

CONSTITUTION OF THE INTERNATIONAL REFUGEE ORGANIZATION

PREAMBLE

The Governments accepting this Constitution,

RECOGNIZING:

that genuine refugees and displaced persons constitute an urgent problem which is international in scope and character;

that as regards displaced persons, the main task to be performed is to encourage and assist in every way possible their early return to their country of origin;

that genuine refugees and displaced persons should be assisted by international action, either to return to their countries of nationality or former habitual residence, or to find new homes elsewhere, under the conditions provided for in this Constitution; or in the case of Spanish Republicans, to establish themselves temporarily in order to enable them to return to Spain when the present Falangist regime is succeeded by a democratic regime;

that re-settlement and re-establishment of refugees and displaced persons be contemplated only in cases indicated clearly in the Constitution;

that genuine refugees and displaced persons, until such time as their repatriation or re-settlement and re-establishment is effectively completed, should be protected in their rights and legitimate interests, should receive care and assistance and, as far as possible, should be put to useful employment in order to avoid the evil and anti-social consequences of continued idleness; and

that the expenses of repatriation to the extent practicable should be charged to Germany and Japan for persons displaced by those Powers from countries occupied by them:

HAVE AGREED:

for the accomplishment of the foregoing purposes in the shortest possible time, to establish and do hereby establish a non-permanent organization to be called the International Refugee Organization, a specialized agency to be brought into relationship with the United Nations, and accordingly

HAVE ACCEPTED THE FOLLOWING ARTICLES:

Article 1. — MANDATE

The mandate of the Organization shall extend to refugees and displaced persons in accordance with the

principles, definitions and conditions set forth in Annex I, which is attached to and made an integral part of this Constitution.

Article 2. — FUNCTIONS AND POWERS

1. The functions of the Organization to be carried out in accordance with the purposes and the principles of the Charter of the United Nations, shall be: the repatriation; the identification, registration and classification; the care and assistance; the legal and political protection; the transport; and the re-settlement and re-establishment, in countries able and willing to receive them, of persons who are the concern of the Organization under the provisions of Annex I. Such functions shall be exercised with a view:

(a) to encouraging and assisting in every way possible the early return to their country of nationality, or former habitual residence, of those persons who are the concern of the Organization, having regard to the principles laid down in the resolution on refugees and displaced persons adopted by the General Assembly of the United Nations on 12 February 1946 (Annex III) and to the principles set forth in the Preamble, and to promoting this by all possible means, in particular by providing them with material assistance, adequate food for a period of three months from the time of their departure from their present places of residence provided they are returning to a country suffering as a result of enemy occupation during the war, and provided such food shall be distributed under the

auspices of the Organization; and the necessary clothing and means of transportation; and

(b) with respect to persons for whom repatriation does not take place under paragraph 1 (a) of this Article to facilitating:

(i) their re-establishment in countries of temporary residence;

(ii) the emigration to, re-settlement and re-establishment in other countries of individuals or family units; and

(iii) as may be necessary and practicable, within available resources and subject to the relevant financial regulations, the investigation, promotion or execution of projects of group re-settlement or large-scale re-settlement.

(c) with respect to Spanish Republicans to assisting them to establish themselves temporarily until the time when a democratic regime in Spain is established.

2. For the purpose of carrying out its functions, the Organization may engage in all appropriate activities, and to this end, shall have power:

(a) to receive and disburse private and public funds;

(b) as necessary to acquire land and buildings by lease, gift, or in exceptional circumstances only, by purchase; and to hold such land and buildings or to dispose of them by lease, sale or otherwise;

(c) to acquire, hold and convey other necessary property;

(d) to enter into contracts, and undertake obligations; including contracts with Governments or with occupation or control authorities, whereby such authorities would continue, or undertake, in part or in whole, the care and maintenance of refugees and displaced persons in territories under their authority, under the supervision of the Organization;

(e) to conduct negotiations and conclude agreements with Governments;

(f) to consult and co-operate with public and private organizations whenever it is deemed advisable, in so far as such organizations share the purpose of the Organization and observe the principles of the United Nations;

(g) to promote the conclusion of bilateral arrangements for mutual assistance in the repatriation of displaced persons, having regard to the principles laid down in paragraph (c) (ii) of the resolution adopted by the General Assembly of the United Nations on 12 February 1946 regarding the problem of refugees (Annex III);

(h) to appoint staff, subject to the provisions of Article 9 of this Constitution;

(i) to undertake any project appropriate to the accomplishment of the purposes of this Organization;

(j) to conclude agreements with countries able and willing to receive refugees and displaced persons for

the purpose of ensuring the protection of their legitimate rights and interests in so far as this may be necessary; and

(k) in general, to perform any other legal act appropriate to its purposes.

Article 3. — RELATIONSHIP TO THE UNITED NATIONS

The relationship between the Organization and the United Nations shall be established in an agreement between the Organization and the United Nations as provided in Articles 57 and 63 of the Charter of the United Nations.

Article 4. — MEMBERSHIP

1. Membership in the Organization is open to Members of the United Nations. Membership is also open to any other peace-loving States, not members of the United Nations, upon recommendation of the Executive Committee, by a two-thirds majority vote of members of the General Council present and voting, subject to the conditions of the agreement between the Organization and the United Nations approved pursuant to Article 3 of this Constitution.

2. Subject to the provisions of paragraph 1 of this article, the members of the Organization shall be those States whose duly authorized representatives sign this Constitution without reservation as to subsequent acceptance, and those States which deposit with the

Secretary-General of the United Nations their instruments of acceptance after their duly authorized representatives have signed this Constitution with such reservation.

3. Subject to the provisions of paragraph 1 of this article, those States, whose representatives have not signed the Constitution referred to in the previous paragraph, or which, having signed it, have not deposited the relevant instrument of acceptance within the following six months, may, however, be admitted as members of the Organization in the following cases:

(a) if they undertake to liquidate any outstanding contributions in accordance with the relevant scale; or

(b) if they submit to the Organization a plan for the admission to their territory, as immigrants, refugees or displaced persons in such numbers, and on such settlement conditions as shall, in the opinion of the Organization, require from the applicant State an expenditure or investment equivalent, or approximately equivalent, to the contribution that they would be called upon, in accordance with the relevant scale, to make to the budget of the Organization.

4. Those States which, on signing the Constitution, express their intention to avail themselves of clause (b) of paragraph 3 of this article may submit the plan referred to in that paragraph within the following three months, without prejudice to the presentation within six months of the relevant instrument of acceptance.

5. Members of the Organization which are suspended from the exercise of the rights and privileges of Member-

ship of the United Nations shall, upon request of the latter, be suspended from the rights and privileges of this Organization.

6. Members of the Organization which are expelled from the United Nations shall automatically cease to be members of this Organization.

7. With the approval of the General Assembly of the United Nations, members of the Organization which are not members of the United Nations, and which have persistently violated the principles of the Charter of the United Nations may be suspended from the rights and privileges of the Organization, or expelled from its membership by the General Council.

8. A member of the Organization which has persistently violated the principles contained in the present Constitution, may be suspended from the rights and privileges of the Organization by the General Council, and with the approval of the General Assembly of the United Nations, may be expelled from the Organization.

9. A member of the Organization undertakes to afford its general support to the work of the Organization.

10. Any member may at any time give written notice of withdrawal to the Chairman of the Executive Committee. Such notice shall take effect one year after the date of its receipt by the Chairman of the Executive Committee.

Article 5. — ORGANS

There are established as the principal organs of the Organization: a General Council, an Executive Committee and a Secretariat.

Article 6. — THE GENERAL COUNCIL

1. The ultimate policy-making body of the Organization shall be the General Council in which each member shall have one representative and such alternates and advisers as may be necessary. Each member shall have one vote in the General Council.
2. The General Council shall be convened in regular session not less than once a year by the Executive Committee provided, however, that for three years after the Organization comes into being the General Council shall be convened in regular session not less than twice a year. It may be convened in special session whenever the Executive Committee shall deem necessary; and it shall be convened in special session by the Director-General within thirty days after a request for such a special session is received by the Director-General from one-third of the members of the Council.
3. At the opening meeting of each session of the General Council, the Chairman of the Executive Committee shall preside until the General Council has elected one of its members as Chairman for the session.
4. The General Council shall thereupon proceed to elect from among its members a first Vice-Chairman and

a second Vice-Chairman, and such other officers as it may deem necessary.

Article 7. — EXECUTIVE COMMITTEE

1. The Executive Committee shall perform such functions as may be necessary to give effect to the policies of the General Council, and may make, between sessions of the General Council, policy decisions of an emergency nature which it shall pass on to the Director-General, who shall be guided thereby, and shall report to the Executive Committee on the action which he has taken thereon. These decisions shall be subject to reconsideration by the General Council.

2. The Executive Committee of the General Council shall consist of the representatives of nine members of the Organization. Each member of the Executive Committee shall be elected for a two-year term by the General Council at a regular session of the Council. A member may continue to hold office on the Executive Committee during any such period as may intervene between the conclusion of its term of office and the first succeeding meeting of the General Council at which an election takes place. A member shall be at all times eligible for re-election to the Executive Committee. If a vacancy occurs in the membership of the Executive Committee between two sessions of the General Council, the Executive Committee may fill the vacancy by itself appointing another member to hold office until the next meeting of the Council.

3. The Executive Committee shall elect a Chairman and a Vice-Chairman from among its members, the terms of office to be determined by the General Council.

4. Meetings of the Executive Committee shall be convened:

(a) at the call of the Chairman, normally twice a month;

(b) whenever any representative of a member of the Executive Committee shall request the convening of a meeting, by a letter addressed to the Director-General, in which case the meeting shall be convened within seven days of the date of the receipt of the request;

(c) in the case of a vacancy occurring in the Chairmanship, the Director-General shall convene a meeting at which the first item on the agenda shall be the election of a Chairman.

5. The Executive Committee may, in order to investigate the situation in the field, either as a body or through a delegation of its members, visit camps, hostels or assembly points within the control of the Organization, and may give instructions to the Director-General in consequence of the reports of such visits.

6. The Executive Committee shall receive the reports of the Director-General as provided in paragraph 6 of Article 8 of this Constitution, and, after consideration thereof, shall request the Director-General to transmit these reports to the General Council with such comments as the Executive Committee may consider appropriate.

These reports and such comments shall be transmitted to all members of the General Council before its next regular session and shall be published. The Executive Committee may request the Director-General to submit such further reports as may be deemed necessary.

Article 8. — ADMINISTRATION

1. The chief administrative officer of the Organization shall be the Director-General. He shall be responsible to the General Council and the Executive Committee and shall carry out the administrative and executive functions of the Organization in accordance with the decisions of the General Council and the Executive Committee, and shall report on the action taken thereon.

2. The Director-General shall be nominated by the Executive Committee and appointed by the General Council. If no person acceptable to the General Council is nominated by the Executive Committee, the General Council may proceed to appoint a person who has not been nominated by the Committee. When a vacancy occurs in the office of the Director-General the Executive Committee may appoint an Acting Director-General to assume all the duties and functions of the office until a Director-General can be appointed by the General Council.

3. The Director-General shall serve under a contract which shall be signed on behalf of the Organization by the Chairman of the Executive Committee and it shall be a clause of such contract that six months' notice of

termination can be given on either side. In exceptional circumstances, the Executive Committee, subject to subsequent confirmation by the General Council, has the power to relieve the Director-General of his duties by a two-thirds majority vote of the members if, in the Committee's opinion, his conduct is such as to warrant such action.

4. The staff of the Organization shall be appointed by the Director-General under regulations to be established by the General Council.

5. The Director-General shall be present, or be represented by one of his subordinate officers, at all meetings of the General Council, or the Executive Committee and of all other committees and sub-committees. He or his representatives may participate in any such meeting but shall have no vote.

6. (a) The Director-General shall prepare at the end of each half-year period a report on the work of the Organization. The report prepared at the end of each alternate period of six months shall relate to the work of the Organization during the preceding year and shall give a full account of the activities of the Organization during that period. These reports shall be submitted to the Executive Committee for consideration, and thereafter shall be transmitted to the General Council together with any comments of the Executive Committee thereon, as provided by paragraph 6 of Article 7 of this Constitution.

(b) At every special session of the General Council the Director-General shall present a statement of the work of the Organization since the last meeting.

Article 9. — STAFF

1. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. A further consideration in the employment of the staff shall be adherence to the principles laid down in the present Constitution. Due regard shall be paid to the importance of recruiting staff on an appropriate geographical basis, and of employing an adequate number of persons from the countries of origin of the displaced persons.

2. No person shall be employed by the Organization who is excluded under Part II, other than paragraph 5, of Annex I to this Constitution, from becoming the concern of the Organization.

3. In the performance of their duties, the Director-General and the staff shall not seek or receive instructions from any Government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization. Each member of the Organization undertakes to respect the exclusively international character of the responsibilities of the Director-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 10. — FINANCE

1. The Director-General shall submit, through the Executive Committee, to the General Council an annual budget, covering the necessary administrative, operational

and large-scale re-settlement expenditures of the Organization, and from time to time such supplementary budgets as may be required. The Executive Committee shall transmit the budget to the General Council with any remarks it may deem appropriate. Upon final approval of a budget by the General Council, the total under each of these three headings — to wit, “administrative”, “operational” and “large-scale re-settlement” — shall be allocated to the members in proportions for each heading to be determined from time to time by a two-thirds majority vote of the members of the General Council present and voting.

2. Contributions shall be payable, as a result of negotiations undertaken at the request of members between the Organization and such members, in kind or in such currency as may be provided for in a decision by the General Council, having regard to currencies in which the anticipated expenditure of the Organization will be effected from time to time, regardless of the currency in which the budget is expressed.

3. Each member undertakes to contribute to the Organization its share of the administrative expenses as determined and allocated under paragraphs 1 and 2 of this article.

4. Each member shall contribute to the operational expenditures — except for large-scale re-settlement expenditures — as determined and allocated under paragraphs 1 and 2 of this article, subject to the requirements of the constitutional procedure of such members.

The members undertake to contribute to the large-scale re-settlement expenditures on a voluntary basis and subject to the requirements of their constitutional procedure.

5. A member of the Organization, which, after the expiration of a period of three months following the date of the coming into force of this Constitution, has not paid its financial contribution to the Organization for the first financial year, shall have no vote in the General Council or the Executive Committee until such contribution has been paid.

6. Subject to the provisions of paragraph 5 of this article, a member of the Organization which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Council or the Executive Committee if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding one full year.

7. The General Council may, nevertheless, permit such members to vote if it is satisfied that the failure to pay is due to conditions beyond the control of such members.

8. The administrative budget of the Organization shall be submitted annually to the General Assembly of the United Nations for such review and recommendation as the General Assembly may deem appropriate. The agreement under which the Organization shall be brought into relationship with the United Nations under Article 3 of this Constitution may provide, *inter alia*, for the

approval of the administrative budget of the Organization by the General Assembly of the United Nations.

9. Without prejudice to the provisions concerning supplementary budgets in paragraph 1 of this article, the following exceptional arrangements shall apply in respect of the financial year in which this Constitution comes into force:

(a) the budget shall be the provisional budget set forth in Annex II to this Constitution; and

(b) the amounts to be contributed by the members shall be in the proportions set forth in Annex II to this Constitution.

Article 11. — HEADQUARTERS AND OTHER OFFICES

1. The Organization shall establish its headquarters at Paris or at Geneva, as the General Council shall decide, and all meetings of the General Council and the Executive Committee shall be held at this headquarters, unless a majority of the members of the General Council or the Executive Committee have agreed, at a previous meeting or by correspondence with the Director-General to meet elsewhere.

2. The Executive Committee may establish such regional and other offices and representations as may be necessary.

3. All offices and representations shall be established only with the consent of the Government in authority in the place of establishment.

Article 12. — PROCEDURE

1. The General Council shall adopt its own rules of procedure, following in general the rules of procedure of the Economic and Social Council of the United Nations, wherever appropriate, and with such modifications as the General Council shall deem desirable. The Executive Committee shall regulate its own procedure subject to any decisions of the General Council in respect thereto.

2. Unless otherwise provided in the Constitution or by action of the General Council, motions shall be carried by simple majority of the members present and voting in the General Council and the Executive Committee.

Article 13. — STATUS, IMMUNITIES AND PRIVILEGES

1. The Organization shall enjoy in the territory of each of its members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its objectives.

2. (a) The Organization shall enjoy in the territory of each of its members such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its objectives.

(b) Representatives of members, officials and administrative personnel of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. Such legal status, privileges and immunities shall be defined in an agreement to be prepared by the Organization after consultation with the Secretary-General of the United Nations. The agreement shall be open to accession by all members and shall continue in force as between the Organization and every member which accedes to the agreement.

Article 14. — RELATIONS WITH OTHER ORGANIZATIONS

1. Subject to the provisions of the agreement to be negotiated with the United Nations, pursuant to Article 3 of this Constitution, the Organization may establish such effective relationships as may be desirable with other international organizations.

2. The Organization may assume all or part of the functions, and acquire all or part of the resources, assets and liabilities of any inter-governmental organization or agency, the purposes and functions of which lie within the scope of the Organization. Such action may be taken either through mutually acceptable arrangements with the competent authorities of such organizations or agencies, or pursuant to authority conferred upon the Organization by international convention or agreement.

Article 15. — RELATIONSHIP WITH AUTHORITIES
OF COUNTRIES OF LOCATION OF REFUGEES AND DISPLACED
PERSONS

The relationship of the Organization with the Governments or administrations of countries in which displaced

persons or refugees are located, and the conditions under which it will operate in such countries, shall be determined by agreements to be negotiated by it with such Governments or administrations in accordance with the terms of this Constitution.

Article 16. — AMENDMENT OF CONSTITUTION

Texts of proposed amendments to this Constitution shall be communicated by the Director-General to members at least three months in advance of their consideration by the General Council. Amendments shall come into effect when adopted by a two-thirds majority of the members of the General Council present and voting and accepted by two-thirds of the members in accordance with their respective constitutional processes, provided, however, that amendments involving new obligations for members shall come into force in respect of each member only on acceptance by it.

Article 17. — INTERPRETATION

1. The Chinese, English, French, Russian and Spanish texts of this Constitution shall be regarded as equally authentic.

2. Subject to Article 96 of the Charter of the United Nations and of Chapter II of the Statute of the International Court of Justice, any question or dispute concerning the interpretation or application of this Constitution shall be referred to the International Court of Justice,

unless the General Council or the parties to such dispute agree to another mode of settlement.

Article 18. — ENTRY INTO FORCE

1. (a) States may become parties to this Constitution by:

- (i) signature without reservation as to approval;
- (ii) signature subject to approval followed by acceptance;
- (iii) acceptance.

(b) Acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

2. This Constitution shall come into force when at least fifteen States, whose required contributions to Part I of the operational budget as set forth in Annex II of this Constitution amount to not less than seventy-five per cent of the total thereof, have become parties to it.

3. In accordance with Article 102 of the Charter of the United Nations, the Secretary-General of the United Nations will register this Constitution, when it has been signed, without reservation as to approval, on behalf of one State or upon deposit of the first instrument of acceptance.

4. The Secretary-General of the United Nations will inform States parties to this Constitution, of the date when it has come into force; he will also inform them of the dates when other States have become parties to this Constitution.

IN FAITH WHEREOF the undersigned, duly authorized for that purpose, have signed this Constitution.

DONE at Flushing Meadow, New York, this fifteenth day of December, one thousand nine hundred and forty-six, in a single copy in the Chinese, English, French, Russian and Spanish languages. The original texts shall be deposited in the archives of the United Nations. The Secretary-General of the United Nations will send certified copies of the texts to each of the signatory Governments and, upon the coming into force of the Constitution and the election of a Director-General, to the Director-General of the Organization.
