

**ECONOMIC
AND
SOCIAL COUNCIL**

**CONSEIL
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ET SOCIAL**

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SPECIAL COMMITTEE ON REFUGEES AND DISPLACED PERSONS

SUB-COMMITTEE ON ORGANIZATION AND FINANCE

SUMMARY RECORD OF THE SEVENTH AND EIGHTH MEETINGS

Held at Church House, Dean's Yard, on Tuesday,
21 May 1946, at 9.30 a.m., 3 p.m. and 9 p.m.

Chairman: Mr. TURGEON (Canada)

I. CONSIDERATION OF THE DRAFT REPORT
OF THE SUB-COMMITTEE (E/REF/ORG.FIN/W.4)

A. Preamble to the draft articles for inclusion in the constitution
of the International Refugee Organization

MR. RATOV (USSR) asked that a note be included in the report expressing his request that the word "non-permanent" in the last paragraph of the Preamble to be translated to correspond more closely with the Russian word "vremenny".

The Chairman agreed to do this on the understanding that no change would be made in the English text as a result of the inclusion of this note.

At the suggestion of Sir GEORGE RENDEL (United Kingdom) the word "effected" was substituted for the word "arranged" in the third paragraph of the Preamble.

Decision: The Preamble as amended was adopted by the Committee.

B. Article I. Mandate

This article was adopted without comment.

C. Article II. Functions

Mr. LACHS (Poland) proposed that paragraph (a) of this article be amended by the addition of the following words: "and to assisting in their re-establishment." Taking into consideration the devastated condition of the countries of origin as a result of the war and enemy occupation, it was only just to expect assistance from the new organization in the process of ~~re~~settling the refugees after repatriation. If this were denied, it would destroy the balance between paragraph (a) and paragraph (b) which dealt with the re-establishment of refugees outside their countries of origin.

M. BOUSQUET (France) supported the point of view of the Polish Delegate but suggested a further addition to this text so that it would read as follows:

"and, in co-operation with the Governments concerned, to assisting financially in their re-establishment in cases where, according to the judgment of the Organization, such assistance would be necessary."

The Delegate for Poland accepted the French proposal which was also supported by the Delegate for the USSR.

The Delegate for the United Kingdom presumed that what was envisaged was financial assistance and not protection by the new organization, as no government could possibly desire any form of international control over its own nationals. Although he was in complete agreement with the necessity for financial assistance on the part of the countries of origin this could not be considered a function of the new refugee body.

The Soviet Delegate agreed that it was financial assistance which was required and pointed to the disadvantageous position in which the countries of origin would find themselves as against the countries of resettlement if no financial help was forthcoming

The Polish Delegate agreed that the financial assistance of the new organization would not be necessary if this assistance for the specific purpose of resettling refugees in their own countries could be provided from other sources, but until such arrangements had been carried out, it would be essential to have the co-operation of the refugee organization.

Decision: Six delegates voted for the French proposal and six voted against it with one abstention; it was therefore agreed to leave the final decision on this question to the full Committee.

At the suggestion of the Delegate for the United Kingdom the word "assistance" was substituted for "maintenance" in paragraph 1. He further proposed the addition of the following paragraph to Article II:

"3. It shall be the duty of the International Refugee Organization to maintain close consultation with the Governments of the countries in which refugees or displaced persons whom it may wish in any way to assist, have found temporary asylum or in which they are being resettled."

Decision: This latter proposal was rejected by five votes to four with four abstentions. Article II was then adopted by the Sub-Committee.

D. Article III. Relation to the United Nations

The Delegate for the United Kingdom moved the substitution of the words "in accordance with" for "as provided in" in this Article.

The Delegate for the USSR moved the substitution of the words "Articles 57 and 63" for the words "the relevant articles."

This proposal was supported by the Delegates for Yugoslavia and the United States.

As a compromise suggestion, the United Kingdom Delegate proposed the insertion of the words "to be negotiated in accordance with Articles 57 and 63 of the Charter of the United Nations" after the word "agreement", deleting the words after "Council".

Decision: The United Kingdom compromise proposal was rejected by seven votes to six; the Soviet proposal was **carried** by seven votes to five; the first United Kingdom proposal was rejected by six votes to four. Article III as amended was adopted by the Sub-Committee.

E. Article IV. Membership.

SIR GEORGE RENDEL (United Kingdom) reserved the right to speak later on paragraph 1 of this article, should his Government consider this necessary.

After a short discussion it was agreed to insert the words "one year's" after "giving", in paragraph 8, deleting the words which follow "member".

Decision: Article IV as amended was adopted by the Sub-Committee.

F. Article V. The General Council.

This article was adopted without comment.

G. Article VI. Executive Committee.

The Delegate for the United Kingdom gave notice of his intention to submit to the Committee the following amendment:

To insert in paragraph 2 after the word "I.R.O", the phrase "elected from among the members who contribute to the operational expenditure of the Organization."

MR. LACHS (Poland) moved the following addition to the first sentence of paragraph 2:

"adequate representation being given to the countries of origin of the refugees".

As this amendment was equally controversial to the one put forward by the United Kingdom Delegate, it was also agreed to postpone consideration of it to the Committee to avoid a duplication of discussion.

MR. RATOV (USSR) called the Sub-Committee's attention to the fact that the following paragraph had been accidentally omitted from the report:

"(7) The Executive Committee may, in order to investigate the situation in the field either as a body or through a delegation of its members visit camps, hostels or assembly points within the control of the organization and may give instructions to the Director-General in consequence of the reports of such visits."

He further drew attention to the following paragraph which had originally been included as paragraph 3:

"The Executive Committee shall issue directives on policy to the Director-General and shall exercise control over his activities."

Decision: By a vote of six votes to four, the Sub-Committee agreed to reintroduce this text as paragraph 3 of Article VI.

MRS. VERWEY (Netherlands) moved the deletion of paragraph 5 of this Article as it would be virtually impossible for small countries to spare expert officials to meet continuously. In an effort to meet this point of view the United Kingdom Delegate proposed the substitution of the words "at frequent intervals" for "continuously".

Decision: The United Kingdom proposal was rejected by six votes to four. The Netherlands Delegate withdrew her proposal but reserved the right to raise it again in the Committee. Article VI as amended was adopted by the Sub-Committee.

H. Article VII. Administration

Several delegates objected to the wording of the last sentence of paragraph 3 concerning the Executive Committee's powers

to dismiss the Director-General for this conduct. They pointed out that the word "misconduct" was ambiguous since it could be interpreted in several different ways and that it also implied an undesirable stigma.

Decision: MR. WARREN (United States), seconded by SIR GEORGE RENDEL (United Kingdom), proposed the following alternative text for this sentence, which was carried unanimously:

"In exceptional circumstances the Executive Committee has the power to relieve the Director-General of his duties by a two-thirds majority vote of the members, if, in its opinion, his conduct is such as to warrant such action".

With this addition Article VII was adopted without further comment.

I. Article VIII. Staff.

Paragraph 1 was adopted without change.

MR. MATTES (Yugoslavia) thought that a further sentence should be added to the effect that no person should be employed whose views were such that they would not act in conformity with the principle that the organization's main task, as laid down in paragraph 1 (c) (iii) of the General Assembly's Resolution, was to encourage and assist in every way possible the early return of refugees and displaced persons to their country of origin.

Decision: After some discussion general agreement was reached on the insertion after the first sentence in paragraph 1 of the following text proposed by MR. WARREN (United States) and seconded by MR. CORTES (Colombia):

"A further consideration in the employment of the staff shall be adherence to the principles laid down in the Resolution adopted by the General Assembly on 12 February 1946".

MR. IACHS (Poland), supported by several delegates, suggested that a further paragraph should be added to this article to provide that no persons should be employed by the organization who were excluded from its assistance under Part II of the Definition of refugees and displaced persons. It was, in their opinion, most important that undesirable persons should not be employed by the organization in the field of operations, particularly in connection with repatriation.

Other delegates, though agreeing with the necessity of avoiding recruitment of undesirable persons, observed that the organization must, nevertheless, be free to employ in a minor capacity members of some of these dissident groups of refugees. It was quite likely that there would be large numbers of refugees who after complying with all the conditions laid down would still be opposed to returning home and would wish to settle elsewhere. It would be inconvenient if the organization were prevented from employing some of these persons to handle day to day matters. Since these refugees would have already made up their minds against repatriation, the fear that their employment on this type of work would impede repatriation, was really negligible. Moreover, to exclude the employment of all the categories listed under Part II of the Definitions was somewhat absurd since the organization would obviously not recruit war criminals, or ordinary criminals, or persons who were receiving financial support from their countries of origin, etc.

Decision: The following text was put forward by SIR GEORGE RENDEL (United Kingdom) as incorporating the various suggestions which had been made:

"2. No persons should be employed by the Organization who are excluded under Part II of the Definitions (other than sub-paragraph (e)) referred to in Article I above from being the concern of the Organization."

On being put to the vote this text was adopted unanimously.

Article VIII as amended was then put to the vote and adopted.

J. Article IX. Headquarters and other offices

Some discussion arose as to the site of the headquarters of the future refugee organization. MR. RATOV (USSR), seconded by MR. MATTES (Yugoslavia), proposed that it should be at Paris. This motion was, however, later withdrawn, several delegates having stated that they had had no instructions from their governments on the question and were not prepared therefore to vote at this stage. It was agreed that a reference to the motion which had been made, and to the reasons for its withdrawal, should be included in the Rapporteur's report.

Article IX was adopted without further discussion.

K. Articles X and XI

Articles X and XI were adopted without comment.

II. DISCUSSION OF A DRAFT RESOLUTION ON SUITABLE
PROCEDURE FOR THE SETTING UP OF THE NEW REFUGEE ORGANIZATION
(E/REF/ORG.FIN/W.6)

The sub-committee had before it a draft resolution of suitable procedure establishing the International Refugee Organization, which had been submitted by the Canadian Delegation, in accordance with point (ii) of the sub-committee's terms of reference. Subject to minor drafting changes this resolution was adopted unanimously.

III. CONSIDERATION OF THE REPORT ON THE
DRAFT CONSTITUTION OF THE I.R.O.

A. Interim Measures

It was suggested that a paragraph concerning interim measures should be inserted in accordance with the decision taken at the Sixth Meeting of the sub-committee (E/REF/ORG.FIN/13, page 3), MR. WARREN (United States) moved the adoption of a United States draft resolution on this question (E/REF/ORG.FIN/W.5) but it was agreed that discussion should be postponed until the plenary Committee.

B. Finance

MR. WARREN (United States), seconded by MR. RATOVA (USSR), moved that the United States' financial proposals appearing on page 16 should be included as an article in the draft constitution. Several delegates favoured the adjournment of the discussion on financial questions until the plenary Committee, where they could be more fully and exhaustively examined. Since the United States proposal would have priority over any motion to this effect, and, if carried, would exclude it automatically, Sir GEORGE RENDEL (United Kingdom), seconded by MR. BOUSQUET (France), proposed the following amendment to the United States proposal:

"The passages under (b) on page 16 of the Working Party's Report should be included in the Draft Constitution as representing the recommendations of the Sub-Committee in regard to the financial aspect of the Constitution and that the draft provisions given on page 16 of the Working Party's Report regarding the financial provisions of the Constitution should be referred by the sub-committee to the Main Committee for further discussion, on the ground that since they have already been discussed again in the Main Committee, the sub-committee felt that, given the shortness of time at its disposal, this would be the most expeditious manner of dealing with it."

On being put to the vote this amendment was not carried, five delegates voting for it and five against.

The following amendment to paragraph 2 of the United States proposal was moved by MR. LACHS (Poland) and seconded by MR. MATTES (Yugoslavia):

"In establishing the scale of contributions of the future members of the International Refugee Organization special consideration should be given to the difficult financial situation in countries formerly under enemy occupation."

On being put to the vote this motion was not carried, four voting for it and four against. Mr. WARREN observed that he had voted against this amendment because he considered it was more properly part of the work of an Expert Committee of the Economic and Social Council, the establishment of which he intended to propose at a later stage.

The United States motion was then put to the vote without further discussion and adopted by six to four with four delegates absent. MR. MATTES (Yugoslavia) stated that he had some reservations on the text and reserved his right to raise these later.

MR. WARREN (United States), seconded by MR. RATOV (USSR), then moved that the text included in paragraph 6 on page 3 of the draft report be deleted and the text reproduced as paragraph (a) in the Annex on page 16 be substituted in its place. MR. LACHS (Poland) proposed the addition of the following words to this text:

"The group of experts, in establishing the scale of contributions of the future members of the International Refugee Organization, should give special consideration to the exceptionally difficult financial situation of countries formerly under enemy occupation."

This addition was acceptable to MR. WARREN (United States) and the United States text as amended was put to the vote and carried by six votes to three with one abstention and four delegates absent. SIR GEORGE RENDEL (United Kingdom) asked that the original text should be included in the Sub-Committee's report as representing the text favoured by the majority of the Working Group.

IV. APPROVAL OF THE REPORT OF SUB-COMMITTEE 2

Subject to the above amendments, alternatives and additions, the draft report of Sub-Committee 2 was approved for transmission to the Committee.

The meeting rose at 12.30 a.m.