

SPECIAL COMMITTEE ON REFUGEES AND DISPLACED PERSONS

FACT-FINDING SUB-COMMITTEE

DRAFT REPORT, ADOPTED BY THE FACT-FINDING SUB-COMMITTEE, ON 11 MAY,
CONCERNING PARAGRAPH (b) OF ITS TERMS OF REFERENCE
(AGREEMENTS ON REPATRIATION)

The Sub-Committee recalls that on 12 February 1946 the General Assembly adopted a resolution to the effect that (paragraph (c) (iii)), the main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin. Such assistance may take the form of promoting the conclusion of bilateral arrangements for mutual assistance in the repatriation of such persons, having regard to the principles laid down in paragraph (c) (ii).

The Economic and Social Council reaffirmed this principle in a resolution by which it decided to set up a Special Committee on Refugees and Displaced Persons.

The statements made by the various delegations during the general discussion, in plenary session, confirm this principle, with which the Sub-Committee fully associates itself.

In this document it is proposed, on the one hand, to state what has been the experience of certain Governments in the matter, and, on the other hand, to submit to the Committee a resolution in favour of including in the general report a recommendation concerning bilateral agreements on repatriation.

1. Existing agreements between certain countries of origin and certain countries of location

- (a) Franco-Soviet agreement on repatriation (29 June 1945).

This agreement lays down the principle of the repatriation of

displaced Soviet nationals in France and displaced Frenchmen in the territory of the Soviet Union. It regulates the work of the repatriation missions accredited in the two countries. In virtue of this agreement, 75,000 Soviet nationals have been repatriated from France, whilst 293,000 Frenchmen have returned to their own country.

(b) Franco-Polish agreement (13 March 1946).

This agreement provides for:

- (i) The speedy repatriation of volunteers to Poland and the assistance of UNRRA to these persons until their arrival at their destination.
- (ii) The placing in special camps of those who do not desire repatriation until a definite destination can be found for them. The assistance of UNRRA is again provided for.
- (iii) The termination of the functions of Polish officers from London still serving in French zones.

This agreement implements and extends the verbal understanding arrived at between the French and Polish authorities. On the eve of this agreement the co-operation of these authorities had led to the repatriation of 25,000 Poles from the French Zone in Germany and of 31,000 from France.

The agreement will allow the repatriation to be completed, so far as reception possibilities in Poland allow, of 42,000 Poles still in the French occupation zone of Germany and of 29,000 in France.

(c) Repatriation agreements concluded at Yalta between the Government of the Soviet Union and those of the United States and of Great Britain.

(d) Bilateral agreements concluded between Belgium and various countries.

2. The Sub-Committee considers that repatriation agreements should be based on two principles:

- (a) absolute reciprocity;
- (b) respect of the principles laid down by the General Assembly of the United Nations on 12 February 1946, namely, that no constraint shall be exercised on refugees and displaced persons, as defined by the Special Committee, who, having received full knowledge of the facts, including adequate information from the Governments of their country of origin, have expressed valid objections to returning.

On the practical side; it is considered that a clause might be inserted in these agreements providing for the creation of paritative commissions as members of which repatriation officers of the countries of origin could visit camps, explain the situation in their country to displaced persons and give them general information on the conditions prevailing there. Apart from this, an essential task of these commissions would be to bring about as soon as possible the segregation of persons wishing to be repatriated from those giving valid reasons for non-repatriation. If individual propaganda likely to hinder repatriation is to be avoided, this segregation is essential.

Furthermore, this segregation will have the merit of greatly facilitating the screening of the war criminals, traitors and quislings who will obviously exist in the special camps set up for those who do not volunteer for repatriation.

France and Yugoslavia, bearing in mind these principles, are negotiating the conclusion of an agreement with a view to hastening the repatriation of nationals of the two countries.

3. Draft Resolution

On the basis of the principles set forth above, the Sub-Committee submits to the plenary Committee, the following resolution concerning bilateral repatriation agreements:

"The Special Committee on Refugees and Displaced Persons, considering:

- (a) that the main tasks concerning displaced persons are the elimination of war criminals, quislings and traitors, and the encouragement in every way possible of the early return of refugees and displaced persons to their countries of origin;
- (b) that one of the most effective means of completing repatriation operations consists in the conclusion of bilateral repatriation agreements between the Governments of the countries of origin, and the Governments of the countries of location (or the authorities in the countries of location), under whose control the refugees and displaced persons are or the addition of supplementary clauses to existing agreements;
- (c) that these agreements should be based on the following principles:
 - (i) absolute reciprocity;
 - (ii) respect of the principles set forth by the General Assembly of the United Nations in the resolution passed on 12 February 1946 (c)(ii);
- (d) that these agreements might usefully contemplate (prevoir):
 - (i) urgent appeals from Governments or the authorities under whose control the refugees and displaced persons are, to be made inviting them to return to their country of origin, it

being understood that refugees and displaced persons have the free choice of returning or not returning to their country of origin;

- (ii) the creation of mixed commissions, permitting the authorities of the country of origin to make the necessary contacts with the refugees and displaced persons during their visits to the camps and to provide them with adequate information concerning the situation in their countries.

Decides: to recommend to the Economic and Social Council that all the Governments concerned should be invited without delay to consider the conclusion of bilateral agreements, or add clauses to existing agreements, in accordance with the principles set forth above."