

SPECIAL COMMITTEE ON REFUGEES AND DISPLACED PERSONS

STATEMENT BY THE POLISH DELEGATE CONCERNING
THE FORM OF THE FUTURE ORGANIZATION

Mr. Chairman, in the course of our debate here we have heard various views expressed as to the nature of the new machinery to be established for taking care of the refugee problem.

It was argued by some of the delegates that by putting the whole matter within the framework of the United Nations, the best possible settlement will be achieved.

I wish to state, Mr. Chairman, on behalf of the Polish Delegation, that our views are **definitely** and **clearly** on the side of those who favour the establishment of International Specialized Agency.

May I now say the reasons why the Polish Delegation takes this, in our view, the only right and just attitude.

First, a word on matters of procedure. We hold that the proposed sub-committee should receive a definite guidance on the subject, it should confine its work to the technical aspects of the problem only. Otherwise, I fear, the whole discussion on the merits of the case will be transferred to the sub-committee and no useful purpose will be served by repeating the whole discussion all over again.

And may I now dwell on the merits of the case.

I take this opportunity to reiterate the view of the Polish Delegation that the whole problem is of an urgent character but also of a temporary nature. The continuation of a fluid mass of refugees is neither in the interest of peace nor of the refugees themselves.

We therefore once again emphasize that arrangements should be made for speedy repatriation and those left after the full scheme of repatriation had been carried out, should be resettled within a very short period of time.

Our predecessor the League of Nations faced at its very beginning a similar task. The League had to take over certain obligations concerning refugees. But at the very outset, it was laid down that this was of a temporary character. However, this principle was not adhered to. The whole problem had been transformed into something of a permanent character. The point of gravity had been shifted from constructive work to charity, thus ill-serving those who had to be helped and creating potential sources of friction.

We should not repeat these mistakes. We disagree therefore with the views of the Dutch, Australian, New Zealand and other delegates and are strongly in favour of a specialized agency. Only by creating a body which will exclusively devote its energies and activities to this problem we can have a safe guard that the matter will not be unduly and unnecessarily prolonged and petrified.

It was argued that the United Nations concentrate the best personnel and the best people. But let us remember that those people are there to carry out work and to accomplish tasks of a permanent character. Their work is with a long plan. They have to work on what the United Nations stand for. If now, we propose to link the problem of refugees with the United Nations we shall be putting it on a permanent footing, as all the tasks of the United Nations are of a permanent character. The Polish Delegation most emphatically opposes any suggestion or plan which would make the refugee problem into an issue of years to come.

It was argued that by establishing a specialized agency we shall run the risk of difficulties in the co-ordination of the work.

I suggest, Mr. Chairman, that no such risk or danger does exist. Article 62/1 of the Charter of the United Nations contains special provisions to this effect. "The Social and Economic Council" - it says - "may make or initiate studies and reports with respect to specialized agencies concerned."

Article 63/2 of the Charter gives the Social and Economic Council the authority to "co-ordinate the activities of the specialized agencies through consultation with and recommendations to such agencies.". This is stated clearly enough. And finally, after all, what has the institution of the specialized agencies been provided for?

It is obvious that it was meant to serve purposes like this. Purposes which have little or nothing to do with the purposes of the United Nations and require settlement by a technical body created or set up ad hoc.

Some misgivings have been expressed concerning the conventions to be signed in this connection and the possibility that some states may refuse to co-operate.

I think, Mr. Chairman, that no country has a greater interest in the quick and satisfactory settlement of the problem than that the refugees originate from. Therefore there is no danger from this side. And as to the need for a convention, I am afraid I see in it the only workable solution.

I must remind the Committee that the whole problem of refugees is one which requires ad hoc solutions. This was the case in the past and it must be so now. International law neither written nor customary, makes permanent provisions to this effect. May I quote here the words of an authority on the subject. Professor Jennings stated in the British Year Book of International Law sometime ago:

"Customary international law has little, if anything, to say concerning the individual refugee as such. He is an anomaly for whom there is no appropriate niche in the framework of the general laws. It is for this reason that it has been necessary to establish a special conventional regime governing his legal status."

.....
Here we have the voice of an authority. We cannot do away with conventions. And may I add that when in 1931 the International Office for Refugees was set up - a specialized agency by the way - a sharp distinction was made between the political protection of the refugees which was left to the League, and assistance, settlement, etc., which was transferred to that Office. I beg to refer here to the resolution of the Eleventh Assembly of the League.

The lessons of the past are clear - and so is the legal issue which we cannot and must not overlook.

And finally, Mr. Chairman, I come back to what I stated already before. The refugee problem is one of the outcomes of the last war. All those issues which result from the war have been dealt with apart and outside the United Nations. The settlement of the refugee problem is but a special chapter of the peace settlement. And are the peace treaties being drafted and negotiated within the United Nations? Why then should the refugee problem be singled out. It is also that the Final Act on Reparations of December 1945 signed at the Paris Reparations Conference lays down that certain funds will be available for the refugees. And this too was settled outside the United Nations.

The Polish Delegation strongly puts forward the case for a specialized agency, for practical and legal reasons, and expects that the Committee will pass a resolution on those grounds.
