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GENERAL ASSEMBLY

Fourth Session

Item 63 of the agenda

REFUGEES AND STATELESS PERSONS

Report of the Third Committee

Rapporteur: Mr. Hyantisek VNSA (Czechoslovakia)

1. At its 224th plenary meeting held on 22 September 1949, the General Assembly referred to the Third Committee the item "Refugees and stateless persons" resulting from the adoption by the Economic and Social Council, on 6 August 1949, of resolution 248(IX)A.
2. On 4 November 1949, at its 256th meeting, the Third Committee took up this item and considered the report prepared by the Secretary-General in accordance with resolution 248(IX)A of the Economic and Social Council (A/C.3/527) as well as two communications from the General Council of the International Refugee Organization dated respectively 11 July 1949 (E/1392) and 20 October 1949 (A/C.3/528). The Committee also had before it the report of the Advisory Committee on Administrative and Budgetary questions relating to refugees and stateless persons (A/1059) and a draft resolution submitted by France (A/C.3/529).
3. During the course of the debate on this item in the Third Committee, which lasted from the 256th to the 264th meeting inclusive (for the summary records of the discussion see A/C.3/SR.256 - 264) the following texts were introduced by various delegations:
 - (i) A draft resolution was introduced by the Byelorussian Soviet Socialist Republic (A/C.3/L.25);
 - (ii) A draft resolution was submitted by France (A/C.3/L.27);
 - (iii) The original French draft resolution (A/C.3/529), as well as a draft resolution submitted by the United States of America (A/C.3/L.28) were withdrawn in favour of a joint draft resolution submitted by France and the United States of America (A/C.3/L.29).
 - (iv) Amendments to the joint draft resolution were submitted by Lebanon (A/C.3/L.30), Australia (A/C.3/L.31), the United Kingdom of Great Britain and Northern Ireland (A/C.3/L.32) and Israel (A/C.3/L.33).
4. At its 264th meeting held on 15 November 1949, the Third Committee rejected the draft resolution submitted by the Byelorussian SSR (A/C.3/L.25)

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by a series of votes on the individual paragraphs, as follows:

<u>Preamble:</u>	21	against,	9	in	favour,	15	abstentions
<u>1st paragraph:</u>	20	"	9	"	16	"	
<u>2nd paragraph:</u>	16	"	7	"	22	"	
<u>last paragraph:</u>	15	"	7	"	22	"	

5. At the same meeting, the Committee proceeded to vote on the various amendments proposed to the joint draft resolution (A/C.3/L.29) as follows:

- (i) The Lebanese amendment to the preamble (A/C.3/L.30) was adopted by 18 votes to 8, with 16 abstentions.
- (ii) The Australian amendment to the first paragraph of the operative part (A/C.3/L.31) was adopted by 18 votes to 9, with 19 abstentions.
- (iii) The Israeli amendment to paragraph 3 (a) of the operative part (A/C.3/L.33) was adopted by 17 votes to 1, with 26 abstentions.
- (iv) The alternative proposal by France for paragraph 3 (b) of the operative part was adopted by 19 votes to 10, with 5 abstentions.
- (v) The United Kingdom amendment to paragraph 1 of the Annex (A/C.3/L.3) was adopted by 22 votes to 6, with 18 abstentions.
- (vi) The alternative proposal by France for paragraph 3 of the Annex was adopted by 18 votes to 14, with 11 abstentions.
- (vii) The French proposal for a sub-paragraph 4 (e) in the Annex, which it was agreed to re-draft as a paragraph 5, was adopted by 17 votes to 14, with 16 abstentions (roll-call vote).
- (viii) The Australian amendment for a sub-paragraph 4 (f) in the Annex (A/C.3/L.31), which it was agreed to re-draft as a paragraph 6, was adopted by 14 votes to 6, with 26 abstentions.
- (ix) The United Kingdom amendment to former paragraph 5, now paragraph 7, of the Annex (A/C.3/L.32) was adopted by 18 votes to 5, with 22 abstentions.
- (x) The Franco-Lebanese proposal that the High Commissioner should be elected by the General Assembly on the nomination of the Secretary-General (paragraph 9 of the Annex) was adopted by 19 votes to 10, with 15 abstentions.

6. The Third Committee then adopted, by a roll-call vote of 24 to 12, with 10 abstentions, the amended text of the joint draft resolution (A/C.3/L.29). The result of the voting was as follows:

In favour: Australia, Belgium, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, France, Greece, Guatemala, Israel, Lebanon, Liberia, Mexico, Netherlands, New Zealand, Norway, Sweden, United Kingdom, Uruguay and Venezuela.

/Against.

Against: Argentina, Brazil, Byelorussian Soviet Socialist Republic, Czechoslovakia, India, Iraq, Pakistan, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America and Yugoslavia.

Abstentions: Afghanistan, Burma, Egypt, Ethiopia, Iran, Philippines, Saudi Arabia, Syria, Thailand and Yemen.

7. At the same meeting, the Committee adopted by 18 votes to 8, with 18 abstentions, a draft resolution submitted by France (A/C.3/L.27).

8. The Third Committee consequently recommends the adoption by the General Assembly of the following two resolutions:

REFUGEES AND STATELESS PERSONS

A

The General Assembly,

Considering that the problem of refugees is international in scope and nature and that its final solution can only be provided by the voluntary repatriation of the refugees or their assimilation within new national communities,

Recognizing the responsibility of the United Nations for the international protection of refugees,

Having Examined resolution 248(IX)A of the Economic and Social Council of 6 August 1949; the report of the Secretary-General of 26 October 1949 (A/C.3/527); and the communications from the General Council of the International Refugee Organization of 11 July 1949 (E/1392) and of 20 October 1949 (A/C.3/528),

Considering that in its aforementioned resolution the Economic and Social Council requested the Governments of States Members of the United Nations, and of other States, to provide the necessary legal protection for refugees who have been the concern of International Refugee Organization and recommended that General Assembly at its fourth session should decide the functions and organizational arrangements within the framework of the United Nations necessary for the international protection of refugees after the IRO terminates its activities,

1. Decides to establish, as of 1 January 1951, a High Commissioner's Office for Refugees in accordance with the provisions of the Annex to the present resolution to discharge the functions contained therein and such other functions as the General Assembly may from time to time confer upon it;

2. Requests the Secretary-General:

(a) To prepare detailed draft provisions for the implementation of the present resolution and the Annex attached thereto, to circulate

/these draft

these draft provisions to Governments for comments, and to submit them to the Economic and Social Council at its eleventh session, together with such comments thereon as may have been received from Governments;

(b) To prepare, in consultation with the Advisory Committee on Administrative and Budgetary Questions, a draft budget for the operation in 1951 of the High Commissioner's Office for Refugees;

3. Requests the Economic and Social Council:

(a) To prepare, at its eleventh session, a draft resolution embodying provisions for the functioning of the High Commissioner's Office for Refugees and to submit the draft resolution to the General Assembly for consideration at its fifth regular session;

(b) To transmit to the General Assembly at its fifth regular session such recommendations as the Council may deem appropriate regarding the definitions of the term "refugee" to be applied by the High Commissioner;

4. Decides to review, not later than at its eighth regular session, the arrangements for the High Commissioner's Office for Refugees with a view to determining whether the Office should be continued beyond 31 December 1953.

ANNEX

1. The High Commissioner's Office for Refugees should

(a) Be so organized within the framework of the United Nations as to possess the degree of independence and the prestige required for the effective performance of the High Commissioner's duties;

(b) Be financed under the budget of the United Nations; and

(c) Receive policy directions from the United Nations according to methods to be determined by the General Assembly.

2. Means should be provided whereby interested Governments, non-Members of the United Nations, may be associated with the work of the High Commissioner's Office.

3. Pending the adoption by the General Assembly of new definitions for the term "refugee," the definition contained in Annex I of the Constitution of the International Refugee Organization should provisionally be applied by the High Commissioner.

4. The High Commissioner, in order to promote, stimulate and facilitate the execution of the most suitable solution to the problem with which he is entrusted, should provide for the protection of refugees and displaced persons falling under the competence of the Office by

(a) Promoting the conclusion and ratification of international

/conventions

conventions providing for the protection of refugees, supervising the application of the provisions of such conventions, and proposing any necessary amendments thereto;

(b) Promoting through special agreements with Governments, the execution of any measures calculated to improve the situation of refugees and to reduce the number of refugees requiring protection;

(c) Assisting Governments and private organizations in their efforts to promote voluntary repatriation of refugees or their assimilation within new national communities;

(d) Facilitating the co-ordination of the efforts of voluntary agencies concerned with the welfare of refugees.

5. The High Commissioner should distribute among private and, as appropriate, official agencies which he deems best qualified to administer such assistance any funds, public or private, which he may receive for this purpose. The accounts relating to these funds should be periodically verified by the auditors of the United Nations. For the information of the General Assembly, the High Commissioner should include in his annual report a statement of his activities in this field.

6. The High Commissioner should engage in such additional activities, including repatriation and resettlement activities, as the General Assembly may determine.

7. The High Commissioner should report to the United Nations periodically as determined by the General Assembly.

8. The High Commissioner's work should be of an entirely non-political character and relate as a rule to groups and categories of refugees. In the performance of his duties he should:

(a) Keep in close touch with the Governments and inter-governmental organizations concerned and invite the assistance of the various specialized agencies;

(b) Establish contact in such manner as he may think best with private organizations dealing with refugee questions.

9. The High Commissioner should be elected by the General Assembly, on the nomination of the Secretary-General, for a term of three years from 1 January 1951.

10. The High Commissioner should appoint for a period of three years a deputy High Commissioner, who should not have the same nationality as the High Commissioner. He should also appoint under the regulations of the United Nations a small staff of persons devoted to the purposes of the Office to assist him.

/11. The High

11. The High Commissioner should consult the Governments of the countries of residence of refugees as to the need for appointing representatives therein. In any country recognizing such need, he may appoint a representative approved by the Government of that country. Subject to the foregoing, the same representative may serve in more than one country.
12. The High Commissioner's Office for Refugees should be located in Geneva.

B

The General Assembly,

Having Taken Cognizance of the memorandum addressed to it by the General Council of the International Refugee Organization on 20 October 1949,

Being Anxious to give the International Refugee Organization the support without which that organization does not feel able to complete its task rapidly and fully,

1. Decides to address an urgent appeal to all States, whether or not Members of the United Nations, calling upon them to furnish to the International Refugee Organization the widest possible assistance, particularly in respect of the admission and care of refugees in the most destitute categories; and
2. Decides, in the absence of definite data, to postpone, until its fifth regular session, the examination of the problem of assistance raised by the above mentioned memorandum, should these problems still be in existence at that date.
