

LONDON
E/REF/75
ANNEX IV.

REPORT OF THE SPECIAL COMMITTEE ON
REFUGEES AND DISPLACED PERSONS

Please attach to back of Document E/REF/75.

United Nations

Nations Unies

**ECONOMIC
AND
SOCIAL COUNCIL**

**CONSEIL
ECONOMIQUE
ET SOCIAL**

LONDON
E/REF/75
ANNEX IV

A N N E X I V

At the request of various delegations, the Committee agreed
to append the following letter to its Report.

Special Sub-committee on Resolution 71

RESTRICTED

CC/SS(46)24
20 March 1946

Addressed to:

APPENDIX D

The Honorable Roger Makins, C.M.G.,
British Embassy

8 March 1946

His Excellency Henri Bonnet,
French Ambassador

Honorable William L. Clayton
Assistant Secretary, Department of State.

My dear _____:

This Administration has been concerned over reports which it has received from representatives of member governments and UNRRA field officials to the effect that there are collaborators receiving UNRRA assistance in displaced persons assembly centres in Germany and Austria. As you know, in accordance with Resolution 71, it is UNRRA's firm policy to withhold assistance from displaced persons who are determined to have collaborated with the enemy or committed other crimes against the interests or nationals of the United Nations.

Under the resolutions and existing agreements, the determination of whether a displaced person may be considered a collaborator or criminal not entitled to UNRRA assistance is the responsibility of the authorities of the area in which such a displaced person is located; hence the (British, French, United States) military authorities have this responsibility in the (British, French, American) zones of Germany and Austria. In view of the fact that many months have elapsed since UNRRA has had responsibility for displaced persons, it is of the greatest importance that prompt action be taken to conform to agreed UNRRA policy. I should like therefore to request that you call to the attention of the military authorities the UNRRA policy against aiding such collaborators and criminals and urge that they take vigorous steps to remove from the camps the persons not entitled to assistance under this policy.

Yours sincerely,

Herbert H. Lehman
Director General

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LONDON
E/REF/75/Corr.1
4 June 1946
ORIGINAL: ENGLISH

REPORT OF THE SPECIAL COMMITTEE ON REFUGEES AND DISPLACED PERSONS

CORRIGENDUM TO DOCUMENT E/REF/75

Chapter V - Section 7, Peru (page 39)

This statement should read as follows:

"The Peruvian Delegation has informed the Committee that its Government will carefully and sympathetically study the question of receiving persons for whom no other arrangements can be made, when they receive detailed information on the subject."

LONDON
E/REF/75/Corr.2
5 June 1946
ENGLISH ONLY

REPORT OF THE SPECIAL COMMITTEE ON
REFUGEES AND DISPLACED PERSONS

A few stylistic alterations have been made in the English version of the Rapporteur's preface. The corrected text is attached hereto.

United Nations

**ECONOMIC
AND
SOCIAL COUNCIL**

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**CONSEIL
ECONOMIQUE
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LONDON
E/REF/75/Corr.2
5 June 1946
ENGLISH ONLY

REPORT OF THE SPECIAL COMMITTEE ON
REFUGEES AND DISPLACED PERSONS

CORRIGENDU TO RAPPORTEUR'S PREFACE

Rapporteur: MR. R. BOUSQUET (France)

The Committee on Refugees began its work on 8 April, and finished at the beginning of June. Of the various non-permanent organizations set up by the United Nations to study the major problems of our time, it will have been one of those whose proceedings were most lengthy.

To begin with, the task before it was particularly arduous. It is indeed an honour fraught with grave responsibility to be charged with the settlement on the international plane of the fate of more than three million human beings, the wretched victims of the Second World War, scattered throughout Europe and the Far East. This moreover was the first time in the history of the modern world that representatives of twenty nations had to consider a problem of this kind unparalleled both in range and complexity.

It is a problem painful in its human aspects, delicate on its technical side, and, from the political point of view, extremely difficult.

All these three aspects entered into the task of the Committee and from the earliest meetings its members were well aware of the obstacles they would have to surmount. Yet these obstacles did not prevent them from clearly defining the objective to be attained and seeking ways and means of achieving that general solution which has been awaited since the end of hostilities and which is becoming, both humanly and politically, a matter of ever increasing urgency.

To this end, the Committee had the choice between two methods: to try and secure unanimous decisions, or to adopt the rule of the majority.

In all sincerity and good faith, its members did their utmost to follow the first of these two alternatives. During sixty hours of hard and almost uninterrupted labour, a number of them endeavoured by mutual concessions to reach a solution which would satisfy all the delegations represented on the Committee. Having made this effort, and in agreement with their colleagues, they realized that the political factors underlying the problem made unanimous decisions impossible.

It remained for them to achieve their essential aim through the second method, that is to say, to define the scope and nature of the problem, work out the ways and means whereby it could be solved and draw up the charter of the new organization responsible for applying the decisions taken.

On the first point (nature and scope of the problem to be solved) Sub-Committee 1 performed an essential task not hitherto attempted. It closely examined the following five main points:-

- (a) registration of refugees and displaced persons and methods to be employed for such registration;
- (b) repatriation;
- (c) recommendations to the IRO to prevent its activity from interfering with the apprehension and surrender of war criminals, quislings and traitors;
- (d) settlement of non-repatriable persons in receiving countries;

(e) consideration of the problem of refugees and displaced persons in the Far East.

Substantial difficulties, settled by majority votes, arose only on the following points:

1. Methods to be employed in the Registration of Refugees and Displaced Persons

Those delegations which represented the governments of countries of origin strongly emphasized that these governments should participate in this work through official agents. Delegations holding a different view urged that it should be carried out only by the authorities responsible for the administration of camps or the protection of refugees and displaced persons.

2. Conditions impeding a speedy repatriation of Displaced Persons

Certain delegations referred in this connection to the existence of camps under the leadership of quislings and traitors, in which pressure was allegedly being brought to bear on displaced persons to induce them not to return to their own country. They requested that these should be closed down. The justification for these statements and for this request was vigorously contested by other delegations, who cited enquiries carried out by UNRRA, as showing that:

- (a) certain of these camps did not exist;
- (b) the position in the others did not justify the criticisms levelled against their administration.

On the second point, (defining ways and means whereby the problem of refugees and displaced persons could be solved), the Committee, in the light of the Resolution of the General Assembly of 12 February 1946, defined the concept of refugee and displaced person in the form of a numerical list of the main categories.

It laid down the conditions to be fulfilled by refugees and displaced persons to enable them to qualify for international protection and assistance. It also specified the categories of persons to be excluded from such protection and assistance.

The text covering this point is of capital importance since it represents the first approach to a general solution of the problem, lays down certain guiding lines and endeavours to draw a line of demarcation between genuine refugees, which it is the duty of the international community to support, and the rest.

This text would have been approved unanimously had not the human factor underlying the problem involved an essential political element; on the one hand, the desire of the countries of origin, devastated by the war and short of labour, to secure the return of all their nationals to their territory; on the other hand, the desire that they should not, through participation in the new international organization, be required to subsidize indirectly the opponents of the regime they represent.

The delegates of governments which do not take the same view laid emphasis on the fact that all displaced persons who were able to do so either had already returned or would shortly return to their country. The main body of those who have not already returned, or who are not likely to return within the next few months, represents, according to these governments, the hard core of non-repatriable persons who must be resettled in the receiving countries.

But all efforts to achieve unanimity failed on the following essential issue: were innocent dissidents entitled to international assistance and, if so, should certain of them be disqualified by reason of their notorious activities against the government of their country of origin?

The majority were prepared to grant international protection and assistance to all innocent dissidents (paragraph 2, Section A; Part I of the text of Definitions). It allowed, however, that all dissidents who were or had been members of organizations aiming at the overthrow by force of the government of their country of origin, or could be regarded as the leaders of movements hostile to those governments (Part II, Section VI, paragraphs (a) and (b)) should be disqualified from such protection and assistance.

The minority, on the other hand, had asked that all persons engaging in activities against the government of their country of origin, including innocent dissidents, should be disqualified from protection and assistance.

The Committee did not feel able to accept the compromise solution proposed by certain delegations, that the question of political emigrés should be dealt with by a special conference which only the receiving countries would attend.

On the third point (Constitution of the new organization on refugees) it was impossible to achieve unanimity as much as might have been desired, although the differences were less acute.

The main divergence of opinion concerned the nature of the new refugee organization. Should it be an integral part of the United Nations or should it be a specialized body linked with the United Nations through the Economic and Social Council? Certain delegates pointed out that in the latter event the Council and Assembly would have nothing more than powers of recommendation or perhaps discreet criticism or approval, but no real authority.

The majority of the Committee was in favour of the second solution (a specialized autonomous body of a non-permanent character).

No work of man is perfect. Whatever regrets may be felt as to the impossibility of achieving unanimity on certain essential points, the Committee has carried out a task which is assuredly of capital importance, and which, I hope, will find its place in history, for it represents the first real effort by men of good-will to find a solution for one of the most heart-breaking problems with which the Second World War has confronted the conscience of mankind.

LONDON
E/REF/75/Corr.
CHAPTER I.
15 June 1946
ENGLISH ONLY

REPORT OF THE SPECIAL COMMITTEE ON
REFUGEES AND DISPLACED PERSONS

In the English version of Chapter I, pages 31 and 32 should be removed and replaced by the attached two pages.

In fact, strong opposition was expressed by several delegations to the first formula, while other delegations refused to accept the second. Under these conditions the Sub-Committee decided to leave it to the members of the Plenary Committee to settle this difference.

In the course of the discussion on this point, the following arguments were advanced by the delegations in favour of the first formula:

- (a) The members of the military formations referred to above were mobilized in the common interests of the United Nations. Numerous Poles, German Jews and stateless persons, from the beginning of hostilities did not hesitate to enrol in military formations or in pioneer corps where they gallantly did their duty. When they entered into their engagement, the representatives of the States under whose flag they were going to serve did not conceal the fact that after demobilization these States would not be in a position to provide for their needs. In spite of this grave warning, these men did not hesitate to enlist and played their part in the common victory. The United Nations have thus incurred a debt of honour towards them.
- (b) The opposition of certain delegations to their benefiting from international financial assistance appeared to be based more on arguments of internal policy than on considerations of justice. It is not because the persons concerned favour regimes which are no longer in power that they should be abandoned to their fate. If it adopted such a narrow and unfair view, the international community would fail in duty.
- (c) If the Committee accepted the view of the delegations in favour of exclusion, it would reach the following paradoxical position. While stateless and displaced persons or refugees who are unable or unwilling to avail themselves of the protection of their government and who did not contribute to common victory or to the defence of

their country of residence, would benefit from international financial assistance under Article 2, Part 1, Section A, members of military formations, who are in the same position with regard to their government of origin, but who played an important and glorious part in the common victory, on the battlefield, would be excluded from this assistance.

The delegations holding the second point of view put forward the following arguments:

- (a) It is impossible to ask governments whose nationals served the common enemy and later, after the Allied advance took service in an army of the United Nations other than that of their own governments to protect and assist financially nationals who have thus disgraced themselves. These should be considered as traitors. The members of the Vlasov Army are a case in point.
- (b) Apart from this extreme case, there are many bodies of troops composed of men who have enlisted in the forces of governments other than that of their country of origin, and who, after fighting the common enemy, have not been demobilized since the end of military operations. They do not conceal the hostile feelings which they entertain towards the government of the country whose nationality they still possess. They at present serve only the State which keeps them with the colours. If these States intend to continue employing them, they are perfectly at liberty to do so. In this case, however, the obligation to maintain them after demobilization, if they do not find employment, falls upon these States alone. It would not be right that after using these corps for many months for their own purposes, the States which employed them should ask their members, when they were no longer needed, to approach the international community with a view to financial assistance to which the governments of their country of origin would be called upon to contribute.

SPECIAL COMMITTEE ON REFUGEES AND DISPLACED PERSONS

FOURTH CORRIGENDUM TO DOCUMENT E/REF/75
(Final Report)

1. It is requested that the following amendments be made in CHAPTER I, of the above-mentioned document:

Page 2, paragraph (d)

Add the following words to sub paragraph (ii):

"Insofar as their situation may be decided by Allied forces of occupation in Germany, in agreement with the Governments of the respective countries".

Page 5, line 22

For "Sub Committee" read "Plenary Committee".

Page 7, line 12

For "taking of a census" read "registration".

Pages 7, 8, 9 and 10

For "census" substitute "registration" throughout.

Page 12, paragraph 2

This paragraph should read as follows:

"The final text adopted for the definition of Refugees entitled or not to benefit of the International protection and assistance has been based on the principle recommended by the delegations referred to in paragraph (b), whilst the point of view expressed in paragraph (a) has been taken into account in the preamble and in the definition of displaced persons".

Page 12, line 13

For "resolutions" read "resolution".

Page 12, line 21

For "attached significance to" read "aimed at providing a certain balance between".

Page 14, line 8

Amend the heading under 4, to read:

"Points of fundamental difference between delegations, which the Committee had to settle by majority votes".

Page 22, heading of paragraph (iv)

For "Paragraph A" read "Paragraph 4".

Page 24, line 7

After the words "Valid objections" add the following words:

"which might be invoked by refugees and displaced persons in order not to return to their countries of origin and to enjoy international protection and assistance".

Page 40, after line 10, paragraph (c)

Insert the following new sentence:

"Moreover, if the IRO formed an integral part of the United Nations, there would be no necessity to conclude a special agreement between the Economic and Social Council and the new organization".

Page 43, line 1

The heading should be numbered "2" instead of "1".

Page 46, paragraph (g), sub-paragraph (1), line 6

For "with that end in view" substitute "to ensure adequate economic assistance to the devastated areas".

Page 60

Insert at end of page the following paragraph:

"The Soviet Republic of Birobidjan. The Soviet delegation has approached its government in order to ascertain whether the Soviet territory of Birobidjan, which has given asylum to a large Jewish colony, would be in a position to receive refugees. The reply from the Moscow government is awaited".

2. It is requested that the following amendment be made in
CHAPTER II.

Page 1, line 6

For "been able to ascertain" substitute "found".
