

ECONOMIC AND SOCIAL COUNCIL

Documents for the Special Committee on Refugees and Displaced Persons

(Document E/REF/1)

1.

REPORT OF THE THIRD COMMITTEE OF THE GENERAL ASSEMBLY ON THE QUESTION OF REFUGEES, INCLUDING THE RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY ON 12 FEBRUARY 1946 (A/45)

Rapporteur : Mrs. F. DALEN (Norway).

1. The General Assembly at its sixteenth plenary meeting, held on 19 January 1946 referred the question of refugees to the third Committee for consideration and report to the plenary meeting.

2. The third Committee has devoted seven of its meetings to a full and frank discussion of the refugee problem. Two proposals were before the Committee at the outset, one put forward by the delegation of the United Kingdom (A/C.3/5), the other by the delegation of Yugoslavia (A/C.3/7).

3. During the course of the discussion three other delegations submitted formal proposals; namely, those of the Netherlands (A/C.3/15), the Soviet Union (A/C.3/19) and the United States of America (A/C.3/20).

4. A "Statement concerning refugees" submitted by the delegation of the Dominican Republic (A/C.3/9) called the attention of the delegates to the refugee colony of the Dominican Republic which had been established for "victims of nazi-fascist intolerance" following the Evian Conference in 1938; and a memorandum submitted by the delegation of France (A/C.3/16) contained a proposal concerning statutory refugees.

5. At the conclusion of the discussion, there still being several proposals before the Committee, the Committee appointed a drafting subcommittee to seek agreement on a single text. This subcommittee was composed of the delegates for the United States of America, United Kingdom, Soviet Union, France, Panama, Yugoslavia, the Netherlands and the Lebanon, together with the Rapporteur and the Chairman.

6. The drafting subcommittee after three meetings submitted a report comprising a text approved by the majority of the subcommittee together with certain amendments put forward by the delegation of the Soviet Union with the approval of the delegation of Yugoslavia. Among these amendments were the following:

To include in paragraph (c) the following subparagraphs:

"(iv) No propaganda should be permitted in refugee and displaced persons camps against the interests of the Organization of the United Nations or its Members, nor propaganda against returning to their native countries.

(v) The personnel of refugee and displaced persons camps should first of all be comprised of representatives of States concerned, whose citizens are the refugees."

To add the following words to paragraph (d):

"Quislings, traitors and war criminals, as persons who discredited themselves by collaboration in any form with the enemies of the United Nations, should not be regarded as refugees who are entitled to get protection of the United Nations. Quislings, traitors and

war criminals who are still hiding themselves under the guise of refugees should be returned to their countries immediately."

7. After full discussion these amendments were not approved by the third Committee. The Committee adopted the text of a draft resolution on refugees which appears at the end of this report.

8. The following interpretation relating to paragraph (c) (ii) of the draft resolution were given by the Chairman following requests for information by the delegates for Belgium and Australia respectively:

(a) in answering the delegate for Belgium, the Chairman stated that it was implied that the international body would judge what were, or what were not, "valid objections"; and that such objections clearly might be of a political nature;

(b) in answering the delegate for Australia, the Chairman stated that it was to be presumed that the information supplied to refugees or displaced persons from the governments of their countries of origin would be made available through the responsible international body, in whatever way seemed most appropriate in view of the particular circumstances of the case.

9. The following expressions of opinion were put forward for inclusion in the report, and in the hope that they might be taken into account by the Economic and Social Council:

(a) The United States delegation urged the importance of existing international agencies maintaining their activities for the benefit of refugees pending the outcome of the proposed study and report.

(b) The delegation of Panama suggested that the Spanish Republican refugees should only return to Spain when a democratic regime able to assure their rights had been established there; and that in the meantime they should be accorded special status by the countries of temporary residence, securing to them the same rights as men and workers as those enjoyed by the citizens of the country that had given them hospitality.

(c) The Bolivian delegation suggested that the possibility should be studied of raising the necessary funds and means of transport for the transfer to countries of immigration of bona fide refugees, or displaced persons, within the limits of the immigration quotas fixed by the countries concerned and communicated to the appropriate body.

10. Finally, the Committee desired unanimously to express its sympathy with the Spanish Republican refugees and wished to place on record its strong view that the Economic and Social Council should examine their case with particular care and attention.

11. I now have the honour to submit to the General Assembly for its consideration and approval the following resolution:

The General Assembly,

recognizing that the problem of refugees and displaced persons of all categories is one of immediate

urgency and recognizing the necessity of clearly distinguishing between genuine refugees and displaced persons, on the one hand, and the war criminals, Quislings, and traitors referred to in paragraph (d) below, on the other :

- (a) *decides* to refer this problem to the Economic and Social Council for thorough examination in all its aspects under item 10 of the agenda for the first session of the Council and for report to the second part of the first session of the general assembly ;
- (b) *recommends* to the Economic and Social Council that it establish a special committee for the purpose of carrying out promptly the examination and preparation of the report referred to in paragraph (a) ; and
- (c) *recommends* to the Economic and Social Council that it take into consideration in this matter the following principles :
 - (i) This problem is international in scope and nature.
 - (ii) No refugees or displaced persons who have finally and definitely, in complete freedom, and after receiving full knowledge of the facts including adequate information from the governments of their countries of origin, expressed valid objections to returning to their countries of origin and who do not come within the provisions of paragraph (d) below, shall be compelled to return to their country of origin. The future of such

refugees or displaced persons shall become the concern of whatever international body may be recognized or established as a result of the report referred to in paragraphs (a) and (b) above, except in cases where the government of the country where they are established has made an arrangement with this body to assume the complete cost of their maintenance and the responsibility for their protection.

- (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) above.
- (d) *considers* that no action taken as a result of this resolution shall be of such a character as to interfere in any way with the surrender and punishment of war criminals, Quislings and traitors, in conformity with present or future international arrangements or agreements.
- (e) *considers* that Germans being transferred to Germany from other States or who fled to other States from allied troops, do not fall under the action of this declaration in so far as their situation may be decided by allied forces of occupation in Germany, in agreement with the governments of the respective countries.