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23 September 1946

ORIGINAL: ENGLISH

SUB-COMMITTEE ON REFUGEES

SUMMARY RECORD OF THE SIXTH MEETING

Held at Lake Success, New York, Friday, 20 September 1946 at 2:00 p.m.

The following were present:

Chairman:	Mr. Martin	(Canada)
	Mr. Riddell	(Canada)
	Mr. Yang	(China)
	Mr. Zuleta Angel	(Colombia)
	Mr. Perrier	(France)
	Mr. Malik	(Lebanon)
	Mr. Arca Parro	(Peru)
	Mr. Medved	(Ukraine)
	Mr. Tepliakov	(U.S.S.R.)
	Sir George Rendel	(United Kingdom)
	Mr. Fowler	(United States)
	Mr. Mates	(Yugoslavia)

Secretariat: Sir Raphael Cilento, Director of the Refugee Division

Conclusion of the discussion on the Draft Constitution of the International
Refugee Organization (E/92).

Mr. MALIK (LEBANON) was able to report that the Drafting Sub-Committee which had been appointed to find an acceptable formula with reference to the proposal of the Egyptian Government (E/134), had successfully completed its work.

There had been unanimous agreement on the following text which it was suggested should be added as paragraph 1, sub-paragraph (g) of Annex I General Principles: (E/92):

"(g) The Organization should endeavour to carry out its functions in respect of resettlement and re-establishment in such a way as to avoid disturbing friendly relations between nations."

Mr. MALIK wholeheartedly approved the inclusion of this text, but in view of its great dissimilarity to the proposal of the Egyptian Government, moved that a formal vote be taken on the latter.

Sir George RENDEL (UNITED KINGDOM) expressed the view that the appointment of a drafting group clearly indicated that its compromise text would replace that of the Egyptian Government and would not be supplementary to it. In view of Sir George's remarks, Mr. MALIK withdrew his request for a vote on the Egyptian text and the new sub-paragraph (g) was accepted without further comment.

Mr. TEPLIAKOV (U.S.S.R.) regretted that the drafting group which had attempted to find a compromise text between the wording of Part I, Section A, paragraph 4 of Annex I and that of the Ukrainian and Soviet proposed amendments (E/138 and E/135), had been unsuccessful in its efforts. He wished for a further explanation from the United States Delegate as to why he supported the retention of paragraph 4 as it stood.

Mr. FOWLER (UNITED STATES) considered that while it was right to state that as a general rule children should be repatriated, it would be a mistake to include this as a rigid obligation. Paragraph 4 did allow for exceptional cases where repatriation might result in unnecessary hardship.

Mr. MATES (YUGOSLAVIA) then proposed the following further amendment to paragraph 4: to insert the word "earliest" before "repatriation" and to substitute for the final clause beginning "or when compelling...", the words "or in other cases with the consent of the government of their nationality."

He pointed out that both from the legal and from the humanitarian aspect the government of an orphan child's country of nationality alone could act as his legitimate guardian and if exceptional cases did appear where repatriation would seem to interfere with the welfare of the child, there need not be any apprehensions regarding the attitude of the government in question. The Yugoslav Government regarded this question as being of paramount importance and would insist on its legitimate right to protect and take care of orphan children of Yugoslav nationality. Where nationality was not known, the children would of course have to become the concern of some appropriate international authority.

Mr. TEPLIAKOV (U.S.S.R.) could not accept the provision allowing children to remain in camps at the discretion of the administration of the I.R.O. Such an environment would be inestimably harmful and no convincing reasons had as yet been put forward against eventual repatriation. In an effort at compromise he would be prepared to withdraw his amendment in favour of that proposed by the Delegate for Yugoslavia.

Sir George RENDEL (UNITED KINGDOM) announced that he, too, had a redrafted version of paragraph 4 to propose which would draw a distinction between cases of known and unknown nationality and which would do away with the use of the controversial word "compelling." The text would read as follows:

"4. Subject to the provisions of Part II, the term "refugee" also applies to war orphans or unaccompanied children whose nationality can be established, who are outside their countries of origin pending their repatriation or, in exceptional cases where they have no homes or families to return to in their countries of origin, where satisfactory arrangements exist or can be made for their care and maintenance elsewhere, and where, in the opinion of the Organization, undue hardship and suffering would be caused by their premature repatriation. It also applies to orphans or unaccompanied children whose nationality of origin cannot be established."

While recognizing the magnificent progress which had been made in Eastern Europe with regard to the care of children, it seemed reasonable not to repatriate children to completely devastated areas in instances where they had been satisfactorily settled elsewhere.

Mr. MATES (YUGOSLAVIA) who, with the Soviet delegate, had expressed strong objections to the United Kingdom proposal, pointed out that the Ukrainian amendment should be first voted on as it was farthest in substance from the original paragraph 4.

Decision.

The Ukrainian text as amended at the last meeting by the French proposal was adopted by five votes to four. Paragraph 4 would now read as follows:

"4. The term "refugee" also applies to war orphans or unaccompanied children who are outside their countries of origin. Such children shall be given all possible priority assistance and all measures shall be taken for the repatriation of those whose nationality has been determined, being Members of the United Nations."

As no other delegation had voiced support of the Canadian proposal (E/104) to unify the form of the I.R.O. Draft Constitution with those of other specialized agencies and with the Charter of the United Nations, Mr. RIDDELL (CANADA) withdrew it from the consideration of the sub-committee.

Consideration of the Report of the Committee on Finances of the I.R.O.

(E/REF.FIN/23)

The Chairman suggested that with reference to the proposed budgets and matters relating to assistance to the many "overseas Chinese", the sub-committee should recommend that the Council set up a small Committee to review the Report of the Finance Committee in the light of observations which have been made by the various governments and any new information which may be received in the near future. The revised estimates could then be sent to Governments before the convening of the General Assembly:

Decision.

The Chairman's suggestion was adopted by the sub-committee.

With regard to consideration of the proposed scale of contributions, the Chairman suggested that these should be first referred to the General Assembly for decision in the light of the Report to the General Assembly of its Standing Committee on Contributions.

Decision.

The matter was referred to the General Assembly in the manner above suggested.

In connection with the article on finances of the Draft Constitution (old Article IX), the Chairman suggested that the Council should also leave final consideration of this matter to the General Assembly.

Decision.

The Chairman's suggestion was adopted by the Sub-Committee.

Consideration of the Secretary-General's Report on Interim Measures (E/112).

After a short discussion, the sub-committee came to the conclusion that the question of interim measures was so closely linked with that of the finances of the I.R.O. that discussion should be postponed to a later occasion during the present session of the Council.

The meeting rose at 4:10 p.m.
