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VERBATIM RECORD OF THE SEVENTH MEETING OF THE THIRD SESSION OF THE ECONOMIC AND SOCIAL COUNCIL

Lake Success, N.Y.

Monday, 23 September 1946 at 10:30 am

PRESENT:

THE PRESIDENT: DR. STAMPAR

MR. LEBEAU	(Belgium)
MR. MARTIN	(Canada)
Absent	(Chile)
DR. CHANG	(China)
MR. ZULETA ANGEL	(Colombia)
MR. Guy PEREZ CISNEROS	(Cuba)
MR. PAPANEK	(Czechoslovakia)
MR. PARODI	(France)
MR. ARGYROPOULOS	(Greece)
SIR Girja SHANKAR BAJPAI	(India)
MR. MALIK	(Lebanon)
MR. COLBJORNSEN	(Norway)
MR. ARCA PARRO	(Peru)
MR. LEV MEDVED	(Ukrainian SSR)
MR. FEONOV	(Soviet Union)
MR. McNEIL	(United Kingdom)
MR. PENROSE	(United States of America)
MR. MATES	(Yugoslavia)

The PRESIDENT: The meeting will come to order.

Our Agenda is the question of refugees. May I ask the Representative of Canada to present the views of the Sub-Committee appointed for this purpose.

MR. MARTIN (Canada): Mr. President, the Members of the Council have before them in Document E/162 the report of myself as Chairman of the Sub-Committee on Refugees which was set up by the Council last week. I wonder if it is necessary for me to read it in extenso as every Member has it before him.

The PRESIDENT: The Representative of the Soviet Union asks to speak.

(During the following remarks, Mr. Fausto Soto, Representative of Chile, arrived and assumed his seat at the Council Table.)

(During the following remarks, Mr. Winant, Representative of United States, arrived and replaced Mr. Penrose at the Council Table.)

MR. FEONOV (Soviet Union): The discussions in the Economic and Social Council of this question of the International Refugee Organization is now approaching its final stage. We have before us the proposed Constitution of the Organization, and the next stage will be its submission, with our comments, to the General Assembly.

I regret to have to note that the results of the discussions of this subject in the Economic and Social Council have been unsatisfactory. The divergences of view which existed at the beginning have remained unsolved. I refer not merely to differences as to text and wording, differences which may exist even between the Delegations of the United Kingdom and Canada, I refer also, and above all, to the more serious differences of principle which exist between the Delegations of the United States and the United Kingdom on the one hand, and ^{other} / Delegations, including the countries of origin, on the other. These very fundamental differences have not been resolved as a result of our discussions. I think, in fact, that the results of these discussions on this question during the present Session of the Council have been quite unsuccessful, have been a failure, not only from the point of view of the Soviet Delegation, but also from the point of view of the other Delegations. For success for a Delegation is not to be counted in the fact that a Delegation obtains the majority of votes for its proposals. No great statesmanship is required for that.

Success, in the true sense, is to be achieved only by international collaboration and not by the victory of a majority over a minority. Success can be attained by international collaboration where there is a genuine desire for unanimity, but I regret to have to note that that kind of success has not been achieved in these discussions. We have indeed had a recent example of unanimity, but that example has not been followed in this case and seems to have been followed less than the other kind of example, confirming the Soviet proverb that: "A bad example is infectious."

I would like to give a number of examples of the kind of disunity to which I have referred. The United States and the United Kingdom Representative have rejected nearly all the proposals put forward by the Soviet Delegation. That rejection does not constitute any gain for the United States and the United Kingdom Delegations. They are unsatisfied. The only people who can be satisfied by this result are those who take a short-sighted view or those who see in a full collaboration in the United Nations a danger to their own interests.

The question arises: whose fault is it that this situation has come into existence? The Soviet Delegation has good grounds for considering that it is not the responsibility of the Soviet Delegation that these differences have arisen and remain unsolved; differences, I mean, between the countries of origin of the refugees and displaced persons on the one hand and of the Delegations of the United States and of the United Kingdom on the other.

The line pursued by the Soviet Delegation throughout has been as follows: in the first place all possible measures should be taken to speed up the return of the maximum possible number of refugees and displaced persons to their countries of origin. In the second place, the United Nations should give its assistance only to real and genuine victims of Fascism. Third, the International Refugee Organization should be international not only in name but also in fact.

I would ask, Mr. President, are there any real differences of opinion as to these matters of principle. I think that the declaratory statements made by the various Delegations show that there is no disagreement as to those

fundamental principles. But we are faced, in fact, not only with minor differences of opinion and also great differences of opinion, but also with the fact that some Delegations seem to be pursuing a policy which is contrary to their own principles. I would quote a number of examples, and the first I would refer to is the question of repatriation. It is clear, I think, that the solution of the whole problem of displaced persons and refugees depends upon the measure in which the United Nations succeeds in effecting repatriation. The quicker repatriation is carried on, the quicker we shall solve this problem. In fact, one can say that we shall not solve the problem unless we can effect a rapid and thorough repatriation.

At all international conferences held on this subject the Soviet Delegation has proposed measures for the speeding up of the repatriation of refugees and displaced persons.

I come now to the proposed constitution of the International Refugee Organization, Article II, which reads as follows: "The functions of the Organization to be carried out in accordance with the purposes and the principles of the Charter of the United Nations, shall be the repatriation; the identification, registration and classification; the care and assistance; the legal and political protection; the transport; and the re-settlement and re-establishment in countries able and willing to receive them, of persons who are the concern of the Organization under the provisions of Annex I," and then it goes on with further specification.

The Delegations of the United States and the United Kingdom have voted for this text. However, they did not do so without making a stipulation and their stipulation was in sub-paragraph (a), that we should include this sentence, this clause: "...of those persons who desire to return...". In other words, owing to the insistence of the United States and the United Kingdom Representatives, we have the following text for the beginning of sub-paragraph (a) "to encouraging and assisting in every way possible the early return to their country of origin of those persons who desire to return,..."

Mr. President, the addition of this clause reduces the whole paragraph to nothing. There is no need to encourage the repatriation of persons who in any case desire to return home. What purpose can there be in encouraging these persons to return home? The persons who need to be encouraged are those who are hesitant or uncertain. By this kind of jugglery, the Delegations to which I have referred have reduced this clause to nothing. I would point out, Mr. President, that the clause did not speak of compelling anybody to return home. It talks of encouraging and assisting in every way possible. There is no question of the freedom of the displaced persons being withdrawn. In any way, even without that clause, we do not violate the freedom of the individual to decide whether or not he should return home, and yet these Delegations have insisted upon the adoption of that clause. The United States and the United Kingdom Delegations have expressed themselves against encouraging these people to return home, and they have had this clause added in the sub-committee dealing with the problem. They give the impression at the beginning of this article that they are in favor of the repatriation of displaced persons and refugees in general, and then, by the adoption of this clause, they not only evade the responsibility of encouraging the return of refugees and displaced persons, but they even forbid the encouraging of certain elements to return home. And this, Mr. President, is what we call repatriation.

The second point is this: The Soviet Delegation proposed that lists of displaced persons and refugees should be established and furnished to the Governments concerned, the Governments of the countries of origin of these persons. The purpose of this proposal was, firstly, to create and strengthen the links between the refugees and displaced persons on the one hand, and their relatives at home on the other, in order that by this means they might be encouraged to return home. In the second place, it was to facilitate the hunting-out of war criminals and collaborators who are in the camps, to get these persons removed from the camps, and to encourage the repatriation of the rest. Thirdly, the position was

to facilitate the work of the repatriation offices in order that the refugees and displaced persons might receive not only general information as regards conditions in their countries, but also more detailed local information, including information provided by the local press of their localities.

If the Delegations of the United States and the United Kingdom really favored repatriation, they would themselves have accepted this proposal, and yet in every conference and now in the meeting of the Economic and Social Council, they have fought this proposal and secured its rejection. The result has been that the whole rhythm of repatriation has been slowed down.

I come now to the question of the persons who are active in the displaced persons and refugees camps. Mr. President, these persons follow very closely the proceedings of international conferences in which refugees and displaced persons are discussed, and they tell the other inmates of the camps of the positions adopted by the various Delegations and, in particular, when describing the positions adopted by the United States and the United Kingdom they attempt to show that these persons reflect the distrust entertained by these Governments as regards the Soviet Government. They say, furthermore, that the request of the Soviet Delegation to have lists established of refugees and displaced persons and to have these lists communicated to the countries of origin, constitutes a threat against the safety of the displaced persons and refugees. I have no doubt, Mr. President, that there are in these camps persons who have very good reasons to fear the drawing up of these lists and the communication of these lists to the Governments of the countries of origin. These persons are war criminals and collaborators with the enemy. Many of them live in the camps under false names and, thanks to the help given to them by the United States and the United Kingdom Delegations, are enjoying a situation previously enjoyed in the camps. This, Mr. President, is called international collaboration in the field of the repatriation question. Can it be said that by this line of policy, the Delegations of the United States

and United Kingdom are really encouraging repatriation. I doubt it very much.

My next example is this: During the last session of the Economic and Social Council, the Soviet Delegation proposed that no obstacle should be placed in the way of the repatriation of orphaned children. I thought that there could be no dispute on this subject since children obviously have no politics.

I have long ceased to be surprised at what happens at international conferences, but here I must say that I was very much surprised at the fact that Mr. Warren, the United States Representative, was able to speak against this proposal, and that he was supported in this by the United Kingdom Representative.

As a result of the position adopted by these two Delegations, the Soviet proposal was rejected. Those who are responsible for the rejection of this proposal carry a very heavy weight upon their conscience. The orphans who are being kept in camps in Germany, Austria and Italy are receiving the worst possible kind of education. They are taught among other things to hate their own countries. This applies particularly to the children of Poland. And yet, in their countries, I speak here only for the Soviet Union, other Representatives will speak for their own countries, in the countries of origin of these children the very best possible care is provided for children.

Mr. President, we love our children, the welfare of our children is our first care. Mr. LaGuardia has already spoken here of his impressions of the children's educational homes in Byelorussia. He conveyed his impressions also to the public through the newspapers, and I need not repeat them here.

Why Mr. President should these children be compelled to stay abroad, living in these camps? The only people who can really look after them as they should be looked after are the people of their own countries at home.

The United States legislation provides the very sternest punishment for maltreatment of children, kidnapping and so on, yet the evil you have here is much greater because it concerns not just isolated cases but thousands of children. Does Mr. Warren consider that only American children deserve protection and not Russian children as well?

Mr. President, in this session and in the last, we have seen by these kinds of tactics untold harm done to the cause of repatriation of displaced persons and refugees.

There is also the question of repatriation officials. In the matter of children, child displaced persons; these officials have had to seek out as

best they could the children. They have not received this help in this search from the responsible authorities. Where they have succeeded in finding children, they have succeeded only as a result of hazard. I think it is clear, Mr. President, that the authorities should give the repatriation officials the necessary help in this connection, and I think therefore that the Economic and Social Council should take a decision that the authorities responsible should give all possible help to the repatriation officers.

On this occasion, the Sub-Committee concerned did decide by majority vote in favor of the Soviet proposal. The United States and United Kingdom Delegations, however, reserved the right to come back and raise their objections to it before the Council.

My next example is as follows: The Soviet Delegation has repeatedly proposed that small Commissions composed of Representatives of the Allied countries be sent to the camps in Germany, Austria and Italy to study conditions on the spot, and in particular to study the obstacles that are placed in the way of the repatriation of these persons. If we are to respect the principle affirmed by the General Assembly last February that the Refugee and Displaced Persons problem is an international problem, how can these insurmountable objections be presented against the sending of small Commissions to study conditions on the spot? How can the Economic and Social Council afford to reject such a proposal?

I think the opposition to the proposal is to be explained only by desire in some quarters to keep the true situation in the camps a matter of secrecy. The repatriation officers obtain their information, as I say, very largely by chance. And yet when we produced the facts making this clear, when we produce evidence and information, the authenticity of the facts is called into question.

We have lost a great deal of time already in the matter of repatriation by these kinds of tactics, and yet it is well known now that the facts are known and cannot any longer be concealed. If it is really the Economic and Social Council's intention to encourage repatriation, the most effective measure would be the setting up of these small committees of allied officials to study conditions on the spot and to find ways of speeding up the repatriation of the inmates of these camps. This question is still an urgent question. The Sub-Committee has decided that the Executive Committee of the IRO may send these commissions. It is the opinion of the Soviet Delegation that the Executive Committee should send these Commissions and that the text should be amended to that effect.

If a decision is taken in accordance with the spirit of the Soviet proposal, UNRRA would have the right to send such Commissions immediately. The Sub-Committee however, has preferred a more oblique course and a more ineffective course from the point of view of speeding up repatriation. If from the beginning of our discussions, the Delegations of the United States and the United Kingdom had not opposed all our proposals destined to speed up repatriation of refugees and displaced persons--I say all our proposals, Mr. President; I have mentioned only a few examples but there are many more, including the proposal for the stopping of propaganda against the countries of origin and the removal of all obstacles to repatriation--I say if the United States and the United Kingdom Delegations had not taken up this attitude of opposition, we should not be faced with such immensely complex problems as now confront us.

The Soviet Government has from the beginning considered that the problem of displaced persons and refugees is a human problem, and the Soviet Government has succeeded in very rapidly repatriating displaced persons from its own occupied zones. Other Delegations, unfortunately, seem to be guided by other considerations and see the problem in a different light--rather from a political angle than from a human angle. Today it is clear that this kind of policy is bankrupt. I read in the newspaper that

a United States spokesman said recently on the radio that the continuance of a mass of displaced persons and refugees in Europe constitutes a danger for the occupation forces. It seems from this that even the United States is now beginning to become aware of the harmful results of their own policy. I repeat, Mr. President, it is urgently necessary that all possible measures be taken to expedite the repatriation of these persons. Repatriation has become a very much more complex problem than it was for example, last spring. This is due in the first place, to the fact that the season has changed, and in the second place, to the unrestrained and long-lasting propaganda that is now being carried on in the camps against the countries of origin of these persons. This propaganda has produced very negative and harmful results. The statements made repeatedly by the Soviet Delegation have thus been confirmed by the Belgians.

I wish therefore, to repeat once more, Mr. President, in the name of the Soviet Delegation that we propose the following amendments to the proposed Constitution of the IRO. First, under Article 2, paragraph 1, sub-paragraph (a), the deletion of the words in the second line, "of those persons who desire to return". In the second place the Soviet Delegation proposal that the Executive Committee should send an International Commission of Inquiry representing the Governments concerned, to study conditions in the camps, should be adopted. Thirdly, we propose that the proposal made by the Soviet Delegation should be confirmed, that there should be no obstacle placed in the way of repatriation of orphan children; and fourthly, that the Soviet proposal be adopted, that lists of refugees and displaced persons be drawn up with the participation of representatives of the countries of origin and that these lists should be communicated to the Governments immediately concerned--that is, lists of their own nationals. These, Mr. President, are the proposals of the Soviet Delegation as regards repatriation.

We also have proposals to make on matters of principle concerning Articles 6 and 7 of the Constitution. If the IRO is to be a really international Organization, the direction should be in the hands of the Executive Committee rather than of the Director-General. The United States and the

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United Kingdom Delegations propose that in the intervals between sessions,
direction of the Organization should be in the hands of the General-Director.

I would point out however, that the Executive Committee will consist of the Representatives of States' Members, including Representatives of the Governments of the countries of origin. If this Organization is to be truly international therefore, its direction should be rather in the hands of this Representative Committee than in the hands of ~~the~~ one person, a Director General. The line adopted by the United States and the United Kingdom Delegations seems to be aimed at diminishing the power of the Executive Committee, and to remove from the post of direction in this way the Governments who are immediately concerned. They would thus reduce the effectiveness of the Committee and deny the international character of the Organization as a whole. We hope very much therefore that the Soviet amendment on this point will be adopted.

We have also a few remarks to make, Mr. President; we have made remarks on the subject of the definition of refugees and displaced persons in order that the help provided by the International Refugee Organization might ^{go} to those who really deserve it, to the real victims of Fascist aggression. We want, for this purpose, a clearer definition of Refugees and Displaced Persons. I shall not enumerate here now the proposals to be made in this connection. They are contained in a document that has been submitted to the Council.

These, Mr. President, are the remarks that the Soviet Delegation wishes to put forward regarding the Constitution of the International Refugee Organization.

DR. CHANG (China): Mr. President, my remarks will be very brief, indeed. I only suggest a verbal alteration, a verbal amendment. Article II, paragraph (a) ~~instead of the~~ second line having "country of origin", to amend it to "countries of nationality of former habitual residents." That is just to bring it to uniformity with the Preamble. The third paragraph of the Preamble says "countries of nationality of former habitual residents". That is all.

MR. MARTIN (Canada): Mr. President, I support what the Representative of China has said. I support the changes he has noted. Paragraph 2(a) is as it is largely because it is taken from the Resolution of the Assembly. But I think that on the point of consistency of language, what the Representative of China has said should be supported.

SIR Girja Shankar BAJPAI (India): Mr. President, I do not propose to embark upon a general discussion, nor do I wish in any way to demur to the proposal of our Chinese colleague, but it seems to me that we ought to get some clear ruling as to the procedure that we are going to adopt in regard to this document. I do not think it is desirable that we should attempt the drafting of amendments of paragraphs piecemeal by interpolation, as it were, in the midst of a general discussion. My own submission would be that if anybody else wishes to make any general remarks, he be asked to do so now and then, after that, we can go through the text of the constitution as modified by the Committee, Article by Article, and everybody will have an opportunity for making his comments.

The PRESIDENT: Any other speakers?

I think we should read Article by Article and discuss the amendments already proposed. First, the preamble. Any amendments?

Mr. PARODI (France) (Interpretation from French): Mr. President, I think we ought to try and include in the preamble the idea that the Organization should make every possible effort to put displaced persons to work, not to tolerate an attitude of idleness, but to put them, as far as possible, to useful employment. I would suggest, therefore, that in Paragraph 5, after the word "assistance", in the fourth line, that is, at the end of the recognizing clauses, that we should include some such phrase as the following: "...should receive care and assistance and, as far as possible, should be put to useful employment in order to avoid the harmful and anti-social consequences of idleness."

Mr. McNEIL (United Kingdom): My Delegation will not oppose the intention which our French colleague has just embodied, but we suggest that the point has already been taken care of in the Section defining "General Principles". If you will turn to page 14, you will see that Paragraph (e) says: "It should be the concern of the Organization to insure that its assistance is not exploited by persons in the case of whom it is clear that they are unwilling to return to their countries of origin because they prefer

idleness to facing the hardships of helping in the reconstruction of their countries. It is quite firmly of that mind. We do not want economic dissidents, as well as political dissidents, but I would much prefer to leave it as it is. If we are going to write into the constitution what I might call operational decisions, which should be the job of either the executive committee or the Council, we will have an endless constitution. It is, I suggest, possibly an operational decision which is taken care of by this general principle given in Paragraph 1 (e). Perhaps with that understanding, my French colleague would not press his point.

The PRESIDENT: On page 14 of the report, under (e) it is clearly stated that the Organization should not promote idleness.

Mr. PARODI (France) (Interpretation from French): I do not insist, Mr. President, if it is found awkward to include my proposal, but in reply to the United Kingdom Representative I would say this: that everything that figures in the preamble figures also in the body of the report, so that his objection does not really seem to carry very much weight. As I see it, the preamble should mention the essential, salient features that are included later in the report, in order to draw attention to them from the outset.

The PRESIDENT: Certainly we will appoint a drafting subcommittee to deal with amendments proposed at this plenary session, and I think all those proposals will be taken into consideration.

Article I. No objection?

Article II, subparagraph.1.

The PRESIDENT: There is a Soviet Proposal to (a) and a Chinese Proposal to (a)

First, the Soviet Delegation proposes that the country of origin of those persons who desire to return, should be deleted so far as I understood. However, I would like to ask Mr. Feonov to point this out properly.

MR. FEONOV: (Soviet Union): The Soviet Union Delegation originally proposed a different text of this paragraph, but the Delegation would agree to accept this paragraph we have before us if the words in the second line "Of those persons who desire to return" would be deleted."

The PRESIDENT: Is this proposal of the Soviet Delegation acceptable to Members of the Council?

MR. McNEIL (United Kingdom): I am afraid I could not accept it. I do not want to promote a general discussion, but I would like to remind my colleague, Mr. Feonov, that while it is quite a sport in this Council to accuse us always of obstructing, this text to which he now objects was of course introduced by us to meet the objections which our Soviet colleague made in London to the original text. The original text seemed quite a reasonable one to us. It went back to the Assembly Resolution, which, after all, was our Mandate and in that section it said, "Having regard to paragraph (c) (1) and (2)" of the Assembly Resolution, which did make this distinction between the people who wanted to return home and those who did not want to return home. But, since I assume that at that time my colleagues found that perhaps cumbersome, at any rate, for some reason unsatisfactory, we were most willing to meet them and so we substituted the text which is before the Council this morning and to which Mr. Feonov now objects. Perhaps I might be pardoned for saying in passing, that this argument ^{that} we have resisted repatriation, of course, doesn't stand examination.

The American, French, and British Governments have already repatriated about eleven million people from their respective zones. It is only this remaining one million, this remaining twelve percent that we are now being asked to deal with. This remaining twelve percent, is, of course, almost

need an International Organization. It is also because it is complex that we have to be careful in our definition; it is because they are complex that we met with the Soviet Union the first time and changed the text which we initially offered to the one that is now before us. We think it is quite fair and we think it is satisfactory. It certainly is not meant in any way to obstruct the repatriation of people who wish to go home, and we are most anxious that everyone who can reasonably be encouraged to go home that they should be given every facility for proceeding there. We will not change that view. However, we think we have to retain the definition, and such a definition as is offered in this section.

One other point Mr. Feonov made, and perhaps I should say I would be very glad to look again at that section because I am not so certain I am right there. Of course the great disadvantage which I feel I frequently suffer when I come to drafting with my colleague Mr. Feonov is that I occasionally have doubts that I may be wrong. Perhaps because of that disability he will let me see what he would like to do about drafting and I will have a shot at securing unanimity which I know he will like to maintain. However, in this section you cannot accept the complete dropping of the phrase as he asks us to do. It might be possible to reach some other kind of solution, and I am prepared to discuss that on the side.

MR. FEONOV (Soviet Union): Mr. President, the Soviet Delegation at the General Assembly in February of this year voted for the paragraph in the Resolution of the General Assembly which provides the displaced persons with the right to have a free choice of whether to go home or not, and the Soviet Delegation here has nothing at all against that Resolution. It is an entirely different matter when they speak of the wording of this paragraph. It is stated here that such functions shall be exercised with a view to encouraging and assisting in every way possible their early return to their country of origin of those persons who desire to return. What the encouragement means in this case, it is clearly stated here that encouragement should apply only to those persons who desire to return. That is meaningless; that is nonsense. It is useless to encourage the persons who desire to return, to return home. They already decided to return. That is nonsense, to say that only those persons should be encouraged. That is why we propose that phrase should be taken out from this paragraph, and the principle of voluntary choice, free choice of whether to go home or not, - this principle must stand. There is no attempt ^{remove,} so/that principle at all. We just want to eliminate this nonsense which we have worded in this paragraph.

MR. PARODI (France) (Interpretation from French): Mr. President, I think we are agreed on the matter of principle, and our difference is only as regards drafting. I think we might give satisfaction to the desires of our Soviet Colleague in the following way, by changing sub-paragraph (b). I would point out that sub-paragraph (b) would have to be modified, in any case, if we adopt the Soviet proposal as regards sub-paragraph (a). I therefore suggest we leave paragraph (a) in the following form, "to encouraging and assisting in every way possible the early return to their country of origin of those persons", of refugees and displaced persons and so on. And at the beginning of paragraph (b) ^{should} we/say, "as regards persons who do not desire to return to their countries of origin", and continue from
by our Soviet colleague

and might solve the problem.

MR. FEONOV (Soviet Union): Mr. President, it is clear that the wording here is not satisfactory. My colleague from Peru suggested just a few minutes ago that it would be better to say instead of "those persons who desire to return", to say "those persons who do not desire to return". I think it would be much more logical in this case, because really those who do not wish to return or who are hesitant now should be encouraged. Is that not true? That I think would clarify the nonsense of such wording. So it seems to me if there is general understanding now, the wording itself would not be difficult to change, perhaps just in an ordinary drafting way, and not to take the time of the whole Council. But there must be an understanding that the Council should take such a resolution that only those persons who are hesitant at present should be encouraged, because those who desire to return need not to be encouraged at all.

MR. McNEIL (United Kingdom): I don't find it quite as simple as Mr. Feonov anticipates. You see, the phrase at the beginning is "to encouraging and assisting in every way possible". Now, if I understand correctly in some of the speeches which Mr. Feonov has made before, he has had a complaint that there are people who want to return home and who have not yet received the assistance to get home. So we plainly have an obligation to take care of the people who want to return home because of lack of money, food, transport, passport -- all the physical machinery.

It is also quite true, and I do not disagree with him here, that we have an obligation inside this Organization to see that all reasonable methods are used to encourage people to return. But I would like to maintain the distinction which is laid down in our mandate, and I think perhaps we could get to it if we got back to where we were before we first of all, tried to meet our Soviet friends, and if we would accept something like this, "to encouraging and assisting in every possible way all people who are the concern of this Organization, and having regard to the principles laid down in paragraph (c) (2) of the resolution adopted by the General Assembly of the United Nations on February 12th", and then go on to say, "to promoting by

all possible means to encouraging". If Mr. Feonov will see that we do embody here most carefully the principle laid down under paragraph (c) (2), then I will meet him. I wanted to meet him that way six months ago. I am still anxious to do so. I understood at that time their feeling was against stating it by reference. That is a habit I am not very keen on myself. But when it is the only possible way you have just got to accept it.

So, in brief, Mr. President, I am quite willing to drop the phrase "of those persons who desire to return", provided that I can, in this paragraph, to the satisfaction of Mr. Feonov and everyone concerned, say "having regard to the principles laid down in paragraph (c) (2) of the Assembly resolution".

MR. MALIK (Lebanon): Mr. President, there seems to be two ideas here which are quite separate. One is that of encouraging people who are displaced from their own countries of origin to go back home. The other is, after they have made up their minds to go back home to assist them in every possible way to reach there. Now, it is true that there is some disharmony, as the Soviet Representative said, between the word "encouraging" and the phrase "of those persons who desire to return," and there is something to the argument that that disharmony ought to be resolved.

Now, it seems to me therefore, we ought to face these two ideas separately. Therefore, if we maintain this paragraph as it is, which deals only with those people who have made up their minds to go back home, we have got to strike out the word "encouraging" altogether and say, "to assist in every possible way..." -- simply, "to assist in every possible way the early return to their countries of origin the persons who desire to return." There is absolutely no inconsistency there. Then, if you want to put in the other idea, put it in an entirely separate paragraph, and say something like this: "to encouraging displaced persons to go back home." Therefore, retain this paragraph as it is, because it deals with those who have made up their minds, ^{and} it seems to me, /strike out the word "encouraging" altogether, and introduce another paragraph. That, therefore, would be my suggestion.

MR. G. PEREZ CISNEROS (Cuba) (Interpretation from French): What I was going to say, Mr. President, resembles the suggestions that have just been made by the Representative of Lebanon. I seem to recall that even the Soviet Representative has classified refugees and displaced persons into three groups: the undecided, those who desire to return home, and those who do not desire to return home. I suggest that by devoting one separate paragraph to each of these groups we can resolve the problem, and by providing a special paragraph for the undecided. In other words, I suggest that our Paragraph (a) should refer to encouraging persons mentioned in this document. That would be the undecided group. Paragraph (b) for those who desire to go home should be the present Paragraph (a) without the mention of the word "encouraging." the present Paragraph (b).

MR. ARGYROPOULOS (Greece): Mr. President, I think that both the proposals of the Representative of Lebanon and of the Representative of Cuba comprise the very simple remark which had been made previously by our colleague of France. It is the simplest way of separating those two ideas without changing a great deal from our text. Why shouldn't we consider that proposal?

The PRESIDENT: May I ask what are the views expressed by the Representatives? It seems to me it is the duty of the President to find some solution for a unanimous acceptance. Therefore, I propose that such wording should be accepted: "Such functions shall be exercised with a view; (a) to encouraging in every way possible the early return to their countries of origin of those persons who did not express their wish to return, and assisting in every way possible the early return to their countries of origin of those persons who desire to return." I think it would meet the wishes of all Representatives.

SIR Girja SHANKAR BAJPAI (India): I do not wish to get involved in a battle between giants because if you do so, you are likely to do more damage to yourself than good to the giants, nor do I wish to get involved in a battle of words. I think, myself, that it is extremely difficult even for four people working together to arrive at a suitable draft, but eighteen people trying to amend a draft together, I think, is really a task which might be very sporting but not necessarily profitable. I would like to submit that we are not merely quarreling with words. I think, really, we have a fundamental difference of opinion to resolve, and if I may say so, really, there are three categories of persons involved.

There are persons who desire to return. I agree with our Soviet Colleague to this extent that for persons who are desirous of returning, it is superfluous to say they should be encouraged to return if they are desirous of returning. They need no encouragement. That is one category.

The second category is that of persons who are undecided but so far as they are concerned, I think that it would be consistent with the principles which we as Members of the United Nations expect. I think it would be consistent with those principles to try and encourage those people to make up their minds one way or another, and therefore, to encourage someone to return is not prejudicial. That is the second category.

But there is the third category, the category of people who do not so desire - I do not see why or how we should encourage them to return. So if you do want to undertake an amendment of this proposition here, you must make provision not only for the category of those who desire to return and those who are undecided, but for those who do not desire to return.

The PRESIDENT: It seems to me my proposal covers all the different kinds of refugees and displaced persons. It is perfectly true what the Indian Representative says, that there are three categories; one category of persons who expressed the desire to go back, but they have no opportunity to go back; and hesitant people and people who say simply, "I am not going to go back", but we must remember that our discussion has proved definitely that many of those people have been exposed to terrific propaganda;

at least Mr. LaGuardia said no, and I am quite sure that many of those people would be willing to go back after receiving proper information from their own countries. So, I think, that my wording covers these hesitant people and people who decide not to go back. Of course, they can change their minds after receiving proper information about the countries from which they are coming, so, therefore, I propose that we should insert this wording, and if there is general agreement, I would put it to a small drafting committee to draft a definite proposal.

Are the Members of the Council in agreement with my wording? In this case, I would submit it to a drafting committee to propose definite wording. Is there any objection to it?

MR. WINANT (United States): Mr. President, it seems to me that in trying to follow the discussion that there are three or four different ideas that are before us, and although I know we would want every consideration given to your suggestion, there are other suggestions which we should also like to have go before the Drafting Committee, and I personally would very much appreciate the opportunity of putting some suggestion before that Committee at that time.

The PRESIDENT: It is perfectly clear that no one is trying to prevent any new proposals from coming before the Drafting Committee.

MR. LEV MEDVED (Ukrainian SSR) (Second interpretation; original in Russian):

I have no objection, Mr. President, to your proposal that the draft be submitted to a drafting committee. It is indeed difficult to discuss questions of drafting/a large Council, such as ours.

I have, however, a remark to make as regards Paragraph (a) of the second Article of the text we are discussing. It seems to me that the first draft submitted by the Secretariat during the second session of the Economic and Social Council is preferable to the present. That original draft provided that material aid and rations should be provided for a period of three months after the time when the displaced person had left his present place of residence. Now, the present text submitted to us and supported by the United States and the United Kingdom Delegations, includes the following phrase: "provided that they are returning to a deficit food area in a country suffering as a result of enemy occupation during the war and provided such food shall be distributed under the auspices of the Organization ..." In other words, according to this text, a person intending to return home cannot be sure at all of getting food. There is no undertaking on the part of the Organization to provide him with food and material aid during the initial period of his establishment. The transportation of the person might take a long time. We know what the transportation system is in Europe. Is he to be sure of having something to eat on the way? In other words, the first draft is much more practical. The displaced person who goes home would at least know that/for three months after his leaving his camp, he will receive material aid. Under the Anglo-United States proposal, the person would not have this certainty of having food. He might even fear dying of hunger. Moreover, I would point out that even in countries where there is food, money may be required to obtain it. There are countries where there is food but where money is needed. There is meat in the United States, for instance, but it is difficult/enough to secure it.

In other words, I suggest that the original formulation is much more satisfactory.

The PRESIDENT: Do any other Representatives wish to speak? Is there any objection to the proposal of the Ukrainian Representative?

MR. MCNEIL (United Kingdom): No, I thought it was being submitted to the drafting committee. I am prepared to agree to that.

The PRESIDENT: Is there any objection to the Ukrainian proposal?

MR. MCNEIL (United Kingdom): I do not want to be brought into any discussion. When I have the text of the present proposal, perhaps I will be able to make a judgment upon it. I think it is a little unfair to ask whether there is any objection to it when I do not know what the terms are.

The PRESIDENT: Now, the Chinese proposal to ^{delete} from the Preamble the wording, "to return to their countries of nationality or former habitual residence". Is there any objection?

MR. FEONOV (Soviet Union): Mr. President, I would just like to know what lines are referred to in the Chinese proposal.

The PRESIDENT: It is (a), Page 2. The proposal is to change the wording in the Preamble from "to their countries of nationality or former habitual residence" to "to their countries of origin". The Chinese Representative prefers this wording.

MR. MARTIN (Canada): Mr. President, why not leave that ^{to} the drafting committee, too? Are we not wasting too much time with these things?

MR. LEV MEDVED (Ukrainian SSR) (Second Interpretation; original in Russian): In reply to the United Kingdom Representative, I will give the text of my proposal. It was communicated to the Secretariat last Monday a week ago, and figures in Document 138. It is as follows: "to encouraging and ensuring the early return of the individuals to the countries of their citizenship or former residence and to promoting this by all possible means, in particular by providing them with material assistance, adequate food rations... from the time of their departure from their present place of residence, the necessary clothing and means of transportation."

The PRESIDENT: Is there any objection to this proposal?

MR. McNEIL (United Kingdom): I do not want to continue discussion here. I am a little puzzled as to why we are discussing this paragraph when I thought we had agreed to your suggestion that we were remitting it to a Drafting Committee. However, there may be advantage in discussing the other parts of it; but if this is going to a Drafting Committee, I think I should give notice that we should like to stick to the text insofar as the deficit food area --reference with which the Council is familiar, and which it would be impertinent for me to present again.

The PRESIDENT: No other proposals, so we will ask the Drafting Committee to reconsider this question.

Now Article 2, (b).

SIR G. Shankar BAJPAI (India): I don't wish, Mr. President, to comment on the substance of (b), but it seems to me that if you are going to redraft (a) against the background of the discussion ^{that} has taken place so far, the Drafting Committee may have to consider some amendment to (b). So it is better really to let both (a) and (b) go to the Drafting Committee.

MR. LEV MEDVED (Ukrainian SSR) (Second interpretation; original in Russian): I think you are quite right, Mr. President. Since points (a) and (b) are connected, it will be well to submit them ^{both} together to be dealt with by the Drafting Committee. I intervened to recall my proposal made in Document E/138 as regards Paragraph 2 (b). It is as follows: It is

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The addition to Paragraph 2(b) of the following sub paragraph
"to undertaking in all camps a re-registration of refugees and displaced persons in conjunction with the representatives of their countries of origin, being Members of the United Nations, the result of the re-registration (lists of names) being sent to the Governments of their countries of origin that are Members of the United Nations."

Several Delegations during the course of our discussions have pointed out the necessity of establishing these lists, and today Mr. Focare pointed it perfectly clearly. I do not think, therefore, that I need say anything in justification of this proposal. I merely put it forward as a new sub-paragraph to be added to Article II.

The PRESIDENT: Of course this Council has to decide about certain proposals, otherwise the Drafting Committee cannot present new drafts, because we will start again discussions, and we will never finish it. So far as I understood the Council, it agreed to accept the Chinese proposal at the same time that the Council agreed that in Point 2 (a) we should divide the groups, and mention particularly groups who should be encouraged and groups which should be assisted, it is clear.

And now this new proposal made by the Ukrainian Representative to insert a new item. We have to decide now if the Drafting Committee has to take it into consideration, because there is no use only to submit such a proposal and not decide now if it should be admitted or not, because we will again start the same discussion at the next Council Meeting. I should like very much to avoid that. The Soviet Representative and the Ukrainian Representative expressed their wishes, their proposals, that such clauses should be inserted. We have to decide now, yes or no.

THE PRESIDENT: I have to ask the Members of the Council if this proposal is acceptable. It was clearly said by the Soviet Delegation and the Ukrainian Delegation and properly presented, and now we have to decide yes or no. I see no necessity for discussion; I think the issue is very clear to everybody.

MR. WINANT (United States): Mr. President, if I understand the situation correctly, the proposal by the Ukrainian Delegation is not a new proposal, but a proposal that was before the Sub-Committee, and since that proposal was not included by the Sub-Committee we are now asked to consider within the Council whether or not we will vote against the findings of the Sub-Committee in replacing the rejected amendment that is now before us. I would like to say for my Delegation that we would like to hold the text as it has been reported by the Sub-Committee.

THE PRESIDENT: According to the Rules of Procedure we have to vote on this proposal, and as this proposal is far remote from the original proposals we have to vote on it. First, we have to take a vote on the Ukrainian proposal, according to our Rules of Procedure. Representatives in favor of this proposal should raise their hands. Four in favor. Those against? It is not carried.

Article II, point 2, page 2: are there any proposed new amendments? There is no objection? It is approved.

MR. MCNEIL (United Kingdom): Mr. President, perhaps it might be for the convenience of the Committee, if, ^{before} we go to Article III, we agreed upon the Drafting Sub-Committee which is going to deal with paragraph (a) of Article II. If I understood correctly, I thought we had agreed that an agreement might be found between my Soviet colleague and myself if we had, as you have suggested, a small Sub-Committee just to deal with that one drafting point. It might therefore be better if we agreed who is on the Sub-Committee before we go on to Article III.

THE PRESIDENT: What paragraph?

MR. MCNEIL (United Kingdom): Article II, page 2, sub-paragraph (a). I suppose we have got to submit the paragraph to the Sub-Committee, but it was understood that the purpose for which it was being submitted to the Sub-Committee was to see if we could get around to what my colleague objects to. That is

"all those persons who desire to return" - whether we can drop that and substitute something for it.

THE PRESIDENT: It seems to me the best way would be to appoint a smaller drafting committee for all amendments and this drafting committee will submit the final wording to a Council Plenary Session. It is rather difficult to appoint several sub-committees to deal with specific points.

Article III, Relation to the United Nations.

MR. MCNEIL (United Kingdom): Mr. President, I hope it will not be taken that by not speaking ^{at} this time that I agree that all amendments should be submitted to a drafting sub-committee. I don't want to continue the discussion.

MR. FEONOV (Soviet Union): Mr. President, on page three there is a footnote to paragraph (g), - "No Refugees and Displaced Persons." I think it is not necessary to have this paragraph as a part of the Constitution of the International Refugees Organization. If we insert such references in this case, then other references should be inserted in other places. So I do not think this should be considered as a part of the Constitution, but we may consider it just for the information of the present session. It should not be in the document which should be presented to the General Assembly for consideration.

I would like to know whether I am correct in my understanding.

The PRESIDENT: Is there any objection to this opinion of Mr. Feonov?

Mr. Arca PARRO (Peru): I second the proposal.

The PRESIDENT: It seems to me it should not be included in the report to The Assembly.

Is there any objection to Article 3? No objection, so the Article is accepted.

Article 4: Membership.

Mr. DAVILA (Chile): In Article 4, Point 7 corresponds to Point 6 of the first draft sent to the Governments. In the new draft, the second sentence of Point 6 of the old draft has been omitted. This is the sentence that said:

"No resolution adopted by the Organization imposes any specific obligation on any member, even if the delegate of the member has voted in favor of the resolution, unless the member, or its delegate on its behalf, and being duly authorized, has expressly accepted the obligation in question."

The subcommittee has omitted this paragraph in the new draft. I move that this paragraph be inserted again in the new draft.

The PRESIDENT: Is this agreeable to Members of the Council, to insert this previous wording?

Mr. WINANT (United States): Mr. President, it was my understanding that this deletion was carried out with the unanimous consent of the Committee. I hope at this time that we will not attempt to re-insert the suggested sentences.

Mr. DAVILA (Chile): Mr. President, I am sorry to say that the Chilean Delegation was not a member of the subcommittee, and therefore I had no opportunity to speak about this problem. It was in the initial draft; it is not in the new draft.

Mr. MATES (Yugoslavia): Mr. President, I think it is perhaps useful to call the attention of the Council to the fact that, on the occasion when this question was discussed in the subcommittee, it was the clear understanding of the subcommittee that the deletion of this sentence does not mean that any vote

taken by a Representative of the country does oblige the country which he represents as being in any way committed to whatever financial or any other ^{that} acts/are taken on the basis of his vote. The deletion was made just because the subcommittee felt that it was so obvious that it was not necessary to be included in the Constitution.

The PRESIDENT: The Representative of Chile was perfectly right in raising this question, because he was not a member of the subcommittee. Of course, at the Plenary Session of the Council, any Member who wishes to present a case is perfectly entitled to do so.

Mr. Perez CISNEROS (Cuba) {Interpretation from French}: I wish, Mr. President, to support the proposal of the Chilean Representative, that we adhere to the drafting of the previous text. I think that that section is very clear, and it would assist the ratification of the draft constitution by our several Parliaments. I think we should adhere to this clearer text and, to use a phrase that was often used during the first part of the First Session of the General Assembly, "If a thing goes without saying, it will go better still if one says it." I think that we should therefore adhere to this text.

The PRESIDENT: We have to decide now on this matter.

All those in favor of the Chilean and Cuban proposal please raise his hand.

Seven votes.

All those against the proposal?

Five votes.

The proposal of the Chilean and Cuban Delegations is carried.

Now, Article 5: Organs:

Mr. MATES (Yugoslavia): Mr. President, there is a remark to be made on Article 4.

If I recollect well and if my notes are correct, then there is something wrong in the wording of paragraph 5. I do not think it is a question of substance or a question of controversy. So far as I can see, I think that

perhaps the wish of the subcommittee has not been recorded quite correctly.

It says here: "Members of the Organization which are not Members of the United Nations and which have persistently violated the principles of the Charter of the United Nations may with the approval of the General Assembly of the United Nations be suspended from the rights and privileges of the Organization, or expelled from its membership by the General Council."

That would say that the General Council has the right to expel Member Countries but to suspend them only with the approval of the General Assembly. I think it should be the other way around.

Mr. MARTIN (Canada): I think the observations of the Representative of Yugoslavia are correct. The Representatives have really decided.

The PRESIDENT: The drafting committee will take it into consideration.

Mr. PARRO (Peru): I would ask for an expression of the Delegates on this Article because really it is trying to deal with States that are not Members of the United Nations Organization. If any non-member State is going to join this particular Organization of the International Refugees, we shall have to be inclined to treat them on a different basis, but not to expect them to fulfill all the principles of the United Nations. Whenever they violate some principle they have not accepted, the Rule says we are going to expel them. I do not want to open debate here, but I wish that the Drafting Commission would consider this very clearly, because there is in some way contradiction, I think.

Mr. MATES (Yugoslavia): I have expressed my doubts as to the wording of this paragraph, but if there is a question as to the substance of it, then may I say that I am very strongly in favor of this paragraph? I do not feel that it is imposing any obligation on any country which is not a Member of the United Nations to fulfill obligations under the Charter, but simply not to violate persistently the principles of the Charter of the United Nations. We all know the principles of the Charter of the United Nations, and if there are such countries who are ready to violate them persistently, then I think that it would be rather difficult for us to have them in one Organization. And, as the whole constitution we are drawing up here and the general principles are based on the United Nations organs and on the decision of the General Assembly of the United Nations, and this new Organization, in spite of its name, "International Refugee Organization", is as a matter of fact a United Nations Organization, then those countries who enter this Organization and are not Members of the United Nations at least have to observe the general principles of the Charter of the United Nations.

The PRESIDENT: The hour is late. We will discuss the question of the constitution tomorrow, at 10:30 sharp. This afternoon we have the meetings of different subcommittees, as already indicated. If we have time tomorrow, we will start the discussion on devastated regions.

The meeting is adjourned.

(The Meeting adjourned at 1:24 P. M.)
