CARTER Esq.

Section des Musées et Bibliothèques,
Maison de l'UNESCO,
19 avenue Kléber - PARIS XVI -

N O T I C E.

AUX ABONNES ET LECTEURS DE MOUSEION.

Ce numéro (57-58, 2ème semestre 1946) de la revue MOUSEION est le dernier qui soit publié par l'Office international des Musées et organismes associés sous les auspices de l'Institut international de Coopération intellectuelle. L'ensemble des activités de cet Institut est transféré, par décision des Nations Unies, à dater du 1er janvier 1947 à l'Organisation des Nations Unies pour l'Education, la Science et la Culture (UNESCO, 19 avenue Kléber, Paris XVIe).

31st March, 1947.

To : Mr. Carter
Mr. de Blonay

From : Miss Cuypers M.C.

I went to see Mr. Foundoukidis this morning in connection with his request to distribute the remaining issues of "Mouseion" in order to balance up his accounts. I am perhaps not aware of all the complications involved in the arrangements with the International Museums Office, but it does seem to me that in spite of the difficulties with Mr. Foundoukidis' temperament, the situation is not at the moment as complicated as it has been made out to be.

At the present time there are three publications which have not been generally distributed:

1. "Mouseion", 55-56, delivered from the printers 4th March 1947. Mr. Foundoukidis received 338 copies, of which he distributed 122, before he was instructed by us to cease distribution. There remain now 216 copies in Mr. Foundoukidis' office. Since then 360 more copies have been received, which are at present at Unesco. The printing costs of this issue amount to Frs. 125,450.

2. "Mouseion", 57-58. This issue is still at the printers, and the cost of publication is Frs. 75,348.

3. "Mouseion" supplement, 112-113, November-December 1946. This is also still at the printers, but will be paid for by funds which Foundoukidis still has available.

The total sum of (1) and (2) amounts to approximately Frs. 200,836 which, according to Mr. Foundoukidis, is the only debt still outstanding of the International Museums Office. His plan for the payment of this debt is the following.

In December Foundoukidis made an arrangement with the Relations Culturelles division of the French Government by which they would buy from him copies, varying in number from 40 - 100, of ten different International Museums Office publications for approximately Frs. 200,000. Actually the French Government is apparently willing to pay this debt of the International Museums Office, and the giving of publications in exchange is merely a token, therefore Foundoukidis has picked the least valuable of his publications to give to the French Government for this sum.

Due to the delay in any formal arrangements, Foundoukidis is not sure whether the French Government will stillbe willing to carry on with this plan, but at the beginning of March they were still prepared to do so.

N. C.

It is therefore at the present time simply a matter of giving Foundoukidis authorisation to sell copies of these ten different publications to the French Government for a sum amounting to the total cost of the three publications which still have to be paid for. We will then receive these three remaining publications at no cost and can do with them as we see fit.

Unless Foundoukidis has some complicated scheme up his sleeve of which I am not aware, this seems to be a fairly straightforward and simple arrangement by which to liquidate the IMO debts.

Would it be possible to cable UNO requesting immediate authorisation for Foundoukidis to carry out this plan? Further arrangements regarding the disposition of IMO assets could be decided upon later, and if we could have authorisation now to let Foundoukidis liquidate this last debt in the above manner, it seems to me that the problems in connection with Foundoukidis and the IMO would be greatly simplified.

If we attempt to take over the assets of the IMO including this Frs. 200,000 debt, it seems to me the situation would be far more complicated. The three issues mentioned above have already gone to press, and we cannot stop their publication. Since it was Foundoukidis who made the arrangement with the Relations Culturelles for the payment of his Frs. 200,000 debt, it would seem advisable to let him carry on with this plan, with the strict understanding that this is his last action on behalf of the IMO and merely a matter of liquidating his debt.

It does seem to me that there is some justification for Foundoukidis' complaints about the delay in completing his arrangements, since all this could have been done very easily last December.

As far as an inventory of the remaining IMO publications is concerned, Foundoukidis stated that he is in not in possession of such an inventory. The IMO publications were part of the Institut stock, and if an accurate inventory exists (which is doubtful), it must be in the possession of whoever is responsible for the Institut's publications as a whole.

I do not know if you are aware of the fact that there is a room in the Institut building which is crammed full of old Institut publications. These are scattered all over the floor and are in the most deplorable condition; furthermore, many of them are being stolen every day. I do not know if these publications have any great value, but it does seem somewhat of a waste to have them lying around when they might still be of some use.

~~André~~ de Blonay ×
pour Mlle ?

le 5 mars, 1947

A: M. Navaux

De: G. Henniquau

Incendie survenu ce jour à l'Institut de Coopération Intellectuel

Rentrant après déjeuner à l'Institut de Coopération Intellectuel, nous avons été mis au courant des faits suivants.

" A 14h.5 une passante voyait une épaisse fumée sortir d'une pièce du rez de chaussée du Palais Royal, chambre qui donne d'une part sur la rue Montpensier et d'autre part sur la galerie de Chartres - cette pièce sert de réserve à l'Institut qui y a entreposé un certain nombres de brochures et de livres d'edition.

Cette personne prévint la concierge, Mme Labatue, qui de son côté avertit Police-Secours.

Dans l'entretemps, un de nos ouvriers, M. Junker, venant reprendre son travail, se rendit compte de la situation et avec une rapidité d'éxécution dont il y a lieu de le louer, et aidé par des peintres, il s'attaqua au foyer au moyen de seaux d'eau et vint à bout de l'incendie au moment ou les pompiers arrivaient sur les lieux. Ces derniers terminèrent le travail et arrosèrent abondamment la partie atteinte.

Constat a été dressé par Commissaire de Police - ont signé le procés-verbal; MMs Junker et Segouin tous deux employés à l'UNESCO comme ouvriers de peine.

Constations Personnelles:

1) Quand nous avons quitté les lieux en compagnie de MMs Carter, De Blonay et Navaux, nous n'avons perçu aucune odeur laissant prévoir cet incendie - (13h)

2) Mme Labatue, concierge de l'Immeuble est rendue vers 13h 10 à son garde-manger situé à quelques mètres du lieu du sinistre et qui n'est separé de lui par aucune porte, et n'a de son côté rien remarqué d'anormal.

3) Il est à signaler que ces lieux sont fréquemment visités par les peintres qui ont constitué leur dépôt de matières premières dans une pièce contigue.

4) Nous appuyant sur ces considérations premières, il nous semble difficile d'admettre que cet incendie ait pu être occasionné par une cigarette, étant donné qu'il n'y avait que des livres en ballots ou en caisses; le matin même et sur nos instructions, tous les livres éparpillés avaient été mis dans des caisses, afin de préparer leur prochain enlèvement. (Les deux ouvriers chargés de ce travail ne fument pas.) xx

5) Environ 6 ou 7 paquets ont été atteints, les livres, brulés sur leur tranche, sont pour la plupart inutilisables (environ 600 livres et brochures diverses éditiés par l'Institut.)

G. HENNIQUAU

P.S. M. Belun de Ballut, adjoint de M. Foundikidis, présent a également prêvenu la concierge.

xx. Le 6.3.47. / Nous tenons pourtant à signaler que dans le coin de la chambre où l'incendie a pris naissance, il y avait quelques poignées de paille de bois non entièrement consumées. —

xxx xxx xxxxxxx

xxxxxxxxx

Directeur-General

xxxxxxx xxxxxx

xxxxxxxxx

Director-General

March 6, 1947

Sir,

I gratefully acknowledge receipt herewith of your cable No. 47 authorizing the United Nations Educational, Scientific and Cultural Organisation to assume, by virtue of the resolution passed on November 19, 1946, by the General Assembly of the United Nations, the temporary custody of the United Nations' assets in the International Institute of Intellectual Cooperation, this until the conditions under which Unesco will be guaranteed the utilisation of these assets are defined.

The purpose of this letter is to inform you of the steps which we have taken up to the present date in relation to the International Institute of Intellectual Cooperation, following your letter of December 9, 1946, by which you informed us of the text of the resolution adopted in this respect by the General Assembly.

As recommended by the above-mentioned resolution, an agreement was concluded before December 31 between Unesco and the International Institute of Intellectual Cooperation, the text of which was transmitted to you and which came into force after having been signed by the Director of the Institute, M. Jean Jacques Mayoux, and myself.

Besides providing for the measures required to ensure, as far as possible within the framework of Unesco, the continuity of the functions and previous activities of the Institute, the agreement envisaged the practical steps to be taken after December 31, 1946 - the date set by the French Government for closing down the Institute - to safeguard the assets of the United Nations in the Institute and to place them under the custody of Unesco pending final negotiations concerning the conditions of their utilisation.

In the course of January a detailed inventory of these assets was made by officials of this organisation and of the Institute to find out whether the assets available at the time of the Institute's dissolution corresponded to the inventory previously submitted to the United Nations through the League of Nations.

This inventory was in process of being made when the French Government, to which the building formerly occupied by the Institute belonged, requested that it should be evacuated without delay and that Unesco should agree to take over the above assets. At this very time contact was established with the Geneva office of the United Nations, whose Assistant Director, Mr. Elkin, came to Paris on February 6th to 8th to discuss several matters connected with the taking over by the United Nations of the Institute assets. In the course of the conversations which then took place the various aspects of the emergency situation created by the request of the French Government were considered, and, while it was agreed that Unesco did not hold yet an actual title for the utilisation of the assets, it was also agreed that it was its duty to accept the responsibility of taking them over pending final negotiations in New York. It was further proposed that, subject to confirmation by you, the United Nations should accept as a valid inventory of their assets the document in process of preparation by the officials of Unesco and of the Institute.

Following this decision, removal of the assets, namely the furniture, the library and the archives of the Institute, was begun. At the time of writing it is not yet completed, as it is being done under the close supervision of Unesco officials to prevent damage and losses.

The next step is that an agreement should be reached between the United Nations and Unesco as to the conditions under which this organisation will be granted the use of the Institute assets. I have instructed our Resident Observer at the United Nations Headquarters, M. Valere Darchambeau, to initiate without delay negotiations to this effect, and I trust that a solution satisfactory to both parties can be found.

I wish to sieze this opportunity for telling you the gratitude of Unesco for the decision made by the United Nations to grant it the utilisation of the Institute assets. This decision will ensure that a real continuity be achieved between the pioneering work to which the efforts of the Institute were devoted before the second world war and the broader program to which Unesco is committed.

I have the honour to be, Sir,

Your obedient Servant,

Julian Huxley
Director-General

Mr. Trygve Lie, Secretary General
United Nations
Lake Success, Long Island
New York, N. Y.

UNITED NATIONS NATIONS UNIES

Palais des Nations,
Geneva.

March 4th 1947.

Dear de Blonay,

I wrote to you a little time ago asking you if you could let us have copies of the inventories of the assets of the International Institute of Intellectual Cooperation at your early convenience. We have to sign the Protocol completing the transfer of these assets to the United Nations very shortly, so the matter is rather urgent. I should be very grateful if you would assist us, and procure the documents from your administrative people.

With kind regards,

Yours sincerely,

ABrelpin

Monsieur André de Blonay,
U.N.E.S.C.O.,
19, Avenue Kléber.

Registry

21 mars 1947

~~27 Février 1947~~

Cher Monsieur,

En réponse à votre lettre du 19 Février, je viens vous faire savoir que je vous fais parvenir par même courrier deux exemplaires de l'inventaire des avoirs mobiliers de l'Institut International de Coopération Intellectuelle, qui sont en voie d'être transférés à la Maison de l'Unesco.

Veuillez agréer, Cher Monsieur, l'assurance de mes sentiments les plus distingués.

André de Blonay,
Relations Extérieures.

Monsieur A.B. Elkin
irecteur-Adjoint du Bureau
e Genève des Nations-Unies
Palais des Nations
GENEVE

21 mars, 1947
~~27 Février 1947~~

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André de Blonay,
Relations Extérieures.

Monsieur A.B. Elkin
irecteur-Adjoint du Bureau
e Genève des Nations-Unies
Palais des Nations
GENEVE

UNITED NATIONS

NATIONS UNIES

Palais des Nations,
Geneva.

February 19th 1947.

Dear Monsieur de Blonay,

When I was in Paris you were good enough to promise me copies of the inventory of the movable assets of the Institute of Intellectual Cooperation. I should be very much obliged if you could let us have two copies of these inventories at your early convenience. The matter is urgent for us, as we are anxious to sign the final Protocol of Transfer with the League of Nations as soon as we can.

Yours sincerely,

Elkin

A.B. Elkin,
Assistant Director.

Monsieur A. de Blonay,
Chief, External Relations Section,
U.N.E.S.C.O.,
19, Avenue Kléber,
Paris.

UNITED NATIONS NATIONS UNIES

LAKE SUCCESS, NEW YORK.

Reference:

406-2-1/IG 27 February 1947

Sir,

In accordance with the resolution adopted by the General Assembly of the United Nations at its forty-ninth plenary meeting on 19 November 1946, the text of which you have no doubt received, the Secretary-General of the United Nations was invited to authorize UNESCO to utilize the assets of the International Institute of Intellectual Cooperation, transferred by the League of Nations to the United Nations.

The Secretariat of the United Nations would be interested in receiving a copy of the detailed inventory of the archives of the Institute and also in having for the Library of the United Nations such duplicates of books and publications of the Institute, as may be available after UNESCO has taken over its assets.

A similar communication is today being sent to Mr. Mayoux, Director of the International Institute of Intellectual Cooperation at the time of the last General Assembly.

I have the honour to be,

Sir,

Your obedient servant,

Jan Stanczyk
Director
Department of Social Affairs

Dr. Julian Huxley,
Director-General,
United Nations
Educational Scientific
and Cultural Organisation,
UNESCO House,
19 Avenue Kleber,
Paris 16e.

February 22nd, 1947.

To : Dr. Klaasesz.

From : E. Arenales, External Relations.

Inventory of Assets of the Institute of Intellectual Cooperation.

M. de Blonay would like to have a copy of the final inventory of the moveable assets of the Institute of Intellectual Cooperation, as approved by Mr. Elkin, for transmittal to the United Nations.

E. ARENALES.

xx/2/jbc.

ORGANISATION DES NATIONS UNIES
POUR L'ÉDUCATION, LA SCIENCE & LA CULTURE

COMMISSION PRÉPARATOIRE

Tel. : KLÉber 52-00
Telegr. : UNESCO-PARIS

9.51

UNITED NATIONS EDUCATIONAL,
SCIENTIFIC & CULTURAL ORGANISATION

PREPARATORY COMMISSION

Unesco-House,
19, Avenue Kléber
Paris 16e

Your No.

Our No.

Please address all correspondence to
The Exécutive Secretary

February 21, 1947

TO: Dr. Warendorf, Legal

FROM: Andre de Blonay, External Relations

Thank you for your memorandum concerning the assets of the International Institute of Intellectual Cooperation. I am transmitting this memorandum to Dr. Klassesz as a guide in the removal operations which are at present taking place. I have instructed Dr. Klassesz to get in touch with you should any controversial question arise as to the character of some of these assets.

Blonay

l/g

February 21, 1947

TO: Dr. Warendorf, Legal

FROM: Andre de Blonay, External Relations

Thank you for your memorandum concerning the assets of the International Institute of Intellectual Cooperation. I am transmitting this memorandum to Dr. Klassesz as a guide in the removal operations which are at present taking place. I have instructed Dr. Klassesz to get in touch with you should any controversial question arise as to the character of some of these assets.

l/g

February 21, 1947

TO: Dr. Klasseez, Administration

FROM: Andre de Blonay, External Relations

You will find enclosed a memorandum which has been drawn up by the Legal Adviser of this organisation concerning the assets of the International Institute of Intellectual Cooperation and in particular the character of some parts of these assets. Please use this memorandum as a guide in the execution of the removal operations at present under way. Should any controversial question arise, I would be grateful to you if you would consult with Dr. Warendorf.

1/g

2.092
20.2.47.

TRIBUNAL ADMINISTRATIF DE L'UNESCO

PROJET DE STATUT

Article ler

Un tribunal est établi par le présent statut, sous la dénomination de Tribunal administratif de l'Unesco.

Article 2

1. Le Tribunal est compétent pour connaître des requêtes invoquant l'inobservation du contrat d'engagement des fonctionnaires du Secrétariat de l'Unesco, y compris les dispositions pertinentes du statut du personnel.

2. Ont accès au Tribunal :

(a) Tout fonctionnaire du Secrétariat de l' Unesco, même si son emploi a cessé, ainsi que toute personne ayant succédé mortis causa aux droits du fonctionnaire.

(b) Toute autre personne pouvant justifier de droits résultant du contrat d'engagement du fonctionnaire décédé, y compris les dispositions du statut du personnel dont pouvait se prévaloir ce dernier.

3. En cas de contestation sur le point de savoir s'il est compétent, le Tribunal décide.

Article 3

1. Le Président sera un juriste désigné par la Cour internationale de Justice. Il sera assisté de deux membres du Conseil exécutif, d'un représentant de l'Administration de l'Unesco, désigné par le Directeur Général et d'un représentant du personnel.

Sauf le Président et le représentant de l'Administration, les trois autres membres seront élus selon les dispositions figurant dans les règles de procédure.

2. Le Tribunal comprend un greffier et un greffier adjoint, membres du Secrétariat de l'Unesco, désignés par le Directeur général. En cas d'empêchement ou de vacance de poste, le greffier et le greffier adjoint sont remplacés par un fonctionnaire désigné par le Directeur général.

Article 4

Le Tribunal se réunit en sessions ordinaires aux dates fixées par son règlement, sous réserve qu'il y ait des affaires au rôle et que, de l'avis du Président, ces affaires justifient la tenue de la session. Le Président peut convoquer des sessions extraordinaires si les affaires inscrites au rôle sont de nature à les justifier.

Article 5

1. Le Directeur général de l'Unesco prend les mesures administratives nécessaires au fonctionnement du Tribunal.

2. Les dépenses du Tribunal sont supportées par l'Unesco.

Article 6

1. Sous réserve des dispositions du présent Statut, le Tribunal arrête et, au besoin, amende le Règlement.

2. Le Règlement contiendra des dispositions concernant :

(a) l'élection des trois juges prévue à l'article 3 ;

(b) la composition du Tribunal pour ses sessions ;

(c) les règles à suivre pour l'introduction des requêtes et le développement de la procédure ;

(d) l'intervention dans l'instance des personnes ayant accès au Tribunal selon l'alinéa 2 de l'article 2, qui peuvent voir leurs droits affectés par le jugement à intervenir ;

(e) l'audition, dans un but d'information, des personnes qui, sans être parties au procès, ont accès au Tribunal selon l'alinéa 2 de l'article 2 ;

(f) d'une façon générale, toutes autres questions relatives au fonctionnement du Tribunal.

Article 7

1. Une requête n'est recevable que si la décision contestée est définitive, l'intéressé ayant épuisé tous moyens de recours mis à,sa disposition par le statut du personnel.

2. Au cas où l'administration, saisie d'une réclamation, n'a pas notifié à l'intéressé sa décision touchant ladite réclamation dans les soixante jours à compter de la présentation de cette dernière, la requête est recevable au même titre qu'une requête contre une décision définitive.

3. Sauf décision contraire prise par le Tribunal dans un cas particulier, la requête, pour être recevable au même titre, doit être introduite dans les quatre-vingt-dix jours à compter de la notification à l'intéressé de la décision contestée ou, s'il s'agit d'une décision affectant toute une catégorie de fonctionnaires, de la date de sa publication. Si la décision contestée a été notifiée à l'intéressé ou publiée avant une date à fixer par le Président comme étant celle de la constitution du Tribunal, le délai de quatre-vingt-dix jours commencera à courir à compter de cette date.

4. L'introduction d'une requête n'a pas pour effet de suspendre l'exécution de la décision contestée.

Article 8

1. Le Tribunal ne donne suite aux requêtes que si, dans les soixante jours à compter de l'introduction de la requête, l'intéressé a déposé dans la caisse de l'administration un montant équivalent à telle fraction de son traitement annuel qui sera fixée par le Règlement du Tribunal, sans qu'elle puisse excéder deux pour cent de ce traitement.

2. Le Tribunal, en rendant son jugement, ordonne le remboursement du dépôt au requérant, sauf s'il estime que la requête était futile.

Article 9

Dans chaque cas, le Tribunal décide de la mesure dans laquelle les débats seront publics.

Article 10

S'il reconnaît le bien-fondé de la requête, le Tribunal ordonne l'annulation de la décision contestée ou l'exécution de l'obligation invoquée. Si cette annulation ou exécution n'est pas possible ou opportune, le Tribunal alloue à l'intéressé une indemnité pour le préjudice souffert. L'indemnité ainsi allouée est payée par l'Unesco.

Article 11

1. Le Tribunal décide à la majorité des voix.

2. Les jugements sont définitifs et sans appel.

3. Les jugements sont motivés.

4. Les jugements sont rédigés en deux originaux qui sont déposés aux Archives du Secrétariat de l'Unesco.

5. Il est remis copie du jugement à chacune des parties. Il en est également remis copie, sur requête, à tout intéressé.

20.2.47.

Statute of the Administrative Tribunal of Unesco

Article 1.

The Tribunal is established by the present Statute to be known as the Unesco Administrative Tribunal.

Article 2.

1. The Tribunal shall be competent to adjudicate upon applications alleging non-observance of contracts of employment of officials of the Secretariat of Unesco, including the pertinent provisions of staff regulations.

2. The Tribunal shall be open

(a) to any official of the Secretariat of Unesco, even after his employment has ceased, and to any person who has succeeded to the official's rights on his death;

(b) to any person who can show that he is entitled to rights under the contract of employment of a deceased official, including the provisions of staff regulations upon which the official could have relied.

3. In the event of a dispute as to whether the Tribunal has competence, the matter shall be settled by the decision of the Tribunal.

4. The Tribunal shall be competent to adjudicate upon an appeal referred to it, according to the provisions of Regulation 26 of the staff regulations.

Article 3.

1. The Tribunal shall be composed of 5 members.

The chairman shall be a lawyer designated by the International Court of Justice. He shall be assisted by 2 members of the Executive Board, 1 representative of the administration of Unesco designated by the Director General and 1 representative of the staff. Except the chairman and the representative of the administration, the 3 other members shall be elected according to the provisions included in the rules of procedure.

2. The Tribunal shall have as Registrar and as Deputy Registrar members of the Secretariat of the Unesco, who shall be appointed by the Director-General. The Registrar and the Deputy-Registrar, if unable to act or if the posts are vacant, shall be replaced by officials designated by the Director-General.

Article 4.

The Tribunal shall hold ordinary sessions at dates to be fixed by its Rules, subject to there being cases on its list which, in the opinion of the President, justify holding the session. Extraordinary sessions may be convoked by the President when required by the cases on the list.

Article 5.

1. The Director-General of Unesco shall make the administrative arrangement necessary for the functioning of the Tribunal.

2. The expenses of the Tribunal shall be borne by Unesco.

Article 6.

1. Subject to the provisions of the present Statute, the Tribunal shall establish its Rules and may amend them from time to time.

2. The Rules shall include provisions concerning:

(a) Election of the 3 members of the Tribunal mentioned in article 3.

(b) Composition of the Tribunal for its sessions;

(c) Presentation of applications and the procedure to be followed in respect to them;

(d) Intervention by persons to whom the Tribunal is open under paragraph 2 of Article 2, whose rights may be affected by the judgment;

(e) Hearing, for purposes of information, of persons to whom the Tribunal is open under paragraph 2 of Article 2, even though they are not parties to the case; and generally

(f) Other matters relating to the functioning of the Tribunal.

Article 7.

1. An application shall not be receivable unless the decision contested was final, and unless the person concerned has exhausted the means of redress available to him under applicable staff regulations.

2. Where the administration has not notified to the person concerned a decision on a claim within sixty days after the claim was made, an application shall be receivable in the same manner as an application against a final decision.

3. Except as the Tribunal may in a particular case decide otherwise, an application shall not be receivable unless it is filed within ninety days after the notification to the person concerned of the decision contested or, if the decision affects a class of officials, within ninety days after the date of its publication. If the decision contested was notified to the person concerned or published before the date to be fixed by the President as the date of the constitution of the Tribunal, the period of ninety days shall begin to run from that date.

4. The filing of an application shall not have the effect of suspending the execution of the decision contested.

Article 8.

1. No action shall be taken by the Tribunal upon an application unless the applicant deposits with the administration concerned, within the period of sixty days after the filing of the application, an amount equivalent to such proportion of his annual salary, not to exceed two per cent, as shall be fixed by the Tribunal.

2. The Tribunal in rendering judgment shall order the refund of the deposit to the applicant unless it finds that the application was frivolous.

Article 9.

The Tribunal shall decide in each case as to the extent to which the oral proceedings shall be held in public.

Article 10.

If the Tribunal finds that the application is well-founded, it shall order the rescinding of the decision contested or the specific performance of the obligation invoked; but if such rescinding or specific performance is impossible or inadvisable, the Tribunal shall order the payment to the applicant of compensation for the injury sustained. The compensation awarded shall be paid by Unesco.

Article 11.

1. The Tribunal shall take all decisions by a majorityvote.

2. The judgments shall be final and without appeal.

3. The judgments shall state the reasons on which they are based.

4. The judgments shall be drawn up in two originals, which shall be deposited in the archives of the Secretariat of Unesco.

5. A copy of the judgment shall be communicated to each of the parties in the case. Copies shall also be made available on request to interested persons.

2.092

jcew/ml/231

20th February, 1947.

MEMORANDUM FROM OFFICE OF LEGAL ADVISER

TO : Mr. Julian Huxley

(Copy to: Mr. Walter H.C. Laves,
H. Thomas.)

MEMORANDUM ON THE ADMINISTRATIVE TRIBUNAL

Regulation 29 of the Staff Regulations, as approved by the General Conference, reading as follows:

> "Any dispute arising between the Organisation and a member of the staff regarding the fulfilment of the contract of a member of the staff or arising out of disciplinary action, may be referred for final decision to an Administrative Tribunal to be established by the Executive Board for such period as may be necessary pending definitive arrangements with United Nations."

calls for some action on the part of the Secretariat: the Office of the Legal Adviser submits herewith

Draft Statute for an Administrative Tribunal.

As a matter of principle, it seems to me that this matter should be considered by the Executive Board in Plenary Session. However, if you think it advisable to submit the text of this Statute in its draft form to the forthcoming meeting of the Standing Committee, all the necessary documents have been prepared and translated for mimeographing and distribution.

The Draft Statute calls for the following comments:

The Draft Statute has been based in its essentials on the Statute for the Administrative Tribunal of the United Nations, as that was submitted for consideration by the General Assembly (Second Part, First Session) and was sent to Unesco with a covering letter from Mr. Trygve Lie on 7th October.

Other precedents are, of course, also the League of Nations Tribunal, the Statute of which has been adopted in its entirety by the I.L.O., as well as the ECITO Draft Statute for an Administrative Tribunal.

It was thought preferable to model our Statute on that of the United Nations Tribunal, first, so as to conform with the principle that the administrative structure of Unesco should, as far as practicable, be in line with that of the United Nations, second, because the Unesco Administrative Tribunal to be established by the Executive Board will be superseded by the United Nations Administrative Tribunal, and last but not least, because the United Nations Statute is the simplest, clearest and the most up-to-date. (The ECITO Draft Statute is fairly complicated as it tries to cover both the exigencies of Articles 28 and 29 of our Staff Regulations; so is the composition of the ECITO Tribunal sitting with seven judges, which seems cumbersome and unnecessary.)

The composition of the Unesco Tribunal, as suggested, differs in one important point from the United Nations Statute. The United Nations Draft had recourse to the International Court of Justice for the election of seven judges. In our opinion, however, in the case of Unesco, five judges should be adequate, and, in view of the more limited scope of the Unesco Tribunal, it appears inadvisable to call on the Hague Court, a procedure which would involve considerable expense and might necessitate special machinery and agreement with the United Nations and the International Court of Justice.

The Draft Statute mentions Rules of Procedure for the Tribunal to be established by the Tribunal itself. For that reason no Rules of Procedure are submitted herewith. They have been prepared, however, by this Office as they are the necessary complement for the proper working of the Tribunal, particularly for the implementation of Article 3.

If it is deemed necessary, these Rules can be prepared for distribution also, but the Tribunal may take offence at this, once it is established, as an infringement of its prerogatives.

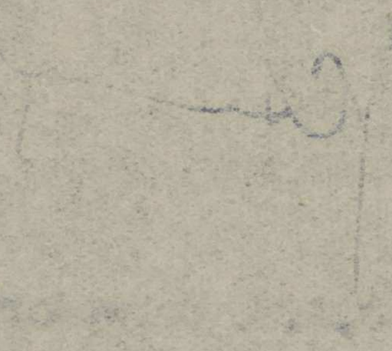
The solution for a fair composition of the Unesco Administrative Tribunal, which is offered here, takes into consideration the fact that its task will be of a highly juridical nature. Therefore, the President is to be nominated by the International Court of Justice and should be an independent lawyer. Moreover, two members of the Executive Board will sit on the Tribunal as representatives of Unescoôs policy-making bodies, and the two remaining members should represent the Administration on the one hand, and the staff on the other.

It seems appropriate to lay down in the Rules of Procedure to be established by the Tribunal, that one member of the Executive Board should be chosen in each particular case - from a panel of six, each of them representative of the major regions of the world with a view to as wide a geographical distribution as possible - as representative of the region from which the claimant originates; particularly in the case of claims put forward by dependents of a deceased member of the staff, there should be every safeguard that no feeling of injustice should arise from a difference of opinion on what law and customs should prevail, as legal opinions or contracts differ in various parts of the world.

The fifth member of the Tribunal should be chosen, likewise from a panel of six elected as representatives of the staff and of the same grade or rank as the claimant, as a safeguard that possible grievances within the Secretariat can be taken into account by the Tribunal.

Article 3, paragraph 4, provides for the Director-General to appoint a Registrar and Deputy-Registrar. As these functions are of a purely technical nature, both in preparing cases, filing documents and actual work at the Sessions of the Tribunal, these functions should be entrusted to people with legal qualifications, and presumably centralised in the Office of the Legal Adviser.

J.C.S. Harendorf.



20.2.47.
2.092

TRIBUNAL ADMINISTRATIF.

(Règles de Procédure)

Election des Juges.

1. Le Conseil Exécutif qui, aux termes de l'article 29 du règlement ~~pour le~~ du personnel, peut établir un Tribunal administratif, élira, parmi ses membres, 6 juges, en tenant compte d'une répartition géographique assez large pour comprendre les 6 grandes régions du globe, préférence étant donnée aux membres compétents dans le domaine juridique ou administratif.

2. Des représentants du personnel éliront, parmi les membres du Secrétariat, 6 juges choisis dans les différents grades, préférence étant donnée aux membres pouvant justifier, soit d'une compétence juridique, soit d'une expérience administrative.

Composition du Tribunal.

Pour chaque cas particulier, le Président de la Cour choisira, parmi les personnes figurant sur la liste des juges élus aux termes de l'article précédent, au moins un membre du Conseil instruit des lois et coutumes en vigueur dans la région dont le plaideur est originaire, et un représentant du personnel d'un grade égal à celui du plaideur.

Original in file 2.10

2.092

Copy

February 19th, 1947.

To: Dr. J. C. S. Warendorf.

From: André de Blonay.

With reference to your note of February 18th, 1947, I attach the Draft Agenda and Preparatory Memorandum regarding the Meeting of Experts to prepare for a World Conference on Passports and Frontier Formalities. Please return these documents to us when you have read them, as they are the only copies we have.

Returned 5/3.

With regard to the meeting on the Administrative Tribunal, we have as yet no information, but, as you will see from the Provisional Agenda of the 4th Session of the Economic and Social Council, ~~when~~ which we forwarded to you this morning, the question might be dealt with under Point 7 or Point 24, or in the meeting to which reference is made in the footnote on page 2 of the Agenda. We might, if you consider it urgent, or if M. Darchambeau has no further information, cable or write a letter to our New York Office on this subject.

On file 2.10

ANDRE DE BLONAY.

xr/2/jbc.

jcsw/md/223

18th February, 1947.

9.51

MEMORANDUM FROM OFFICE OF LEGAL ADVISER

TO : M. de Blonay

Re International Institute of Intellectual Co-operation

On Monday, February 10th, I went to the Palais-Royal, rue de Montpensier, to inspect the premises of the former Institute of Intellectual Co-operation so as to report on les biens meubles et immeubles, with regard to the assets taken over from the League of Nations by the United Nations.

I made an extensive tour of the whole building, and came to the following conclusions:-

1. On the main floor upstairs there are two library rooms. "La Bibliothèque" in the larger room of the two, constitutes, in my opinion, part of the building as it is built in the wall and the book-casses could not possibly be removed without doing damage to the structure and architecture of the room.

2. This cannot be said of the book-cases in the other library room. There we have to distinguish between the upright standing pillar-like four cases, which have been fixed to the floor, and the other book-cases lining the walls now forming part of the room. All these book-cases could be taken away without doing damage to the structure if not to the architecture of the room, but they are, in the opinion of the Institute officials, "bien immeuble" as they are well fixed to the walls and the floor. In terms of the law, this bibliothèque could be styled "immeuble par désignation", or in other words, made immovable to fulfil a certain purpose or purposely being made immovable.

Taking these book-cases away would cause a considerable stir, and for technical reasons they could perhaps better be left where they are. It is essential in that case that they should not be part of the inventory.

3. Book-cases in smaller rooms upstairs. All the other book-cases are movable - they are fixed in some way or other to the wall or floor so as not to fall down. Their value is certainly a small one and they could - and should - be taken away, as forming part of the inventory, having been mentioned therein.

4. Carpets. According to law, the carpets are certainly "bien meuble", although they have been fixed to the floors by nails in some cases. During my visit to the Institute, however, I was informed that these carpets were in the building when the Institute moved in and that so far as they had been renewed, they took the place of older ones which had been there before the Institute was established. Therefore - at least so I have been told - they are claimed to be the property of the French Government and not of the League of Nations (or the Institute itself). I have no evidence to support a claim either way, and the matter is open to doubt, to say the least of it.

It should be noted that I made my inspection at a date when the inventory had already been established and the data given in the inventory is likely to be taken as proof of property.

J.C.S. Warendorf.

14.2.47.
2.092

Tribunal administratif. (Document transmis par M. Antonopoulos, de l'ECITO) -

file

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Art. 53. -

1. There shall be established an Administrative Tribunal for the purpose of

a. settling any controversy between a member of the staff and the Organisation,

b. advising the Director General on any matter relating to the application of sanctions.

2. In dealing with a controversy between a member of the staff and the Organisation, the decision of the Administrative Tribunal shall be final,

Art. 54. -

1. The Administrative Tribunal shall consist of :

a. a permanent Chairman who need not be a member of the staff, selected annually by the Director General and two other permanent members selected annually one by the Director General and the other through a secret ballot by the staff.

b. two members selected in an individual capacity by the Director General for each particular case under consideration,

c. two members selected in an individual capacity by the Staff Committee for each particular case under consideration.

2. There shall be a deputy for each permanent member of the Tribunal,

3. There shall be a registrar selected by the permanent members of the Tribunal subject to approval by the Director General,

4. Members shall be selected so as to ensure participation of different grades.

5. One at least of the members selected in accordance with paragraphs 1 b. or c. shall belong to the same grade as the person whose case is under consideration.

6. When the Tribunal is dealing with a matter relating to sanctions, no member of the staff belonging to the same section as the person whose case is under consideration may act as a member of the Tribunal,

7. The rules of procedure concerning the Administrative Tribunal shall be drawn up by its permanent members and be submitted for approval tothe Director General.

Art. 55. -

1. Controversies between the Organisation and persons other than members of the staff may be submitted for decision to the Administrative Tribunal by agreement between parties. In such case only the permenent members of the Tribunal shall sit.

2. The agreement between the Organisation and another party may provide that a member selected by that party shall be substituted for the permanent member appointed by the staff.

Dire : fils

14 Février 1947

NOTE au Professeur THOMAS

de André de BLONAY

Vous trouverez ci-inclus un protocole des conversations que nous avons eues l'autre jour avec M. A.B. ELKIN, Directeur adjoint du Bureau de Genève des Nations Unies, au sujet des avoirs de l'Institut dont les Nations Unies nous accordent l'utilisation.

J'ai immédiatement écrit à Darchambeau, le priant de mettre au point avec les Nations Unies les conditions exactes dans lesquelles la jouissance de ces avoirs nous sera assurée.

André de Blonay

COPY jcsw/md/223

18th February, 1947.

MEMORANDUM FROM OFFICE OF LEGAL ADVISER

TO : M. de Blonay

Re International Institute of Intellectual Co-operation

On Monday, February 10th, I went to the Palais-Royal, rue de Montpensier, to inspect the premises of the former Institute of Intellectual Co-operation so as to report on "les biens meubles et immeubles" with regard to the assets taken over from the League of Nations by the United Nations.

I made an extensive tour of the whole building, and came to the following conclusions:-

1. On the main floor upstairs there are two library rooms. "La Bibliothèque" in the larger room of the two, constitutes, in my opinion, part of the building, as it is built in the wall and the book-cases could not possibly be removed without doing damage to the structure and architecture of the room.

2. This cannot be said of the book-cases in the other library room. There, we have to distinguish between the upright standing pillar-like four cases, which have been fixed to the floor, and the other book-cases lining the walls now forming part of the room. All these book-cases could be taken away without doing damage to the structure if not to the architecture of the room, but they are, in the opinion of the Institute officials, "bien immeuble" as they are well fixed to the walls and the floor. In terms of the law, this bibliothèque could be styled "immeuble par désignation", or in other words, made immovable to fulfil a certain purpose or purposely being made immovable.

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It should be noted that I made my inspection at a date when the inventory had already been established and the data given in the inventory are likely to be taken as proof of property.

(signed) J.C.S.WARENDORF.

COPY

18th February, 1947.

MEMORANDUM FROM DIRECTOR OF MORAL ARMAMENT

TO : M. de Bionay

Re International Institute of Intellectual Co-operation

On Monday, February 10th, I went to the Palais-Royal, rue de Montpensier, to inspect the premises of the former Institute of Intellectual Co-operation so as to report on "les biens meubles et immeubles" with regard to the assets taken over from the League of Nations by the United Nations.

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(signed) J.C.B. IRONSIDE.

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Le 15 Février 1947.

Mr.J,C.S. Warendorf

à Mr. Huxley
M. Thomas
M. Laves

NOTE SUR LES STATUTS DU TRIBUNAL ADMINISTRATIF.

Le Règlement pour le personnel, approuvé par la Conférence Générale, dispose, dans son article 29, que le Conseil Exécutif peut décider de créer un Tribunal administratif. Ceci en attendant qu'un accord soit réglé entre les Nations Unies et les diverses Institutions spécialisées, en vue de constituer un Tribunal administratif unique pour tous les fonctionnaires internationaux.

Le Conseil Juridique a cru devoir préparer les statuts d'un Tribunal administratif, que le Secrétariat pourrait soumettre au Conseil Exécutif, lors d'une de ses prochaines sessions.

Ce projet a été inspiré essentiellement du statut du Tribunal administratif des Nations Unies. Sans doute avons-nous le précédent du Tribunal de la Société des Nations, dont le statut a été repris intégralement par l'Organisation internationale du Travail et, d'autre part, le projet de statuts du Tribunal administratif de l'ECITO. Mais nous avons préféré imiter les statuts du Tribunal des Nations Unies, d'une part pour obéir à cette règle idéologique que la structure administrative de l'Unesco doit tendre à être, le plus possible, conforme à celle des Nations Unies, mais aussi parce que le statut imité est le plus récent, le plus simple et le plus clair.

Cependant, nous nous sommes séparés des Nations Unies en un point très important, à savoir la composition du Tribunal. Les Nations Unies ont fait appel à la Cour internationale de Justice pour élire 7 juges. Dans le cas de l'Unesco, 5 juges nous semblent suffisants, et étant donné son cadre plus limité, il nous paraît plus avisé de ne pas recourir à 5 juges de la Cour de La Haye, ce qui suppose des dépenses assez considérables et éventuellement un accord à ce sujet avec la Cour internationale de Justice.

L'ECITO a adopté un système assez compliqué. Leur projet prévoit un Président qui siége d'une façon permanente, choisi pour un an par le Directeur Général et 2 autres membres permanents, dont l'un choisi par le Directeur Général, l'autre élu par un vote secret du personnel. Par ailleurs, 2 membres choisis par le Directeur Général d'une part et 2 membres choisis par le Comité du personnel d'autre part, désignés pour chaque cas particulier.

Nous préférons la solution proposée à l'article 3 de nos statuts, c'est-à-dire un Président désigné par la Cour internationale de Justice, 2 membres du Conseil Exécutif, un représentant permanent de l'administration et un membre du personnel choisis selon les cas, suivant la règle que voici : le membre du Tribunal serait du même grade que la partie au procès. C'est ainsi, par exemple, qu'un secrétaire serait jugé par un secrétaire et un conseiller principal par un fonctionnaire de même rang. Ce membre du Tribunal serait élu au vote secret par les fonctionnaires de rang égal appartenant au Secrétariat de l'Unesco.

9.51

MEMORANDUM

February 10th. 1947.

TO: Heads of Sections

FROM: External Relations Section

SUBJECT: Transfer to Unesco of Activities and Functions previously pertaining to the International Institute of Intellectual Co-operation

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Article II of the Agreement between the United Nations Educational, Scientific and Cultural Organisation and the International Institute of Intellectual Co-operation provides that:

> "Within the framework of the programme to be adopted by the General Conference at its First Session, the United Nations Educational, Scientific and Cultural Organisation shall endeavour to ensure the continuity of work done by the International Institute of Intellectual Co-operation since 1924, and, in particular, to complete certain tasks undertaken by the Institute, as far as the General Conference considers it advisable."

At a meeting between M. Jean Jacques Mayoux, Director of the Institute, and Heads of Sections, which took place on December 18th to discuss measures to be taken for implementing the Agreement between Unesco and the Institute, it was decided that, with a view to reporting in due time to the Economic and Social Council, a former official of the Institute would, once the programme of Unesco had finally taken shape, gather full information as to the degree to which Unesco will actually take over the previous activities.

Dr. Huxley has agreed that Mme. Nathalie Malterre, formerly attached to the staff of the Institute, should be taken over on the staff of Unesco on a temporary basis with a special mission of co-operation in the transfer of the Institute's assets and activities to Unesco and is preparing the report mentioned above. Mme. Malterre is now attached to the Section of External Relations (Room 121), and she will be calling in the course of next week on all Heads of Sections with a view to finding out the information required for establishing the report to the Economic and Social Council. We would appreciate your giving Mme. Malterre all facilities required for the accomplishment of her mission.

Copy to:

1. Dr. Huxley
2. Mr. Laves
3. Prof. Thomas

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14 Février 1947

NOTE au Professeur THOMAS

de André de BLONAY

Vous trouverez ci-inclus un protocole des conversations que nous avons eues l'autre jour avec M. A.B. ELKIN, Directeur adjoint du Bureau de Genève des Nations Unies, au sujet des avoirs de l'Institut dont les Nations Unies nous accordent l'utilisation.

J'ai immédiatement écrit à Darchambeau, le priant de mettre au point avec les Nations Unies les conditions exactes dans lesquelles la jouissance de ces avoirs nous sera assurée.

André de Blonay

file

13 Février 1947

Mon cher ami,

Je reçois à l'instant vos aimables lignes du 10 Février.

Je suis content que vous ayez été satisfait de votre bref séjour ici et je tiens à vous dire encore combien j'ai apprécié l'esprit de compréhension dont vous avez fait preuve au cours de nos conversations qui, de notre point de vue également, se sont déroulées de la façon la plus favorable.

J'ai immédiatement envoyé à New-York copie du résumé de nos conversations, que vous avez bien voulu établir. J'espère que les différentes questions soulevées par le transfert aux Nations Unies des avoirs de l'Institut et l'utilisation de ces avoirs auront une heureuse solution dans un avenir rapproché.

Je ne manquerai pas de vous faire signe lors de ma prochaine visite à Genève, et je me réjouis de l'occasion de vous revoir.

Croyez moi très cordialement vôtre,

André de Blonay.

Monsieur AB. EIKIN
Directeur-Adjoint au Bureau
de Genève des Nations Unies
Palais des Nations
GENEVE

PERSONAL

UNITED NATIONS

NATIONS UNIES

Palais des Nations,
Geneva.

February 10th 1947.

My dear de Blonay,

Just a line to thank you for your arrangements in connection with my visit to your place. Everything worked very smoothly, and I hope that the results will help us to find a final solution in a somewhat confused situation.

I very much appreciate the way you and your colleagues treated me in the course of the negotiations, and I shall look forward to our meeting in Geneva in the near future, when I hope you will spare time to have luncheon with me.

Yours sincerely,

A Berkin

Assistant Director.

Monsieur André de Blonay,
U.N.E.S.C.O.,
19, Avenue Kléber.

9.51

UNESCO - UNITED NATIONS GENEVA OFFICE

Summary record of conversations at the Unesco Headquarters, Paris.

February 6th - 8th, 1947.

SUBJECTS

Problems concerning the assets of the International Institute of Intellectual Cooperation transferred to the United Nations by the League of Nations.

PARTICIPANTS

For the United Nations	:	MR. ELKIN Assistant Director, Geneva Office.
For the International Institute of Intellectual Cooperation	:	M. J.J. MAYOUX Director.
For the French Government	:	M. GUY DORGET Ministry of Foreign Affairs.
For Unesco	:	M. ANDRE DE BLONAY Head of External Relations Section.
		M. J.S.C. WARENDORF Legal Adviser
		DR. J. KLAASESZ Administrative Officer.

Opening the conversations M. de BLONAY stated that, in a letter of December 9th, 1946, the Secretary-General of the United Nations had informed the Director-General of Unesco of the text of a resolution adopted by the United Nations General Assembly on November 19th, 1946 (Document A/136) concerning the transfer to Unesco of certain functions of the International Institute of Intellectual Cooperation and the use by Unesco of the Institute's assets which have been transferred to the United Nations.

In this Resolution the General Assembly had recommended that, as soon as possible, Unesco should take over such functions and activities of the Institute as may be performed within the scope of itsprogramme, and that an agreement be concluded between Unesco and the Institute before December 31st, 1946 in order to facilitate the assumption by Unesco of these functions and activities.

Furthermore, the General Assembly, in order to ensure, under the auspices of Unesco, the continuity of the work performed by the Institute, had invited the Secretary-General to authorise Unesco to utilise the assets of the Institute transferred by the League of Nations to the United Nations.

To this letter a reply was sent on December 20th, 1946, stating that the Resident Observer of Unesco at United Nations Headquarters would discuss with the United Nations several points arising out of the Agreement which, in accordance with the terms of the Resolution, the Director-General had entered into with the Director of the Institute, and which came into force on December 31st, 1946. The discussions would refer particularly to questions concerning the future use of the Institute's furniture and materials. The text of the Agreement was attached.

The Agreement entered into by the Director-General and the Director of the Institute on December 20th, 1946, quoted among others, the Resolution of the United Nations General Assembly in its preamble. Its purpose was to ensure by appropriate measures the continuity, under the responsibility of Unesco, of the work accomplished by the Institute. The nature of the Institute's assets was defined in Article 3. The Article stated that, according to the decision of the United Nations, Unesco would have, as from 31st December 1946, the use of the assets under the following conditions:-

(1) The Institute's library should be handed over to Unesco and become a separate part of the Unesco Library.

(2) The Institute's archives should be handed over to Unesco and become a separate part of the latter's archives.

(3) The stock of publications should be handed over to Unesco and the conditions under which Unesco shall use these publications, and the copyrights and publishing rights thereto pertaining, shall be determined by a special agreement between the United Nations and Unesco.

(4) Due regard being had to the rights and interests of the United Nations on the one hand, and of the French Government on the other, the funds and materials acquired by the Institute shall be handed over to Unesco for the latter's use.

In the view of Unesco, the Secretary-General's letter of December 9th, 1946, together with the Resolution of the United Nations General Assembly, had placed the Institute's assets at the disposal of Unesco. Unesco's reply of December 20th, 1946, had been based on this interpretation of the Secretary-General's letter.

MR. ELKIN stated that the responsibility of the Director of the United Nations Geneva Office with regard to the transfer of the assets of the Institute to Unesco was a limited one. The Director was responsible, subject to the instructions of the Secretary-General, for the completion of the transfer of the assets of the League of Nations to the United Nations. Under the Common Plan adopted by the United Nations General Assembly and the last Assembly of the League of Nations, the Secretary-General of the League of Nations and the Director of the United Nations Geneva office had signed an Agreement in July 1946 concerning the execution of the transfer to the United Nations of certain assets of the League. Under Article 2 of this Agreement, the transfer of rights in respect of moveable property related, among others, to any fittings, furniture, office equipment, books and stocks of supplies which would become the property of the League of Nations in consequence of the dissolution of the organisations and institutions subsidiary thereto. In execution of this Agreement the

Secretary-General of the League of Nations had, on December 6th, 1946, communicated to the Director of the United Nations Geneva office two inventories of moveable property of the International Institute of Intellectual Cooperation, pointing out that there were some discrepancies between the two inventories, inasmuch as certain articles mentioned in one did not seem to be accounted for in the other. The value of these articles had been estimated at about 8,000 Swiss francs.

According to the Secretary-General of the League of Nations the question of the valuation of the assets of the Institute could still be opened by the Liquidation Board of the League. Inasmuch as the Director of the United Nations Geneva office was responsible, subject to instructions from the Secretary-General of the United Nations, for the completion of the transfer of the assets of the League, it was his responsibility to see that the inventories which the League had sent him in December corresponded to the actual state of things and that their valuation could be accepted on behalf of the United Nations. On the other hand, the transfer of all these assets from the United Nations to Unesco was not his responsibility and was, unless he received instructions to the contrary, a matter to be settled as between Unesco and the United Nations Headquarters directly.

M. MAYOUX explained how the present position with regard to the assets of the Institute had come about. Originally, the French Government had provided the necessary funds for the equipment of the Institute and, in its letter of 3rd December, 1924 to the President of the League Council, had undertaken that, in the event of the abolition of the Institute any articles, and in particular, the archives and collections of documents deposited in the premises by the Institute, as well as any property acquired by the Institute during its period of operation, should remain the property of the League of Nations. After the outbreak of war the activities of the Institute had ceased and the Member States had discontinued any assistance to the Institute. When it was revived, after the Liberation, the French Government and the French Government alone, had carried all the financial burden for its administration. At the time of the London Conference in November 1945, which led to the establishment of Unesco, the French Government, desirous of giving its full support to the new organisation, decided to discontinue its support to the Institute. Inventories of the Institute's property had been passed on to the

League of Nations as early as April 1946. Towards the end of that year the French Government had informed the Institute that any financial assistance would cease as from January 1st, 1947.

Turning to the practical aspects of the questions under discussion, M. de BLONAY explained that the French Government had indicated that the premises of the Institute were required by it for the use of one of its institutions by March 1st, 1947. Preparations for the installation of this institution had to be initiated at once. In order to secure an orderly removal the premises would have to be vacated immediately. Unesco had therefore arranged for an inventory to be taken of the assets of the Institute and for a removal which was to begin on February 7th. Could the removal take place? There was further another question to be considered: The French Government was desirous of retaining the use of furniture which formed the contents of six or seven offices and he felt that arrangements should be made for this, particularly as originally the furniture was provided with funds granted by the French Government.

Mr. ELKIN pointed out the difficulties arising out of the early removal which would leave no opportunity for the United Nations to verify the inventories on the premises where the assets were located. If the verification took place on Unesco premises, who would be responsible for items which could not be found or which were in a damaged state? How could it be established which losses or damage were the result of the removal and which had occurred on the premises of the Institute before it?

Dr. WARENDORF thought that as long as the conditions and terms of the utilisation had not been settled with the United Nations the responsibility for the removal rested with the United Nations and Unesco could not be responsible for any loss or damage accruing either before the removal or during the removal. The question of who was to bear costs of the removal would also have to be settled.

M. DORGET stated that from the point of view of the French Government it was imperative that the premises should be made available as early as possible, and that it therefore was desirable that the removal should begin on February 7th.

Mr. ELKIN observed that a purely legal analysis of the situation might lead to some perplexing results. Did in fact the Secretary-General's letter of December 9th 1946 authorise Unesco to utilise the assets in question? Could this

authority be derived from an Agreement between Unesco and the Institute entered into before an agreement on the terms of the utilisation had been made between the United Nations and Unesco? In his view this might be doubted in view of the wording of paragraph 3 of the Resolution of the United Nations General Assembly. The question of responsibility for losses and damage accruing during the removal and for the costs of the removal was one to be settled between Unesco and the United Nations Headquarters. However, he doubted very much whether the United Nations would agree to assume this responsibility, particularly as the utilisation of the furniture was likely to be accordedto Unesco free of any charges.

All these questions would have to be the subject of negotiations at United Nations Headquarters. Here, in Paris, they were concerned with the practical aspects of the problem, i.e. whether the removal could take place on February 7th. Unesco had taken all ressonable steps in preparation of this removal and in checking up the inventories. The French Governmentdesired that the premises should be vacated within the shortest possible time. In these circumstances, it seemed to Mr. Elkin that, subject to his Director's approval, the best plan would be that the removal should take place and that provided he could be satisfied that the inventories made by Unesco had been carefully prepared these inventories should be accepted as between the interested parties as constituting the true record of the assets of the Institute located at its present premises. The question of the responsibility for subsequent losses and damage would have to remain open for final settlement at the United Nations Headquarters. His Director would report in due course on the whole situation to the Secretary-General and would be able to say that in the circumstances this was the most reasonable course to follow.

With regard to the furniture which the French Government desired to retain Mr. ELKIN felt that provided it formed part of the inventories it could remain at the Institute's present premises. In the course of the negotiations between Unesco and the United Nations Headquarters it could then be decided whether this furniture should be placed at the disposal of the French Goverrment, either by way of gift or by way of a loan directly by the

United Nations - a solution which would commend itself as it would free Unesco from any responsibility for the furniture - or whether Unesco would be authorised to pass it on to the French Government on terms to be decided at the United Nations Headquarters.

Dr. KLAASESZ explained the procedure followed in the establishment of the inventories. Representatives of both Unesco and the Institute had checke the assets piece by piece and he was satisfied that the inventory was very carefully done. Copies of it could later be made available to the Director of the United Nations Geneva Office.

During an inspection of the premises of the Institute, at the Palais Royal, the Unesco inventory was shown to Mr. Elkin. Items which had not been found at their proper place had been crossed out. Items not contained in the inventory of a given room but found in that room had been adde to its inventory. It was the general impression of Dr. Klaasesz that few pieces had been missing. Mr. Elkin was informed that three types of items would remain on the premises and not be removed to Unesco Headquarters: (1) items originally loaned to the Institute by the "Mobilier National", under-lined in red in the original inventory of the Institute and returned to their owner; (2) items considered by Unesco as fixtures, i.e., certain types of book-cases, wall mirrors, etc.; (3) the office furniture which the French Government desired to retain for its own use.

After the inspection, M. de BLONAY drew Mr. Elkin's attention to the fact that the furniture was partly in very bad condition indeed and generally showed signs of intensive use. Many pieces were in need of repair before they could be used.

Mr. ELKIN stated that he shared M. de Blonay's opinion.

Later on, Mr. ELKIN informed Mr. de Blonay that his Director had agreed that subject to the Secretary-General's consent, the Unesco inventory should be considered as a record of the Institute's assets located at these premises before the removal began. The question of responsibility for loss and damage in the course of the removal would remain open for settlement as between Unesco and the United Nations Headquarters. His director would

consider whether it was necessary to send an expert to Paris for the final verification of the inventories and for the valuation. M. de Blonay informed Mr. Elkin that Dr. Laves had expressed his agreement with the procedure suggested above.

Paris, February 8th, 1947.

A.B. ELKIN.
Assistant Director
Geneva Office of the United Nations.

ANDRE DE BLONAY
Head of the External Relations
Section of Unesco.

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Adresse télégraphique : NATIONS GENEVE

SOCIETE DES NATIONS LEAGUE OF NATIONS

GENEVE, le 6 février 1947

Monsieur le Directeur,

En date du 1er février 1947, vous avez adressé au Président du Comité de Liquidation de la Société des Nations une communication concernant les frais et autres conséquences financières éventuelles auxquels donnent lieu les litiges actuellement en cours devant le Tribunal administratif et qui opposent à votre Institut quelques-uns de ses anciens fonctionnaires, et relative à la défense des intérêts de l'Institut devant le Tribunal.

En réponse, je tiens à vous faire observer en premier lieu qu'aux termes des accords relatifs à la création et au fonctionnement de l'Institut, il n'appartient pas à la Société des Nations d'assumer une responsabilité financière ou autre du fait de la gestion de l'Institut. En outre, aucun arrangement ne charge ni n'autorise la Société des Nations à se substituer à l'Institut aux fins de la défense des intérêts de ce dernier dans des litiges qui l'opposeraient devant le Tribunal administratif à ses fonctionnaires ou anciens fonctionnaires. Enfin, la dissolution de la Société des Nations et de sa Commission Internationale de Coopération Intellectuelle ainsi que la liquidation de l'Institut ne se sont pas produites d'une façon imprévue, et les requêtes présentées devant le Tribunal administratif, et dont la plupart ont été portées à la connaissance de l'Institut au cours des mois de mai et juin 1946, n'ont pas été déposées dans des conditions qui auraient empêché l'Institut de prendre en temps utile toutes les mesures et précautions nécessaires et utiles destinées à lui permettre de faire face à ses engagements et aux obligations qui pourraient encore lui incomber, notamment en application des dispositions de ses règlements.

La Société des Nations n'est aucunement responsable de l'exécution de ces engagements et obligations dont il incombe par contre à l'Institut de s'acquitter. En outre, il n'appartient nullement à la Société des Nations de recourir à l'Organisation des Nations Unies pour recouvrer des sommes qu'elle aurait dépensées pour le compte de l'Institut, surtout si on prend en considération qu'aucun acte ou document n'a été porté à sa connaissance dont il ressortirait que les Nations Unies auraient repris à leur charge les obligations de l'Institut.

Monsieur J.J. MAYOUX
Directeur de l'Institut International
de Coopération Intellectuelle
2 rue de Montpensier (Palais-Royal)
Paris (1er)

.....

L'Institut reste entièrement responsable tant de la défense de ses intérêts devant le Tribunal administratif que des conséquences éventuelles des décisions de celui-ci. Aucun doute ne doit planer sur ce que, dans cette affaire, la Société des Nations n'assume et ne peut assumer aucune responsabilité ou une obligation quelconque et elle doit par conséquent décliner formellement de s'en charger.

Nul mieux que moi ne peut ressentir de la compréhension à l'égard des autorités de l'Institut pour qui il s'agit, dans les conditions actuelles, d'assurer une liquidation en bonne et due forme, mais vous comprendrez certainement qu'il m'est impossible de répondre à votre lettre d'une manière différente.

Veuillez agréer, Monsieur le Directeur, l'assurance de mes sentiments distingués.

Le Secrétaire général :

signé : Sean Lester

File

To : M. de BLONAY,
External Relations

From : Mr. CARTER,
Libraries & Museums

3rd February, 1947

I have been sent a copy of the telegram from Moderow saying that Mr. Elkin, Assistant Director of the United Nations Geneva office is coming to Paris on Thursday to discuss the U.N./Unesco Agreements with regard to the International Institute of Intellectual Co-operation.

2. If you are fixing an appointment with Mr. Elkin, I should be glad if you could let me know fairly soon if you wish me to be present, as my programme is apt to get rather filled up.

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2.092.

REGLES DE PROCEDURE DU TRIBUNAL ADMINISTRATIF

Chapitre 1 - ORGANISATION

Art.1 .- Le Tribunal est composé de cinq membres. Dans sa première réunion annuelle, il élit le Président, et le Vice-Président pour l'année en cours. Ceux-ci ne sont pas rééligibles.

Le Président sortant reste en fonctions jusqu'à la désignation de son successeur. Les élections se feront à la majorité simple.

Article 2.- Le Président dirige les instances du Tribunal. Il représente ce dernier pout toutes les questions d'ordre administratif.

A défaut du Président, la présidence est assumée par le Vice-Président.

Art.3.- Le Tribunal sera pourvu d'un greffier et d'un greffier-adjoint, membres du personnel du Secrétariat de l'Unesco, désignés par le Directeur général.

Art. 4.- Le Tribunal, conformément à l'article 4 de son Statut, se réunira en session ordinaire la première semaine de février et la première semaine de septembre. Le Président décidera de la date d'ouverture des sessions.

Art. 5.- Le Président décidera, selon les cas, s'il y a lieu de convoquer une session extraordinaire. Les décisions prises par le Président doivent être portées à la connaissance des membres du Tribunal dans un délai de 30 jours avant l'ouverture de la session.

Le juge empêché doit faire connaître télégraphiquement son empêchement au greffier, et ce dernier, en ce cas, fait immédiatement appel aux juges suppléants à tour de rôle, selon l'ordre alphabétique de leurs noms.

Le Président peut, selon les circonstances, avancer ou retarder l'ouverture de toute session du Tribunal.

Chapitre 2 - PROCEDURE

Art. 6.- Les requêtes introduisant une instance devant le Tribunal, ainsi que toutes les communications relatives aux dites instances doivent être adressées au Président par l'intermédiaire du greffier. Le greffier assurera la transmission des pièces ainsi que les notifications nécessaires à l'occasion des instances portées devant le Tribunal.

Art. 7.- Les requêtes seront établies en français ou en anglais Les pièces qui ne sont pas rédigées en français ou en anglais seront accompagnées d'une traduction, certifiée conforme, dans l'une de ces deux langues. Les requêtes seront signées du requérant ou de ses représentants légaux, ou bien d'un mandataire faisant partie d'un Barreau régulier appartenant à l'un des pays membres de l'Unesco.

A la requête seront également jointes cinq copies de cette dernière et de ses annexes. Ces copies seront certifiées conformes par la signature du requérant.

Dans un délai de 60 jours à compter de l'envoi de ces documents, un reçu de l'administration de l'Unesco, concernant le dépôt prévu à l'article 8 du Statut du Tribunal sera adressé au greffier. Si les conditions prévues au présent article ne sont pas remplies, le greffier invitera au besoin le requérant à régulariser sa requeête dans le délai d'un mois. Il lui retournera les pièces à cet effet.

Art. 8.- A la réception d'une requête, le greffier, après s'être assuré que les conditions de l'article 7 sont remplies, transmet à l'administration intéressée et des copies de la requête et des pièces y annexées.

Dans les 30 jours qui suivent la date de cette transmission, l'administration de l'Unesco adressera sa réponse au greffier en y joignant les originaux ou, en cas d'impossibilité, les copies de toutes pièces à l'appui. L'original de la réponse sera accompagné de cinq copies de ladite réponse ainsi que des pièces annexées, copies

glb

certifiées conformes par la signature du fonctionnaire qui a signé la réponse. Les pièces qui ne sont pas rédigées en français ou en anglais seront accompagnées d'une traduction dans l'une de ces langues.

Art. 9.- A la réception de la réponse et après s'être assuré que les conditions de l'article 8 sont remplies, le greffier adressera au requérant copie de la réponse et des pièces annexées. Il adressera, en même temps, au Président, copie de la requête, de la réponse et des pièces annexées.

Le Président, soit d'office, soit à la demande de l'une ou l'autre des parties, peut décider que ces dernières devront fournir un exposé écrit additionnel ou des pièces complémentaires; il fixe le délai dans lequel cette production doit être effectuée.

Lorsque le Président estime que le dossier est suffisamment complet, il charge le greffier d'inscrire l'affaire au rôle. L'inscription effectuée, le greffier en avise immédiatement les parties dès que la date d'ouverture de la session au rôle de laquelle l'affaire aura été portée sera fixée. Le greffier en donnera connaissance aux parties.

Le Président ou, en cours de session le Tribunal, statue sur toute demande tendant au renvoi d'une affaire.

Art.10.- Le Tribunal peut ordinner toutes mesures d'instruction qu'il jugera utiles, notamment la comparution personnelle des parties, l'audition sous serment de témoins tant d'office que sur indications des parties en cause, des expertises des prestations ou délations de serments, etc.

Art.11.- Toute personne ayant accès au Tribunal, aux termes de l'article 2 du Statut du Tribunal, peut demander à intervenir dans une affaire en faisant valoir qu'elle est titulaire de droits susceptibles d'être affectés par le jugement qui doit être rendu.

Le Président ou, pendant la session le Tribunal peut ordonner au greffier de notifier des requêtes à toutes personnes qu'il déterminera, lorsqu'il sera estimé que ces personnes peuvent user de la faculté ainsi accordée.

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Les demandes d'intervention peuvent être formulées à tout moment; le Tribunal statue sur leur recevabilité.

L'intervenant doit effectuer le dépôt prévu à l'article 8 du Statut.

Art.12.- Le Tribunal ou, dans l'intervalle des sessions le Président peut abroger ou proroger tout délai fixé par le présent Règlement.

Art.13.- Sur toutes les questions qui ne sont pas expressément prévues par le présent Règlement, le Tribunal statue dans chaque cas d'espèce. Le Tribunal statue en vertu des pouvoirs qu'il tient de son Statut.

1.2.47.

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RULES OF PROCEDURE OF THE ADMINISTRATIVE TRIBUNAL

CHAPTER 1 - ORGANISATION.

Art. 1. - The Tribunal shall consist of five members. The Chairman and the Vice-Chairman for the current year shall be elected by the Tribunal at its first meeting of the year and are not eligible for re-election.

The retiring Chairman shall remain in office until his successor is appointed. The elections shall take place by a simple majority vote.

Art. 2. - The Chairman shall direct the proceedings of the Tribunal and shall represent the latter for all questions of an administrative character.

In the absence of the Chairman, the chair shall be taken by the Vice-Chairman.

Art. 3 - The Tribunal shall have as Registrar and Deputy Registrar members of the staff of the Secretariat of Unesco, who shall be appointed by the Director-General.

Art. 4 - Under Article 4 of its Statute, the Tribunal shall meet in ordinary session in the first week of February and the first week of September. The Chairman shall fix the opening date of the session.

Art. 5 - Extraordinary sessions may be convoked by the President when required by the cases on the list. The Chairman's decisions shall be communicated to the members of the Tribunal at least thirty days before the opening of the session.

Any judge who is unable to act shall so inform the Registrar by telegram, and the Registrar shall immediately call upon the deputy judges in the alphabetical order of their names.

The Chairman may advance or postpone the opening date of any session of the Tribunal, as circumstances may require.

CHAPTER 2 - PROCEDURE

Art. 6. ~~Petitions asking leave~~ Applications to lay a case before the Tribunal, and all the documents pertaining thereto, shall be addressed to the Chairman through the Registrar. The Registrar shall be responsible for the transmission of documents and shall ensure that ~~any~~ the necessary notification is made of cases brought before the Tribunal.

Art. 7. ~~Petitions~~ Applications shall be drawn up in French or English. Documents not written in French or English shall be accompanied by a translation, certified ~~as accurate~~ correct, in one or other of these languages. ~~Petitions~~ Applications shall bear the signature of the plaintiff or of his legal representatives, or of an attorney who shall be a qualified member of the Bar of one of the ~~Members~~ States of Unesco.

Five copies of the ~~petition~~ application and ~~of the~~ annexed documents ~~attached thereto~~ and shall be shall also be submitted, ~~the copies being~~ certified ~~as accurate~~ correct by the signature of the ~~petitioner~~ applicant.

Within sixty days of the despatch of the documents, the administration of Unesco shall address to the Registrar an acknowledgment of the receipt of the documents transmitted to it in accordance with Article 8 of the Statute of the Tribunal. In the case of non-compliance with the provisions of the present article, the Registrar shall, if need be, request the ~~petitioner~~ applicant to ~~put~~ submit his ~~petition into~~ application in the proper form within a month. He ~~will~~ shall return the documents ~~to him~~ for this purpose.

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Art. 8. On receiving ~~a petition~~ an application, the Registrar shall, after ensuring that the provisions of Article 8 have been complied with, ~~address~~ transmit to the administration concerned copies of the ~~petition~~ application and ~~of the~~ annexed documents.

~~attached thereto.~~

Within thirty days of the despatch of these documents, the administration of Unesco shall submit its ~~rejoinder~~ reply to the Registrar, together with ~~the~~ originals documents, or, in default, ~~of the originals,~~ copies of ~~all~~ their documents in support of its case. Five copies of the ~~rejoinder~~ reply and ~~of the~~ annexed documents ~~attached thereto,~~ shall be submitted ~~together~~ with the original, ~~the copies being~~ and shall be certified correct by the signature of the official signing the ~~rejoinder.~~ reply. ~~A translation into English or French shall also be submitted~~ Any documents not ~~originally~~ written in ~~one of those languages.~~ French or English shall be accompanied by a translation in one or other of those languages.

Article 9. On receipt of the ~~rejoinder~~ reply and after ensuring that the ~~conditions~~ provisions of Article 8 have been complied with, the Registrar shall transmit to the ~~plaintiff~~ applicants copies of the ~~rejoinder~~ reply and ~~of the~~ annexed documents. ~~attached.~~ At the same time, he shall transmit to the ~~President, copies~~ Chairman a copy of the ~~petition~~ application, the ~~rejoinder~~ reply and the annexed documents ~~attached.~~

The ~~President~~ Chairman may decide, either ~~in virtue of his office~~ in his own capacity or at the request of either of the parties, that the ~~parties shall~~ latter should furnish an additional statement in writing or supplementary documents: he shall ~~appoint~~ fix a time limit for the production of such documents ~~by which these are to be produced.~~

When the ~~President~~ Chairman considers that the file ~~of the case~~ is complete, he shall ~~instructs~~ the Registrar to ~~inscribe~~ place the case on the ~~roll~~ list.

When this is done, the Registrar shall ~~advises~~ the parties immediately ~~this inscription has been done made.~~ The Registrar ~~will~~ shall inform the parties of the opening date of the session at which the case is to be heard, as soon as ~~it~~ this is fixed.

The ~~President~~ Chairman or ~~during the session the Tribunal~~ The Tribunal when it is in session, shall give a ruling on any request for the postponement of a case.

Article 10. The Tribunal may ~~ordain~~ order any investigatory measures ~~for examination~~ which it deems ~~useful~~ expedient, such as the ~~personal appearance~~ attendance in person of the parties, the hearing of witnesses ~~under oath~~ either ~~at~~ by the ~~discretion of~~ instance of the ~~court~~ Tribunal or ~~on instructions from the~~ at the request of the parties to the suit, the ~~calling of expert witnesses~~ taking of expert opinions, etc. ~~the taking or non-taking of oaths etc.~~ The sworn testimony of witnesses called by the Tribunal at its instance may decide.

Article 11. Any person having access to the Tribunal ~~under the terms of~~ in accordance with the provisions of Article 2 of the Statute of the Tribunal, may ask to ~~intervene~~ be heard in a case ~~by asserting~~ showing or proving that he holds rights likely to be affected by the judgment to be pronounced.

The ~~President~~ Chairman or ~~during the~~ the Tribunal when it is in session, ~~the Tribunal~~ may instruct the Registrar to give notification of ~~petitions~~ applications to any persons he ~~ordains~~ may decide, when ~~it is considered that these persons can use the power thus accorded.~~ such a measure appears expedient.

Requests to ~~intervene~~ be heard may be ~~lodged~~ submitted at any time: the Tribunal will ~~give a ruling on their admissibility.~~ decide whether they are receivable.

The ~~intervening~~ party requesting to be heard must ~~effect the~~ deposit documents as provided ~~for~~ in Article 8 of the Statute.

Article 12. The Tribunal or, between sessions, the ~~President~~ Chairman, may abrogate or extend any time limit fixed by these Rules of Procedure.

Article 13. On any questions not expressly provided for in these Rules of Procedure, the Tribunal shall give a ruling in each specific case. The rulings ~~The Tribunal gives a ruling~~ are given in virtue of the powers ~~it holds under~~ conferred on it by its Statute.

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RULES OF PROCEDURE OF THE ADMINISTRATIVE TRIBUNAL

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The Chairman shall fix the opening date of the session.

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Any judge who is unable to act shall so inform the Registrar by

telegram, and the Registrar shall immediately call upon the deputy judges in the alphabetical order of their names.

The Chairman may advance or postpone the opening date of any session of the Tribunal, as circumstances may require.

CHAPTER 2 - PROCEDURE

Art. 6. Applications to lay a case before the Tribunal and all the documents pertaining thereto shall be addressed to the Chairman through the Registrar. The Registrar shall be responsible for the transmission of documents and shall ensure that the necessary notification is made of cases brought before the Tribunal.

Art. 7. Applications shall be drawn up in French or English. Documents not written in French or English shall be accompanied by a translation, certified correct, in one or other of these languages. Applications shall bear the signature of the plaintiff or of his legal representatives, or of an attorney who shall be a qualified member of the Bar of one of the Member-States of Unesco.

Five copies of the application and annexed documents shall also be submitted, and shall be certified correct by the signature of the applicant.

Within sixty days of the despatch of the documents, the administration of Unesco shall address to the Registrar an acknowledgment of the receipt of the documents transmitted to it in accordance with Article 8 of

the statute of the Tribunal. In the case of non-compliance with the provisions of the present article, the Registrar shall, if need be, request the applicant to submit his application in the proper form within a month. He shall return the documents for this purpose.

Art. 8. On receiving an application, the Registrar shall, after ensuring that the provisions of Article 8 have been complied with, transmit to the administration concerned copies of the application and annexed documents.

Within thirty days of the despatch of these documents, the administration of Unesco shall submit its reply to the Registrar, together with original documents, or, in their default, copies of documents in support of its case. Five copies of the reply and annexed documents shall be submitted with the original, and shall be certified correct by the signature of the official signing the reply. Any document not written in French or English shall be accompanied by a translation in one or other of those languages.

Art. 9. On receipt of the reply, and after ensuring that the provisions of Article 8 have been complied with, the Registrar shall transmit to the applicant a copy of the reply and annexed documents. He shall transmit to the Chairman at the same time a copy of the application, the reply, and the annexed documents.

The Chairman may decide, either in his own capacity or at the request of either of the parties, that the latter should furnish an additional statement in writing or supplementary documents: he shall fix a time limit for the production of such documents.

When the Chairman considers that the file is complete, he shall instruct the Registrar to place the case on the list. When this is done, the Registrar shall immediately advise the parties. The Registrar shall inform the parties of the opening date of the session at which the case is to be heard.

The Chairman, or the Tribunal when it is in session, shall give a ruling on any request for the postponement of a case.

Art. 10. The Tribunal may order any investigatory measures which it deems expedient, such as the attendance in person of the parties, the hearing of the sworn testimony of witnesses called either by the Tribunal or by the parties to the suit, the taking of expert opinions, etc.

Art. 11. Any person having access to the Tribunal in accordance with the provisions of Article 2 of the Statute of the Tribunal, may ask to be heard in a case on proving that he holds rights likely to be affected by the judgment to be pronounced.

The Chairman, or the Tribunal when it is in session, may instruct the Registrar to give notification of applications to any persons he may decide, when such a measure appears expedient.

Requests to be heard may be submitted at any time: the Tribunal will decide whether they are receivable.

The party requesting to be heard must deposit the necessary sum provided for in Article 8 of the Statute.

Art. 12. The Tribunal or, between sessions, the Chairman, may abrogate or extend any time limit fixed by these Rules of Procedure.

Art. 13. The Tribunal shall give a ruling in each specific case on any questions not expressly provided for in these Rules of Procedure. The rulings of the Tribunal are given in virtue of the powers conferred on it by its Statute.

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E C I T O

OFFICE CENTRAL DES TRANSPORTS INTÉRIEURS EUROPÉENS
EUROPEAN CENTRAL INLAND TRANSPORT ORGANISATION
ЕВРОПЕЙСКАЯ ЦЕНТРАЛЬНАЯ ОРГАНИЗАЦИЯ ПО ВНУТРЕННЕМУ ТРАНСПОРТУ

DIRECTION GÉNÉRALE
79, AVENUE DES CHAMPS ELYSÉES
PARIS (VIIIe)

TÉLÉPHONE : BALZAC 2402 ADR. TÉLÉG. : ECITOTRANS, PARIS

NOTRE RÉF. APC/26-LA/150 VOTRE RÉF.

le 29 janvier 1947

Monsieur P. Bemberg,
Assistant du Conseiller Juridique
de l'UNESCO,
UNESCO House,
19, Avenue Kléber,
PARIS, 16e.

Monsieur,

Bien reçu votre lettre du 21 courant pour laquelle je vous remercie.

Je m'empresse de vous faire parvenir sous ce pli les Régles de Procédure du Tribunal Administratif et regrette de ne pas être en état de vous envoyer en même temps le Statut du Personnel; certains amendements portés au Statut ont été soumis au Comité Exécutif pour approbation et aussitôt passés, je me ferai un plaisir de vous le remettre.

on file 11.92 of 1946.

Espérant que dans l'avenir notre coopération deviendra plus étroite, je vous prie d'agréer, Monsieur, l'expression de ma considération très distingúée.

P.B. phoned

D. ANTONOPOULOS,
Assistant du Jurisconsulte.

NAPOLÉON ALEXANDRE & Cie PARIS_30.0096

md/142

29th January 1947.

To: M. de Blonay.

With reference to your xr/1/jbc of December 20th, 1946, I attach copy of my memorandum to Dr. Huxley on a conversation I had with Dr. J.H. Hostie, Legal Adviser to ECITO.

J. C. S. Warendorf.

md/142

29th January 1947.

To: M. de Blonay.

With reference to your xr/1bc of December 20th, 1946,
I attach copy of my memorandum to Dr. Huxley on a conversation
I had with Dr. J.H. Hostie, Legal Adviser to ECITO.

J. C. S. Wardorf.

Ext. Relations.

January 29th, 1947.

Sir,

I have been instructed by the Director-General, Dr. Julian Huxley, to acknowledge receipt of your cable M.5508, the terms of which have been communicated to Mr. Valere Darchambeau, Resident Observer of Unesco at United Nations Headquarters.

The text of the agreement between Unesco and the International Institute of Intellectual Cooperation was forwarded by Mr. Darchambeau to the United Nations early this year.

I have the honour to be, Sir,

Your obedient Servant,

André de Blonay.
Senior Counsellor.
External Relations Section.

Mr. A.D.K. Owen,
Assistant Director-General,
United Nations,
Lake Success,
Long Island,
New York.

xr/2/jbc

Copie

jcsw-cbd-518 le 28 janvier 1947.

Monsieur
le Dr. J. H. Hostie
Conseil Juridique de
l'E.C.I.T.O.
79 Av. des Champs-Elysées
Paris (8e).

Cher Docteur Hostie,

Permettez-moi de vous dire combien j'ai été heureux de faire votre connaissance. Je vous remercie de tout coeur du si aimable accueil que vous m'avez réservé vendredi dernier.

Je tiens, d'autre part, à vous dire que j'ai fait un petit rapport sur notre conversation, que j'ai présenté au Dr. Huxley, en le priant de prendre contact avec le Dr. Hondelink, au sujet de la présidence de votre Tribunal Administratif.

Quant à la question qui vous intéresse au sujet de la place du droit dans le programme de l'Unesco, je vous fais parvenir, sous ce pli, - à titre confidentiel - un aperçu de quelques propositions en matiere de droit comparé, par le Professeur René David de la Faculté de Droit de Paris.

Avec mes remerciements, veuillez croire, cher Docteur Hostie, à mes sentiments les plus sympathiques.

Dr. J. C. S. Warendorf.

1 pièce jointe.

Copie

jcsw-cbd-518 Le 28 janvier 1947.

Monsieur
le Dr. J. H. Hostie
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Dr. J. C. S. Warendorf.

1 pièce jointe.

2.092

To: Dr. Huxley. mb/136

From: J. C. S. Warendorf. 28th January 1947.

Discussions in New York

With regard to your forthcoming visit to New York, a great deal of time would be saved if you could take up the following points while you are there:-

1. Privileges and Immunities

Is the Legal Department of United Nations working on the proposed Convention covering all specialised agencies? If not,

Will a meeting be convened of the Legal Advisers of all or most of the specialised agencies, to discuss the Convention and decide on a common line of action, as I suggested to Mr. C. W. Jenks, of the I.L.O.? Could you enquire of Mr. Phelan?

2. Administrative Tribunal

The United Nations' draft proposal for the setting-up of a common Administrative Tribunal is not entirely satisfactory from the point of view of the specialised agencies. Mr. Jenks and I agreed that common action is desirable. Do Mr. Jenks and Mr. Phelan feel that a meeting of Legal Advisers of the specialised agencies would be desirable, or what solution do they propose?

3. Copyright

Can Mr. Macleish suggest a suitable consultant to represent the Pan-American Convention? A choice has to be made, presumably, from among the following:-

Mr. Sam Warner, Library of Congress,
Mr. Saunders, of the State Department,
Dr. Edith Ware, of the State Department,
Mr. Ladas, lawyer and author of works on Copyright,
Mr. Kanyes, " " " "

J. C. S. Warendorf.

Jcm/cd/127 2.092

27th January, 1947.

MEMORANDUM FROM THE OFFICE OF LEGAL ADVISER

TO : Dr. Julian Huxley

(Copy to: Dr. Laves)

Re Administrative Tribunal

Dr. J.H. Hostie, Legal Adviser to ICITO, invited me to luncheon and a talk last Friday, on the following three subjects:-

1. Privileges and Immunities and our relationship with the French Government:

ICITO have run into certain difficulties in their dealings with the French Government and want us very much to take the same lines as they. I am advising de Menthon accordingly.

2. The position of law and jurisprudence in Unesco's programme

(see Dr. Hostie's letter to Dr. Huxley of 14th November). I informed him of the latest developments here and my suggestions concerning the Social Sciences programme recently, with which Dr. Hostie fully agreed.

3. Administrative Tribunal.

ICITO recently made their plans for an Administrative Tribunal, and, in doing so, they followed along the lines of the I.L.O. Tribunal. The Tribunal will consist of an equal number appointed by the administration and the staff, whereas the President should be an independent person, but in any case a lawyer. For the time being, Dr. Hostie will serve as such, in his capacity of Legal Adviser to ICITO, but what they really want is to find someone from outside.

The object of the luncheon then appeared to be a proposal from Dr. Hostie, on behalf of ICITO, that I be asked to become the ICITO Administrative Tribunal President, with the possibility of reciprocity.

I pointed out to Dr. Hostie -

(a) that, although I was willing to fulfil a function of this nature in principle, I should not want to accept without the approval of the Unesco Administration;

(b) that, if the Director-General of Unesco were agreeable, we could in any case not commit ourselves to any reciprocity at this stage, as the Statute for our Administrative Tribunal would have to go before the Executive Board, and

(c) that our own Administrative Tribunal, as it is being set up now, would possibly be a temporary institution, as it would be likely to adhere later on to a United Nations General Administrative Tribunal.

Dr. Hostie did not think any of these points would raise any particular difficulty, and we then agreed that the most practical procedure would be for you to have a talk with Dr. F.R. Pendelink.

Note. I do not think that any, presumably honorary, appointment of this nature would involve a great amount of work.

J.C.H. Warendorf.

Library
Personnel

January 24, 1947

Memorandum regarding Mr. Foundoukitis

In a conversation, January 24, at which were present Dr. Huxley, M. Thomas, Dr. Morley and I, Dr. Morley strongly recommended that no position be offered to Mr. F. who has been connected in some way with the Institute of Intellectual Cooperation and who has been the editor of the Magazine on Museums. She pointed out that F. has requested a salary in the neighborhood of $12,000 and has insisted that he should not be in any subordinate position to anyone. On the basis of all available evidence, F. is a very difficult personality and hard to work with.

Dr. Morley also pointed out that the Museums Office of the Institute for Intellectual Cooperation is now dead and its assets will be transferred by the United Nations to Unesco. The Magazine on Museums is therefore also ended and Unesco has title to its name and assets.

Dr. Morley recommended that Unesco should do nothing regarding the publication of a museums magazine until 1948.

It was agreed that Dr. Huxley should write a letter to M. Mayoux, former Head of the Institute of Intellectual Cooperation, telling him of our decision regarding Foundoukitis.

W.L.

add to my note in Morley suite

MEMORANDUM

23rd January 1947.

TO: Dr. Huxley.
Mr. Laves.
FROM: Dr. Grace Morley, Museums.

For Information To: Mr. Carter.

Concerning Mr. Foundoukidis, formerly of the recently closed International Museums Office.

The substance of this memorandum, in slightly different form, went to Mr. Carter some days ago and has been discussed with him. He is in general agreement.

In resume of previous discussions and covering memoranda:

Before the General Conference it was agreed that Mr. Foundoukidis should be recommended, on the basis of the programme as then projected, for a position in Museums at a salary of not less than $ 4,000 a year, and that it should be an honourable and responsible position concerned with some editorial work and taking care of documentary data, but it was agreed, in view of Mr. Foundoukidis well known career in his relations with the Institute of Intellectual Cooperation, that it could not be either as head of the Museums, nor in any post that would mean independence or interference with the administrative unity of Museums. He was informed of this opportunity (letter of 16th November), when he was invited to discuss the matter with me first, then with Mr. Carter and me. The substance of this discussion is summarised in this letter to him, and he was invited to correct in writing if there were any points of misunderstanding. This he did not do, though when I saw him a few days later he did say there were some details not stated as he understood them.

Again I urged him to put into writing exactly what he wished noted in connection with the discussion. That he has never done.

At the Conference there was a motion that would have meant, if successful, the virtual incorporation of the I.M.O. into Unesco as Unesco's Museums section. It was defeated by vote. The general budget of Unesco has been cut, which will reduce the already inadequate allocation to salaries for the Museums section, which I have already emphasized in commenting on the proposed itemised budget of the section. Meanwhile several of the museums professionals serving as advisers in this field to Delegations expressed themselves strongly on the subject of Mr. Foundoukidis, and advised vigorously against employing him in any capacity whatsoever in the Museums section. From several sources a Swiss who had worked with him, and to whom whatever merits 'Mouseion' had before the war were attributed, was recommended for future consideration for editorial work. He has been noted, but for the moment, since there will be some interval before editorial boards can be set up, the new subscription plan worked out, and actual advance subscriptions to assure the success of Mouseion or its equivalent secured, There is no need for an editorial assistant at this time.

MEMORANDUM

TO: Dr. Hurley.

FROM: Dr. Grace Hartley, Unesco.

For Information To: Mr. Carter.

Concerning Mr. Foundoukidis, formerly of the recently closed International Labour Office.

The substance of this memorandum, in slightly different form, went to Mr. Carter some days ago and has been discussed with him in general agreement.

In terms of previous discussions and covering memoranda:

Before the General Conference it was agreed that Mr. Foundoukidis should be recommended, on the basis of his experience at Unesco, for a position in Unesco's already existing and responsible position concerned with some editorial work and taking care of documentary data, but it was agreed, in view of Mr. Foundoukidis well known career in his relations with the Directorate of International Cooperation, that it could not be either as head of the Unesco Museum any posts that would mean independence or interference with the administrative unity of Unesco. He was informed of this opportunity (letter of 15th November), when he was invited to discuss the matter with me first, then with Mr. Carter and me. The substance of this discussion is summarized in this letter to him, and he was invited to correct in writing if there were any points of misunderstanding. This he did not do, though when I saw him a few days later he did say there were some details is not stated as he understood them.

Again I urged him to put into writing exactly what he wished noted in connection with the discussion. That he has never done.

At the General Conference there was a motion that would have meant, if successful, the virtual incorporation of the I.L.O. into Unesco as Unesco's Museum position. It was defeated by vote. The General Budget of Unesco has been cut, which will reduce the already inadequate allocation to salaries for the Museum section, which I have already emphasized in commenting on the proposed itemized budget of the section. Meanwhile several of the Museums professionals serving as advisors in this field to Delegations expressed themselves strongly on the subject of Mr. Foundoukidis, and advised vigorously against employing him in any capacity whatsoever in the Museums section. From several sources a Swiss who had worked with him, and to whom whatever merits 'Modelon' had before the war were attributed, was recommended for future consideration for editorial work. He has been noted. But for the moment, since there will be some interval before editorial boards can be set up, the new subscription plan worked out, and actual advance subscriptions to ensure the success of Museion or its equivalent secured, there is no need for an editorial assistant at this time.

Briefly, since Mr. Foundoukidis expressed himself strongly against a subordinate position (not on the basis of salary to which he professed to be quite indifferent on the ground of other resources and positions at his disposal) and since there is very strong opposition to him on professional grounds, it would seem in justice to him as well as to clarify the issue for Unesco that one or the other definite decision should be taken:

1. Appoint Mr. Foundoukidis head of the Museums programme at once, and bring into Unesco his three former staff members as he requested (see letter of 16th November). This would be one way to handle the Museums programme.

2. Inform Mr. Foundoukidis that the Museums programme, as approved by the General Conference and in consideration of the reduced budget, does not provide, except for the Directorship which it is wished to have filled at this time by a practising professional museums worker borrowed directly from active work, any position commensurate with his ability, experience and salary expectations, nor is there at present any work of the editorial kind in which he is interested and similar to that he previously carried on as the major activity of the I.M.O.

It is known exactly what Mr. Foundoukidis can do, for during nearly twenty years he had complete liberty to carry on the programme of I.M.O. as he desired. If that is what Unesco wants for Museums, Mr. Foundoukidis is at hand and should be immediately engaged. If not, it would be kinddr to release him completely from his hopes and ambitions in this regard as soon as possible. He has stated that he had other prospects. I should recommend the second course, for I fear otherwise much valuable professional support would be alienated.

The three associates he recommended, - not in any sense museum specialists as I understand it, but with competence in translation and editorial work, - should, I believe, in justice be invited to send in applications, and should be considered for possible Unesco employment in suitable work in Unesco's other departments at least on the same basis as those already employed and those who have made application for employment.

I should in frankness say here that though, in November, when the letter outlining a possible position for him was written, before the International Council of Museums Meeting and the General Conference, I had seen a possibility of Mr. Foundoukidis' contributing usefully to the work of the section, on the basis of further acquaintance with him and a great deal of information about him, I do not see how he could be placed in a subordinate position of any kind - with any happiness to himself, success to his work or ease to those to whom he would necessarily be responsible. I now believe he must be either in complete control of the programme or not used at all - and there is no use trying to evade this issue. I am sorry this is so, for I am truthfully very sorry for him. He had made his a very agreeable, independent, and, to some extent, an important position locally. It is very bitter to lose such an eminence, especially through external circumstances. Unfortunately, it is strictly true that nowhere in Unesco, except

at the top level, does there exist a position of the independence his had, nor at the salary he told me he earned. He does not seem to me the sort of man to resign himself to less, and this is indeed exactly what he stressed in his discussion with us, as we noted at the time. To induce him to take less seems to me to invite endless trouble of all sorts.

Sgd (GLM)

GRACE L. McCANN MORLEY
Counsellor - Museums

MEMORANDUM FOR MR. DARCHAMBEAU

SUBJECT: Institute of Intellectual Cooperation

In reply to the cable from Mr. de Blonay, I am advised by the Legal Department of the United Nations that the United Nations has not yet taken title to the assets of the Institute.

The inventory has either not been begun or not been completed. Furthermore, in addition to the inventory it will be necessary for the United Nations to clear its right to take title to the assets with the League of Nations Liquidation Committee.

I have informed the Legal Department that the French government is anxious for UNESCO to take its property from the Institute as soon as possible, and the Legal Department has promised that it will make every effort to expedite clearance and to take title.

As soon as title has been taken, the assets will immediately become available to UNESCO and UNESCO will be advised of its rights to these assets by a formal letter from the Secretary General of the United Nations. His letter transmitting the General Assembly Resolution is not sufficient, especially because the United Nations itself does not yet own the assets of the Institute.

Miss Maass

Et / Relat.

22 Janvier 1947

Madame,

Comme suite à votre lettre du 11 Janvier, je viens vous faire savoir que je serais très heureux de vous recevoir un de ces tout prochains jours. Jeudi, à 11 h.30, vous conviendrait-il? Si oui, veuillez me le confirmer par téléphone.

Recevez, Madame, l'assurance de mes sentiments les meilleurs.

André de Blonay,
Relations Extérieures.

Madame MALETERRE
Chef du Secrétariat de
la Direction
INSTITUT INTERNATIONAL DE
COOPERATION INTELLECTUELLE
2, rue de Montpensier
PARIS

phb-cbd-505

9.32

Monsieur Dimitri Antonopoulos
Conseiller Juridique adjoint
de l'E.C.I.T.O.
78 avenue des Champs-Elysées
PARIS (VIII°)

Le 21 Janvier 1947.

Monsieur,

M. Warendorf m'ayant montré les règles de procédure du Tribunal administratif de l'Ecito que vous lui avez remises, je me permets, à mon tour, de vous demander de bien vouloir m'envoyer deux autres documents connexes, qui seraient pour nous du plus haut intérêt : d'une part, le statut du Tribunal Administratif de l'Ecito, d'autre part le réglement du personnel de l'Ecito.

En vous remerciant d'avance de votre obligeance, je vous prie de croire, Monsieur, à l'expression de ma haute considération.

(Ph. Bemberg)

Assistant du Conseiller Juridique.

Ex6 : Relations

21 janvier 1947

Cher Monsieur,

J'ai bien reçu votre lettre du 17 Janvier, et je vous en remercie.

Au cours d'un entretien que j'ai eu hier avec un représentant du Gouvernement français, il a été convenu que le déménagement du mobilier et des archives de l'Institut International de Coopération Intellectuelle serait mis à exécution dans les plus brefs délais possibles.

Dans ces conditions, le concours de Madame MALETERRE nous est nécessaire et je prendrai immédiatement contact avec elle, conformément à notre accord d'il y a quelques semaines.

En vous remerciant de votre concours, je vous prie d'agréer, Cher Monsieur, l'assurance de mes sentiments les meilleurs.

André de Blonay,
Conseiller Principal,
Relations Extérieures.

Monsieur J.J. MAYOUX
Institut International
de Coopération Intellectuelle
2, rue de Montpensier
PARIS

jcsw/md/69

2.092

16th January, 1947.

MEMORANDUM FROM OFFICE OF LEGAL ADVISER

TO : Dr. Julian Huxley

I have been asked by External Relations to give you a brief survey of those matters which you could usefully discuss at United Nations Headquarters during your forthcoming stay in New York.

As far as this office is concerned there are two matters which call for attention:

1. Privileges and Immunities.

I attach a memorandum on the subject, which I had already prepared for you before this enquiry reached me.

The points to raise in New York are:-

The delegates of Member States of Unesco have expressed a wish that privileges and immunities will be dealt with in a Convention covering all the specialised agencies of the United Nations. Therefore, our proposal to have a separate Convention was turned down, as was that of the I.L.O. at their General Conference.

Question 1: Is the Legal Department of the United Nations working on this matter already now?

Question 2: Will a meeting be convened of the Legal Advisers of all or most of the specialised agencies to discuss this matter and to take up a common line of action?

(I suggested these last two points in a letter to Mr. Jenks, but have had no reply so far - perhaps Mr. Phelan could take this matter up with him)

2. Administrative Tribunal.

The United Nations Legal Department submitted a draft proposal for the setting up of a common Administrative Tribunal. Both Mr. Jenks of the I.L.O. and myself objected to the lack of certain provisions for specialised agencies, and we seemed to agree that here also common action is called for. Under Article 29 of our Staff Regulations, an Administrative Tribunal will be set up by the Board, but only pending definitive arrangements with the United Nations. I am preparing a statute for our own Administrative Tribunal to be submitted to the forthcoming Executive Board meeting. This statute will follow as closely as possible along the lines of the I.L.O. and United Nations statutes. Meanwhile, the question of a common United Nations Administrative Tribunal may come up again at any time, so that proposals may be submitted to the next General Assembly (the last one having remitted it with the request that the matter should be reported to the next).

Question 1: What is the actual position now in New York?

Question 2: Would Jenks not also be in favour of a meeting of Legal Advisers of the specialised agencies to consider what action can be taken in the matter of an Administrative Tribunal?
Will you please ask Mr. Phelan about that, too.

I suggest, of course, that if such a meeting took place, both subjects would be handled on the same occasion.

J.C.S. Harendarf.

JGSW/mkj/30

18th January, '

MEMORANDUM FROM OFFICE OF LEGAL ADVISER

TO : Dr. Julian Huxley

Privileges and Immunities

The question of privileges and immunities of Unesco is raised in Article XII of the Unesco Constitution, which says, "The provisions of Articles 104 and 105 of the Charter of the United Nations Organisations concerning the legal status of that Organisation, its privileges and immujities shall apply in the same way to this Organisation". Article 105 of the Charter says,

"1. The Organisation shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organisation shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organisation".

When the Member States of Unesco signed its Constitution they adopted this Article XII which refers to Article 105 mentioned above, and Article 105 recognises both to the Organisation as a legal person and to the representatives and officials of this Organisation, such privileges and immunities as are necessary for the fulfilment of its purposes.

However, this was not sufficient to assure Unesco and its officials all the protection and exemption which the domestic legislation of each Member State might not have provided for. For instance, in the United States the Congress Act has already recognised to the United Nations and the I.L.O. special privileges and immunities, and, according to certain indications received, is presumed to be favourably inclined to do the same for Unesco.

While the Preparatory Commission was in England no legal arrangements were made, (except for an Order in Council to extend certain diplomatic privileges to not more than four members of the Secretariat), because Unesco was not yet in existence, and the Preparatory Commission enjoyed de facto the privileges that the British Government was willing enough to grant it - such as a Consular type of Alien Registration certificate and freedom from taxation.

As regards the French Government, an agreement was made between the Preparatory Commission and the French Government, which is our host Member. This agreement was supposed to be replaced by a definitive agreement between Unesco and France. However, the General Conference decided by a Resolution which says that until such time as the general convention on privileges and immunities may be adopted, the provisional agreement between the Preparatory Commission and the French Government remains in force, to await events.

Therefore, the provisions of this agreement define what privileges Unesco, its representatives and its officials have on French territory.

1. Privileges and Immunities in France.

(a) The Organisation possesses juridical personality. It may contract, acquire and dispose of immovable and movable property, and institute legal proceedings. Unesco's property is exonerated from all taxes, its archives are inviolable and the import of material necessary for fulfilment of its work is free from duty.

(b) The representatives of Member States of Unesco have the same privileges and immunities as those granted to Heads of diplomatic missions accorded to the French Government. Unesco's officials are, according to their rank, entitled to enjoy full diplomatic privileges or special regulations which facilitate their entrance and their stay on French territory.

Action. Note: Some provisions should still be made for the benefit of the members of the Executive Board who are, technically, not "representatives of Member States" but of the General Conference (Article V, 11. of Unesco Constitution).

2. Privileges and Immunities in the territory of Unesco's Member States.

Following the I.L.O.'s example, the Office of the Legal Adviser prepared a draft of a convention on privileges and immunities of Member States of Unesco, which according to Article XII of the Constitution should be the same as the General Convention of the United Nations signed on the 13th February, 1946. Unfortunately this draft was not approved by the delegates to the Conference, owing to the fact that the Convention of the I.L.O. had not been adopted and also so that some general convention on privileges and immunities for the specialised agencies shall be drafted. Nevertheless, the Conference adopted a Resolution that "Pendin the conclusion of the General Convention defining the privileges and immunities of the specialised agencies, their officials and representatives of Member States, the General Conference request the Government of each Member State to grant appropriate facilities to such representatives and officials of Unesco as may visit or pass through that state in the course of their official duties." It was also adopted, after a proposal from the Executive Board, that Members of the Executive Board would enjoy the same facilities as those recommended to the representatives of Member States in this Resolution.

The Office of the Legal Adviser have drafted, for the External Relations Section, a letter to be signed by the Director-General, and addressed to the Ministry for Foreign Affairs of each Government concerned, urging them to pass the internal legislation necessary for the recognition of Unesco's rights.

Whereas in practically all countries an international agreement takes effect only after incorporation into domestic law, according to the constitutional rules of the country concerned this must be adopted by each country as an internal law - otherwise it will have been in vain. Therefore, some action is called for as far as the provisional arrangement with the French Government is concerned, inasmuch as the text of that agreement between France and Unesco has never been published in the "Journal Officiel" and nothing obliges the various officials of French administration to apply the provisions of the Article.

It is expected, however, that the Convention of the United Nations on privileges and immunities, which France signed in February 1946, will be ratified and will thus become French law within a short while. The Fourth Republic having also accepted the Unesco Constitution including Article XII, the French Government could very well make the Convention of the United Nations on privileges and immunities applicable for Unesco through a special clause to be included in French domestic legislation, implementing the United Nations Convention. Such solution would not need to impede or contradict the provisional arrangement by any means, as it could still be looked upon as the initial arrangement for a definitive agreement under Article 36 of the United Nations Convention, reading as follows:

> "The Director-General may conclude with any Member or Members supplementary agreements adjusting the provisions of this convention so far as that Member or these Members are concerned. These supplementary agreements shall in each case be subject to the approval of the General Conference".

It is suggested that this matter be taken up again with the French Government and, if possible, settled in the spirit and sense indicated above.

J.C.S. Warendorf.

SOCIÉTÉ DES NATIONS

INSTITUT INTERNATIONAL
DE COOPÉRATION INTELLECTUELLE

LEAGUE OF NATIONS

INTERNATIONAL INSTITUTE
OF INTELLECTUAL COOPERATION

PARIS (1er), 2, RUE DE MONTPENSIER
(PALAIS-ROYAL)

1161

Paris, le 17 janvier 1947.

Cher Monsieur,

Comme suite aux décisions prises au cours de la réunion du 18 décembre concernant les mesures immédiates à prendre en vue de l'application de l'Accord signé entre l'UNESCO et l'Institut, je tiens à vous confirmer que je désigne Madame MALTERRE en tant que fonctionnaire chargée du travail de coordination entre l'activité passée de l'Institut et le programme actuel de l'UNESCO.

Il est bien entendu, conformément à la décision prise le 18 décembre, que Mme MALTERRE, que j'ai déjà engagée à vous écrire à ce sujet sera prise en charge par l'UNESCO pour l'accomplissement de cette tâche. Elle attend une convocation de votre part.

Veuillez agréer, Cher Monsieur, l'expression de mes sentiments les meilleurs.

J.J. Mayoux

J.J. MAYOUX
Directeur.

Monsieur de BLONAY,
UNESCO

Fine Strong "R4" Fine Strong

UNESCO
Office of the
Resident Observer
to United Nations
New York

FACTUAL REPORT NO. A/1946/7

Subject: UTILIZATION BY UNESCO OF PROPERTY RIGHTS IN THE INSTITUTE OF INTELLECTUAL COOPERATION
Session: UN-Gen.Ass'y; 1st Sess., 2nd part
Date: January 13, 1947

WORKING DOCUMENTS:	A/136	Secretariat	Report and Draft Resolution on Transfer to UNESCO of Functions and Activites of the International Intellectual Cooperation and Utilization by UNESCO of Assets of the Institute Transferred to the United Nations by the League of Nations

REFERENCES: Committee 5:
Journal 36, p. 68
Assembly PV - 38, p. 325

RESULTS: A/196 - The General Assembly

RECOMMENDS that as soon as possible after UNESCO has been definitely established, it shall take over, in accordance with Article XI, paragraph 2, of its Charter, such of the functions and activities of the International Institute of Intellectual Cooperation as may be performed within the scope of the programme adopted at the UNESCO General Conference as set forth in the draft agreement between the United Nations and UNESCO, under the terms of Article 63 in the United Nations Charter.

FURTHER RECOMMENDS that an agreement be concluded between UNESCO and the Institute before December 31, 1946, in order to facilitate the assumption by UNESCO of the functions and activities referred to in paragraph 1 of the present Resolution.

In order to insure, under the auspices of UNESCO, the continuity of the work performed by the International Institute of Intellectual Cooperation, invites the Secretary General to authorize UNESCO to utilize the assets of the Institute transferred by the League of Nations to the United Nations.

DISCUSSIONS:

1. When Document A/136 was submitted to the Committee the only discussion was a question raised by the USSR as to whether or not the rights remained the property of the United Nations and were simply loaned to UNESCO for utilization. The Chairman replied that it was his understanding that the rights were simply to be loaned to UNESCO for appropriate use, but would remain the property of the United Nations.

2. The proposal was thereupon unanimously approved as presented without any further comment, and was subsequently unanimously approved by the Assembly.

N.B.: Document A/196 attached to Report sent to M. de Blonay.

phb-cbd-684.

Le 13 Janvier 1947.

ANALYSE COMPARATIVE DU STATUT DU TRIBUNAL ADMINISTRATIF DES NATIONS UNIES, DE L'ORGANISATION INTERNATIONALE DU TRAVAIL ET DE LA SOCIETE DES NATIONS.

-:-:-:-

Une analyse complète de ces divers statuts doit différencier ces trois tribunaux quant à :

1° - leur compétence

a) ratione personnae
b) ratione materiae

2° - la composition du tribunal

3° - leurs règles de procédure.

Malheureusement il nous manque les documents où figurent les règles de procédure de ces divers tribunaux, mais dans le statut lui-même figurent quelques règles d'un caractère formel.

1° - Compétence.

a) Ratione personnae.

Quelles sont les personnes qui ont droit de recourir au tribunal administratif ?

I - NATIONS UNIES.

Selon l'article II, § 2, ont accès au tribunal administratif :

1° tout fonctionnaire du Secrétariat des Nations Unies ou du Greffe de la Cour internationale de Justice, même si son emploi a cessé, ainsi que toute personne ayant succédé mortis causa aux droits du fonctionnaire,

2° tout autre fonctionnaire pouvant justifier de droits résultant du contrat d'engagement du fonctionnaire décédé, y compris les dispositions du statut du personnel dont pouvait se prévaloir ce dernier.

.....

II. I.L.O.

L'article V, § a) et b) reproduit textuellement les dispositions prévues par les Nations Unies.

III. S.D.N.

L'article II, § 3, alineaa a) et b) reproduit textuellement les dispositions mentionnées plus haut.

b) Ratione materiae.

Compétence en raison de l'objet du litige.

I. NATIONS UNIES.

Selon l'article II, le Tribunal est compétent pour connaître des requêtes invoquant l'inobservation du dontrat d'engagement des fonctionnaires du Secrétariat des Nations Unies et du Greffe de la Cour internationale de Justice, y compris les dispositions provenant du statut du personnel. Il est ajouté en note que dans le présent statut le terme "statut du personnel" est employé dans un sens générique et couvre entr'autres les règles applicables aux pensions.

II. ILO.

Selon l'article II, le Tribunal est compétent pour connaître des requêtes invoquant l'inobservation, soit quant au fond, soit quant à la forme, des stipulations du contrat d'engagement des fonctionnaires du Secrétariat ou du Bureau international du Travail et les dispositions du statut du personnel qui sont applicables à l'espèce.

Selon les §§ 2, 3 et 4 de cet article II, il est prévu une liste de cas spéciaux qui sont des applications du principe posé plus haut. Ces cas qui se rapportent à des questions d'invalidité, d'accidents, de maladies, à l'inobservation du règlement de la caisse des pensions, ne sont pas encore passés en force de loi, ce sont seulement des textes proposés.

Enfin, il est suggéré au § 4 (projet) que le Tribunal soit compétent pour connaître des différends issus de contrats auxquels l'Organisation internationale du Travail est partie, etqui lui attribuent compétence en cas de différends au sujet de leur exécution.

.....

III. SDN.

L'article II qui a été imité par le règlement de l'Organisation internationale du Travail, a exactement la même teneur que l'article II, § 1 mentionné plus haut.

Commentaire.

Ainsi, dans les trois statuts, sous réserve de quelques différences de détails, le principe de la compétence du Tribunal administratif est le même. La compétence se limite à des requêtes dues à l'inobservation du contrat d'engagement, et elle ne concerne que les fonctionnaires de l'Organisation et leurs héritiers. Les créanciers sont exclus d'agir aux lieu et place de la personne intéressée.

Enfin, dans les trois statuts, un article donne au Tribunal le droit de décider sans recours s'il est compétent ou non.

Cependant, nous devons signaler que dans le statut de l'Organisation internationale du Travail, à l'article II, § 6, il est proposé d'ajouter au texte existant une réserve prévoyant un recours soumis par le Conseil d'Administration pour avis consultatif à la Cour internationale de Justice. L'avis rendu par la Cour aurait force obligatoire. Ainsi seule l'Organisation internationale du Travail prévoit, en cas de contestation sur la compétence du Tribunal administratif, un recours à La Haye.

Signalons enfin qu'à l'article XII du statut du Tribunal administratif des Nations Unies, la compétence du Tribunal peut être étendue à une Institution spécialisée, dans des conditions à fixer par un accord.

2° - Composition du Tribunal.

I. NATIONS UNIES.

Selon l'article III, ~~§~~ e, le Tribunal se compose de 7 juges de nationalités différentes, dont 3 seulement siègent dans chaque espèce. Ils sont élus pour 3 ans par la Cour internationale de Justice. Le Tribunal élit parmi les 3 son Président et ses 2 vice-Présidents. Le Tribunal comprend un greffier et un greffier adjoint, membres du Secrétariat des Nations Unies, désignés par le Secrétaire Général.

.....

II. I.L.O.

Selon l'article III, le Tribunal comprend 3 juges titulaires et 3 juges suppléants de nationalités différentes. Ils sont nommés pour une durée de 3 ans par la Conférence de l'Organisation internationale du Travail. Le Tribunal, pour siéger, doit être composé de 3 membres, dont l'un au moins doit être un juge titulaire.

III. S.D.N.

L'article III est reproduit intégralement par l'article III du statut du Tribunal administratif de l'Organisation internationale du Travail.

3° - Règles de caractère formel.

I. NATIONS UNIES.

Le Tribunal se réunit en session ordinaire aux dates fixées par son réglement, et en sessions extraordinaires sur convocation du Président.

Le Tribunal statue à la majorité des voix. Ses jugements sont définitifs et sans appel.

Tout jugement doit être motivé.

Une requête n'est recevable que si la décision contestée est définitive, l'intéressé ayant épuisé tous moyens de recours mis à sa disposition par le statut du personnel.

Le Tribunal adopte son propre réglement intérieur.

II. I.L.O.

Dispositions analogues.

III. S.D.N.

Dispositions analogues.

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2.092

Translation 13th January, 1947.

COMPARATIVE ANALYSIS OF THE STATUTES OF THE ADMINISTRATIVE TRIBUNALS OF THE UNITED NATIONS, INTERNATIONAL LABOUR ORGANISATION AND LEAGUE OF NATIONS

A complete analysis of these statutes should make clear the differences between these three tribunals with regard to:

1. Competence

   a) ratione personae

   b) ratione materiae

2. Composition

3. Rules of procedure.

Unfortunately, the documents containing the rules of procedure of the three tribunals are not available, but certain explicit rules appear in the statutes themselves.

1. Competence

   a) Ratione personae

      To what persons is the Administrative Tribunal open?

I - UNITED NATIONS

Under Article 2, paragraph 2, the Tribunal shall be open:

1. To any official of the Secretariat of the United Nations or of the Registry of the International Court of Justice even after his employment has ceased, and to any person who has succeeded to the official's rights on his death.

2. To any person who can show that he is entitled to rights under the contract of employment of a deceased official, including the provisions of staff regulations upon which the official could have relied.

II - I.L.O.

Article V, paragraphs a) and b), exactly reproduces the provisions of the United Nations Statute.

III - LEAGUE OF NATIONS

The above-mentioned provisions are exactly similar to those of Article II, paragraph 3, sub-paragraphs a) and b).

(b) Ratione materiae

On what cases are the Tribunals competent to adjudicate?

I - UNITED NATIONS

Under Article 2, the Tribunal is competent to adjudicate upon applications alleging non-observance of contracts of employment of officials of the Secretariat of the United Nations or of the Registry of the International Court of Justice, including the pertinent provisions of staff regulations. A footnote adds that, in the Statute, the term "staff regulations" is employed in a generic sense and includes inter alia regulations concerning pensions.

II - I.L.O.

Under Article 2, the Tribunal is competent to adjudicate upon applications alleging non-observance of the substance or letter of contracts of employment of officials of the Secretariat or of the International Labour Office and non-observance of the relevant provisions of staff regulations.

Paragraphs 2, 3 and 4 of Article 2 contain a list of special cases applying the above principle. In these cases which cover disability, accidents, illness and non-observance of the regulations governing the Staff Pensions Fund, the text is merely proposed and has not acquired legal force.

Lastly, paragraph 4 (draft) proposes that the Tribunal should be empowered to hear disputes arising out of contracts to which the International Labour Organisation is a party and which provide for the competence of the Tribunal in any disputes with regard to their execution.

III - LEAGUE OF NATIONS

The terms of Article 2, on which the regulations of the International Labour Organisation are based, are exactly similar to those of Article 2, paragraph 1 mentioned above.

Commentary

Thus in all three statutes, apart from differences of detail, the competence of the Administrative Tribunal is, in principle, the same. That competence is limited to adjudication upon applications concerning the

non-observance of contracts of employment and concerns only officials of the Organisation and their heirs. Creditors are debarred from taking action in the place of the person concerned.

In all three statutes there is a clause empowering the Tribunal to decide, without appeal, whether or not it has competence.

It should, however, be pointed out that it is proposed to add to the present text of Article 2, paragraph 6 of the I.L.O. Statute a reservation providing for requests by the Governing Body for an advisory opinion by the International Court of Justice. The Court's opinion would be binding. Thus, only the International Labour Organisation provides for appeal to The Hague in cases in which the competence of the Administrative Tribunal is questioned.

Lastly, it should be noted that, under Article 12 of the Statute for the Administrative Tribunal of the United Nations, the competence of the Tribunal may be extended to any specialised agency, upon terms to be established by a special agreement.

2. Composition of the Tribunal

I - UNITED NATIONS

Under Article 3, the Tribunal shall be composed of seven judges of different nationalities, of whom only three shall sit in any particular case. The judges shall be elected by the International Court of Justice for three years. The Tribunal shall elect its President and two Vice-Presidents from among the three judges. The Tribunal shall have as Registrar and Deputy Registrar members of the Secretariat of the United Nations, who shall be appointed by the Secretary-General.

II - I.L.O.

Under Article 3, the Tribunal is to be composed of three judges and three deputy judges of different nationalities, appointed for a period of three years by the Conference of the International Labour Organisation. Three members are to sit in any particular case, not more than two of them being deputies.

III - LEAGUE OF NATIONS

Article 3 of the Statute of the Administrative Tribunal of the International Labour Organisation is an exact reproduction of Article 3 of the League of Nations Statute.

3. Explicit Rules

I - UNITED NATIONS

The Tribunal shall hold ordinary sessions at dates to be fixed by its Rules of Procedure; extraordinary sessions may be convoked by the President.

The Tribunal shall take all decisions by a majority vote. Its judgments shall be final and without appeal. Every judgment must state the reasons on which it is based.

An application shall not be receivable unless the decision contested was final and unless the person concerned has exhausted the means of redress available to him under the staff regulations.

The Tribunal shall adopt its own Rules of Procedure.

II - I.L.O.

Similar provisions.

III - LEAGUE OF NATIONS

Similar provisions.

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phb-dbc-680

2 E.092

Madame MOREL
Secrétaire du Bureau de Paris
du Bureau international du Travail
205 boulevard Saint-Germain
PARIS (VII°)

Le 10 Janvier 1947.

Madame,

Je tiens à vous remercier des deux documents que vous avez eu l'obligeance de bien vouloir me faire parvenir. Ils sont du plus haut intérêt pour notre travail, et je vous sais gré d'avoir pensé à m'envoyer le statut du Tribunal administratif de la Société des Nations, qui est un précédent digne de considération.

Veuillez agréer, Madame, mes hommages dévoués

Ph. Bemberg.

Ф0-81

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2.092

BUREAU INTERNATIONAL DU TRAVAIL
~~CONFERENCE INTERNATIONALE DU TRAVAIL~~
INTERNATIONAL LABOUR CONFERENCE
CONFERENCIA INTERNACIONAL DEL TRABAJO

PARIS

205, BOULEVARD SAINT-GERMAIN (7e)

TÉL. : LITTRÉ 92-02

Reference No.:— 6249

Paris, le 8 janvier 1947

Monsieur,

Comme suite à notre conversation téléphonique du 4 janvier, nous avons demandé au Service administratif de Genève, de faire parvenir le Statut du Tribunal administratif du Bureau international du Travail, et les règles de procédure de ce Tribunal.

Veuillez le trouver ci-joint, inclus dans le Compte Rendu provisoire N° 10, de la Conférence de Montréal, page 4.

Vous trouverez également l'ancien statut et règlement du Tribunal administratif, qui n'est évidemment plus en vigueur, mais qui pourrait peut-être vous fournir quelques suggestions.

Agréez, je vous prie, Monsieur, mes salutations les plus distinguées.

La Secrétaire du Bureau de Paris
du B.I.T.:

A. Morel.

Monsieur BIMBERG
Chef de la Section juridique
de l'UNESCO
19, Av. Kleber
PARIS

pb/md/37

6th January, 1947.

TO : Mr. J.C.S. Warendorf

FROM : M. Philippe Bemberg

Statute of the Administrative Tribunal of Unesco

According to Regulation 29,"Any dispute arising between the Organisation and a member of the staff regarding the fulfilment of the contract of a member of the staff or arising out of disciplinary action, may be referred for final decision to an Administrative Tribunal to be established by the Executive Board for such period as may be necessary".

The International Labour Organisation office in Paris could not send me at once the Statute of their Administrative Tribunal, but will get it from Geneva and sendit to us next week.

Therefore, the only precedent which may inspire us is the Statute of the Administrative Tribunal of the United Nations, but we must be very careful to pick out from these statutes, the Regulations which may be used in the case of Unesco, that is to say - an Organisation with a much smaller Secretariat and a smaller budget. We shall follow the plan used for the Draft Statute made by the United Nations. Some Articles may be almost copied, some others slightly altered, others cannot be used.

Article 1.

The Tribunal is established by the present Statute to be known as the Unesco Administrative Tribunal.

Article 2.

Commentary - Regulation 29 states two cases when such Tribunal may be competent, but Article 2 of the United Nations Draft Statute is more complete and we think it could be used as follows:-

1. The Tribunal shall be competent to adjudicate upon applications alleging non-observance of contracts of employment of officials of the Secretariat of Unesco, including the pertinent provisions of staff regulations.

2. The Tribunal shall be open

(a) to any official of the Secretariat of Unesco, even after his employment has ceased, and to any person who has succeeded to the official's rights on his death;

(b) to any person who can show that he is entitled to rights under the contract of employment of a deceased official, including the provisions of staff regulations upon which the official could have relied.

3. In the event of a dispute as to whether the Tribunal has competence, the matter shall be settled by the decision of the Tribunal.

4. The Tribunal shall be competent to adjudicate upon an appeal referred to it,according to the provisions of Regulation 28 of the staff regulations.

Article 3.

In the Draft Statute of the United Nations, Article 3 refers to the composition of the Tribunal and the way of electing the judges and the terms of their election. There are seven judges elected by the International Court of Justice for three years.

In the case of Unesco, according to Regulation 29, it is said that the Executive Board shall establish the Administrative Tribunal. This phrase is rather confusing - does it mean that the Board decides what statutes such Tribunal will have, or furthermore is the Board entitled to designate the judges? In my opinion it would not be legal that the Board, which is an organ of Unesco, should choose alone the judges of the Tribunal.

According to Regulation 28, there shall be established for certain cases of a disciplinary character, a committtee of an equal number of representatives of the administration and of the staff, but for the Tribunal one would need more qualified and specialised people, and certainly the best way would be to leave to the International Court of Justice the task of electing the judges of the Unesco Tribunal. But beforehand we should make a special agreement with the Court of Justice and ask them perhaps not to elect judges but to designate them. It seems to me that three judges would be sufficient, who could come from time to time to hold session in Paris at Unesco's expense.

According to the United Nations Draft, the Registrar should be designated by the Secretary-General. In Unesco's case I do not see why the Legal Adviser should not fulfil these duties.

Article 4.

The Tribunal shall hold ordinary sessions at dates to be fixed by its Rules, subject to there being cases on its list which, in the opinion of the President, justify holding the session. Extraordinary sessions may be convoked by the President when required by the cases on the list.

Article 5.

1. The Director-General of Unesco shall make the administrative arrangements necessary for the functioning of the Tribunal.

2. The expenses of the Tribunal shall be borne by Unesco.

Article 6.

1. Subject to the provisions of the present Statute, the Tribunal shall establish its Rules and may amend them from time to time.

2. The Rules shall include provisions concerning:

(a) Election of ~~the President~~ the 3 members of the Tribunal mentioned in Art 3;

(b) Composition of the Tribunal for its sessions;

(c) Presentation of applications and the procedure to be followed in respect to them;

(d) Intervention by persons to whom the Tribunal is open under paragraph 2 of Article 2, whose rights may be affected by the judgment;

(e) Hearing, for purposes of information, of persons to whom the Tribunal is open under paragraph 2 of Article 2, even though they are not parties to the case; and generally

(f) Other matters relating to the functioning of the Tribunal.

Article 7.

1. An application shall not be receivable unless the decision contested was final, and unless the person concerned has exhausted the means of redress available to him under applicable staff regulations.

2. Where the administration has not notified to the person concerned a decision on a claim within sixty days after the claim was made, an application shall be receivable in the same manner as an application against a final decision.

3. Except as the Tribunal may in a particular case decide otherwise, an application shall not be receivable unless it is filed within ninety days after the notification to the person concerned of the decision contested or, if the decision affects a class of officials, within ninety days after the date of its publication. If the decision contested was notified to the person concerned or published before the date to be fixed by the President as the date of the constitution of the Tribunal, the period of ninety days shall begin to run from that date.

4. The filing of an application shall not have the effect of suspending the execution of the decision contested.

Article 8.

1. No action shall be taken by the Tribunal upon an application unless the applicant deposits with the administration concerned, within the period of sixty days after the filing of the application, an amount equivalent to such proportion of his annual salary, not to exceed two per cent, ~~as shall be fixed~~ by the Tribunal ~~in each case~~.

2. The Tribunal in rendering judgment shall order the refund of the deposit to the applicant unless it finds that the application was frivolous.

Article 9.

The Tribunal shall decide in each case as to the extent to which the oral proceedings shall be held in public.

Article 10.

If the Tribunal finds that the application is well-founded, it shall order the rescinding of the decision contested or the specific performance of the obligation invoked; but if such rescinding or specific performance is impossible or inadvisable, the Tribunal shall order the payment to the applicant of compensation for the injury sustained. The compensation awarded shall be paid by Unesco.

Article 11.

1. The Tribunal shall take all decisions by a majority vote.

2. The judgments shall be final and without appeal.

3. The judgments shall state the reasons on which they are based.

4. The judgments shall be drawn up in two originals, which shall be deposited in the archives of the Secretariat of Unesco.

5. A copy of the judgment shall be communicated to each of the parties in the case. Copies shall also be made available on request to interested persons.

Article 12.

The competence of the Tribunal may be extended to any specialized agency brought into relationship with Unesco in accordance with the provisions of Articles 57 and 63 of the Charter of the United Nations, upon the terms established by a special agreement to be made with each such agency by the Director-General of Unesco. Each such special agreement shall provide that the agency concerned shall pay any compensation awarded against it by the Tribunal, and shall include inter alia provisions concerning the agency's participation in the administrative arrangements for the functioning of the Tribunal and concerning its sharing the expenses of the Tribunal.

P. B.

Philippe Bemberg.

file Int. Institute of Intellectual Coop.

January 6, 1947

MEMORANDUM

To: Director General
Mr. de Blonay ✓
Dr. Klassez

From: E. J. Carter

Subject: Transference of books, archives, and other material from the Institute of Intellectual Cooperation

The meeting was held at Unesco on December 18th between representatives of Unesco and Mr. Mayoux, provisional Secretary General of the Institute of Intellectual Cooperation, to discuss the transference of Institute property to Unesco. The following was agreed as to order of priority to be followed:

A. Institute archives.

These include the files now maintained by Mme. Ziffery. These are now in good order in a large number of vertical filing cabinets. It was agreed that a room should be found for them on the fourth floor in close relationship to the Unesco Registry and the Library.

It was agreed that Mme. Ziffery should be employed temporarily to organise the coordination of the Unesco Registry material and the Institute papers.

The archival material of the International Museums ~~Organisation~~ Office should be transferred at the same time. The actual receipt of this by Unesco is possibly less urgently required.

B. Library material of the Institute and I.M.O.

This should be transferred in two main groups.

1) A selection should be made by Unesco Library of of all books and documents in the Institute and IMO libraries of immediate importance to Unesco. These should be selected as soon as possible, conveyed to Unesco, and systematically listed after they have reached Unesco House. On arrival they should be deposited in a separate room. When the lists and appropriate cards have been made, the books should be incorporated in Unesco's working collection. These should not, however, be regarded as a permanent part of the Unesco Library until formal formal agreements to that effect have been signed with the responsable section of U.N.

2) The main bulk of the Institute and I.M.C. libraries will be brought here after the first select lot. These also will be deposited in a separate room. Lists will be compiled at the earliest possible moment. Decisions will be made with regard to the transference of any sections of these libraries not relating to Unesco's work to other bodies within U.N. interest. To receive

them formal agreements will have to be made with U.N. as in the case of the selected lot.

C. Stocks of Institute and I.M.C. publications

These are a saleable commodity. Unesco as an agent of U.N. should acquire authorisation to dispose of these stocks by sale or if necessary by gift in response to applications made by responsible libraries and other organisations. A separate account can be maintained until such time as formal agreements have been signed with U.N. These stocks should be deposited in Unesco in a room adjacent to Unesco documents which are similarly available for sale or gift.

D. Furniture and equipment

Bookshelves. As many ranges of shelving as possible should be transferred as soon as possible. They should be erected in rooms allocated to the Unesco Library. Ideally, the shelving should be removed first of all, but it will not be free for removal until the books themselves have been moved.

Typewriters, the duplicating machine, and other mechanical equipment. Inventory of these properties should be made before they leave the Institute building. Many of these may be wanted urgently and arrangements can be made to transfer them independently of the publications.

It is understood that all these properties of the Institute and I.M.C. are available for transference immediately. The Administrative Section of Unesco in cooperation with the Library should take immediate steps to arrange the transference.

E

W. J. Carter

Extrait d'unenote sur une conversation avec M. Guy Dorget,
Délégué francais à l'Unesco, lundi 6 janvier 1947.

Exécution de l'accord avec l'Institut International de Cooperation Intellectuelle.

Des représentants du Quai d'Orsay et de l'Unesco se rendront très prochainement au Secrétariat de l'Institut International de Coopération Intellectuelle afin d'établir d'un commun accord le matériel et le mobilier dont l'Unesco laissera la jouissance au Gouvernement francais et le matériel qui sera transféré à la Maison de l'Unesco.

December 31, 1946

TO: Dr. Warendorf, Legal Section

FROM: Andre de Blonay, External Relations Section

Please find enclosed in its French and in its English versions the text of the Agreement between Unesco and the International Institute of Intellectual Cooperation which has been signed on December 19, 1946 by Dr. Huxley and the Director of the Institute, Mr. Jean Jacques Mayoux.

I trust these original documents will be kept in your archives.

Beyrouth Conference

SC / Bur /
" " / SR