

2.

RESOLUTION ESTABLISHING A SPECIAL COMMITTEE ON REFUGEES AND DISPLACED PERSONS ADOPTED BY THE ECONOMIC AND SOCIAL COUNCIL ON 16 FEBRUARY 1946
(E/15/Rev. 1)

The Economic and Social Council,

1. Considering that the General Assembly, on 12 February 1946, adopted a resolution in the following terms:

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.

The General Assembly establishes a Committee on refugees and displaced persons:

2. The function of the Committee shall be to carry out promptly a thorough examination in all its aspects of the problem of refugees and displaced persons of all categories, and to make a report thereon to the Council at its second session.

3. In making this examination and in preparing its report, the Committee shall take into consideration the principles set forth in paragraphs (c), (d) and (e) of the resolution of the General Assembly cited above. It shall take into account the verbatim records with regard to refugees of the third Committee of the General Assembly. It shall further take into account the unanimous expression in the report of the third Committee of the General Assembly of its sympathy with the Spanish Republican refugees, and its strong view that the Economic and Social Council should examine their case with particular care and attention.

4. The Committee shall be composed of one representative of the following Members of the United Nations:

Australia, Belgium, Brazil, Byelorussia, Canada, China, Colombia, Czechoslovakia, Dominican Republic, France, Lebanon, Netherlands, New Zealand, Peru, Poland, Ukraine, Union of Soviet Socialist Republics, United Kingdom, United States, Yugoslavia.

5. The Director of the Inter-governmental Committee on Refugees and the Director-General of UNRRA, or their representatives, shall be invited to sit with the Committee in a consultative capacity.

6. The Committee shall elect its own officers.

7. The Committee may establish such sub-committees as may be necessary for all aspects of its work, including the carrying out of investigations or field trips. It shall have the right to take evidence from or consult with such persons or bodies as it deems appropriate.

8. The Committee shall meet in London on 31 March 1946. It shall hold itself at the disposal of the Council until the convening of the third session of the Council.

9. The report of the Committee, after revision pursuant to directions given by the Council, shall be communicated by the Secretary-General to the Members of the United Nations not later than forty-five days prior to the convening of the second part of the first session of the General Assembly on 3 September 1946. The report, together with the comments of the Members, shall be reviewed by the Council at its third session and the observations and recommendations of the Council thereon transmitted to the General Assembly.