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SPECIAL COMMITTEE ON REFUGEES AND DISPLACED PERSONS

PLAN OF WORK

Proposal of the French Delegation concerning
Refugees and Displaced Persons.

The discussions which took place in January and February 1946 in the Third Committee of the General Assembly on the Economic and Social Councils, led to the conclusion that a clear distinction must be made between Statutory Refugees on the one hand and Displaced Persons on the other.

Statutory Refugees who are stateless, or whose protection is not ensured by the Government of their country of origin, form part of one of the categories defined before the war, and enjoy an international legal status in their country of residence.

Nationals of the United Nations who, owing to war circumstances, have voluntarily left their place of residence to escape enemy reprisals, and have taken refuge in other countries, must however be considered as refugees.

It may be assumed that there are thus two sub groups of refugees:

- (a) statutory refugees
- and
- (b) nationals of the United Nations who have voluntarily left their country of origin.

Displaced Persons have, in most cases, remained nationals of their country of origin whilst, owing to the upheavals brought about by the war, they are at present seeking a place of refuge.

The problem must be approached differently in respect of Statutory Refugees on the one hand, and, on the other hand, United Nations Refugees who have voluntarily left their country of origin, and Displaced Persons. International action must differ in each of these two cases.

I. STATUTORY REFUGEES

a) There are at present two systems of international protection for Statutory Refugees, that of the High Commissioner of the League of Nations for (Nansen) Refugees, and that of the Intergovernmental Committee. Both of these organizations have, in certain countries, to apply the terms of the international conventions of 1928, 1933, 1938 and 1939 to Statutory Refugees. The 1928 Convention in particular gives semi-Consular powers to the representative in France of the High Commissioner of the League of Nations.

The French Delegation would be glad to see the Special Committee provide in its recommendations for the earliest possible unification of the protection of Statutory Refugees in the territory of all countries in which they may be, within the limits of the provisions laid down in the international agreements already referred to. It is to be hoped that the Committee will think fit to recommend that the organization to be created under the auspices of the United Nations should, in all countries where Statutory Refugees are to be found, be entrusted with their protection on semi-Consular lines, and on the same basis as that hitherto afforded by the representatives in France of the High Commissioner of the League of Nations and the Intergovernmental Committee.

Financial Assistance: At the present moment Statutory Refugees do not all enjoy the same financial assistance. In France, for instance, German and Austrian refugees on the one hand, and Spanish refugees on the other, receive considerable sums through the Intergovernmental Committee; Nansen refugees only enjoy the very modest return from the sale of the stamp (3 to 4 million francs per year). Spanish refugees number 200,000, and German and Austrian refugees number 20,000, whilst Nansen refugees represent approximately 80,000 persons. Here again, some unification of the international financial assistance seems essential.

Sub Committee to be set up: The French Delegation would express the hope that a Special Sub-Committee be created, to be called the Sub-Committee on Statutory Refugees, to deal with the questions referred to above; it would deal both with semi-consular questions and those of finance and assistance.

II. DISPLACED PERSONS

The Resolution passed on 12 February, 1946, by the General Assembly of the United Nations lays down that the main task concerning Displaced Persons is to ~~assist~~ their early return to their countries of origin. Such assistance may take the form of promoting the conclusion of bi-lateral arrangements.

Bi-lateral Agreements: The conclusion of these agreements had been proposed by the French Delegation as early as 29 January, 1946.

The system of direct agreements, negotiated under the auspices of U.N.O., seems to the French Government to be the most adequate method of contriving the solution of a problem which involves human and political aspects of first importance. The execution of these agreements could, in liaison with the governments concerned, be assured by the organization to be set up by U.N.O.

In the meantime, the French Government, in accordance with the proposal which it made in London on 29 January, has undertaken negotiations for displaced persons in its own occupation zone in Germany, with the authorities whose nationals are most numerous within that zone.

The agreement arrived at in this connection with the Polish Embassy in Paris, includes the following essential features:

- (a) the early return to Poland of those who volunteer, and assistance to them from UNRRA until their arrival at their destination;
- (b) special camps for those who do not desire to return, until such time as a final destination can be arranged.

The necessary steps have already been taken in the French zone for the administration of the camps and the work of the Polish Repatriation Missions.

The French Delegation has full powers to conclude a bilateral agreement with the Yugoslav Delegation on non-Statutory Refugees and Displaced Persons of Yugoslav origin. A law recently promulgated by the Belgrade Government has denationalized such officers and non-commissioned officers of Yugoslav origin as, being outside Yugoslavia, have not returned to the Federal Republic's territory by a certain date. The French Delegation is ready to negotiate a bilateral agreement with the Yugoslav Delegation, taking into account the part of the law referred to above applying to non-statutory refugees and displaced persons of Yugoslav origin, now in the French zone of occupation in Germany and Austria.

A Franco-Soviet repatriation agreement was concluded on 29 June 1945.

The French Government is applying this agreement in a very liberal spirit, and is authorizing visits of Soviet liaison officers to the camps of the displaced persons of U.S.S.R. origin. These officers are able to explain to their fellow-countrymen, in the presence of the French authorities, the point of view of the Government of the U.S.S.R. and to take note of their freely expressed decisions.

The French Government would be glad to see the agreement of 29 June 1945, completed by a fresh agreement applicable to nationals of Baltic and Ukrainian origin, at present in the French Zone of occupation in Germany and Austria (9,700 Ukrainians and 6,000 from the Baltic countries). This agreement might either be on the basis of the Franco-Polish agreement or on that of the Franco-Yugoslav agreement.

The French Government holds that the principle of bi-lateral agreements represents the surest and most certain method of arriving at an understanding between the various delegations represented on the Special Committee, on the application of the terms contained in the Resolution of the Economic and Social Council, without losing sight of the fact that the main object of these agreements should be to facilitate the repatriation of the persons concerned.

Sub-Committee on non-Statutory Refugees, Displaced Persons and Repatriation:

The French Delegation suggests that a second Sub-Committee, to be called the Sub-Committee on non-Statutory Refugees, Displaced Persons and Repatriation, might be set up to implement that part of the Committee's report which deals with these questions. This Sub-Committee would be authorized to deal with all problems concerning non-Statutory Refugees and Displaced Persons, including the question of resettlement and subsequent immigration of such as it is not possible to repatriate. Relevant financial questions would also clearly come within the province of this Sub-Committee.

The first task of the Sub-Committee would be to envisage the conclusion of bi-lateral agreements (similar to the agreements which France has concluded or contemplates concluding with Poland, Yugoslavia and the U.S.S.R.) between the American and British Governments and the Governments of the countries of origin of non-Statutory Refugees and Displaced Persons within the areas administered by American and British authorities. In the view of the French Delegation, it would be desirable for this Sub-Committee to propose the creation of a Special Commission, to be called the Commission for the Application of the Bi-lateral Agreements, within the Organization of the United Nations responsible for refugees and displaced persons. This Commission would have as its task to survey the application of these agreements and to settle all difficulties which might arise from its work. It should be composed of an equal number of representatives of the Eastern Powers, (U.S.S.R., Poland, Yugoslavia, the Ukraine, Byelorussia, Czechoslovakia) and of representatives of the Western Powers (United States of America Great Britain, France, Belgium, Holland, Canada) so as to avoid decisions by a majority vote. In the event of a divergence of views between the members of the Commission, arbitration would be ensured by a Chairman to be chosen from among the representatives of Powers who have no direct interest in the question of refugees and displaced persons, and who are known for their impartiality and competence.

III.

A third Sub-Committee should deal with war criminals, quislings and traitors, in accordance with the terms of paragraph d of the Resolution passed by the General Assembly on 12 February.

IV.

Finally, a fourth Sub-Committee might deal with non Statutory Refugees and Displaced Persons from the Far East.