



GENERAL ASSEMBLY

Fourth session

Item 63 of the agenda

REFUGEES AND STATELESS PERSONS

Fifteenth report of 1949 of the Advisory Committee on
Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report on Refugees and Stateless Persons (A/C.3/527) which the Secretary-General has submitted in accordance with resolution 248 (IX) A adopted by the Economic and Social Council on 6 August 1949.

2. This resolution contains the following paragraphs:

"[The Economic and Social Council]

"Requests the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions, to prepare for the consideration of the fourth session of the General Assembly a plan for such organization within the framework of the United Nations as may be required to enable the United Nations to discharge the function of international protection of refugees, and related functions, taking into account the following alternative:

"(a) The establishment of a high commissioner's office under the control of the United Nations;

"(b) The establishment of a service within the United Nations Secretariat;

"Further requests the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions, to transmit with such plan of organization a proposal with respect to the nature and extent of the legal protection functions to be performed, taking into consideration the experience of the League of Nations, the Inter-Governmental Committee on Refugees and the IRO, the various provisions of national legislation relating to refugees, the special problems in occupied areas, and the observations made by Governments during the current session of the Council....."

3. The Advisory Committee believes that, before recommendations on the organization and financial arrangements for the international protection of refugees and stateless persons can usefully be made, the precise

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function to be discharged by the United Nations must first be determined by the General Assembly. As a corollary there is need for a clear definition of the scope and activities of the high commissioner's office, should the creation of such an office be approved.

4. The Secretary-General has himself drawn attention to this matter in paragraph 6 of his report (A/C.3/527), which reads as follows:

"The Secretary-General has refrained from making fully detailed recommendations regarding the organization of the future service in the present report, believing that such proposals could more appropriately be made after the decisions of principle have been taken by the General Assembly."

5. Nevertheless, since the Secretary-General's report deals in some detail with the possible organizational and financial arrangements for the international protection of refugees, the Advisory Committee deems it appropriate to offer certain observations of a preliminary character, which are subject to the reservation stated in paragraph 3 above.

6. On the hypothesis that the General Assembly adopts the first of the alternative forms of organization suggested by the Economic and Social Council resolution (see paragraph 2 above), the Advisory Committee endorses the recommendation of the Secretary-General that the high commissioner should be made directly responsible to the General Assembly, subject only to the consideration that the Secretary-General will retain normal control in financial matters.

7. The Committee considers that, in view of the nature of the operation, it will be necessary to grant a large measure of discretion to the high commissioner in respect of the organizational arrangements for his office. This being so, it might well prove a hindrance rather than a help to lay down a detailed plan at this stage. The directives which the high commissioner would receive from the General Assembly should be drawn up in the broadest possible terms to enable him to take account, in the field of organization, of changes in the rhythm of work and to use the services of his office to the best advantage.

8. As regards the Council's recommendation, contained in the last paragraph of its resolution, that the General Assembly should make budgetary provision for the year 1950, the Secretary-General has drawn attention in his report (A/C.3/527, paragraphs 64 - 71) to the difficulty of submitting, in advance of the Assembly's decisions on questions of principle, detailed estimates of the costs involved. The Advisory Committee is, however, of the opinion that if, as presumably will be the case, the function of the United Nations in the matter of the legal protection of refugees is to be complementary to the protection afforded by Governments, the necessary

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budgetary provision would be much smaller than the figure of \$750,000 tentatively submitted by the Secretary-General, which, the Committee understands is for the first year of operation, and which is based on the performance of all the functions listed in document A/C.3/527. In particular, an organization comprising a headquarters office and sixteen branch offices seems to the Advisory Committee to represent an unduly elaborate structure in relation to what the Committee conceives to be the principal functions of the high commissioner, consistly mainly of contacts and negotiations with interested Governments.

9. Subject to the foregoing considerations, the Advisory Committee believes that the conception of a small planning office, to operate before January 1951 and to study all aspects of the project in the light of the decision of principle to be taken by the General Assembly, is a correct one. The Committee would therefore be prepared to concur in the withdrawal from the Working Capital Fund of reasonable amounts necessary to finance such an office.
