

040

INTERNATIONAL REFUGEE ORG.

1946

International  
Refugee Org. '46



*X reference*

*040- International Refugee  
Organization*

31 DEC 1946

Hon. Trygve Lie  
Secretary-General  
United Nations  
Lake Success  
New York

My dear Mr. Lie:

Now that the General Assembly of the United Nations has adopted the constitution of the International Refugee Organization, I should like to submit to you certain considerations regarding the staffing of this organization insofar as it will be taking over certain functions hitherto exercised by this Administration.

It should, I believe, be accepted as a principle of primary importance by those concerned with the staffing of the IRO that first preference in employment should be given to officials who have already been serving in international organizations. Not only have such individuals demonstrated their ability to serve an international organization loyally, but in many instances they will be conscious of the special considerations affecting such employees.

In the second place, I am sure you will agree that the UNRRA personnel already engaged in work on the displaced persons question represent a body of men and women with qualifications and experience of a kind which few other individuals now possess. They have, I believe, a very special claim to be continued in their work by the IRO, provided their performance has been satisfactory.

While the actual details of such personnel transfers must be dealt with by the appropriate officials of the IRO and UNRRA respectively, it would, I think, be of great value as reassurance to the UNRRA staff now in the field if you could make known your general acceptance of these two principles. I am afraid that without some such security the uncertainty which must be felt by field staffs and others engaged in the displaced persons operation will result in a large number of resignations with a consequent serious loss in the effectiveness of the personnel available to the IRO.

*040- United Nations*



Mr. Lie

Page 2

At a later date, when the International Refugee Organization has been somewhat advanced, my successor will wish to take up with you the possibility of transferring certain key individuals whose ability and experience in UNRRA will make them especially valuable to the IRO. I do not here refer to the offices of Director General, his Chief Deputy, the top official on the administrative side, or the Controller, whose nominations I am informed are under consideration by the Governments chiefly concerned.

Sincerely yours,

F. LaGuardia  
Director General



DG:HECaustin.hh  
24/XII/46

Approved: SDDG  
CEO

FORM AD-87  
(25 FEB 1946)

UNRRA

CROSS REFERENCE SHEET

DATE

18 December 1946

CROSS INDEX

640 -

040 - I. R. O.

TO

The Central Committee

FROM

The Director General

SUMMARY

Transfer of UNRRA Displaced Persons Operations to the International  
Refugee Organization

RECORD FILED

122 - (Central)

TYPIST

kw

DATE

1 April 1947



UNRRA

OUTGOING CABLEGRAM

*040 International Refugee Org -*

NUMBER:

4986

TO:

Shanghai

RECEIVED CABLE SECTION:

17/12/46 - 2:11 p.m.

DISPATCHED:

17/12/46 - 4:56 p.m.

For Edgerton

IRO discussion ended with agreement by General Assembly to submit constitution to member states.

Drafted by:  
FWKuo (Secretariat)  
16 December 1946

Cleared by:  
FWKuo

STANDARD DISTRIBUTION

ed:db 171551  
tp:dl 172330  
61a

UNRRA

OUTGOING CABLEGRAM

040 International Refugee Organization *ec*

NUMBER: 1082  
TO: Arolsen (Personal for Cohen from Gale)  
REPEATED: London 18269 (Ward from Gale)  
RECEIVED CABLE SECTION: 16/12/46 - 3:40 p.m.  
DISPATCHED: 16/12/46 - 10:20 p.m.

*-G.M. Paris-140*

Your 923 of ninth we are hoping to notify decision regarding move within the week.

2. Meanwhile your assumption one is probable but complicated by last minute vote of Assembly stating Paris or Geneva final choice to be made by Council of IRO when set up.

3. Obviously we cannot accept delay involved in negotiating for Geneva at this stage. Proposal here is to approve move to Paris and if final IRO decision is Geneva it will be for IRO to arrange the move from Paris and accommodations required in Geneva.

Drafted by:  
HGale (PRDG)  
16 December 1946

STANDARD DISTRIBUTION

ed:mnr 161558  
tp:lcd 170210  
63c

Cleared by:  
HGale

NOTICE: Information copy only.

✓ *Germany Mission, Paris - 140 (D.P. Operations)*



FORM AD-87  
(25 FEB 1946)

UNRRA

CROSS REFERENCE SHEET

Incoming  
DATE

13 December 1946  
CROSS INDEX

040 - IRO

TO

Budapest 320 - repeated Washington

FROM

London

SUMMARY

Re: IRO

RECORD FILED

040 - UNO

TYPIST

kw

DATE

5 February 1947

UNRRA

OUTGOING CABLEGRAM

*040-International Refugee Org -*

NUMBER: 1070  
TO: Arolsen (for Cohen)  
REPEATED: London 18138 (for Ward)  
RECEIVED CABLE SECTION: 12/12/46 - 11:26 a.m.  
DISPATCHED: 12/12/46 - 12:47 p.m..

*G.M. Paris - 14.0*  
Your 923 repeated London Snipe 13.

Revised IRO constitution, budget for approximately 160 million, and proposal for interim arrangements including Preparatory Commission all approved by committees and will come before General Assembly in plenary session by weekend. Will therefore know soon which of your assumptions most likely and what course of action to follow.

Drafted by:  
RJYoudin (Bur. of Serv.)  
10 December 1946

Cleared by:  
RJYoudin  
Burinski  
Davidson  
Weissl

STANDARD DISTRIBUTION

sg:db 121204  
zp:eah 121352  
64c



UNITED NATIONS

NATIONS UNIES

RESTRICTED

GENERAL  
ASSEMBLY

ASSEMBLEE  
GENERALE

A/C 3/W.10 and  
A/C 5/W.9  
5 December 1946  
ORIGINAL: ENGLISH

040 - J R O

THIRD AND FIFTH COMMITTEE

DRAFT CONSTITUTION FOR THE INTERNATIONAL REFUGEE ORGANIZATION

ARTICLES 1 TO 9, AND 11 TO 17, AND ANNEX I (DEFINITIONS) AS  
AMENDED BY THE THIRD COMMITTEE

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 resettlement 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 resettlement and re-establishment is effectively completed,  
should be protected in their rights and legitimate interests and should  
receive care and assistance, and as far as possible should be put to useful  
employment in order to avoid the evil and antisocial consequences of

/continued

continued silence.

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 resettlement 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,



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 other than those included in paragraph (a) above for facilitating:

- (i) their re-establishment in countries of temporary residence;
- (ii) the emigration to and resettlement and the 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 resettlement or large-scale resettlement.

(c) With respect to Spanish Republicans for 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 IRO.

/(e) to conduct



- (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 insofar 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 insofar as this may be necessary;
- (k) and 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,



Committee, by a two-thirds majority vote of Members of the General Council present and voting, subject to the conditions of the agreements between the Organization and the United Nations approved pursuant to Article 3 of this Constitution.

2. Subject to the provisions of paragraph 1, 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. Members of the Organization which are suspended from the exercise of the rights and privileges of Membership of the United Nations shall, upon request of the latter, be suspended from the rights and privileges of this Organization.

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

5. 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.

6. 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, or, with the approval of the General Assembly of the United Nations, expelled from the Organization.

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

8. 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



year after the date of its receipt by the Chairman of the Executive Committee.

## ARTICLE 5

### ORGANS

1. 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 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 amongst its members of 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



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 delegate 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



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 term of such contract that six month's 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 instruction from any Government or from any other authority external to the Organization. They shall refrain from any act on 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

(at present under consideration by Committee 5)

## ARTICLE 11

### HEADQUARTERS AND OTHER OFFICES

1. The Organization shall establish its headquarters at Paris, 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



by correspondence with the Director-General, to meet elsewhere.

2. The Executive Committee may establish such regional and other offices and representations shall be established only with the consent of the government in authority in the place of its 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 fulfillment 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 fulfillment 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

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 part of or all the functions and acquire part of or all the resources, assets, and liabilities of any inter-governmental Organization or agency the purposes and functions of which lie within the scope of the organizations. 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

The relationship of the IRO 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

/any obligation



new obligation for Members shall come into force in respect of each Member only on acceptance by it.

#### ARTICLE 17

##### INTERPRETATION

1. The English, French, Russian, Chinese 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. The 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 percent 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 in the City of New York this day of 1946, in a single copy in the English, French, Russian, Chinese 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 of 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.



## ANNEX I

### DEFINITIONS

#### GENERAL PRINCIPLES

1. The following general principles constitute an integral part of the definitions as laid down in Parts I and II below.

(a) The main object of the Organization will be to bring about a rapid and positive solution of the problem of bona fide refugees and displaced persons, which shall be just and equitable to all concerned

(b) The main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin, having regard to the principles laid down in paragraph (c) (i) of the Resolution adopted by the General Assembly of the United Nations on 12 February 1946 regarding the problem of refugees (Annex III).

(c) As laid down in the Resolution adopted by the Economic and Social Council on 16 February 1946, no international assistance should be given to traitors, quislings, and war criminals, and nothing should be done to prevent in any way their surrender and punishment

(d) It should be the concern of the Organization to ensure that its assistance is not exploited in order to encourage subversive or hostile activities directed against the government of any of the United Nations.

(e) It should be the concern of the Organization to ensure that its assistance is not exploited by persons in the case of whom it is clear that they are unwilling to return to their countries or origin because they prefer idleness to facing the hardships of helping in the reconstruction of their countries, or by persons who intend to settle in other countries for purely economic reasons thus qualifying as emigrants.

(f) On the other

(f) On the other hand it should equally be the concern of the Organization to ensure that no bona fide and deserving refugee or displaced person is deprived of such assistance as it may be in a position to offer.

(g) The Organization should endeavour to carry out its functions in such a way as to avoid disturbing friendly relations between nations. In the pursuit of this objective, the Organization should exercise special care in cases in which the re-establishment or re-settlement of refugees or displaced persons might be contemplated either in countries contiguous to their respective countries of origin or in non-self-governing countries. The Organization should give due weight, among other factors, to any evidence of genuine apprehension and concern felt in regard to such plans, in the former case, by the country of origin of the persons involved, or, in the latter case, by the indigenous population of the non-self-governing country in question.

2. To ensure the impartial and equitable application of the above principles and of the terms of the definition which follows some special system of semi-judicial machinery should be created, with appropriate constitution, procedure and terms of reference.

#### PART I

Refugees and Displaced Persons within  
the meaning of the Resolution Adopted  
by the Economic and Social Council of  
the United Nations on 16 February 1946

#### SECTION A. DEFINITION OF REFUGEES

1. Subject to the provisions of Sections C and D and of Part II below, the term "refugee" applies to a person who has left, or who is outside of, his country of nationality or of former habitual residence, and who, whether or not he had retained his nationality, belongs to one of the following categories:.

/(a) Victims



- (a) Victims of the Nazi or Fascist regimes or of regimes which took part on their side in the Second World War, or of the quisling or similar regimes which assisted them against the United Nations, whether enjoying international status as refugees or not;
  - (b) Spanish Republicans and other victims of the Falangist regime in Spain, whether enjoying international status as refugees or not;
  - (c) Persons who were considered refugees before the outbreak of the Second World War, for reasons of race, religion, nationality or political opinion.
2. Subject to the provisions of Sections C and D and of Part II below regarding the exclusion of certain categories of persons, including war criminals, quislings and traitors, from the benefits of the Organization, the term "refugee" also applies to a person, other than a displaced person as defined in Section B below, who is outside of his country of nationality or former habitual residence, and who, as a result of events subsequent to the outbreak of the Second World War, is unable or unwilling to avail himself of the protection of the Government of his country of nationality or former nationality.
3. Subject to the provisions of Section D and of Part II below, the term "refugee" also applies to persons who, having resided in Germany or Austria, and being of Jewish origin or foreigners or stateless persons, were victims of Nazi persecution and were detained in or were obliged to flee from and were subsequently returned to, one of those countries as a result of enemy action, or of war circumstances, and have not yet been firmly resettled therein.
4. The term "refugee" also applies to unaccompanied children who are war orphans or whose parents have disappeared, and who are outside their countries of origin. Such children, sixteen years of age or under, shall be given all possible priority assistance, including normally assistance in repatriation in the case of those whose nationality can be determined.



#### SECTION B. DEFINITION OF DISPLACED PERSONS

The term "Displaced Persons" applies to a person who, as a result of the actions of the authorities of the regimes mentioned in Part I, Section A, paragraph 1 (a) has been deported from, or has been obliged to leave, his country of nationality or of former habitual residence, such as persons who were compelled to undertake forced labour or who were deported for racial, religious or political reasons. Displaced persons will only fall within the mandate of the Organization subject to the provisions of Sections C and D of Part I and to the provisions of Part II below. If the reasons for their displacement have ceased to exist, they should be repatriated as soon as possible in accordance with Article 2, 1 (a) of this Constitution, and subject to the provision of paragraph (c), sub-paragraphs (i) and (ii) of the General Assembly Resolution of 12 February 1946 regarding the problem of refugees (Annex III).

#### SECTION C. CONDITIONS UNDER WHICH "REFUGEES" AND DISPLACED PERSONS" WILL BECOME THE CONCERN OF THE ORGANIZATION

1. In the case of all the above categories except those mentioned in Section A, paragraphs 1 (b) and 3 above, persons will become the concern of the Organization in the sense of the Resolution adopted by the Economic and Social Council on 16 February 1946 if they can be repatriated, and the help of the Organization is required in order to provide for their repatriation, or if they have definitely, in complete freedom, and after receiving full knowledge of the facts, including adequate information from the governments of their countries of nationality or former habitual residence, expressed valid objections to returning to those countries.

(a) The following shall be considered as valid objections:

(i) persecution, or fear, based on reasonable grounds

(French : fondée, Russian : обоснованная) of persecution

because of race, religion, nationality or political opinions, provided these opinions are not in conflict with the principles of the United Nations, as laid down in the preamble of the Charter of the United Nations:

/(i) objections



(ii) objections of a political nature judged by the Organization to be "valid", as contemplated in paragraph 8 (a) of the Report of the Third Committee of the General Assembly as adopted by the Assembly on 10 February 1946.

(iii) in the case of persons falling within the category mentioned in Section A, paragraphs 1 (a) and 1 (c) compelling family reasons arising out of previous persecution, or, compelling reasons of infirmity or illness.

(b) The following shall normally be considered "adequate information".

Information regarding conditions in the countries of nationality of the refugees and displaced persons concerned, communicated to them directly by representatives of the governments of these countries, who shall be given every facility for visiting camps and Assembly Centres of refugees and displaced persons in order to place such information before them.

2. In the case of all refugees falling within the terms of Section A, paragraph 1 (b), persons will become the concern of the Organization in the sense of the Resolution adopted by the Economic and Social Council of the United Nations on 16 February 1946, so long as the Falangist regime in Spain continues. Should that regime be replaced by a democratic regime they will have to produce valid objections to returning to Spain corresponding to those indicated in paragraph 1 (a) above.

SECTION C. CIRCUMSTANCES IN WHICH REFUGEES AND DISPLACED PERSONS WILL CEASE TO BE THE CONCERN OF THE ORGANIZATION

Refugees or displaced persons will cease to be the concern of the Organization:

(a) when they have returned to the countries of their nationality in United Nations territory, unless their former habitual residence to which they wish to return is outside their country of nationality; or

\* Paragraph 8 (a)

"In answering the delegate of 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) when they have

- (b) when they have acquired a new nationality; or
- (c) when they have, in the determination of the Organization become otherwise firmly established; or
- (d) when they have unreasonably refused to accept the proposals of the organization for their resettlement or repatriation; or
- (e) when they are making no substantial effort towards earning their living when it is possible for them to do so, or when they are exploiting the assistance of the Organization.

## PART II

### Persons who will not be the concern of the Organization

1. War criminals, quislings and traitors.
2. Any other persons who can be shown:
  - (a) to have assisted the enemy in persecuting the civil populations of countries, Members of the United Nations; or
  - (b) to have voluntarily assisted the enemy forces since the outbreak of the Second World War in their operations against the United Nations.\*
3. Ordinary criminals (Russian: ugclovny) who are extraditable by treaty.
4. Persons of German ethnic origin (whether German nationals or members of German minorities in other countries) who:
  - (a) have been or may be transferred to Germany from other countries;
  - (b) have been, during the Second World War, evacuated from Germany to other countries;
  - (c) have fled from, or into, Germany, or from their places of residence into countries other than Germany in order to avoid falling into the hands of Allied Armies.

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\* Mere continuance of normal and peaceful duties, not performed with the specific purpose of aiding the enemy against the Allies or against the civil population of territory in enemy occupation, shall not be considered to constitute "voluntary assistance." Nor shall acts of general humanity, such as care of wounded or dying, be so considered except in cases where help of this nature given to enemy nationals could equally well have been given to allied nationals and was purposely withheld from them.



5. Persons who are in receipt of financial support and protection from their country of nationality, unless their country of nationality requests international assistance for them.

6.. Persons who, since the end of hostilities in the Second World War:

(a) have participated in any organization having as one of its purposes the overthrow by armed force of the Government of their country of origin, being a Member of the United Nations, or the overthrow by armed force of the Government of any other Member of the United Nations, or have participated in any terrorist organization;

(b) have become leaders of movements hostile to the Government of their country of origin being a Member of the United Nations or sponsors of movements encouraging refugees not to return to their country of origin;

(c) Persons who, at the time of application for assistance, are in the military or civil service of a foreign State.

A/C.3/W.10 and  
A/C.5/W.9  
Page 22

ANNEX II

(At present under discussion by the Fifth Committee)

/ANNEX III



RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY ON  
12 FEBRUARY 1946 (A/45)

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

the concern of whatever international body may be recognized or established as a result of the report referred to in paragraph (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 insofar as their situation may be decided by allied forces of occupation in Germany, in agreement with the governments of the respective countries.



MEMORANDUM

2 December 1946

To: Thad C. Martin, Director  
Division of Administrative Services

From: George J. Gould, Chief  
Communications & Records Branch

It is my understanding that IRO and several other international agencies who are taking over several functions of UNRRA are being queried as to eligibility for special rates and priority by the commercial carriers. We received a call from Western Union inquiring if IRO should be entitled to the government rate for business originating in Paris. I do not know who in UNRRA is handling the integration of the activities of UNRRA and the new agencies, but the communications problem will bear careful watching. I shall be glad to cooperate with anyone in furnishing information how to go about getting preferential rates and service. By doing this at UNRRA we have cut cable expenses considerably, and at the same time put UNRRA's messages in the category of government communications which are not subject to delay.

ERG:GJG:tb;hw

*Central files*  
*640 - International Refugee Org.*  
*hm*



Telephone :  
LANGHAM 3090

UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION,

EUROPEAN REGIONAL OFFICE,  
11, PORTLAND PLACE, LONDON, W.1.

OFFICE OF THE DIRECTOR-GENERAL.

23 October 1946

Dear Director General,

I have had under consideration the action necessary under Fifth Council Resolution No. 99 to ensure a satisfactory transfer of our responsibilities for Displaced Persons Operations to the International Refugee Organisation on 30th June 1947.

2. As a part of the problem, a survey was conducted by Colonel Katzin and his report is now available. The report will be subject to detailed examination but in the meanwhile the first step is to implement the recommendation, with which I am in entire agreement, that the Central Headquarters Displaced Persons Operations Germany should be removed from Germany at the earliest possible moment. I am arranging for steps to be taken to implement this.

3. It is clear, however, that the establishment of a new Headquarters for the direction of the German Displaced Persons Operation must be governed by the obligation to establish an organisation suitable for IRO, which in turn involves the problem of collecting under the control of this Headquarters the remaining Displaced Persons Operations in Europe and the Middle East.

4. If a workable organisation is to be ready to hand over by 30th June 1947, time is short and does not permit of protracted negotiations round the conference table. I understand that some planning is being carried out in Washington. It is, I think, important that duplication should be avoided and responsibility for the work placed in ERO. I have therefore formed the opinion that ERO, as the operating authority, must proceed forthwith, with such information as it has at its disposal, to prepare plans and implement them to the extent necessary to attain the object without further delay. To this end I have allotted the necessary staff to enable the work to proceed.

5. On the main questions in which IRO and other international organisations are primarily concerned, I propose to proceed as indicated herein and should be glad of your confirmation of my proposals:-

(a) What is to be the location of the new Headquarters?

I understand that the choice now lies between Paris and Geneva. It is probable that a decision will emerge from the forthcoming meeting of the General Assembly of the United Nations. This decision is essential not later than 15th November 1946 if I am to complete the elimination of Central Headquarters, Arolsen, by 1st January 1947.

(b) What are the financial limitations for the establishment of the new Headquarters?

I require an early breakdown of the estimates contained in the Report of the Ad Hoc Committee of Finances of the IRO, and an authoritative direction that the new UNRRA Headquarters is to be within the IRO allotment.

/ (c) What steps...

✓ Germany Mission, Paris - 140  
- 140 (D.P. Operations)



UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION,

EUROPEAN REGIONAL OFFICE,  
11, PORTLAND PLACE, LONDON, W.1.

OFFICE OF THE DIRECTOR-GENERAL.

- 2 -

(c) What steps are to be taken for the selection of personnel?

Since it is anticipated that no money will be available for IRO until 1st July 1947, I should propose to proceed in consultation with you with the selection of personnel based solely upon their proved technical efficiency without regard to nationality, and to offer them further employment up to 30th June 1947, upon the terms of service with which they are at present serving with UNRRA. I would then suggest that IRO should give a further undertaking to employ this personnel until 31st December 1947, pending that organisation's ability to confirm or vary these engagements. Whilst I appreciate that such a course is, in fact, committing IRO to financial obligations, that UNRRA has no mandate under which it can offer further employment to those selected, and is not in a position to make a selection of individuals on behalf of another organisation, unless clear policy directions are given as to the nationalities required and the terms of service which can be offered, I see no alternative to this course as a temporary measure if our object is to be achieved.

(d) The draft Constitution of IRO provides also for the problem of resettlement, a task which has hitherto been outside the responsibility of UNRRA. I therefore propose to confer with the I.G.C. to enable the plans for the new organisation to take account of the requirements of the resettlement problem and of that organisation

6. I have prepared the attached programme for the action to be taken between now and 30th June 1947. It will be observed that this programme provides for:-

- (a) The early elimination of the present Central Headquarters, Germany, at Arolsen.
- (b) The re-allocation of certain functions to zones in Germany, having due regard to the probable requirements of IRO.
- (c) The assumption by the new Headquarters of responsibility for the Displaced Persons Operations outside Germany on a plan which conforms to the present programme for the reduction and closure of UNRRA Missions in Europe.
- (d) The transfer of functions now undertaken by Headquarters Washington and ERO for Displaced Persons Operations to the new Headquarters.
- (e) A period of operation of the whole Displaced Persons Operations from the new Headquarters, prior to the ~~action~~ hand over.  
*actual*

/7. As I understand...

Telephone :  
LANgham 3090

UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION,  
EUROPEAN REGIONAL OFFICE,  
11, PORTLAND PLACE, LONDON, W.1.  
OFFICE OF THE DIRECTOR-GENERAL.

- 3 -

7. As I understand that no representatives of IRO at present exist with sufficient powers to take decisions on problems as they arise in the course of implementing this programme, I propose to proceed with it as an UNRRA responsibility for which power has been delegated to me. I would be glad of confirmation of this approach.

*Yours sincerely,  
L. Murphy. M. G. Lee.*

Mr. Fiorello H. LaGuardia,  
Director General,  
United Nations Relief and Rehabilitation Administration,  
WASHINGTON. DC.



UNITED NATIONS  
RELIEF AND REHABILITATION ADMINISTRATION

OFFICE OF DIRECTOR-GENERAL

TO: Central Files

For permanent record.

G. Matthews

*Control*

*040-International Refugee  
Organization*

*km*  
21 October 1946

TO: A. E. Davidson  
FROM: R. J. Youdin  
SUBJECT: IRO Draft Constitution

You will recall that at the meeting of the Economic and Social Council which completed revisions on the draft IRO Constitution, I expressed the feeling that the elimination of a certain paragraph in Annex 1, "Definitions", would result in making Jewish infiltrees ineligible for IRO assistance. At your request I discussed the matter with the U.S. delegation which felt that another paragraph in the same section was broad enough to cover this category.

I am, therefore, calling to your attention a discussion I had with Sir George Rendel following the Central Committee Meeting on 18 October in which he stated that in his view, and presumably the view of his Government, there was considerable doubt as to whether Jewish infiltrees now considered eligible by UNRRA would be eligible for assistance by IRO. I consider this to be a very serious matter and I think that steps should be taken to make it absolutely clear in the IRO Constitution that this category is considered eligible for assistance. If you agree, I would be happy to cooperate with you on any steps which might be taken to accomplish this purpose.

RJYoudin/cjj  
21 October 1946

*A-640 (Jewish)*



FORM AD-87  
(25 FEB 1946)

UNRRA

CROSS REFERENCE SHEET

DATE

21 October 1946

CROSS INDEX

Germany - 640 - (British Zone)

040 - International R<sup>efugee</sup> Organization

U. K. - 723 (60 day rations)

TO

The Hon. Roger Makins  
3100 Mass. Ave.,  
Washington, D. C.

FROM

F. H. LaGuardia  
DG

SUMMARY

Re: Displaced persons operations

RECORD FILED

U. K. - 640

TYPIST

kw

DATE

8 April 1947

FORM AD-87  
(25 FEB 1946)

UNRRA

CROSS REFERENCE SHEET

DATE

14 October 1946

CROSS INDEX

Poland - 640

Germany - 640 - (British Zone)

040 - IRO

TO

H. McNeill  
Foreign Off., Downing St.  
London, Eng.

FROM

F. H. LaGuardia  
DG

SUMMARY

Re: Post hostilities refugees in the British Zone

RECORD FILED

United Kingdom - 640

TYPIST

kw

DATE

8 April 1947



UNRRA

## OUTGOING CABLEGRAM

640- IRO

NUMBER: K 15439  
TO: London  
RECEIVED CABLE SECTION: 10/10/46 - 3:40 p.m.  
DISPATCHED: 10/10/46 - 4:21 p.m.

Lewis from King.

1. Request you keep us informed any arrangements made with Smieton while in London as expect contact her on return.
2. Marsh has reached agreement with UN that no recruitment will be done for IRO pending establishment of interim committee after which it is understood all recruitment will be channelled through UNRRA Personnel Division. Request you notify us any violations this agreement which come to your notice.
3. Awaiting list of high grade non-American personnel in ERO and missions excepting Germany who are interested international work. List should show biographical data, estimated date of availability and countries where willing to work. Believe Grimond was preparing such list before going on leave.

Drafted by:  
GKing (Personnel)  
9 October 1946

Cleared by:  
GKing  
Palmer

### STANDARD DISTRIBUTION

ed:mno 101600  
tp:led 101659  
56c

10th October, 1946.

To : Chiefs of Missions

040- I.R.O.

PLANNING BY THE UNITED NATIONS FOR THE ESTABLISHMENT  
OF A SPECIALIZED AGENCY FOR THE CARE OF REFUGEES AND  
DISPLACED PERSONS

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Under date of 20th June 1946, we sent to you a copy of the Draft Constitution of the proposed International Refugee Organization and Annex I Definitions. Under date of 6th August 1946 we sent you a report summarizing activities of the United Nations up to that time on this subject.

The Economic and Social Council adjourned its Third Session in New York on 4th October. At that Session the Draft Constitution was adopted by a majority of the members and a provisional budget for the first financial year of the I.R.O. Also the Council adopted a resolution on a preparatory commission to serve in the interim period before the I.R.O. is established. These documents and the entire subject of refugees and displaced persons will be discussed further at the General Assembly of the United Nations scheduled to convene 23rd October 1946. Final decisions for action depend on the General Assembly.

In the interim we are enclosing for your information copies of the Economic and Social Council document on Interim Arrangements and the Draft Constitution and its three Annexes.

There are a number of revisions in both the Draft Constitution and Annex I Definitions. We are attaching a guide to the revisions of the earlier documents which we sent you on 20th June.

Andrew Topping

Acting Deputy Director General  
and Chief of Relief Services

Attachments  
U.N.a. 7383



UNITED NATIONS  
E C O N O M I C  
A N D  
S O C I A L C O U N C I L

UNRESTRICTED

E/164/Rev.1  
2 October 1946

ORIGINAL: ENGLISH

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UNITED STATES DELEGATION

INTERIM ARRANGEMENTS - REFUGEES AND DISPLACED PERSONS

(Note: The words underlined are those which do not appear or have been changed from E/164. Two paragraphs in E/164 have been deleted completely: Paragraph 2 (c) (ii) and Paragraph 6)

THE ECONOMIC AND SOCIAL COUNCIL

HAVING reviewed the Constitution of the International Refugee Organization in the light of the comments thereon by Members of the United Nations; and

HAVING considered the Report of the Committee on the Finances of the International Refugee Organization established under resolution of the Council of 21 June 1946 and the comments thereon of Members of the United Nations; and

HAVING taken into account the Draft Report of the Secretary-General on the initiation of the work of the IRO; and

CONSIDERING that all possible measures should be taken to expedite the establishment of the International Refugee Organization, to provide for an orderly transfer of functions to it from existing organizations, and to ensure, in the period previous to the coming into effective operation of the organization, the maximum of effort for the accomplishment of these purposes;

REQUESTS the Secretary-General, pending the establishment of the Preparatory Commission referred to in the annexed interim arrangement, to take such further steps, as may be appropriate to plan, in consultation with UNRRA and the IGC, the initiation of the work of the IRO; and

RECOMMENDS that the General Assembly adopt the annexed resolution.

THE GENERAL ASSEMBLY

NOTING that action has been taken pursuant to the resolution concerning refugees and displaced persons adopted by the General Assembly on 12 February 1946, as follows:

- (a) the establishment by the Economic and Social Council of a Special Committee on Refugees and Displaced Persons under a resolution of the Council of 16 February 1946;
- (b) the making of a report by the Special Committee to the second session of the Council;
- (c) the adoption of a draft constitution for an International Refugee Organization and the creation of a Committee on the Finances of the International Refugee Organization by the Council under a resolution of the Council of 21 June 1946;
- (c) the circulation to Members of the United Nations for their comments of the draft constitution and the report of the Committee on Finances;
- (e) the final approval by the Council of the Constitution, the adoption by the Council of an arrangement for a preparatory commission, and the transmittal of both these instruments to the General Assembly, under a resolution of the Council of       October 1946;

Having considered the constitution of the International Refugee Organization and the arrangement for a preparatory commission as approved by the Economic and Social Council;

Considering that every effort should be made to provide for the early establishment of the International Refugee Organization and the provision of measures during the interim period designed to facilitate such establishment;

- (a) approves the Constitution of the International Refugee Organization and the Arrangement for Preparatory Commission as annexed hereto;
- (b) requests the Secretary-General to open these two instruments for signature and, in the case of the Constitution, to open it for signature either with or without reservation as to subsequent acceptance;



(c) urges Members of the United Nations to sign these two instruments and, where constitutional procedures permit to sign the Constitution without reservation as to subsequent acceptance.

(d) authorizes the Secretary-General to make such staff available to the Preparatory Commission as may be deemed necessary and desirable;

(e) approves an advance of funds to the Preparatory Commission for expenses incurred by it in the performance of its functions.

#### INTERIM ARRANGEMENT

THE GOVERNMENTS which have signed the Constitution of the International Refugee Organization,

Having determined that they will take all measures possible to accomplish expeditiously the coming into effective operation of that Organization and to provide for an orderly transfer to it of the functions and assets of existing organizations,

Having decided that, pending the coming into force of the Constitution of the Organization, a Preparatory Commission for the International Refugee Organization should be established for the performance of certain functions and duties,

AGREE to this Arrangement as follows:

1. There is hereby established a Preparatory Commission for the International Refugee Organization, which shall consist of one representative from each government signatory to the Constitution. The Director of the Inter-governmental Committee on Refugees, the Director General of the United Nations Relief and Rehabilitation Administration, and the Director of the International Labour Organization, or their representatives, shall be invited to sit with the Commission in a consultative capacity.
2. The Commission shall:
  - (a) Take all necessary and practicable measures for the purpose of bringing the Organization into effective operation as soon as possible;

- (b) Arrange for the convening of the General Council in its first session at the earliest practicable date following the entry into force of the Constitution of the Organization;
  - (c) Prepare the provisional agenda for this first session as well as documents and recommendations relating thereto;
  - (d) Suggest plans, in consultation with existing organizations and the Control Authorities, for the programme for the first year of the Organization;
  - (e) Prepare draft financial and staff regulations, and draft rules of procedure for the General Council and the Executive Committee.
3. The Commission may, in its discretion and after agreement with existing organizations dealing with refugees and displaced persons, take over any of the functions, activities, assets, and personnel of such organizations, provided that the Commission is satisfied that this is essential in order to accomplish the orderly transfer to the International Refugee Organization of such functions or activities.
4. The Commission shall be governed by the rules of procedure of the Economic and Social Council of the United Nations so far as these are applicable.
5. The Commission shall appoint an Executive Secretary, who shall serve the Commission in that capacity and perform such duties as the Commission may determine. He shall be responsible for the appointment and direction of such staff as may be required for the work of the Commission.
6. The expenses incurred by the Commission may be met by advances from such governments as choose to make advance contributions, which shall be deductible from their first contributions to the Organization; and from such funds and



assets as may be transferred from existing organizations to meet the cases provided for in paragraph 3 above.

7. The first meeting of the Commission shall be convened as soon as practicable by the Secretary-General of the United Nations.

8. The Commission shall cease to exist upon the election of the Director General of the Organization, at which time its property, assets, and records shall be transferred to the Organization.

9. This Arrangement shall be effective as from this date, and shall remain open for signature by Members of the United Nations which sign the Constitution of the International Refugee Organization until the Commission is dissolved in accordance with paragraph 8.

IN FAITH WHEREOF, the undersigned representatives, having been duly authorized for that purpose, sign this Arrangement in the English and French languages, both texts being of equal authenticity.

DONE at \_\_\_\_\_, this \_\_\_\_\_  
day of \_\_\_\_\_, one thousand nine hundred and  
forty \_\_\_\_\_

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DRAFT CONSTITUTION FOR THE INTERNATIONAL REFUGEE ORGANIZATION

(This Text Incorporates Amendments Agreed on by the Council)

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;

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 and 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, 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 I

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 II

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 promoting this by all possible means, in particular by providing them with material assistance, adequate food rations for a period of three months from the time of their departure from their present places of residence provided they are returning to a deficit food area in 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 other than those included in paragraph (a) above to facilitating (i) their re-establishment in countries of temporary residence, (ii) the emigration to and re-settlement and the 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.

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;
- (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 insofar 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 IX 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 insofar as this may be necessary;
- (k) and in general, to perform any other legal act appropriate to its purposes.

### ARTICLE III

#### 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 IV

#### 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 III of this Constitution.

2. Subject to the provisions of paragraph 1, 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. Members of the Organization which are suspended from the exercise of the rights and privileges of Membership of the United Nations shall, upon request of the latter, be suspended from the rights and privileges of this Organization.

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

5. 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.

6. 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, or, with the approval of the General Assembly of the United Nations, expelled from the Organization.

7. A member of the Organization undertakes to afford its general support to the work of the Organization. No resolution adopted by the Organization may impose any specific obligation on any member, even if the delegate of the member has voted in favour of the resolution, unless the member, or its delegate on its behalf, and being duly authorized, has expressly accepted the obligation in question.

8. 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 V

### ORGANS

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

## ARTICLE VI

### 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 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 amongst its members a First Vice-Chairman and a Second Vice-Chairman, and such other officers as it may deem necessary.

## ARTICLE VII

### EXECUTIVE COMMITTEE

1. The Executive Committee shall, between sessions of the General Council, perform such functions as may be necessary to give effect to the policies of the General Council, and may make 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 delegate or 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 VIII 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 VIII

##### 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 term 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, of the Executive



Committee and of all other committees and sub-committees. He or his representative 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 VII 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 IX

##### 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 Resolution adopted by the General Assembly on 12 February 1946 regarding the problem of refugees. Due regard shall be paid to the importance of recruiting field 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 instruction 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 X

##### 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 resettlement 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 resettlement", 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. (a) Contributions may be payable in kind or in such currency as may be provided for in a decision by the General Council accompanying the budget, 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.  
(b) Contributions in kind shall be made within limits to be prescribed, and on a value basis to be determined by the General Council.
3. Each member undertakes to contribute to the Organization its share of the administrative expenses as determined and allocated under paragraphs 1 and 2 above.



4. Each member shall contribute to the operational and large-scale resettlement expenditures as determined and allocated under paragraphs 1 and 2 above subject to the requirements of the constitutional procedure of such member.
5. 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 III 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.
6. Without prejudice to the provisions concerning supplementary budgets in paragraph 1 above, 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 XI

##### HEADQUARTERS AND OTHER OFFICES

1. The Organization shall establish its headquarters at Paris, 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 its establishment.

## ARTICLE XII

### 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 XIII

### 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 XIV

### RELATIONS WITH OTHER ORGANIZATIONS

1. Subject to the provisions of the agreement to be negotiated with the United Nations pursuant to Article III of this Constitution, the Organization may



establish such effective relationships as may be desirable with other international organizations.

2. The Organization may assume part of or all the functions and acquire part of or all 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 XV

##### 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 obligation for Members shall come into force in respect of each Member only on acceptance by it.

#### ARTICLE XVI

##### INTERPRETATION

"1. The English, French, Russian, Chinese 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 XVII

## 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 fifteen states have become parties to it in accordance with the provisions of Article IV.
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 in the City of New York this day of 1946, in a single copy in the English, French, Russian, Chinese 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 of 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.



ANNEX I

DEFINITIONS

GENERAL PRINCIPLES

1. The following general principles constitute an integral part of the definitions as laid down in Part I and II below.

(a) The main object of the Organization will be to bring about a rapid and positive solution of the problem of bona fide refugees and displaced persons, which shall be just and equitable to all concerned.

(b) The main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin, 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)

(c) As laid down in the Resolution adopted by the Economic and Social Council on 16 February 1946, no international assistance should be given to traitors, quislings, and war criminals, and nothing should be done to prevent in any way their surrender and punishment.

(d) It should be the concern of the Organization to ensure that its assistance is not exploited in order to encourage subversive or hostile activities directed against the government of any of the United Nations.

(e) It should be the concern of the Organization to ensure that its assistance is not exploited by persons in the case of whom it is clear that they are unwilling to return to their countries of origin because they prefer idleness to facing the hardships of helping in the reconstruction of their countries.

(f) On the other hand it should equally be the concern of the Organization to ensure that no bona fide and deserving refugee or displaced person is deprived of such assistance as it may be in a position to offer

(g) The Organization should endeavour to carry out its functions in respect of resettlement and re-establishment in such a way as to avoid disturbing friendly relations between nations.

2. To ensure the impartial and equitable application of the above principles and of the terms of the definition which follows some special system of semi-judicial machinery should be created, with appropriate constitution, procedure and terms of reference.

#### PART I

Refugees and Displaced Persons within  
the meaning of the Resolution Adopted  
by the Economic and Social Council of  
the United Nations on 16 February 1946

#### SECTION A. DEFINITION OF REFUGEES

1. Subject to the provisions of Sections C and D and of Part II below, the term "refugee" applies to a person who has left, or who is outside of, his country of nationality or of former habitual residence, and who, whether or not he had retained his nationality, belongs to one of the following categories:

(a) Victims of the Nazi or Fascist regimes or of regimes which took part on their side in the Second World War, or of the quisling or similar regimes which assisted them against the United Nations, whether enjoying international status as refugees or not;

(b) Spanish Republicans and other victims of the Falangist regime in Spain, whether enjoying international status as refugees or not;

(c) Persons who were considered refugees before the outbreak of the Second World War, for reasons of race, religion, nationality or political opinion.

2. Subject to the provisions of Sections C and D and of Part II below regarding the exclusion of certain categories of persons, including war criminals, quislings and traitors, from the benefits of the Organization, the term "refugee" also applies to a person, other than a displaced person as



defined in Section B below, who is outside of his country of nationality or former habitual residence, and who as a result of events subsequent to the outbreak of the Second World War, is unable or unwilling to avail himself of the protection of the Government of his country of nationality or former nationality.

3. Subject to the provisions of Section D and of Part II below, the term "refugee" also applies to persons who, having resided in Germany or Austria, and being of Jewish origin or foreigners or stateless persons, were victims of Nazi persecution and were detained in or were obliged to flee from and were subsequently returned to, one of those countries as a result of enemy action, or of war circumstances, and have not yet been firmly resettled therein.

4. The term "refugee" also applies to unaccompanied children who are war orphans or whose parents have disappeared, and who are outside their countries of origin. Such children shall be given all possible priority assistance, including in the case of those whose nationality can be determined, assistance in repatriation, to which there should be no obstacles.

#### SECTION B. DEFINITION OF DISPLACED PERSONS

The term "Displaced Persons" applies to a person who, as a result of the actions of the authorities of the regimes mentioned in Part I, Section A, paragraph 1 (a) has been deported from, or has been obliged to leave, his country of nationality or of former habitual residence, such as persons who were compelled to undertake forced labour or who were deported for racial, religious or political reasons. Displaced persons will only fall within the mandate of the Organizations subject to the provisions of Sections C and D of Part I and to the provisions of Part II below. If the reasons for their displacement have ceased to exist, they should be repatriated as soon as possible in accordance with Article II, 1 (a) of this Constitution, and subject to the provision of paragraph (c), sub-paragraphs (ii) and (iii) of the

General Assembly Resolution of 12 February 1946 regarding the problem of refugees (Annex III).

SECTION C. CONDITIONS UNDER WHICH "REFUGEES" AND "DISPLACED PERSONS" WILL BECOME THE CONCERN OF THE ORGANIZATION

1. In the case of all the above categories except those mentioned in Section A, paragraphs 1 (b) and 3 above, persons will become the concern of the Organization in the sense of the Resolution adopted by the Economic and Social Council on 16 February 1946 if they can be repatriated, and the help of the Organization is required in order to provide for their repatriation, or if they are unable to return to their countries of nationality or former habitual residence or if they have definitely, in complete freedom, and after receiving full knowledge of the facts, including adequate information from the governments of their countries of nationality or former habitual residence, expressed valid objections to returning to those countries:

(a) The following shall be considered as valid objections:

- (i) persecution, or fear, based on reasonable grounds (French: *fondée*, Russian: *obosnovany*), of persecution because of race, religion, nationality or political opinions, provided these opinions are not in conflict with the principles of the United Nations, as laid down in the preamble of the Charter of the United Nations;
- (ii) objections of a political nature judged by the Organization to be "valid", as contemplated in paragraph 8 (a) of the Report of the Third Committee of the General Assembly as adopted by the Assembly on 12 February 1946 \*;
- (iii) in the case of persons falling within the category mentioned

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\* "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."



in Section A, paragraphs 1 (a) and 1 (c) compelling family reasons arising out of previous persecution, or compelling reasons of infirmity or illness.

(b) The following shall normally be considered adequate information:

Information regarding conditions in the countries of nationality of the refugees and displaced persons concerned, communicated to them directly by representatives of the governments of those countries, who shall be given every facility for visiting camps and Assembly Centres of refugees and displaced persons in order to place such information before them.

2. In the case of all refugees falling within the terms of Section A, paragraph 1 (b), persons will become the concern of the Organization in the sense of the Resolution adopted by the Economic and Social Council of the United Nations on 16 February 1946, so long as the Falangist regime in Spain continues. Should that regime be replaced by a democratic regime they will have to produce valid objections to returning to Spain corresponding to those indicated in paragraph 1 (a) above.

SECTION D. CIRCUMSTANCES IN WHICH REFUGEES AND DISPLACED PERSONS WILL CEASE TO BE THE CONCERN OF THE ORGANIZATION

Refugees or displaced persons will cease to be the concern of the Organization:

- (a) when they have returned to the countries of their nationality in the United Nations territory, unless their former habitual residence to which they wish to return is outside their country of nationality; or
- (b) when they have acquired a new nationality; or
- (c) when they have, in the determination of the Organization become otherwise firmly established; or
- (d) when they have unreasonably refused to accept the proposals of the Organization for their resettlement; or
- (e) when they are making no substantial effort towards earning their living when it is possible for them to do so, or when they are exploiting the assistance of the Organization.

## PART II

### Persons who will not be the concern of the Organization

1. War criminals, quislings and traitors.
2. Any other persons who can be shown:
  - (a) to have assisted the enemy in persecuting the civil populations of countries, Members of the United Nations; or
  - (b) to have voluntarily assisted the enemy forces since the outbreak of the Second World War in their operations against the United Nations, unless such assistance was purely humanitarian and non-military.
3. Ordinary criminals (Russian: ugolovny) who are extraditable by treaty.
4. Persons of German ethnic origin (whether German nationals or members of German minorities in other countries) who:
  - (a) have been or may be transferred to Germany from other countries;
  - (b) have been, during the Second World War, evacuated from Germany to other countries;
  - (c) have fled from, or into, Germany, or from their places of residence into countries other than Germany in order to avoid falling into the hands of Allied Armies.
5. Persons who are in receipt of financial support and protection from their country of nationality, unless their country of nationality requests international assistance for them.
6. Persons who, since the end of hostilities in the Second World War:
  - (a) have participated in any organization having as one of its purposes the overthrow by armed force of the Government of their country of origin, being a member of the United Nations, or the overthrow by armed force of the Government of any other Member of the United Nations, or have participated in any terrorist organization;
  - (b) have become leaders of movements hostile to the Government of their country of origin being a member of the United Nations or sponsors of movements encouraging refugees not to return to their country of origin.



ANNEX II

BUDGET AND CONTRIBUTIONS FOR THE FIRST FINANCIAL YEAR

1. The Provisional budget for the first financial year shall be a sum of \_\_\_\_\_ United States dollars for administrative expenses and a sum of \_\_\_\_\_ United States dollars for operational expenses. Any unspent balance under either heading shall be carried over to the corresponding heading as a credit in the budget of the next financial year.
2. These sums shall be contributed by the members [[Governments]] in proportions as follows:

[[Note: It is contemplated that the budgets for the first year and the scales of contributions are to be prepared by the Committee on Finances.]]

ANNEX III

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY ON  
12 FEBRUARY 1946 (A/45)

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.

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Guide to Revisions in Draft Constitution  
for I.R.O. and Annex I Definitions

(Based on documents of same title sent 20 June 1946)

I The present Draft Constitution revises the Preamble and the following Articles.

Article II	Functions
Article IV	Membership
Article V	The General Council
Article VI	Executive Committee
Article VII	Administration
Article VIII	Staff
Article IX	Finance
Article X	Headquarters and other offices
Article XII	Amendment of Constitution
Article -	(Legal Status)
Article -	(Entry into Force)
Article -	(Interpretation).

In addition the present constitution includes one additional Article (Article V Organs).

II The present Annex I Definitions revises substantively the following Sections.

General Principles : paragraph 1 (g) is added to June draft.

Part I Section A : paragraph 1 (c) is omitted and  
paragraph 1 (d) is rephrased.  
paragraph 2 is rephrased  
paragraph 4 is rephrased

Part I Section C : paragraph 1 (b) is rephrased.

Part II : paragraph 2 is rephrased.



10th October, 1946.

To : Chiefs of Missions

*040-International Refugee  
Organization*

PLANNING BY THE UNITED NATIONS FOR THE ESTABLISHMENT  
OF A SPECIALIZED AGENCY FOR THE CARE OF REFUGEES AND  
DISPLACED PERSONS

Under date of 20th June 1946, we sent to you a copy of the Draft Constitution of the proposed International Refugee Organization and Annex I Definitions. Under date of 6th August 1946 we sent you a report summarizing activities of the United Nations up to that time on this subject.

The Economic and Social Council adjourned its Third Session in New York on 4th October. At that Session the Draft Constitution was adopted by a majority of the members and a provisional budget for the first financial year of the I.R.O. Also the Council adopted a resolution on a preparatory commission to serve in the interim period before the I.R.O. is established. These documents and the entire subject of refugees and displaced persons will be discussed further at the General Assembly of the United Nations scheduled to convene 23rd October 1946. Final decisions for action depend on the General Assembly.

In the interim we are enclosing for your information copies of the Economic and Social Council document on Interim Arrangements and the Draft Constitution and its three Annexes.

There are a number of revisions in both the Draft Constitution and Annex I Definitions. We are attaching a guide to the revisions of the earlier documents which we sent you on 20th June.

Andrew Topping

Acting Deputy Director General  
and Chief of Relief Services

✓ *X-640*  
Attachments  
U.N.a. 7383

*X-UN Economic + Social Council*

*(Copies sent to all Missions -  
also to China,  
Australia  
25/10/46)  
PS Dept.  
E.R.O.*

8.10.46.

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paragraph 2 is rephrased  
paragraph 4 is rephrased

Part I Section C : paragraph 1 (b) is rephrased.

Part II : paragraph 2 is rephrased.

European Regional Office



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DRAFT CONSTITUTION FOR THE INTERNATIONAL REFUGEE ORGANIZATION

(This Text Incorporates amendments Agreed on by the Council)

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;  
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 and 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,  
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 I

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 II

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 promoting this by all possible means, in particular by providing them with material assistance, adequate food rations for a period of three months from the time of their departure from their present places of residence provided they are returning to a deficit food area in 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 other than those included in paragraph (a) above to facilitating (i) their re-establishment in countries of temporary residence, (ii) the emigration to and re-settlement and the 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.

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;
- (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 insofar 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 IX 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 insofar as this may be necessary;
- (k) and in general, to perform any other legal act appropriate to its purposes.

### ARTICLE III

#### 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 IV

#### 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 III of this Constitution.

2. Subject to the provisions of paragraph 1, 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. Members of the Organization which are suspended from the exercise of the rights and privileges of Membership of the United Nations shall, upon request of the latter, be suspended from the rights and privileges of this Organization.

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

5. 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.

6. 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, or, with the approval of the General Assembly of the United Nations, expelled from the Organization.

7. A member of the Organization undertakes to afford its general support to the work of the Organization. No resolution adopted by the Organization may impose any specific obligation on any member, even if the delegate of the member has voted in favour of the resolution, unless the member, or its delegate on its behalf, and being duly authorized, has expressly accepted the obligation in question.

8. 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 V

### ORGANS

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

## ARTICLE VI

### 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 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 amongst its members a First Vice-Chairman and a Second Vice-Chairman, and such other officers as it may deem necessary.

## ARTICLE VII

### EXECUTIVE COMMITTEE

1. The Executive Committee shall, between sessions of the General Council, perform such functions as may be necessary to give effect to the policies of the General Council, and may make 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 delegate or 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 VIII 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 VIII

##### 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 term 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, of the Executive

Committee and of all other committees and sub-committees. He or his representative 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 VII 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 IX

##### 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 Resolution adopted by the General Assembly on 12 February 1946 regarding the problem of refugees. Due regard shall be paid to the importance of recruiting field 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 instruction 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 X

##### 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 resettlement 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 resettlement", 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. (a) Contributions may be payable in kind or in such currency as may be provided for in a decision by the General Council accompanying the budget, 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.

(b) Contributions in kind shall be made within limits to be prescribed, and on a value basis to be determined by the General Council.

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

4. Each member shall contribute to the operational and large-scale resettlement expenditures as determined and allocated under paragraphs 1 and 2 above subject to the requirements of the constitutional procedure of such member.

5. 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 III 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.

6. Without prejudice to the provisions concerning supplementary budgets in paragraph 1 above, 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 XI

##### HEADQUARTERS AND OTHER OFFICES

1. The Organization shall establish its headquarters at Paris, 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 its establishment.



## ARTICLE XII

### 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 XIII

### 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 XIV

### RELATIONS WITH OTHER ORGANIZATIONS.

1. Subject to the provisions of the agreement to be negotiated with the United Nations pursuant to Article III of this Constitution, the Organization may

establish such effective relationships as may be desirable with other international organizations.

2. The Organization may assume part of or all the functions and acquire part of or all 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 XV

##### 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 obligation for Members shall come into force in respect of each Member only on acceptance by it.

#### ARTICLE XVI

##### INTERPRETATION

"1. The English, French, Russian, Chinese 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 XVII

## 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 fifteen states have become parties to it in accordance with the provisions of Article IV.
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 in the City of New York this day of \_\_\_\_\_ 1946, in a single copy in the English, French, Russian, Chinese 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 of 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.

ANNEX I  
DEFINITIONS

GENERAL PRINCIPLES

1. The following general principles constitute an integral part of the definitions as laid down in Part I and II below.

- (a) The main object of the Organization will be to bring about a rapid and positive solution of the problem of bona fide refugees and displaced persons, which shall be just and equitable to all concerned.
- (b) The main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin, 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)
- (c) As laid down in the Resolution adopted by the Economic and Social Council on 16 February 1946, no international assistance should be given to traitors, quislings, and war criminals, and nothing should be done to prevent in any way their surrender and punishment.
- (d) It should be the concern of the Organization to ensure that its assistance is not exploited in order to encourage subversive or hostile activities directed against the government of any of the United Nations.
- (e) It should be the concern of the Organization to ensure that its assistance is not exploited by persons in the case of whom it is clear that they are unwilling to return to their countries of origin because they prefer idleness to facing the hardships of helping in the reconstruction of their countries.
- (f) On the other hand it should equally be the concern of the Organization to ensure that no bona fide and deserving refugee or displaced person is deprived of such assistance as it may be in a position to offer



(g) The Organization should endeavour to carry out its functions in respect of resettlement and re-establishment in such a way as to avoid disturbing friendly relations between nations.

2. To ensure the impartial and equitable application of the above principles and of the terms of the definition which follows some special system of semi-judicial machinery should be created, with appropriate constitution, procedure and terms of reference.

#### PART I

Refugees and Displaced Persons within  
the meaning of the Resolution Adopted  
by the Economic and Social Council of  
the United Nations on 16 February 1946

#### SECTION A. DEFINITION OF REFUGEES

1. Subject to the provisions of Sections C and D and of Part II below, the term "refugee" applies to a person who has left, or who is outside of, his country of nationality or of former habitual residence, and who, whether or not he had retained his nationality, belongs to one of the following categories:

(a) Victims of the Nazi or Fascist regimes or of regimes which took part on their side in the Second World War, or of the quisling or similar regimes which assisted them against the United Nations, whether enjoying international status as refugees or not;

(b) Spanish Republicans and other victims of the Falangist regime in Spain, whether enjoying international status as refugees or not;

(c) Persons who were considered refugees before the outbreak of the Second World War, for reasons of race, religion, nationality or political opinion.

2. Subject to the provisions of Sections C and D and of Part II below regarding the exclusion of certain categories of persons, including war criminals, quislings and traitors, from the benefits of the Organization, the term "refugee" also applies to a person, other than a displaced person as

defined in Section B below, who is outside of his country of nationality or former habitual residence, and who as a result of events subsequent to the outbreak of the Second World War, is unable or unwilling to avail himself of the protection of the Government of his country of nationality or former nationality.

3. Subject to the provisions of Section D and of Part II below, the term "refugee" also applies to persons who, having resided in Germany or Austria, and being of Jewish origin or foreigners or stateless persons, were victims of Nazi persecution and were detained in or were obliged to flee from and were subsequently returned to, one of those countries as a result of enemy action, or of war circumstances, and have not yet been firmly resettled therein.

4. The term "refugee" also applies to unaccompanied children who are war orphans or whose parents have disappeared, and who are outside their countries of origin. Such children shall be given all possible priority assistance, including in the case of those whose nationality can be determined, assistance in repatriation, to which there should be no obstacles.

#### SECTION B. DEFINITION OF DISPLACED PERSONS

The term "Displaced Persons" applies to a person who, as a result of the actions of the authorities of the regimes mentioned in Part I, Section A, paragraph 1 (a) has been deported from, or has been obliged to leave, his country of nationality or of former habitual residence, such as persons who were compelled to undertake forced labour or who were deported for racial, religious or political reasons. Displaced persons will only fall within the mandate of the Organizations subject to the provisions of Sections C and D of Part I and to the provisions of Part II below. If the reasons for their displacement have ceased to exist, they should be repatriated as soon as possible in accordance with Article II, 1 (a) of this Constitution, and subject to the provision of paragraph (c), sub-paragraphs (ii) and (iii) of the



General Assembly Resolution of 12 February 1946 regarding the problem of refugees (Annex III).

SECTION C: CONDITIONS UNDER WHICH "REFUGEES" AND "DISPLACED PERSONS" WILL BECOME THE CONCERN OF THE ORGANIZATION

1. In the case of all the above categories except those mentioned in Section A, paragraphs 1 (b) and 3 above, persons will become the concern of the Organization in the sense of the Resolution adopted by the Economic and Social Council on 16 February 1946 if they can be repatriated, and the help of the Organization is required in order to provide for their repatriation, or if they are unable to return to their countries of nationality or former habitual residence or if they have definitely, in complete freedom, and after receiving full knowledge of the facts, including adequate information from the governments of their countries of nationality or former habitual residence, expressed valid objections to returning to those countries:

(a) The following shall be considered as valid objections:

- (i) persecution, or fear, based on reasonable grounds (French: *fondée*, Russian: *obosnovany*), of persecution because of race, religion, nationality or political opinions, provided these opinions are not in conflict with the principles of the United Nations, as laid down in the preamble of the Charter of the United Nations;
- (ii) objections of a political nature judged by the Organization to be "valid", as contemplated in paragraph 8 (a) of the Report of the Third Committee of the General Assembly as adopted by the Assembly on 12 February 1946 \*;
- (iii) in the case of persons falling within the category mentioned

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\* "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."

in Section A, paragraphs 1 (a) and 1 (c) compelling family reasons arising out of previous persecution, or compelling reasons of infirmity or illness.

- (b) The following shall normally be considered adequate information:

Information regarding conditions in the countries of nationality of the refugees and displaced persons concerned, communicated to them directly by representatives of the governments of those countries, who shall be given every facility for visiting camps and Assembly Centres of refugees and displaced persons in order to place such information before them.

2. In the case of all refugees falling within the terms of Section A, paragraph 1 (b), persons will become the concern of the Organization in the sense of the Resolution adopted by the Economic and Social Council of the United Nations on 16 February 1946, so long as the Falangist regime in Spain continues. Should that regime be replaced by a democratic regime they will have to produce valid objections to returning to Spain corresponding to those indicated in paragraph 1 (a) above.

SECTION D. CIRCUMSTANCES IN WHICH REFUGEES AND DISPLACED PERSONS WILL CEASE TO BE THE CONCERN OF THE ORGANIZATION

Refugees or displaced persons will cease to be the concern of the Organization:

- (a) when they have returned to the countries of their nationality in the United Nations territory, unless their former habitual residence to which they wish to return is outside their country of nationality; or
- (b) when they have acquired a new nationality; or
- (c) when they have, in the determination of the Organization become otherwise firmly established; or
- (d) when they have unreasonably refused to accept the proposals of the Organization for their resettlement; or
- (e) when they are making no substantial effort towards earning their living when it is possible for them to do so, or when they are exploiting the assistance of the Organization.



## PART II

### Persons who will not be the concern of the Organization

1. War criminals, quislings and traitors.
2. Any other persons who can be shown:
  - (a) to have assisted the enemy in persecuting the civil populations of countries, Members of the United Nations; or
  - (b) to have voluntarily assisted the enemy forces since the outbreak of the Second World War in their operations against the United Nations, unless such assistance was purely humanitarian and non-military.
3. Ordinary criminals (Russian: ugovovny) who are extraditable by treaty.
4. Persons of German ethnic origin (whether German nationals or members of German minorities in other countries) who:
  - (a) have been or may be transferred to Germany from other countries;
  - (b) have been, during the Second World War, evacuated from Germany to other countries;
  - (c) have fled from, or into, Germany, or from their places of residence into countries other than Germany in order to avoid falling into the hands of Allied Armies.
5. Persons who are in receipt of financial support and protection from their country of nationality, unless their country of nationality requests international assistance for them.
6. Persons who, since the end of hostilities in the Second World War:
  - (a) have participated in any organization having as one of its purposes the overthrow by armed force of the Government of their country of origin, being a member of the United Nations, or the overthrow by armed force of the Government of any other Member of the United Nations, or have participated in any terrorist organization;
  - (b) have become leaders of movements hostile to the Government of their country of origin being a member of the United Nations or sponsors of movements encouraging refugees not to return to their country of origin.

ANNEX II

BUDGET AND CONTRIBUTIONS FOR THE FIRST FINANCIAL YEAR

1. The Provisional budget for the first financial year shall be a sum of \_\_\_\_\_ United States dollars for administrative expenses and a sum of \_\_\_\_\_ United States dollars for operational expenses. Any unspent balance under either heading shall be carried over to the corresponding heading as a credit in the budget of the next financial year.
2. These sums shall be contributed by the members [[Governments]] in proportions as follows:

[[Note: It is contemplated that the budgets for the first year and the scales of contributions are to be prepared by the Committee on Finances.]]



ANNEX III

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY ON  
12 FEBRUARY 1946 (A/45)

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.
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UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL

UNRESTRICTED

E/164/Rev.1  
2 October 1946

ORIGINAL: ENGLISH

UNITED STATES DELEGATION

INTERIM ARRANGEMENTS - REFUGEES AND DISPLACED PERSONS

(Note: The words underlined are those which do not appear or have been changed from E/164. Two paragraphs in E/164 have been deleted completely: Paragraph 2 (c) (ii) and Paragraph 6)

THE ECONOMIC AND SOCIAL COUNCIL

HAVING reviewed the Constitution of the International Refugee Organization in the light of the comments thereon by Members of the United Nations; and

HAVING considered the Report of the Committee on the Finances of the International Refugee Organization established under resolution of the Council of 21 June 1946 and the comments thereon of Members of the United Nations; and

HAVING taken into account the Draft Report of the Secretary-General on the initiation of the work of the IRO; and

CONSIDERING that all possible measures should be taken to expedite the establishment of the International Refugee Organization, to provide for an orderly transfer of functions to it from existing organizations, and to ensure, in the period previous to the coming into effective operation of the organization, the maximum of effort for the accomplishment of these purposes;

REQUESTS the Secretary-General, pending the establishment of the Preparatory Commission referred to in the annexed interim arrangement, to take such further steps, as may be appropriate to plan, in consultation with UNRRA and the IGC, the initiation of the work of the IRO; and

RECOMMENDS that the General Assembly adopt the annexed resolution.

THE GENERAL ASSEMBLY

NOTING that action has been taken pursuant to the resolution concerning refugees and displaced persons adopted by the General Assembly on 12 February 1946, as follows:

- (a) the establishment by the Economic and Social Council of a Special Committee on Refugees and Displaced Persons under a resolution of the Council of 16 February 1946;
- (b) the making of a report by the Special Committee to the second session of the Council;
- (c) the adoption of a draft constitution for an International Refugee Organization and the creation of a Committee on the Finances of the International Refugee Organization by the Council under a resolution of the Council of 21 June 1946;
- (c) the circulation to Members of the United Nations for their comments of the draft constitution and the report of the Committee on Finances;
- (e) the final approval by the Council of the Constitution, the adoption by the Council of an arrangement for a preparatory commission, and the transmittal of both these instruments to the General Assembly, under a resolution of the Council of        October 1946;

Having considered the constitution of the International Refugee Organization and the arrangement for a preparatory commission as approved by the Economic and Social Council;

Considering that every effort should be made to provide for the early establishment of the International Refugee Organization and the provision of measures during the interim period designed to facilitate such establishment;

- (a) approves the Constitution of the International Refugee Organization and the Arrangement for Preparatory Commission as annexed hereto;
- (b) requests the Secretary-General to open these two instruments for signature and, in the case of the Constitution, to open it for signature either with or without reservation as to subsequent acceptance;



(c) urges Members of the United Nations to sign these two instruments and, where constitutional procedures permit to sign the Constitution without reservation as to subsequent acceptance.

(d) authorizes the Secretary-General to make such staff available to the Preparatory Commission as may be deemed necessary and desirable;

(e) approves an advance of funds to the Preparatory Commission for expenses incurred by it in the performance of its functions.

#### INTERIM ARRANGEMENT

THE GOVERNMENTS which have signed the Constitution of the International Refugee Organization,

Having determined that they will take all measures possible to accomplish expeditiously the coming into effective operation of that Organization and to provide for an orderly transfer to it of the functions and assets of existing organizations,

Having decided that, pending the coming into force of the Constitution of the Organization, a Preparatory Commission for the International Refugee Organization should be established for the performance of certain functions and duties,

AGREE to this Arrangement as follows:

1. There is hereby established a Preparatory Commission for the International Refugee Organization, which shall consist of one representative from each government signatory to the Constitution. The Director of the Inter-governmental Committee on Refugees, the Director General of the United Nations Relief and Rehabilitation Administration, and the Director of the International Labour Organization, or their representatives, shall be invited to sit with the Commission in a consultative capacity.
2. The Commission shall:
  - (a) Take all necessary and practicable measures for the purpose of bringing the Organization into effective operation as soon as possible;

- (b) Arrange for the convening of the General Council in its first session at the earliest practicable date following the entry into force of the Constitution of the Organization;
  - (c) Prepare the provisional agenda for this first session as well as documents and recommendations relating thereto;
  - (d) Suggest plans, in consultation with existing organizations and the Control Authorities, for the programme for the first year of the Organization;
  - (e) Prepare draft financial and staff regulations, and draft rules of procedure for the General Council and the Executive Committee.
3. The Commission may, in its discretion and after agreement with existing organizations dealing with refugees and displaced persons, take over any of the functions, activities, assets, and personnel of such organizations, provided that the Commission is satisfied that this is essential in order to accomplish the orderly transfer to the International Refugee Organization of such functions or activities.
4. The Commission shall be governed by the rules of procedure of the Economic and Social Council of the United Nations so far as these are applicable.
5. The Commission shall appoint an Executive Secretary, who shall serve the Commission in that capacity and perform such duties as the Commission may determine. He shall be responsible for the appointment and direction of such staff as may be required for the work of the Commission.
6. The expenses incurred by the Commission may be met by advances from such governments as choose to make advance contributions, which shall be deductible from their first contributions to the Organization; and from such funds and



assets as may be transferred from existing organizations to meet the cases provided for in paragraph 3 above.

7. The first meeting of the Commission shall be convened as soon as practicable by the Secretary-General of the United Nations.

8. The Commission shall cease to exist upon the election of the Director General of the Organization, at which time its property, assets, and records shall be transferred to the Organization.

9. This Arrangement shall be effective as from this date, and shall remain open for signature by Members of the United Nations which sign the Constitution of the International Refugee Organization until the Commission is dissolved in accordance with paragraph 8.

IN FAITH WHEREOF, the undersigned representatives, having been duly authorized for that purpose, sign this Arrangement in the English and French languages, both texts being of equal authenticity.

DONE at \_\_\_\_\_, this \_\_\_\_\_  
day of \_\_\_\_\_, one thousand nine hundred and  
forty \_\_\_\_\_

-----

UNRRA

## OUTGOING CABLEGRAM

040-DR0

K

NUMBER: 14269  
TO: London  
RECEIVED CABLE SECTION: 18/9/46 - 12:25 p.m.  
DISPATCHED: 18/9/46 - 1:46 p.m.

Gale from Gibbons.

Concern about cost of IRO continues. Subcommittee of eleven appointed today to review Secretariat proposal for Interim Commission and IRO and to report on 23 September to Social and Economic Council.

Drafted by:  
Gibbons (R & W)  
18 September 1946

STANDARD DISTRIBUTION

ed:db 181255  
cp:ash 181445  
67c



FORM AD-87  
(25 FEB 1946)

UNRRA

CROSS REFERENCE SHEET

DATE

14 Aug 1946

CROSS INDEX

040 International Refugee Org.

TO

P. DAI

FROM

Lowell W. Rooks

SUMMARY

Concerning copies of the Final Report of the Committee on Finances  
of the International Refugee Organization etc.,..

RECORD FILED

040 United Nations

TYPIST

vb

DATE

20 Aug 1946

*040 International Refugee Organization*  
*BC* AUG 13 1946

Keith A. Aickin, Esq.  
Legal Adviser  
European Regional Office  
U. N. R. R. A.  
11 Portland Place  
London W-1, England



Attention: A. R. Phillips

Dear Keith:

This is to acknowledge and thank you for the  
IRO Finance Committee Documents enclosed with your  
letters of 26th and 29th July 1946.

Sincerely yours,

A. R. Robertson  
Acting General Counsel

hh  
13 August 1946

6767



13 August 1946

Central  
Files

040-

IR O

K

TO: Mr. Robertson  
Col. Grainger

FROM: G. Van Hysing

Copy of a cable to the Director General of UNRRA and one to Mr. Lugier, Deputy Secretary General of the United Nations in charge of Social and Economic Affairs, expressing the concern of the United Nations about the personnel needs of IRO are attached. These cables were sent by Mr. Sobolev, Acting Secretary General of the United Nations, following his review of the draft section on Personnel of the Joint UNRRA-UNITED NATIONS Commission.

GVR:GS  
2 Enclosures

CC: Messrs. Brown  
Al ranch  
Mr. Hosell  
Palmer  
Borgers

X-464 (Out placement)



CABLEGRAM

DIRECTOR GENERAL UNHCR  
GENEVA, SWITZERLAND

FIGURES OF STAFF REQUIRED BY IRO FOR REFUGEE WORK ALL  
AREAS BEGINNING JANUARY IS OVER 2800. RECOMMEND URGENTLY  
NO DECISION BE TAKEN TO PRECLUDE UNHCR REVIEWING PROGRAMME  
OF REDUCTION IN STAFF IN COOPERATION WITH UNITED NATIONS  
IN LIGHT OF THESE FIGURES. ALSO RECOMMEND URGENTLY PUBLIC  
STATEMENT BE MADE THAT QUALIFIED UNHCR PERSONNEL WILL  
UNDOUBTEDLY BE USED AS SUBSTANTIAL SOURCE RECRUITMENT IRO  
FOR COMPARABLE WORK.

GOBOLEV  
ACTING SECRETARY GENERAL



CABLEGRAM

M. LAUGIER  
55 RUE BAYLONNE  
PARIS

IRO STAFF REQUIREMENTS FOR JANUARY 1 AS STATED IN FINANCE COMMITTEE REPORT ARE 2800. IT IS NOT CLEAR HOW MANY OF THESE ARE OUTSIDE GERMANY BUT BULK MUST BE IN THAT COUNTRY. WE UNDERSTAND UNRRA INTENTION IS TO REDUCE STAFF IN GERMANY TO 1000 BY END OF DECEMBER. ALTHOUGH A COMPARISON BETWEEN FIGURES IS DIFFICULT DUE TO METHOD OF COMPILING IRO BUDGET DISCREPANCY SEEMS SUFFICIENTLY SERIOUS TO WARRANT URGENT DISCUSSION WITH UNRRA ON DESIRABILITY OF ADJUSTING PROGRAM OF CURTAILMENT OF STAFF IN LIGHT OF THESE FIGURES.

MISS HENDERSON, UN STAFF AT PRESENT IN GENEVA CAN ADVISE ON DETAILS OF IRO BUDGET. WE REGARD IT ALSO URGENTLY NECESSARY FOR STATEMENT TO BE MADE BY DIRECTOR GENERAL UNRRA ABOUT PROSPECTS OF EMPLOYMENT FOR UNRRA'S STAFF WHEN IRO TAKES OVER, PARTICULARLY IN VIEW OF DIRECTOR GENERAL'S STATEMENT ABOUT CLOSING DATE FOR UNRRA REPORTED TODAY'S PRESS.

FOLLOWING CABLE HAS BEEN SENT TO DIRECTOR GENERAL FOR UNRRA BY ACTING SECRETARY GENERAL: QUOTE. DIRECTOR GENERAL, UNRRA, GENEVA, SWITZERLAND. FIGURES OF STAFF REQUIRED BY IRO FOR REFUGEE WORK ALL AREAS BEGINNING JANUARY IS OVER 2800. RECOMMEND URGENTLY NO DECISION BE TAKEN TO PRECLUDE UNRRA REVIEWING PROGRAMME OF REDUCTION IN STAFF IN COOPERATION WITH UNITED NATIONS IN LIGHT OF THESE FIGURES. ALSO RECOMMEND URGENTLY PUBLIC STATEMENT BE MADE THAT QUALIFIED UNRRA PERSONNEL WILL UNDOUBTEDLY BE USED AS SUBSTANTIAL SOURCE RECRUITMENT IRO FOR COMPARABLE WORK. SOBOLEV. END QUOTE.

SUGGEST YOU MAKE PERSONAL CONTACT DIRECTOR GENERAL UNRRA ON THIS MATTER.

SOBOLEV

FORM AD-87  
(25 FEB 1946)

UNRRA

CROSS REFERENCE SHEET

Incoming

DATE

12 August 1946

CROSS INDEX

040 - UNIRO

Geneva Off. - 211.41 - Council 101

TO

FROM

Geneva

SUMMARY

RECORD FILED

040 - UNIRO - Security

TYPIST

kw

DATE

23 August 1946



FORM AD-87  
(25 FEB 1946)

UNRRA

CROSS REFERENCE SHEET

DATE

6 Aug 1946

CROSS INDEX

040 International Refugee Organizaton

TO

Mr. Robertson,  
Mr. Greidinger

FROM

C. Van Hying

SUMMARY

Concerning reduction in UNRRA's staff and of the proposed staffing  
of IRO etc....

RECORD FILED

400 Personnel

TYPIST

vb

DATE

9 Aug 1946

FORM AD-87  
(25 FEB 1946)

UNRRA

CROSS REFERENCE SHEET

DATE

31 July 1946

CROSS INDEX

640 Far East

040 International Refugee Organization

TO

Miss Alma Jacobus  
872 Madison Avenue  
New York, N.Y.

FROM

C. H. Alspach, Acting Dir. Repatriation and Welfare Div.

SUMMARY

Regarding the new International Refugee Organization and also regarding certain statistics on displaced persons in the Far east etc.....

RECORD FILED

060 Miss Alma Jacobus

TYPIST

vb

DATE

7 Aug 1946



JUL 22 1946

*DAO - International Refugee Organization  
e.c.*

Keith A. Aickin, Esq.  
Office of the General Counsel  
European Regional Office  
U. N. R. R. A.  
11 Portland Place  
London W-1, England

Dear Keith:

Thank you for sending us the IRO  
Finance Committee documents enclosed  
with your letter of 15 July.

Yours ever,

A. H. Robertson

Robertson:hh  
19 July 1946



6198

FORM AD-87  
(25 FEB 1946)

UNRRA

CROSS REFERENCE SHEET

DATE

20 July 1946

Outgoing

CROSS INDEX

220 -Run-down Policy Com.

ERO - 211.41 # 10963

Italy Mission - 211.41 # 3612

040 - International Refugee Org.

040 - International Health

TO

London

Repeated Rome

FROM

Washington

SUMMARY

RECORD FILED

220 - Run-down Policy Com.

Security Files

TYPIST

vdc

DATE

15 Aug. 1946



FORM AD-87  
(25 FEB 1946)

UNRRA

CROSS REFERENCE SHEET

DATE 17 July 1946.

CROSS INDEX

040 - I.R.O.

TO A.E. Davidson,  
N.E. Howell

FROM R.J. Youdin

SUMMARY

UN Secretariat for the initiation of the work of the I.R.O. etc....

RECORD FILED

220 - Joint Planning UNRRA, UN

TYPIST

mhs

DATE

29/7/46

CROSS REFERENCE SHEET

DATE 15 July, 1946.

CROSS INDEX

040 - International Refugee Org.

040 - U.N. Economic and Social Council

TO Mr. Buell Maben, Chief of Mission,  
UNRRA (Greece, Tameon Building,  
4 Churchill St. Athens Greece.

FROM  
LaGuardia

SUMMARY

The Economic and Social Council of the United Nations which adjourned its second session on 22 June took action in two fields of immediate interest to UNRRA. I should like you, to write a letter to the Greek Government, reviewing the activities of the UNRRA Mission in Greece in the social welfare field. In this letter will you request the Government. etc...

(Identical letter sent to various Missions:)

RECORD FILED

Greece Mission - 696

TYPIST

mhs

DATE

18/7/46



FORM AD-87  
(25 FEB 1946)

UNRRA

CROSS REFERENCE SHEET

DATE

12 July 1946

CROSS INDEX

640

040 - International Refugee Organization

TO

General Hooks

FROM

SUMMARY

Joint UNRRA-UN Planning Committee on Transfer of Displaced Persons Functions to proposed International Refugee Organization.

RECORD FILED

220 (Joint UNRRA-UN Planning Comm.)

TYPIST

kw

DATE

22 July 1946

UNRRA

## OUTGOING TELEGRAM

*040- International Refugee Orga-  
nization  
RR*

NUMBER: 10453  
TO: London  
RECEIVED CABLE SECTION: 12/7/46 - 11:52 p.m.  
DISPATCHED: 13/7/46 - 11:11 a.m.

For Myer Cohen

1. Please see London's 8257 which crossed our 9736.
2. Have requested Laugier Channel requests for information through Headquarters.
3. Please arrange for ERO Channel its communications UN Headquarters through Washington.

Drafted by:  
RJYoudin (Reports & Record Branch)  
9 July 1946

Cleared by:  
Alspach  
VanHynning  
Davidson

STANDARD DISTRIBUTION

✓ 640 —  
ed:ls  
tp:ah  
67c



FORM AD-87  
(25 FEB 1946)

UNRRA

CROSS REFERENCE SHEET

DATE

11 July 1946

CROSS INDEX

040 - International Refugee Organization

TO

M. Hneri Laugier  
UN, Hunter College  
Bronx, N. Y.

FROM

Conrad Van Hyning  
Bu. of Services

SUMMARY

Re for information in connection with the new International Refugee Organization

RECORD FILED

040 - United Nations

TYPIST

kw

DATE

17 July 1946

FORM AD-87  
(25 FEB 1946)

UNRRA

CROSS REFERENCE SHEET

DATE

5 July 1946

CROSS INDEX

400 - Fanshawe  
ERO - 211.41 # 8345  
400 - Cilento,  
040 - International Refugee Organization

*Inter*

TO

Washington

FROM

London

SUMMARY

Successor

RECORD FILED

400 - Fanshawe,

Security Files

TYPIST

vdc

DATE

29 July 1946



UNRRA

## INCOMING CABLEGRAM

*040 - International Refugee  
Organization*

NUMBER: 8257  
FROM: London  
DATED: 4/7/46  
RECEIVED: 4/7/46 - 8:45 a.m.

1. Following telegram received from Laugier United Nations New York begins: "Need urgently for planning new International Refugee Organisation preliminary survey situation likely to be faced by IRO. Could you prepare for us organisational and personnel data and conclusions regarding UNRRA's probable activities and responsibilities Displaced Persons Europe and Middle East end this year assuming transfer of responsibilities January 1st."

2. Following reply sent begins: "Your telegram no. 5 of 26th June re IRO

1. Glad to assist in any way possible.
2. Shall prepare
  - (A) Preliminary estimate of situation likely to be faced by IRO so far as DP's under UNRRA care are concerned as at 31st December assuming transfer on 1st January.
  - (B) Statement on organisation and personnel position for UNRRA DP operations.

X 640 - (D.P.)

3. You will appreciate that until Fifth UNRRA Council Session beginning August it is impossible for us to make firm statement concerning UNRRA's activities and responsibilities concerning DP's for remaining part of 1946 since our authority is to be reviewed by member governments at that meeting.

4. Would like to suggest that our assistance to you in your planning for complex operations such as those to be faced by IRO could be made more effective by discussions in London between your representatives and UNRRA personnel familiar with the organization and functions of the DP operation rather than merely by the submission of written material to UN Secretariat in New York."

STANDARD DISTRIBUTION

\*Services

ed:ms 1205  
tp:brt 1135  
7lc



UNRRA

COMMUNICATIONS SECTION  
DIVISION OF ADMINISTRATIVE SERVICES

INCOMING MESSAGE

307

NUMBER:

8257

FROM:

London

DATED:

4/7/46

RECEIVED:

4/7/46 - 8:45 a.m.



1. Following telegram received from Laugier United Nations New York begins: "Need urgently for planning new International Refugee Organisation preliminary survey situation likely to be faced by IRO. Could you prepare for us organisational and personnel data and conclusions regarding UNRRA's probable activities and responsibilities Displaced Persons Europe and Middle East end this year assuming transfer of responsibilities January 1st."

2. Following reply sent begins: "Your telegram no. 5 of 26th June re IRO

1. Glad to assist in any way possible.
2. Shall prepare
  - (A) Preliminary estimate of situation likely to be faced by IRO so far as DP's under UNRRA care are concerned as at 31st December assuming transfer on 1st January.
  - (B) Statement on organisation and personnel position for UNRRA DP operations.

**ACTION COPY**

NOTE: RECIPIENT OF THIS COPY SHOULD TAKE ACTION IMMEDIATELY. IF NO ACTION REQUIRED INDICATE ☐ NO ACTION AND RETURN TO COMMUNICATIONS SECTION. IF THIS ACTION COPY IS MISDIRECTED FORWARD IMMEDIATELY BY HAND TO PROPER PERSON OR RETURN TO COMMUNICATIONS SECTION.

3. You will appreciate that until Fifth UNRRA Council Session beginning August it is impossible for us to make firm statement concerning UNRRA's activities and responsibilities concerning DP's for remaining part of 1946 since our authority is to be reviewed by member governments at that meeting.

4. Would like to suggest that our assistance to you in your planning for complex operations such as those to be faced by IRO could be made more effective by discussions in London between your representatives and UNRRA personnel familiar with the organization and functions of the DP operation rather than merely by the submission of written material to UN Secretariat in New York."

STANDARD DISTRIBUTION  
\*Services

ed:ms 1205  
tp:brt 1135  
7lc



FORM AD-87  
(25 FEB 1946)

UNRRA

CROSS REFERENCE SHEET

Outgoing

DATE

3 July 1946

CROSS INDEX

040 - International Refugee Org. (Com. on Finance)

400 - Cohen, Myer

040 - United Nations

640

ERO - 211.41 #9736

TO

London 9736

FROM

MCohen (R&W)

SUMMARY

RECORD FILED

040 - International Refugee Org. (Com. on Finance) - Security

TYPIST

kw

DATE

19 August 1946

*040-International Refugee Organization*  
*EC*

*June 25, 1946*

MEMORANDUM

TO: F. LaGuardia  
FROM: Alfred E. Davidson  
SUBJECT: International Refugee Organization

The results of the action taken by the Economic and Social Council on the new refugee organization are summarized below:

(a) It adopted the draft constitution of the IRO and requested the Secretary General to transmit copies to all members of the United Nations;

(b) It established a Committee on Finance, consisting of 10 governments (Canada, France, Netherlands, Poland, USSR, UK, US, Brazil, China and Lebanon) with UNRRA and IGC participating in a consultative capacity, to prepare provisional administrative and operational budgets for the first financial year of the IRO, together with scales of contribution. The report of this Committee to be ready for circulation on 20 July;

(c) It decided to review at its third session (26 August) the comments of governments on the constitution and the Financial report and to transmit the Constitution as approved to the General Assembly in September. The ESC urged that government representatives at the General Assembly be authorized to sign the Constitution;

(d) It urged governments to continue full support of existing organizations pending the establishment of the IRO;

(e) It recommended that the Secretary General plan, in consultation with UNRRA and IGC, the initiation of the work of the IRO.

The result of these decisions is that the Constitution and financial arrangements will come before the Economic and Social Council organization on 26 August and will then to to the General Assembly for final approval in September before acceptance by governments. At both these meetings the whole question may and



almost certainly will be reopened and reargued on the same lines as in the London Committee and the present meeting of the ESC. No government is bound by the present decision of the ESC and all will be free to raise new points and to reopen old ones.

On acceptance by sufficient governments (present US suggestion is that 13 are sufficient) the IRO will come into being. However, before it can operate there must be a meeting of its Council, if for no other reason than to appoint a Director General. No doubt the first Council meeting will also determine the general policy to be followed.

Thus, if everything goes according to plans the IRO could be in existence by October and if funds are available and if it took over the UNRRA staff and organization substantially intact the IRO could begin to operate by January 1947. This, however, depends on the fulfillment of the conditions.

The decisions of the ESC call for UNRRA action in two respects:

(a) Participation in the Finance Committee, which will require the Administration to furnish all available information on operational and administrative costs.

This will be particularly important since the Finance Committee in order to prepare a budget, must settle many basic questions of operational policy and UNRRA's influence could be very important.

(b) Consultation with the Secretary General of the UN in planning the initiation of the work of the IRO.

This, too, will be of great importance since the whole question of transfer of staff and organization is involved.

Attached is the text of the proposed Constitution for the new refugee organization as finally acted upon by the Economic and Social Council.

FORM AD-87  
(25 FEB 1946)

UNRRA

CROSS REFERENCE SHEET

DATE

January 1, 1944

CROSS INDEX

040 - I.R.C.

GREECE - 601

SWEDEN - 601

SWITZERLAND - 601

TO

FROM

SUMMARY

RECORD FILED

GREECE 601

SECURITY

TYPIST

et

DATE

31/12/47



GENERAL  
ASSEMBLYASSEMBLEE  
GENERALE

A/265

13 December 1946

ORIGINAL: ENGLISH

## REFUGEES AND DISPLACED PERSONS

## Report of Third Committee

Rapporteur: Mrs. Aase LIONAES (Norway)

1. The General Assembly adopted a resolution on 12 February 1946 referring the question of refugees and displaced persons to the Economic and Social Council for examination and report to the second part of the first session of the General Assembly. The resolution is as follows:

## "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,



(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."

#### MEASURES TAKEN BY THE ECONOMIC AND SOCIAL COUNCIL

2. Pursuant to these recommendations, the Economic and Social Council, by a resolution adopted on 16 February 1946, established a Special Committee on Refugees and Displaced Persons, to carry out promptly a thorough examination of the problem and to make a report thereon to the Council at its second session.

3. The Special Committee on Refugees and Displaced Persons met in London from 8 April to 1 June 1946. The Committee first agreed to recommend the establishment of an international body to deal with the problem of refugees and displaced persons, such an international body to be a specialized agency of a non-permanent character. The Committee considered and reported on:

(a) Definition of the categories of persons entitled to international protection and assistance;

(b) Numbers and location of refugees and displaced persons;

(c) Form of the new international body and its relationship to the United Nations, including suggestions for a draft Constitution.



4. The report of the Special Committee on Refugees and Displaced Persons was presented to the Economic and Social Council at its second session in June. By a resolution of 21 June 1946, the Secretary-General was requested to forward the draft Constitution, as revised by the Council to Governments for their comments, after drafting such technical clauses as were necessary to complete it from a legal point of view. The Council also established a Committee on the Finances of the International Refugee Organization to prepare in the light of the draft Constitution a provisional operational budget for the first financial year of the Organization and scales of contributions from members of the Organization.

5. The Council further resolved as follows:

"HAVING in mind the urgency of bringing the International Refugee Organization into being at the earliest possible date,

(a) DECIDES to review at the third session the comments of members on the draft Constitution and on the report of the Committee on Finances and to transmit this Constitution, as amended, to the General Assembly as soon as possible after the opening of the second part of its first session;

(b) REQUESTS the Secretary-General to put this question on the agenda of the second part of the first session of the General Assembly;

(c) RECOMMENDS that the Constitution of the International Refugee Organization as adopted by the General Assembly be opened immediately for signature either with or without reservation as to subsequent legislative acceptance;

(d) URGES the Members of the United Nations to accord to their delegates to the General Assembly at the second part of its first session full power to sign the Constitution of the International Refugee Organization, and that, where constitutional procedures permit, this authorization be without reservation as to subsequent legislative acceptance;

HAVING regard to the gravity and urgency of the problem of refugees and displaced persons;

URGES Governments members of existing organizations concerned with this problem to give full support to the work of such organizations pending the establishment of the International Refugee Organization."

6. The Committee on the Finances of the International Refugee Organization met in London from 6 July to 20 July 1946. Its report was duly circulated to Governments for their comments (document E/REF.FIN/23).



7. At its third session in September 1946 the Council further revised the draft Constitution in the light of comments received from Governments. It also established an ad hoc Committee on Finances which revised the administrative budget proposed by the Committee on Finances of the International Refugee Organization and recommended its adoption in the same amount (\$4,800,000), but reduced Part I of the provisional operational budget (other than large-scale resettlement) from \$193,954,000 to \$151,051,000 and Part II of the provisional operational budget (large-scale resettlement) from \$60,000,000 to \$5,000,000. The revised budget estimates were circulated by the Secretary-General to Governments. The Fifth Committee will report separately on the budget.

The Council approved the draft Constitution for transmission to the General Assembly and also agreed to transmit to the General Assembly a resolution relating to interim arrangements and a resolution relating to the Report of the ad hoc Committee on Finances (contained in document A/127).

ACTION TAKEN AT THE SECOND PART OF  
THE FIRST SESSION OF THE GENERAL ASSEMBLY

8. The item relating to refugees on the agenda of the General Assembly was sent to the Third and Fifth Committees for consideration, the former being required to deal with the draft Constitution, interim arrangements, etc., and the latter to consider and report on those articles of the Constitution dealing with finances (i.e. article 10 and Annex II), the budget of the Organization and the provisional scales of contributions.

9. The Third Committee decided to proceed first with a general discussion on the draft Constitution. The representatives of the Union of Soviet Socialist Republics, Poland, the United States of America, Canada, Brazil, Egypt, Belgium, Australia, Syria, the United Kingdom, Haiti, India, the Union of South Africa, Lebanon, Denmark, France, Mexico, Netherlands, Chile, Yugoslavia, Norway, Ukrainian Soviet Socialist Republic, Greece, Byelorussian Soviet Socialist Republic, Dominican Republic, Peru, Czechoslovakia, Ecuador, Argentina and Turkey spoke on behalf of their respective Governments.

/10. The



10. The Third Committee then decided to discuss amendments to articles 1-9, 11-17 and Annex I of the draft Constitution which had been requested. It devoted seventeen meetings to the detailed consideration of sixty-five amendments. Fourteen further amendments were submitted to article 10 and Annex II and these were referred to the Fifth Committee. Of the amendments submitted to the Third Committee, twenty-two were adopted (four in a modified form), thirty-nine rejected and four withdrawn.

11. It was recognized by the Third Committee that the draft Constitution which was the result of many months of discussion, was far from perfect. It was an attempt, however, to reconcile conflicting points of view. The humanitarian aspect of the problem was emphasized by all. The view was expressed by various representatives that, while the Constitution would serve as a framework for the work of the Organization, the spirit in which this work would be carried out was more important than the framework itself. In the course of the discussions, the countries of origin drew a clear picture of many of the vital problems, as they saw them, with which the Organization would be faced.

12. In voting the draft Constitution, representatives made it clear that they were voting for the purpose of recommending the adoption of the draft Constitution to the General Assembly and some reserved the position of their Governments in regard to membership of the Organization.

13. The Third Committee, therefore, recommends by eighteen votes to five (Byelorussian Soviet Socialist Republic, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia) with five abstentions, the adoption of the draft Constitution\* as below

/(which with

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\* This text includes article 10 as approved by the Fifth Committee, together with three other amendments proposed by the Fifth Committee involving changes in the preamble and article 4 arising out of consideration of amendments to article 10. Additions to the text are underlined and phrases which have been deleted are shown in square brackets. The origin of the amendments is shown in footnotes.



(which with the exception of Annex II is complete. Those delegations which voted against the approval of the Constitution did so because, in view of the rejection of amendments they thought essential, they considered it did not provide all that was necessary to the solution of the refugee problem, and therefore it was not acceptable to them).

14. The Third Committee recognizes the urgent need for bringing the International Refugee Organization into being at the earliest possible moment and endorses the recommendation of the Economic and Social Council that the Constitution of the Organization as adopted by the General Assembly be opened immediately for signature, either with or without reservation as to subsequent legislative acceptance. In the event that it is not possible to open the Constitution for signature before the end of the present session, the Third Committee recommends that this should be done as soon after the end of the Assembly as may be practicable.

NOTE: The representative of Yugoslavia asked that a reference be made in the report of the Third Committee to a question he had put to the representative of the United Kingdom during the thirty-fourth meeting, held on Thursday, 28 November 1946, together with the reply. (See Journal No. 46, Supplement No. 3 - A/C.3/106).

In response to a request by the representative of Yugoslavia as to whether in the opinion of the United Kingdom representative, the members of General Anders' Army or prisoners of war would be included within the jurisdiction of the Organization, the latter replied that the position of General Anders' Army had already been explained by Mr. Hector McNeil before the Economic and Social Council, and that, in his (Mr. Beswick's) view, prisoners of war would generally speaking be excluded by the terms of the Constitution.

/DRAFT CONSTITUTION



DRAFT CONSTITUTION FOR 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; <sup>(1)</sup> 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; <sup>(2)</sup>

that resettlement and re-establishment of refugees and displaced persons <sup>(3)</sup> be contemplated only in cases indicated clearly in the Constitution;

that genuine refugees and displaced persons, until such time as their repatriation or resettlement and re-establishment is effectively completed, should be protected in their rights and legitimate interests and should receive care and assistance, and as far as possible should be put to useful employment

(1) Soviet proposal (document A/C.3/52, page 3)

(2) Yugoslav proposal (document A/C.3/59, page 1)

(3) Polish proposal submitted orally in the Third Committee. The Polish amendment was originally worded as follows:

"that resettlement and re-establishment of refugees and displaced persons be contemplated only in exceptional cases indicated clearly in the Constitution".

The Committee agreed to eliminate the word "exceptional"

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,<sup>(4)</sup>

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 resettlement 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

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(4) Byelorussian proposal (document A/C.3/64, page 2). The original Byelorussian proposal was submitted with respect to article 10. The Fifth Committee agreed to insert the original text in the preamble, with some drafting modifications.



(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<sup>(5)</sup>, and to promoting this by all possible means, in particular by providing them with material assistance, adequate food [rations]<sup>(6)</sup> for a period of three months from the time of their departure from their present places of residence provided they are returning to [a deficit food area in]<sup>(7)</sup> 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 [other than those included in] for whom repatriation does not take place under<sup>(8)</sup> paragraph 1(a) of this article to facilitate:

- (i) their re-establishment in countries of temporary residence;
- (ii) the emigration to and resettlement and the 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 resettlement or large-scale resettlement.

(c) with respect to Spanish Republicans to assist them to establish themselves temporarily until the time when a democratic regime in Spain is established.<sup>(9)</sup>

/2. For the

- (5) Egyptian proposal (document A/C.3/61, page 1)
- (6) Polish proposal (document A/C.3/60, page 1)
- (7) Polish proposal (document A/C.3/60, page 1)
- Yugoslav proposal (document A/C.3/59, page 1)
- (8) Belgian proposal made in the Committee
- (9) Yugoslav proposal (document A/C.3/59, page 1)

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 (10).
- (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 insofar 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

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(10) United Kingdom proposal. (document A/C.3/56, page 1)  
The original proposal did not contain the words "under supervision of the Organization, which the representatives of Denmark and the United Kingdom proposed to add with agreement of the Committee."



- (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 insofar 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 agreements 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



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;
- (b) If they submit to the Organization a plan for the admission to their territory as immigrants of 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. (11)

[3.] 5. Members of the Organization which are suspended from the exercise of the rights and privileges of Membership of the United Nations shall, upon request of the latter, be suspended from the rights and privileges of this Organization.

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

[5.] 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.

/ [6.] 8.

(11) Joint Chilean and Peruvian proposal (document A/C.3/67). The original amendment was proposed in connection with article 10. The Third and Fifth Committees, however, agreed upon it being included with minor drafting changes in article 4.



[6.] 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, or, with the approval of the General Assembly of the United Nations, expelled from the Organization.

[7.] 9. A member of the Organization undertakes to afford its general support to the work of the Organization. [No resolution adopted by the Organization may impose any specific obligation on any member, even if the delegate for the member has voted in favour of the resolution, unless the member, or its delegate on its behalf, and being duly authorized, has expressly accepted the obligation in question.] (12)

[8.] 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 Organizations: 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

and it shall be convened in special session by the Director-General within thirty days after a request for such 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 amongst 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 [ ] between sessions of the General Council, [ ] 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, (13) 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

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(13) Netherlands proposal (document A/C.3/57, page 1)



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 delegate 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 term 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, of the Executive Committee and of all other committees and sub-committees. He or his representative 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



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 Resolution adopted by the General Assembly on 12 February 1946 regarding the problem of refugees.]<sup>(14)</sup> in the present Constitution. Due regard shall be paid to the importance of recruiting [field]<sup>(15)</sup> 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 instruction from any Government or from any other authority external to the Organization. They shall refrain from  
\_\_\_\_\_  
/any action

(14) Soviet proposal (document A/C.3/62, page 4)

(15) Polish proposal (document A/C.3/75, page 1)

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 resettlement 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 resettlement", 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. (a) Contributions may be payable in kind or in such currency as may be provided for in a decision by the General Council accompanying the budget, 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.

(b) Contributions in kind shall be made within limits to be prescribed, and on a value basis to be determined by the General Council.

Contributions shall be payable, as a result of negotiations undertaken at the request of members between the Organization and such members, in

(a) in kind (b) in kind (c) in kind

(d) in kind (e) in kind (f) in kind



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. (16)

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 [and large-scale resettlement expenditures] (except for large-scale resettlement expenditures) (17) 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 resettlement expenditure on a voluntary basis and subject to the requirements of their constitutional procedure. (18)

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

(16) United States Proposal. (document A/C.5/113)

(17) Amendment consequential upon French amendment under (18).

(18) French proposal (document A/C.3/66). With minor drafting changes agreed upon in the Committee.



if it is satisfied that the failure to pay is due to conditions beyond the control of such members. (19)

[5.] 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.

[6.] 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

- or Geneva, as the General Council shall decide,
1. The Organization shall establish its headquarters at Paris, 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 its 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,



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 part of or all the functions and acquire part of or all 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 agencies or pursuant to authority conferred upon the Organization by international convention or agreement.

#### ARTICLE 15

##### RELATIONSHIP WITH AUTHORITIES OF COUNTRIES OF LOCATION

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. (20).

#### ARTICLE [15] 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 obligation for Members shall come into force in respect of each Member only on acceptance by it.

#### ARTICLE [16] 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 [17] 18

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(20) United Kingdom proposal. (Document A/C.3/73, page 1)  
The original United Kingdom proposal was reworded with the agreement of the Committee.



ARTICLE [17/18

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 fifteen states have become parties to it in accordance with the provisions of Article 4.] 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 (21) 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 this day of 1946, 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.

/ANNEX I



ANNEX I (of the Constitution)

DEFINITIONS

GENERAL PRINCIPLES

1. The following general principles constitute an integral part of the definitions as laid down in Parts I and II of this annex.

(a) The main object of the Organization will be to bring about a rapid and positive solution of the problem of bona fide refugees and displaced persons, which shall be just and equitable to all concerned.

(b) The main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin, 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).

(c) As laid down in the Resolution adopted by the Economic and Social Council on 16 February 1946, no international assistance should be given to traitors, quislings, and war criminals, and nothing should be done to prevent in any way their surrender and punishment.

(d) It should be the concern of the Organization to ensure that its assistance is not exploited in order to encourage subversive or hostile activities directed against the Government of any of the United Nations.

(e) It should be the concern of the Organization to ensure that its assistance is not exploited by persons in the case of whom it is clear that they are unwilling to return to their countries of origin because they prefer idleness to facing the hardships of helping in the reconstruction of their countries, or by persons who intend to settle in other countries for purely economic reasons, thus qualifying as emigrants.<sup>(1)</sup>

/(f) On the other

(1) Polish proposal (document A/C.3/60, pages 2 and 3, with minor drafting changes.)



(f) On the other hand it should equally be the concern of the Organization to ensure that no bona fide and deserving refugee or displaced person is deprived of such assistance as it may be in a position to offer.

(g) [The Organization should endeavour to carry out its functions in respect of resettlement and re-establishment in such a way as to avoid disturbing friendly relations between nations.]<sup>7</sup> The Organization should endeavour to carry out its functions in such a way as to avoid disturbing friendly relations between nations.<sup>(2)</sup> In the pursuit of this objective, the Organization should exercise special care in cases in which the re-establishment or resettlement of refugees or displaced persons might be contemplated either in countries contiguous to their respective countries of origin or in non-self-governing countries. The Organization should give due weight, among other factors, to any evidence of genuine apprehension and concern felt in regard to such plans, in the former case, by the country of origin of the persons involved, or, in the latter case, by the indigenous population of the non-self-governing country in question.<sup>(3)</sup>

2. To ensure the impartial and equitable application of the above principles and of the terms of the definition which follows some special system of semi-judicial machinery should be created, with appropriate constitution, procedure and terms of reference.

#### PART I

Refugees and displaced persons within the meaning of the resolution adopted by the Economic and Social Council of the United Nations of 16 February 1946.

#### SECTION A. DEFINITION OF REFUGEES

1. Subject to the provisions of Sections C and D and of Part II below,  
\_\_\_\_\_/the term

(2) Polish proposal (document A/C.3/60, page 3. The word "endeavour", which does not appear in the original amendment, was inserted with the agreement of the Committee.)

(3) Compromise text proposed by the delegations of Denmark, Egypt, United States and Yugoslavia. (document A/C.3/102)



the term "refugee" applies to a person who has left, or who is outside of, his country of nationality or of former habitual residence, and who, whether or not he had retained his nationality, belongs to one of the following categories:

- (a) Victims of the Nazi or Fascist regimes or of regimes which took part on their side in the Second World War, or of the quislings or similar regimes which assisted them against the United Nations, whether enjoying international status as refugees or not;
- (b) Spanish Republicans and other victims of the Falangist regime in Spain, whether enjoying international status as refugees or not;
- (c) Persons who were considered refugees before the outbreak of the Second World War, for reasons of race, religion, nationality or political opinion.

2. Subject to the provisions of Sections C and D and of Part II of this Annex regarding the exclusion of certain categories of persons, including war criminals, quislings and traitors, from the benefits of the Organization, the term "refugee" also applies to a person, other than a displaced person as defined in Section B of this Annex who is outside of his country of nationality or former habitual residence, and who, as a result of events subsequent to the outbreak of the Second World War, is unable or unwilling to avail himself of the protection of the Government of his country of nationality or former nationality.

3. Subject to the provisions of Section D and of Part II of this Annex, the term "refugee" also applies to persons who, having resided in Germany or Austria, and being of Jewish origin or foreigners or stateless persons, were victims of Nazi persecution and were detained in or were obliged to flee from and were subsequently returned to, one of those countries as a result of enemy action, or of war circumstances, and have not yet been firmly resettled therein.

/4. The term



4. The term "refugee" also applies to unaccompanied children who are war orphans or whose parents have disappeared, and who are outside their countries of origin. [Such children shall be given all possible priority assistance, including in the case of those whose nationality can be determined, assistance in repatriation, to which there should be no obstacles.] Such children, sixteen years of age or under, shall be given all possible priority assistance, including normally assistance in repatriation in the case of those whose nationality can be determined.<sup>(4)</sup>

#### SECTION B. DEFINITION OF DISPLACED PERSONS

The term "Displaced Persons" applies to a person who, as a result of the actions of the authorities of the regimes mentioned in Part I, Section A, paragraph 1 (a) of this Annex has been deported from, or has been obliged to leave, his country of nationality or of former habitual residence, such as persons who were compelled to undertake forced labour or who were deported for racial, religious or political reasons. Displaced persons will only fall within the mandate of the Organization subject to the provisions of Sections C and D of Part I and to the provisions of Part II of this Annex. If the reasons for their displacement have ceased to exist, they should be repatriated as soon as possible in accordance with Article 2, paragraph 1 (a) of this Constitution, and subject to the provision of paragraph (c), sub-paragraphs (ii) and (iii) of the General Assembly Resolution of 12 February 1946 regarding the problem of refugees (Annex III).

#### SECTION C. CONDITIONS UNDER WHICH "REFUGEES" AND "DISPLACED PERSONS" WILL BECOME THE CONCERN OF THE ORGANIZATION

1. In the case of all the above categories except those mentioned in Section A, paragraphs 1 (b) and 3 of this Annex, persons will become the concern of the Organization in the sense of the Resolution adopted by the Economic and Social Council on 16 February 1946 if they can be repatriated, and the help of the Organization is required in order to provide for their repatriation, [or if they are unable to return to their countries of nationality or former

/habitual

(4) Compromise text proposed by the delegations of Belgium, France, Netherlands, Norway and Poland. (document A/C.3/96)



habitual residence<sup>(5)</sup> or if they have definitely, in complete freedom, and after receiving full knowledge of the facts, including adequate information from the governments of their countries of nationality or former habitual residence, expressed valid objections to returning to those countries:

(a) The following shall be considered as valid objections:

(i) persecution, or fear, based on reasonable grounds (French: fondée, Russian: obosnovany), or persecution because of race, religion, nationality or political opinions, provided these opinions are not in conflict with the principles of the United Nations, as laid down in the preamble of the Charter of the United Nations;

(ii) objections of a political nature judged by the Organization to be "valid", as contemplated in paragraph 8 (a) of the Report of the Third Committee of the General Assembly as adopted by the Assembly on 12 February 1946.\*

(iii) in the case of persons falling within the category mentioned in Section A, Paragraphs 1 (a) and 1 (c) compelling family reasons arising out of previous persecution, or, compelling reasons of infirmity or illness.

(b) The following shall normally be considered "adequate information":

Information regarding conditions in the countries of nationality of the refugees and displaced persons concerned, communicated to them directly by representatives of the governments of these countries, who shall be given every facility for visiting camps and Assembly Centres of refugees and displaced persons in order to place such information before them.

/2. In the

\* Paragraph 8 (a)

"In answering the representative of 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."

(5) Yugoslav proposal (document A/C.3/59, page 2).



2. In the case of all refugees falling within the terms of Section A, Paragraph 1 (b) of this Annex, persons will become the concern of the Organization in the sense of the Resolution adopted by the Economic and Social Council of the United Nations on 16 February 1946, so long as the Falangist regime in Spain continues. Should that regime be replaced by a democratic regime they will have to produce valid objections against returning to Spain corresponding to those indicated in Paragraph 1 (a) of this section.

SECTION D. CIRCUMSTANCES IN WHICH REFUGEES AND DISPLACED PERSONS WILL CEASE TO BE THE CONCERN OF THE ORGANIZATION

Refugees or displaced persons will cease to be the concern of the Organization:

- (a) when they have returned to the countries of their nationality in United Nations territory, unless their former habitual residence to which they wish to return is outside their country of nationality; or
- (b) when they have acquired a new nationality; or
- (c) when they have, in the determination of the Organization become otherwise firmly established; or
- (d) when they have unreasonably refused to accept the proposals of the Organization for their resettlement or repatriation; (6) or
- (e) when they are making no substantial effort towards earning their living when it is possible for them to do so, or when they are exploiting the assistance of the Organization.

PART II

Persons who will not be the concern  
of the Organization

- 1. War criminals, quislings and traitors.
- 2. Any other persons who can be shown:
  - (a) to have assisted the enemy in persecuting the civil populations of countries, Members of the United Nations; or
  - /(b) to have

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(6) Soviet proposal (document A/C.3/62, page 5)  
The original Soviet amendment was merely to substitute for "their resettlement" the words "their repatriation". As a compromise the Committee agreed to include a reference to both "resettlement" and "repatriation".



- (b) to have voluntarily assisted the enemy forces since the outbreak of the Second World War in their operations against the United Nations,\* [unless such assistance was purely humanitarian and non-military.]<sup>7(7)</sup>
3. Ordinary criminals (Russian: ugolovny) who are extraditable by treaty.
4. Persons of German ethnic origin (whether German nationals or members of German minorities in other countries) who:
- (a) have been or may be transferred to Germany from other countries;
  - (b) have been, during the Second World War, evacuated from Germany to other countries;
  - (c) have fled from, or into, Germany, or from their places of residence into countries other than Germany in order to avoid falling into the hands of Allied Armies.
5. Persons who are in receipt of financial support and protection from their country of nationality, unless their country of nationality requests international assistance for them.
6. Persons who, since the end of hostilities in the Second World War:
- (a) have participated in any organization having as one of its purposes the overthrow by armed force of the Government
- /of their

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\* Mere continuance of normal and peaceful duties, not performed with the specific purpose of aiding the enemy against the Allies or against the civil population of territory in enemy occupation, shall not be considered to constitute 'voluntary assistance'. Nor shall acts of general humanity, such as care of wounded or dying, be so considered except in cases where help of this nature, given to enemy nationals could equally well have been given to Allied nationals and was purposely withheld from them.

(7) The original Yugoslav proposal (document A/C.3/59, page 2), was withdrawn upon the acceptance by the Committee of the compromise proposal submitted by a Drafting Sub-Committee consisting of the representatives of France, New Zealand, Ukrainian Soviet Socialist Republic, United Kingdom, United States, Soviet Union, and Yugoslavia. (documents A/C.3/114 and A/C.3/114/Corr.1).



of their country of origin, being a Member of the United Nations, or the overthrow by armed force of the Government of any other Member of the United Nations, or have participated in any terrorist organization;

(b) have become leaders of movements hostile to the Government of their country of origin being a Member of the United Nations or sponsors of movements encouraging refugees not to return to their country of origin;

(c) at the time of application for assistance are in the military or civil service of a foreign State.<sup>(8)</sup>

#### ANNEX II (of the Constitution)

(To be Reported upon by the Fifth Committee)

/ANNEX III

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(8) Compromise text proposed by the United States delegation.

ANNEX III (of the Constitution)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY ON  
12 FEBRUARY 1946 (A/45)

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 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 provision 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



referred to in paragraph (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 insofar as their situation may be decided by allied forces of occupation in Germany, in agreement with the governments of the respective countries.

PROPOSAL BY THE SOVIET DELEGATION REGARDING THE APPOINTMENT  
OF A COMMISSION TO INVESTIGATE THE SITUATION REGARDING  
THE REPATRIATION OF REFUGEES AND DISPLACED PERSONS

14. The Third Committee considered the following proposal submitted by the Soviet delegation:

"That a Commission of the representatives of seven to nine countries, including the Soviet Union, Yugoslavia and Poland, as the countries most directly concerned, be appointed to carry out, within a month, in camps and districts where there are refugees and displaced persons, an investigation of the situation regarding the

/repatriation

repatriation of refugees and displaced persons, and to report the results of the investigation to the Economic and Social Council at its fourth session."

After a full discussion the proposal was put to the vote and was rejected by twenty-one votes to nine, with nine abstentions.

INTERIM ARRANGEMENTS PENDING THE ESTABLISHMENT OF THE  
INTERNATIONAL REFUGEE ORGANIZATION

15. The Third Committee considered a draft resolution relating to interim arrangements pending the establishment of the International Refugee Organization, to which was appended a draft Protocol transmitted by the Economic and Social Council to the General Assembly (document A/127), and two amendments thereto proposed by the Delegation of Lebanon.

16. After discussion, the first amendment was withdrawn and the second amendment was adopted with the addition of the words "and this in conformity with the principles of the I.R.O." as a new paragraph (e) at the end.

17. The resolution of the Economic and Social Council was approved by twenty-two votes to seven with Australia, Chile, Sweden and the Union of Soviet Socialist Republics abstaining; the Annex to the resolution was approved by twenty-two votes to three with Australia, Byelorussian Soviet Socialist Republic, Chile, Egypt, Peru, Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics abstaining.\*

18. The Third Committee also considered a draft resolution submitted by the delegation of Yugoslavia which was approved in an amended form by twenty-eight votes to nil (Resolution II).

/19. The Third Committee

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\* On a point of order, the Soviet delegation abstained for a formal reason, namely: that the Committee could not vote on the draft resolution proposed by the Economic and Social Council before it had formally adopted the Constitution, the approval of which is assumed in that draft resolution.



19. The Third Committee, therefore, recommends to the General Assembly the adoption of the following resolutions, together with the Annex to resolution I:

DRAFT CONSTITUTION AND INTERIM ARRANGEMENTS  
PENDING THE ESTABLISHMENT OF THE INTERNATIONAL REFUGEE ORGANIZATION

THE GENERAL ASSEMBLY,

NOTING that action has been taken pursuant to the resolution concerning refugees and displaced persons adopted by the General Assembly on 12 February 1946, as follows:

- (a) the establishment by the Economic and Social Council of a Special Committee on Refugees and Displaced Persons under a resolution of the Council of 16 February 1946;
- (b) the making of a report by the Special Committee to the second session of the Council;
- (c) the adoption of a draft Constitution for an International Refugee Organization and the creation of a Committee on the Finances of the International Refugee Organization by the Council under a resolution of the Council of 21 June 1946;
- (d) the circulation to Members of the United Nations for their comments of the draft Constitution and the report of the Committee on Finances;
- (e) the final approval by the Council of the Constitution, and of a provisional budget for the first financial year, the adoption by the Council of an Arrangement for a Preparatory Commission, and the transmittal of both these instruments to the General Assembly, under resolution of the Council of 3 October 1946;

HAVING CONSIDERED the Constitution of the International Refugee Organization and the Arrangement for a Preparatory Commission as approved by the Economic and Social Council;

CONSIDERING that every effort should be made to provide for the early

/establishment

establishment of the International Refugee Organization and the provision of measures during the interim period designed to facilitate such establishment;

THEREFORE,

- (a) APPROVES the Constitution of the International Refugee Organization and the Arrangement for a Preparatory Commission as annexed hereto;
- (b) REQUESTS the Secretary-General to open these two instruments for signature and, in the case of the Constitution, to open it for signature either with or without reservation as to subsequent acceptance;
- (c) URGES Members of the United Nations to sign these two instruments and, where constitutional procedures permit, to sign the Constitution without reservation as to subsequent acceptance;
- (d) AUTHORIZES the Secretary-General to make such staff available to the Preparatory Commission as may be deemed necessary and desirable;
- (e) URGES Members of the United Nations to give the most favourable consideration to receiving each into its territory at the earliest possible time, so far as may be practicable for permanent resettlement, its fair share of the non-repatriable persons who are the concern of the International Refugee Organization and this in conformity with the principles of the Organization.

/ANNEX (to RESOLUTION I)



ANNEX (to RESOLUTION I)

INTERIM ARRANGEMENTS

THE GOVERNMENTS which have signed the Constitution of the International Refugee Organization,

HAVING DETERMINED that they will take all measures possible to accomplish expeditiously the coming into effective operation of that Organization and to provide for an orderly transfer to it of the functions and assets of existing organizations,

HAVING DECIDED that, pending the coming into force of the Constitution of the Organization, a Preparatory Commission for the International Refugee Organization should be established for the performance of certain functions and duties,

AGREE to this Arrangement as follows:

1. There is hereby established a Preparatory Commission for the International Refugee Organization, which shall consist of one representative from each Government signatory to the Constitution. The Director of the Inter-governmental Committee on Refugees, the Director-General of the United Nations Relief and Rehabilitation Administration and the Director of the International Labour Office, or their representatives, shall be invited to sit with the Commission in a consultative capacity.
2. The Commission shall:
  - (a) TAKE all necessary and practicable measures for the purpose of bringing the Organization into effective operation as soon as possible;
  - (b) ARRANGE for the convening of the General Council in its first session at the earliest practicable date following the entry into force of the Constitution of the Organization;
  - (c) PREPARE the provisional agenda for this first session as well as documents and recommendations relating thereto;
  - (d) SUGGEST plans, in consultation with existing organizations and the Control Authorities for the programme for the first year of the Organization;

/(e) PREPARE

(e) PREPARE draft financial and staff regulations, and draft rules of procedure for the General Council and the Executive Committee.

3. The Commission may, in its discretion and after agreement with existing organizations dealing with refugees and displaced persons, take over any of the functions, activities, assets and personnel of such organizations, provided that the Commission is satisfied that this is essential in order to accomplish the orderly transfer to the International Refugee Organization of such functions or activities.

4. The Commission shall be governed by the rules of procedure of the Economic and Social Council of the United Nations so far as these are applicable.

5. The Commission shall appoint an Executive Secretary, who shall serve the Commission in that capacity and perform such duties as the Commission may determine. He shall be responsible for the appointment and direction of such staff as may be required for the work of the Commission.

6. The expenses of the Commission may be met by advances from such Governments as choose to make advance contributions, which shall be deductible from their first contributions to the Organization; and from such funds and assets as may be transferred from existing organizations to meet the cases provided for in paragraph 3 above.

7. The first meeting of the Commission shall be convened as soon as practicable by the Secretary-General of the United Nations.

8. The Commission shall cease to exist upon the election of the Director-General of the Organization, at which time its property, assets, and records shall be transferred to the Organization.

/9. This arrangement



9. This Arrangement shall come into force as soon as it has been signed by the representatives of eight Governments which sign the Constitution of the International Refugee Organization and shall remain open for signature by Members of the United Nations which sign the Constitution of the International Refugee Organization until the Commission is dissolved in accordance with paragraph 8.

IN FAITH WHEREOF, the undersigned representatives, having been duly authorized for that purpose, sign this Arrangement in the Chinese, English, French, Russian, and Spanish languages, all five texts being of equal authority.

DONE at \_\_\_\_\_, this \_\_\_\_\_  
day of \_\_\_\_\_, one thousand nine hundred  
and forty \_\_\_\_\_.

/II. ARRANGEMENTS.

II

ARRANGEMENTS AND MEASURES TO BE TAKEN IN THE FIELD OF  
REFUGEES AND DISPLACED PERSONS ACTIVITIES OF THE UNITED NATIONS  
PENDING THE ESTABLISHMENT OF THE INTERNATIONAL REFUGEE ORGANIZATION

THE GENERAL ASSEMBLY,

WHEREAS

The resolution of the General Assembly of 12 February 1946 stipulates as the main task the early return of displaced persons to their homes,

The Constitution of the International Refugee Organization re-affirms this principle applying it to all persons coming under the care of the Organization,

The resolution of the General Assembly of 13 February 1946 on war criminals, Quislings and traitors recommends the arrest and handing over of such persons to countries where they have committed their crimes,

The Special Committee on Refugees and Displaced Persons in its report found that "the presence of war criminals, Quislings and traitors among refugees and displaced persons in their countries of present sojourn represents an obstacle to the free and unhampered exercise on the part of those persons of their right of option between returning and not returning to their countries of origin in full knowledge and appreciation of all relevant facts",

The removal of any impediment to an early return of refugees and displaced persons to their homes and families and the handing over for trial of war criminals, Quislings and traitors is not only desirable, but is an urgent task and obligation requiring close co-operation of all authorities concerned;

RECOMMENDS to all Governments concerned that they take urgent and adequate measures to effect a careful screening of all displaced persons, refugees, prisoners of war and persons of similar status, with a view to identifying all war criminals, Quislings and traitors; and, in such screening, give high priority to all persons or groups of persons who use duress or incite other persons to the use of duress towards refugees, displaced persons,

/ prisoners



prisoners of war and persons of similar status, with the aim:

- (a) of preventing them from expressing the desire to return to their country of nationality or formal habitual residence; or
- (b) of raising obstacles in any form to written or oral contact with duly accredited representatives of the Government of the country of their nationality or former habitual residence.

GENERAL  
ASSEMBLYASSEMBLEE  
GENERALE

A/265

13 December 1946

ORIGINAL: ENGLISH

## REFUGEES AND DISPLACED PERSONS

## Report of Third Committee

Rapporteur: Mrs. Aase LIONAES (Norway)

1. The General Assembly adopted a resolution on 12 February 1946 referring the question of refugees and displaced persons to the Economic and Social Council for examination and report to the second part of the first session of the General Assembly. The resolution is as follows:

## "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,



(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."

#### MEASURES TAKEN BY THE ECONOMIC AND SOCIAL COUNCIL

2. Pursuant to these recommendations, the Economic and Social Council, by a resolution adopted on 16 February 1946, established a Special Committee on Refugees and Displaced Persons, to carry out promptly a thorough examination of the problem and to make a report thereon to the Council at its second session.

3. The Special Committee on Refugees and Displaced Persons met in London from 8 April to 1 June 1946. The Committee first agreed to recommend the establishment of an international body to deal with the problem of refugees and displaced persons, such an international body to be a specialized agency of a non-permanent character. The Committee considered and reported on:

(a) Definition of the categories of persons entitled to international protection and assistance;

(b) Numbers and location of refugees and displaced persons;

(c) Form of the new international body and its relationship

to the United Nations, including suggestions for a draft Constitution.



4. The report of the Special Committee on Refugees and Displaced Persons was presented to the Economic and Social Council at its second session in June. By a resolution of 21 June 1946, the Secretary-General was requested to forward the draft Constitution, as revised by the Council to Governments for their comments, after drafting such technical clauses as were necessary to complete it from a legal point of view. The Council also established a Committee on the Finances of the International Refugee Organization to prepare in the light of the draft Constitution a provisional operational budget for the first financial year of the Organization and scales of contributions from members of the Organization.

5. The Council further resolved as follows:

"HAVING in mind the urgency of bringing the International Refugee Organization into being at the earliest possible date,

(a) DECIDES to review at the third session the comments of members on the draft Constitution and on the report of the Committee on Finances and to transmit this Constitution, as amended, to the General Assembly as soon as possible after the opening of the second part of its first session;

(b) REQUESTS the Secretary-General to put this question on the agenda of the second part of the first session of the General Assembly;

(c) RECOMMENDS that the Constitution of the International Refugee Organization as adopted by the General Assembly be opened immediately for signature either with or without reservation as to subsequent legislative acceptance;

(d) URGES the Members of the United Nations to accord to their delegates to the General Assembly at the second part of its first session full power to sign the Constitution of the International Refugee Organization, and that, where constitutional procedures permit, this authorization be without reservation as to subsequent legislative acceptance;

HAVING regard to the gravity and urgency of the problem of refugees and displaced persons;

URGES Governments members of existing organizations concerned with this problem to give full support to the work of such organizations pending the establishment of the International Refugee Organization."

6. The Committee on the Finances of the International Refugee Organization met in London from 6 July to 20 July 1946. Its report was duly circulated to Governments for their comments (document E/REF.FIN/23).



7. At its third session in September 1946 the Council further revised the draft Constitution in the light of comments received from Governments. It also established an ad hoc Committee on Finances which revised the administrative budget proposed by the Committee on Finances of the International Refugee Organization and recommended its adoption in the same amount (\$4,800,000), but reduced Part I of the provisional operational budget (other than large-scale resettlement) from \$193,954,000 to \$151,051,000 and Part II of the provisional operational budget (large-scale resettlement) from \$60,000,000 to \$5,000,000. The revised budget estimates were circulated by the Secretary-General to Governments. The Fifth Committee will report separately on the budget.

The Council approved the draft Constitution for transmission to the General Assembly and also agreed to transmit to the General Assembly a resolution relating to interim arrangements and a resolution relating to the Report of the ad hoc Committee on Finances (contained in document A/127).

ACTION TAKEN AT THE SECOND PART OF  
THE FIRST SESSION OF THE GENERAL ASSEMBLY

8. The item relating to refugees on the agenda of the General Assembly was sent to the Third and Fifth Committees for consideration, the former being required to deal with the draft Constitution, interim arrangements, etc., and the latter to consider and report on those articles of the Constitution dealing with finances (i.e. article 10 and Annex II), the budget of the Organization and the provisional scales of contributions.

9. The Third Committee decided to proceed first with a general discussion on the draft Constitution. The representatives of the Union of Soviet Socialist Republics, Poland, the United States of America, Canada, Brazil, Egypt, Belgium, Australia, Syria, the United Kingdom, Haiti, India, the Union of South Africa, Lebanon, Denmark, France, Mexico, Netherlands, Chile, Yugoslavia, Norway, Ukrainian Soviet Socialist Republic, Greece, Byelorussian Soviet Socialist Republic, Dominican Republic, Peru, Czechoslovakia, Ecuador, Argentina and Turkey spoke on behalf of their respective Governments.



10. The Third Committee then decided to discuss amendments to articles 1-9, 11-17 and Annex I of the draft Constitution which had been requested. It devoted seventeen meetings to the detailed consideration of sixty-five amendments. Fourteen further amendments were submitted to article 10 and Annex II and these were referred to the Fifth Committee. Of the amendments submitted to the Third Committee, twenty-two were adopted (four in a modified form), thirty-nine rejected and four withdrawn.

11. It was recognized by the Third Committee that the draft Constitution which was the result of many months of discussion, was far from perfect. It was an attempt, however, to reconcile conflicting points of view. The humanitarian aspect of the problem was emphasized by all. The view was expressed by various representatives that, while the Constitution would serve as a framework for the work of the Organization, the spirit in which this work would be carried out was more important than the framework itself. In the course of the discussions, the countries of origin drew a clear picture of many of the vital problems, as they saw them, with which the Organization would be faced.

12. In voting the draft Constitution, representatives made it clear that they were voting for the purpose of recommending the adoption of the draft Constitution to the General Assembly and some reserved the position of their Governments in regard to membership of the Organization.

13. The Third Committee, therefore, recommends by eighteen votes to five (Byelorussian Soviet Socialist Republic, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia) with five abstentions, the adoption of the draft Constitution\* as below

/(which with

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\* This text includes article 10 as approved by the Fifth Committee, together with three other amendments proposed by the Fifth Committee involving changes in the preamble and article 4 arising out of consideration of amendments to article 10. Additions to the text are underlined and phrases which have been deleted are shown in square brackets. The origin of the amendments is shown in footnotes.



(which with the exception of Annex II is complete. Those delegations which voted against the approval of the Constitution did so because, in view of the rejection of amendments they thought essential, they considered it did not provide all that was necessary to the solution of the refugee problem, and therefore it was not acceptable to them).

14. The Third Committee recognizes the urgent need for bringing the International Refugee Organization into being at the earliest possible moment and endorses the recommendation of the Economic and Social Council that the Constitution of the Organization as adopted by the General Assembly be opened immediately for signature, either with or without reservation as to subsequent legislative acceptance. In the event that it is not possible to open the Constitution for signature before the end of the present session, the Third Committee recommends that this should be done as soon after the end of the Assembly as may be practicable.

NOTE: The representative of Yugoslavia asked that a reference be made in the report of the Third Committee to a question he had put to the representative of the United Kingdom during the thirty-fourth meeting, held on Thursday, 28 November 1946, together with the reply. (See Journal No. 46, Supplement No. 3 - A/C.3/106).

In response to a request by the representative of Yugoslavia as to whether in the opinion of the United Kingdom representative, the members of General Anders' Army or prisoners of war would be included within the jurisdiction of the Organization, the latter replied that the position of General Anders' Army had already been explained by Mr. Hector McNeil before the Economic and Social Council, and that, in his (Mr. Beswick's) view, prisoners of war would generally speaking be excluded by the terms of the Constitution.

/DRAFT CONSTITUTION



DRAFT CONSTITUTION FOR 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  
(1)  
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  
(2)  
democratic regime;

that resettlement and re-establishment of refugees and displaced persons  
(3)  
be contemplated only in cases indicated clearly in the Constitution;

that genuine refugees and displaced persons, until such time as their repatriation or resettlement and re-establishment is effectively completed, should be protected in their rights and legitimate interests and should receive care and assistance, and as far as possible should be put to useful  
/employment

(1) Soviet proposal (document A/C.3/52, page 3)

(2) Yugoslav proposal (document A/C.3/59, page 1)

(3) Polish proposal submitted orally in the Third Committee. The Polish amendment was originally worded as follows:

"that resettlement and re-establishment of refugees and displaced persons be contemplated only in exceptional cases indicated clearly in the Constitution".

The Committee agreed to eliminate the word "exceptional"



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,<sup>(4)</sup>

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 resettlement 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

(4) Byelorussian proposal (document A/C.3/64, page 2). The original Byelorussian proposal was submitted with respect to article 10. The Fifth Committee agreed to insert the original text in the preamble, with some drafting modifications.



(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<sup>(5)</sup>, and to promoting this by all possible means, in particular by providing them with material assistance, adequate food rations<sup>(6)</sup> for a period of three months from the time of their departure from their present places of residence provided they are returning to a deficit food area in<sup>(7)</sup> 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 other than those included in for whom repatriation does not take place under<sup>(8)</sup> paragraph 1(a) of this article to facilitate:

- (i) their re-establishment in countries of temporary residence;
- (ii) the emigration to and resettlement and the 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 resettlement or large-scale resettlement.

(c) with respect to Spanish Republicans to assist them to establish themselves temporarily until the time when a democratic regime in Spain is established.<sup>(9)</sup>

/2. For the

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(5) Egyptian proposal (document A/C.3/61, page 1)  
(6) Polish proposal (document A/C.3/60, page 1)  
(7) Polish proposal (document A/C.3/60, page 1)  
Yugoslav proposal (document A/C.3/59, page 1)  
(8) Belgian proposal made in the Committee  
(9) Yugoslav proposal (document A/C.3/59, page 1)



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 (10).
- (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 insofar 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

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(10) United Kingdom proposal. (document A/C.3/56, page 1)  
The original proposal did not contain the words "under supervision of the Organization, which the representatives of Denmark and the United Kingdom proposed to add with agreement of the Committee."

(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 insofar 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 agreements 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



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;
- (b) If they submit to the Organization a plan for the admission to their territory as immigrants of 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. (11)

[3.] 5. Members of the Organization which are suspended from the exercise of the rights and privileges of Membership of the United Nations shall, upon request of the latter, be suspended from the rights and privileges of this Organization.

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

[5.] 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.

/ [6.] 8.

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(11) Joint Chilean and Peruvian proposal (document A/C.3/67). The original amendment was proposed in connection with article 10. The Third and Fifth Committees, however, agreed upon it being included with minor drafting changes in article 4.



[6.] 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, or, with the approval of the General Assembly of the United Nations, expelled from the Organization.

[7.] 9. A member of the Organization undertakes to afford its general support to the work of the Organization. [No resolution adopted by the Organization may impose any specific obligation on any member, even if the delegate for the member has voted in favour of the resolution, unless the member, or its delegate on its behalf, and being duly authorized, has expressly accepted the obligation in question.] (12)

[8.] 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 Organizations: 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

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(12) United States proposal. (document A/C.3/52)



and it shall be convened in special session by the Director-General within thirty days after a request for such 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 amongst 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 [between sessions of the General Council,] 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, (13) 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

(13) Netherlands proposal (document A/C.3/57, page 1)



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 delegate 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



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 term 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, of the Executive Committee and of all other committees and sub-committees. He or his representative 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



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 Resolution adopted by the General Assembly on 12 February 1946 regarding the problem of refugees.] (14)

in the present Constitution. Due regard shall be paid to the importance of recruiting [field] (15) 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 instruction from any Government or from any other authority external to the Organization. They shall refrain from

/any action

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(14) Soviet proposal (document A/C.3/62, page 4)

(15) Polish proposal (document A/C.3/75, page 1)



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 resettlement 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 resettlement", 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. (a) Contributions may be payable in kind or in such currency as may be provided for in a decision by the General Council accompanying the budget, 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.

(b) Contributions in kind shall be made within limits to be prescribed, and on a value basis to be determined by the General Council.

Contributions shall be payable, as a result of negotiations undertaken at the request of members between the Organization and such members, in

(#) kind/document A-03/03 (#)



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. (16)

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 [and large-scale resettlement expenditures] (except for large-scale resettlement expenditures) (17) 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 resettlement expenditure on a voluntary basis and subject to the requirements of their constitutional procedure. (18)

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

(16) United States Proposal. (document A/C.5/113)

(17) Amendment consequential upon French amendment under (18).

(18) French proposal (document A/C.3/66). With minor drafting changes agreed upon in the Committee.



if it is satisfied that the failure to pay is due to conditions beyond the control of such members. (19)

[5.] 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.

[6.] 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, 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 its 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,



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 part of or all the functions and acquire part of or all 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 agencies or pursuant to authority conferred upon the Organization by international convention or agreement.

#### ARTICLE 15

##### RELATIONSHIP WITH AUTHORITIES OF COUNTRIES OF LOCATION

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. (20).

#### ARTICLE [15] 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 obligation for Members shall come into force in respect of each Member only on acceptance by it.

#### ARTICLE [16] 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 [17] 18

(20) United Kingdom proposal. (Document A/C.3/73, page 1)  
The original United Kingdom proposal was reworded with the agreement of the Committee.



ARTICLE [17] 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 fifteen states have become parties to it in accordance with the provisions of Article 4.] 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 (21) 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 this day of 1946, 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.

/ANNEX I



ANNEX I (of the Constitution)

DEFINITIONS

GENERAL PRINCIPLES

1. The following general principles constitute an integral part of the definitions as laid down in Parts I and II of this annex.

(a) The main object of the Organization will be to bring about a rapid and positive solution of the problem of bona fide refugees and displaced persons, which shall be just and equitable to all concerned.

(b) The main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin, 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).

(c) As laid down in the Resolution adopted by the Economic and Social Council on 16 February 1946, no international assistance should be given to traitors, quislings, and war criminals, and nothing should be done to prevent in any way their surrender and punishment.

(d) It should be the concern of the Organization to ensure that its assistance is not exploited in order to encourage subversive or hostile activities directed against the Government of any of the United Nations.

(e) It should be the concern of the Organization to ensure that its assistance is not exploited by persons in the case of whom it is clear that they are unwilling to return to their countries of origin because they prefer idleness to facing the hardships of helping in the reconstruction of their countries, or by persons who intend to settle in other countries for purely economic reasons, thus qualifying as emigrants. (1)

/(f) On the other

(1) Polish proposal (document A/C.3/60, pages 2 and 3, with minor drafting changes.)



(f) On the other hand it should equally be the concern of the Organization to ensure that no bona fide and deserving refugee or displaced person is deprived of such assistance as it may be in a position to offer.

(g) [The Organization should endeavour to carry out its functions in respect of resettlement and re-establishment in such a way as to avoid disturbing friendly relations between nations.] The Organization should endeavour to carry out its functions in such a way as to avoid disturbing friendly relations between nations.<sup>(2)</sup> In the pursuit of this objective, the Organization should exercise special care in cases in which the re-establishment or resettlement of refugees or displaced persons might be contemplated either in countries contiguous to their respective countries of origin or in non-self-governing countries. The Organization should give due weight, among other factors, to any evidence of genuine apprehension and concern felt in regard to such plans, in the former case, by the country of origin of the persons involved, or, in the latter case, by the indigenous population of the non-self-governing country in question.<sup>(3)</sup>

2. To ensure the impartial and equitable application of the above principles and of the terms of the definition which follows some special system of semi-judicial machinery should be created, with appropriate constitution, procedure and terms of reference.

#### PART I

Refugees and displaced persons within the meaning of the resolution adopted by the Economic and Social Council of the United Nations of 16 February 1946

#### SECTION A. DEFINITION OF REFUGEES

1. Subject to the provisions of Sections C and D and of Part II below,

/the term

(2) Polish proposal (document A/C.3/60, page 3. The word "endeavour", which does not appear in the original amendment, was inserted with the agreement of the Committee.)

(3) Compromise text proposed by the delegations of Denmark, Egypt, United States and Yugoslavia. (document A/C.3/102)



the term "refugee" applies to a person who has left, or who is outside of, his country of nationality or of former habitual residence, and who, whether or not he had retained his nationality, belongs to one of the following categories:

- (a) Victims of the Nazi or Fascist regimes or of regimes which took part on their side in the Second World War, or of the quislings or similar regimes which assisted them against the United Nations, whether enjoying international status as refugees or not;
- (b) Spanish Republicans and other victims of the Falangist regime in Spain, whether enjoying international status as refugees or not;
- (c) Persons who were considered refugees before the outbreak of the Second World War, for reasons of race, religion, nationality or political opinion.

2. Subject to the provisions of Sections C and D and of Part II of this Annex regarding the exclusion of certain categories of persons, including war criminals, quislings and traitors, from the benefits of the Organization, the term "refugee" also applies to a person, other than a displaced person as defined in Section B of this Annex who is outside of his country of nationality or former habitual residence, and who, as a result of events subsequent to the outbreak of the Second World War, is unable or unwilling to avail himself of the protection of the Government of his country of nationality or former nationality.

3. Subject to the provisions of Section D and of Part II of this Annex, the term "refugee" also applies to persons who, having resided in Germany or Austria, and being of Jewish origin or foreigners or stateless persons, were victims of Nazi persecution and were detained in or were obliged to flee from and were subsequently returned to, one of those countries as a result of enemy action, or of war circumstances, and have not yet been firmly resettled therein.

/4. The term



4. The term "refugee" also applies to unaccompanied children who are war orphans or whose parents have disappeared, and who are outside their countries of origin. [Such children shall be given all possible priority assistance, including in the case of those whose nationality can be determined, assistance in repatriation, to which there should be no obstacles.] Such children, sixteen years of age or under, shall be given all possible priority assistance, including normally assistance in repatriation in the case of those whose nationality can be determined. (4)

#### SECTION B. DEFINITION OF DISPLACED PERSONS

The term "Displaced Persons" applies to a person who, as a result of the actions of the authorities of the regimes mentioned in Part I, Section A, paragraph 1 (a) of this Annex has been deported from, or has been obliged to leave, his country of nationality or of former habitual residence, such as persons who were compelled to undertake forced labour or who were deported for racial, religious or political reasons. Displaced persons will only fall within the mandate of the Organization subject to the provisions of Sections C and D of Part I and to the provisions of Part II of this Annex. If the reasons for their displacement have ceased to exist, they should be repatriated as soon as possible in accordance with Article 2, paragraph 1 (a) of this Constitution, and subject to the provision of paragraph (c), sub-paragraphs (ii) and (iii) of the General Assembly Resolution of 12 February 1946 regarding the problem of refugees (Annex III).

#### SECTION C. CONDITIONS UNDER WHICH "REFUGEES" AND "DISPLACED PERSONS" WILL BECOME THE CONCERN OF THE ORGANIZATION

1. In the case of all the above categories except those mentioned in Section A, paragraphs 1 (b) and 3 of this Annex, persons will become the concern of the Organization in the sense of the Resolution adopted by the Economic and Social Council on 16 February 1946 if they can be repatriated, and the help of the Organization is required in order to provide for their repatriation, [or if they are unable to return to their countries of nationality or former /habitual

(4) Compromise text proposed by the delegations of Belgium, France, Netherlands, Norway and Poland. (document A/C.3/96)



habitual residence<sup>(5)</sup> or if they have definitely, in complete freedom, and after receiving full knowledge of the facts, including adequate information from the governments of their countries of nationality or former habitual residence, expressed valid objections to returning to those countries:

(a) The following shall be considered as valid objections:

(i) persecution, or fear, based on reasonable grounds (French: fondée, Russian: obosnovany), or persecution because of race, religion, nationality or political opinions, provided these opinions are not in conflict with the principles of the United Nations, as laid down in the preamble of the Charter of the United Nations;

(ii) objections of a political nature judged by the Organization to be "valid", as contemplated in paragraph 8 (a) of the Report of the Third Committee of the General Assembly as adopted by the Assembly on 12 February 1946.\*

(iii) in the case of persons falling within the category mentioned in Section A, Paragraphs 1 (a) and 1 (c) compelling family reasons arising out of previous persecution, or, compelling reasons of infirmity or illness.

(b) The following shall normally be considered "adequate information":

Information regarding conditions in the countries of nationality of the refugees and displaced persons concerned, communicated to them directly by representatives of the governments of these countries, who shall be given every facility for visiting camps and Assembly Centres of refugees and displaced persons in order to place such information before them.

/2. In the

\* Paragraph 8 (a)

"In answering the representative of 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."

(5) Yugoslav proposal (document A/C.3/59, page 2).



2. In the case of all refugees falling within the terms of Section A, Paragraph 1 (b) of this Annex, persons will become the concern of the Organization in the sense of the Resolution adopted by the Economic and Social Council of the United Nations on 16 February 1946, so long as the Falangist regime in Spain continues. Should that regime be replaced by a democratic regime they will have to produce valid objections against returning to Spain corresponding to those indicated in Paragraph 1 (a) of this section.

SECTION D. CIRCUMSTANCES IN WHICH REFUGEES AND DISPLACED PERSONS WILL CEASE TO BE THE CONCERN OF THE ORGANIZATION

Refugees or displaced persons will cease to be the concern of the Organization:

- (a) when they have returned to the countries of their nationality in United Nations territory, unless their former habitual residence to which they wish to return is outside their country of nationality; or
- (b) when they have acquired a new nationality; or
- (c) when they have, in the determination of the Organization become otherwise firmly established; or
- (d) when they have unreasonably refused to accept the proposals of the Organization for their resettlement or repatriation; (6) or
- (e) when they are making no substantial effort towards earning their living when it is possible for them to do so, or when they are exploiting the assistance of the Organization.

PART II

Persons who will not be the concern of the Organization

- 1. War criminals, quislings and traitors.
  - 2. Any other persons who can be shown:
    - (a) to have assisted the enemy in persecuting the civil populations of countries, Members of the United Nations; or
    - (b) to have
- (6) Soviet proposal (document A/C.3/62, page 5)  
The original Soviet amendment was merely to substitute for "their resettlement" the words "their repatriation". As a compromise the Committee agreed to include a reference to both "resettlement" and "repatriation".



- (b) to have voluntarily assisted the enemy forces since the outbreak of the Second World War in their operations against the United Nations,\* unless such assistance was purely humanitarian and non-military.<sup>7(7)</sup>
3. Ordinary criminals (Russian: ugolovny) who are extraditable by treaty.
4. Persons of German ethnic origin (whether German nationals or members of German minorities in other countries) who:
- (a) have been or may be transferred to Germany from other countries;
  - (b) have been, during the Second World War, evacuated from Germany to other countries;
  - (c) have fled from, or into, Germany, or from their places of residence into countries other than Germany in order to avoid falling into the hands of Allied Armies.
5. Persons who are in receipt of financial support and protection from their country of nationality, unless their country of nationality requests international assistance for them.
6. Persons who, since the end of hostilities in the Second World War:
- (a) have participated in any organization having as one of its purposes the overthrow by armed force of the Government
- /of their

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\* Mere continuance of normal and peaceful duties, not performed with the specific purpose of aiding the enemy against the Allies or against the civil population of territory in enemy occupation, shall not be considered to constitute 'voluntary assistance'. Nor shall acts of general humanity, such as care of wounded or dying, be so considered except in cases where help of this nature, given to enemy nationals could equally well have been given to Allied nationals and was purposely withheld from them.

(7) The original Yugoslav proposal (document A/C.3/59, page 2), was withdrawn upon the acceptance by the Committee of the compromise proposal submitted by a Drafting Sub-Committee consisting of the representatives of France, New Zealand, Ukrainian Soviet Socialist Republic, United Kingdom, United States, Soviet Union, and Yugoslavia. (documents A/C.3/114 and A/C.3/114/Corr.1).



of their country of origin, being a Member of the United Nations, or the overthrow by armed force of the Government of any other Member of the United Nations, or have participated in any terrorist organization;

(b) have become leaders of movements hostile to the Government of their country of origin being a Member of the United Nations or sponsors of movements encouraging refugees not to return to their country of origin;

(c) at the time of application for assistance are in the military or civil service of a foreign State.<sup>(8)</sup>

ANNEX II (of the Constitution)

(To be Reported upon by the Fifth Committee)

/ANNEX III

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(8) Compromise text proposed by the United States delegation.



ANNEX III (of the Constitution)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY ON  
12 FEBRUARY 1946 (A/45)

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 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 provision 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



referred to in paragraph (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 insofar as their situation may be decided by allied forces of occupation in Germany, in agreement with the governments of the respective countries.

PROPOSAL BY THE SOVIET DELEGATION REGARDING THE APPOINTMENT  
OF A COMMISSION TO INVESTIGATE THE SITUATION REGARDING  
THE REPATRIATION OF REFUGEES AND DISPLACED PERSONS

14. The Third Committee considered the following proposal submitted by the Soviet delegation:

"That a Commission of the representatives of seven to nine countries, including the Soviet Union, Yugoslavia and Poland, as the countries most directly concerned, be appointed to carry out, within a month, in camps and districts where there are refugees and displaced persons, an investigation of the situation regarding the

/repatriation



repatriation of refugees and displaced persons, and to report the results of the investigation to the Economic and Social Council at its fourth session."

After a full discussion the proposal was put to the vote and was rejected by twenty-one votes to nine, with nine abstentions.

INTERIM ARRANGEMENTS PENDING THE ESTABLISHMENT OF THE  
INTERNATIONAL REFUGEE ORGANIZATION

15. The Third Committee considered a draft resolution relating to interim arrangements pending the establishment of the International Refugee Organization, to which was appended a draft Protocol transmitted by the Economic and Social Council to the General Assembly (document A/127), and two amendments thereto proposed by the Delegation of Lebanon.

16. After discussion, the first amendment was withdrawn and the second amendment was adopted with the addition of the words "and this in conformity with the principles of the I.R.O." as a new paragraph (e) at the end.

17. The resolution of the Economic and Social Council was approved by twenty-two votes to seven with Australia, Chile, Sweden and the Union of Soviet Socialist Republics abstaining; the Annex to the resolution was approved by twenty-two votes to three with Australia, Byelorussian Soviet Socialist Republic, Chile, Egypt, Peru, Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics abstaining.\*

18. The Third Committee also considered a draft resolution submitted by the delegation of Yugoslavia which was approved in an amended form by twenty-eight votes to nil (Resolution II).

19. The Third Committee

\* On a point of order, the Soviet delegation abstained for a formal reason, namely: that the Committee could not vote on the draft resolution proposed by the Economic and Social Council before it had formally adopted the Constitution, the approval of which is assumed in that draft resolution.

19. The Third Committee, therefore, recommends to the General Assembly the adoption of the following resolutions, together with the Annex to resolution I:

I

DRAFT CONSTITUTION AND INTERIM ARRANGEMENTS  
PENDING THE ESTABLISHMENT OF THE INTERNATIONAL REFUGEE ORGANIZATION

THE GENERAL ASSEMBLY,

NOTING that action has been taken pursuant to the resolution concerning refugees and displaced persons adopted by the General Assembly on 12 February 1946, as follows:

- (a) the establishment by the Economic and Social Council of a Special Committee on Refugees and Displaced Persons under a resolution of the Council of 16 February 1946;
- (b) the making of a report by the Special Committee to the second session of the Council;
- (c) the adoption of a draft Constitution for an International Refugee Organization and the creation of a Committee on the Finances of the International Refugee Organization by the Council under a resolution of the Council of 21 June 1946;
- (d) the circulation to Members of the United Nations for their comments of the draft Constitution and the report of the Committee on Finances;
- (e) the final approval by the Council of the Constitution, and of a provisional budget for the first financial year, the adoption by the Council of an Arrangement for a Preparatory Commission, and the transmittal of both these instruments to the General Assembly, under resolution of the Council of 3 October 1946;

HAVING CONSIDERED the Constitution of the International Refugee Organization and the Arrangement for a Preparatory Commission as approved by the Economic and Social Council;

CONSIDERING that every effort should be made to provide for the early

/establishment



establishment of the International Refugee Organization and the provision of measures during the interim period designed to facilitate such establishment;

THEREFORE,

(a) APPROVES the Constitution of the International Refugee Organization and the Arrangement for a Preparatory Commission as annexed hereto;

(b) REQUESTS the Secretary-General to open these two instruments for signature and, in the case of the Constitution, to open it for signature either with or without reservation as to subsequent acceptance;

(c) URGES Members of the United Nations to sign these two instruments and, where constitutional procedures permit, to sign the Constitution without reservation as to subsequent acceptance;

(d) AUTHORIZES the Secretary-General to make such staff available to the Preparatory Commission as may be deemed necessary and desirable;

(e) URGES Members of the United Nations to give the most favourable consideration to receiving each into its territory at the earliest possible time, so far as may be practicable for permanent resettlement, its fair share of the non-repatriable persons who are the concern of the International Refugee Organization and this in conformity with the principles of

the Organization.

/ANNEX (to RESOLUTION I)

ANNEX (to RESOLUTION I)

INTERIM ARRANGEMENTS

THE GOVERNMENTS which have signed the Constitution of the International Refugee Organization,

HAVING DETERMINED that they will take all measures possible to accomplish expeditiously the coming into effective operation of that Organization and to provide for an orderly transfer to it of the functions and assets of existing organizations,

HAVING DECIDED that, pending the coming into force of the Constitution of the Organization, a Preparatory Commission for the International Refugee Organization should be established for the performance of certain functions and duties,

AGREE to this Arrangement as follows:

1. There is hereby established a Preparatory Commission for the International Refugee Organization, which shall consist of one representative from each Government signatory to the Constitution. The Director of the Inter-governmental Committee on Refugees, the Director-General of the United Nations Relief and Rehabilitation Administration and the Director of the International Labour Office, or their representatives, shall be invited to sit with the Commission in a consultative capacity.
2. The Commission shall:
  - (a) TAKE all necessary and practicable measures for the purpose of bringing the Organization into effective operation as soon as possible;
  - (b) ARRANGE for the convening of the General Council in its first session at the earliest practicable date following the entry into force of the Constitution of the Organization;
  - (c) PREPARE the provisional agenda for this first session as well as documents and recommendations relating thereto;
  - (d) SUGGEST plans, in consultation with existing organizations and the Control Authorities for the programme for the first year of the Organization;

//(a) PREPARE



(e) PREPARE draft financial and staff regulations, and draft rules of procedure for the General Council and the Executive Committee.

3. The Commission may, in its discretion and after agreement with existing organizations dealing with refugees and displaced persons, take over any of the functions, activities, assets and personnel of such organizations, provided that the Commission is satisfied that this is essential in order to accomplish the orderly transfer to the International Refugee Organization of such functions or activities.

4. The Commission shall be governed by the rules of procedure of the Economic and Social Council of the United Nations so far as these are applicable.

5. The Commission shall appoint an Executive Secretary, who shall serve the Commission in that capacity and perform such duties as the Commission may determine. He shall be responsible for the appointment and direction of such staff as may be required for the work of the Commission.

6. The expenses of the Commission may be met by advances from such Governments as choose to make advance contributions, which shall be deductible from their first contributions to the Organization; and from such funds and assets as may be transferred from existing organizations to meet the cases provided for in paragraph 3 above.

7. The first meeting of the Commission shall be convened as soon as practicable by the Secretary-General of the United Nations.

8. The Commission shall cease to exist upon the election of the Director-General of the Organization, at which time its property, assets, and records shall be transferred to the Organization.

9. This arrangement

II

ARRANGEMENTS AND MEASURES TO BE TAKEN IN THE FIELD OF  
REFUGEES AND DISPLACED PERSONS ACTIVITIES OF THE UNITED NATIONS  
PENDING THE ESTABLISHMENT OF THE INTERNATIONAL REFUGEE ORGANIZATION

THE GENERAL ASSEMBLY,

WHEREAS

The resolution of the General Assembly of 12 February 1946 stipulates as the main task the early return of displaced persons to their homes,

The Constitution of the International Refugee Organization re-affirms this principle applying it to all persons coming under the care of the Organization,

The resolution of the General Assembly of 13 February 1946 on war criminals, Quislings and traitors recommends the arrest and handing over of such persons to countries where they have committed their crimes,

The Special Committee on Refugees and Displaced Persons in its report found that "the presence of war criminals, Quislings and traitors among refugees and displaced persons in their countries of present sojourn represents an obstacle to the free and unhampered exercise on the part of those persons of their right of option between returning and not returning to their countries of origin in full knowledge and appreciation of all relevant facts",

The removal of any impediment to an early return of refugees and displaced persons to their homes and families and the handing over for trial of war criminals, Quislings and traitors is not only desirable, but is an urgent task and obligation requiring close co-operation of all authorities concerned;

RECOMMENDS to all Governments concerned that they take urgent and adequate measures to effect a careful screening of all displaced persons, refugees, prisoners of war and persons of similar status, with a view to identifying all war criminals, Quislings and traitors; and, in such screening, give high priority to all persons or groups of persons who use duress or incite other persons to the use of duress towards refugees, displaced persons,

/ prisoners



prisoners of war and persons of similar status, with the aim:

- (a) of preventing them from expressing the desire to return to their country of nationality or formal habitual residence; or
- (b) of raising obstacles in any form to written or oral contact with duly accredited representatives of the Government of the country of their nationality or former habitual residence.

APPENDIX TO THE REPORT OF THE THIRD COMMITTEE

(NOTE: The Third Committee agreed to attach as an annex to its report short statements from those countries which wished to explain their reasons for voting against the Constitution.)

STATEMENT BY THE DELEGATION OF YUGOSLAVIA

The presence of war criminals, Quislings and traitors in camps and assembly centres for refugees and displaced persons in Western Germany, Austria and Italy, and particularly the existence of military and other similar organizations conducted by such persons, have hitherto seriously impeded the repatriation of displaced persons and an equitable and constructive solution of the problem of refugees and displaced persons.

The draft Constitution does not take into consideration this experience. A series of amendments has been rejected, and the definition of persons who shall become the concern of the Organization is so vague that it necessarily includes such categories of persons who are already using the assistance granted to them for hostile activities against countries Members of the United Nations, endangering thereby friendly relations between nations and jeopardizing the humanitarian task of assistance to genuine refugees and displaced persons.

Furthermore, the Constitution has a certain number of shortcomings. The delegation of Yugoslavia cannot, therefore, recommend the said draft Constitution in its present form.

The delegation notes also with regret that the Third Committee did not see its way to recommending the establishment of a fact-finding committee and other measures proposed by the delegation of Yugoslavia with the intention of improving conditions in camps and assembly centres of refugees and displaced persons.

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