

**ECONOMIC
AND
SOCIAL COUNCIL**

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ET SOCIAL**

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ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON REFUGEES AND DISPLACED PERSONS

SUB-COMMITTEE ON ORGANIZATION AND FINANCE

SUMMARY RECORD OF THE FOURTH MEETING

HELD AT CHURCH HOUSE, DEAN'S YEARD, LONDON,
ON MONDAY, 6 MAY 1946, AT 9 P.M.

CHAIRMAN: MR. TURGEON (Canada)

Continuation of the discussion concerning the relationship to be
established between the refugee agency and the United Nations

1. French proposal (E/REF/ORG.FIN/4)

MR. WARREN (United States) said that after careful consideration he did not find the structure of the international committee, as outlined in paragraph 3 of Section 3 of E/REF/ORG.FIN/4, satisfactory. He therefore moved:

"that Part 3 of E/REF/ORG.FIN/4 be not referred to the drafting group for further consideration."

This motion was seconded by the Delegates for the Dominican Republic and the Ukrainian S.S.R.

SIR GEORGE RENDEL (United Kingdom) speaking against the United States motion, said that although some of the suggestions contained in paragraph 3 were undoubtedly unsatisfactory, they could be readily altered by the drafting group. The fact that there were weak details in the scheme was irrelevant; the main feature of the French proposal - an international commission on refugees under the Economic and Social Council - should be considered on its own merits.

He could not agree with the remarks made by Mr. Lachs (Poland) at the previous meeting. In his view, the Committee had not become a third party to the specialized agency and the Economic and Social Council. As a Committee of the Council it was in a strong position to ensure that the new agency be related to the Council by carefully formulated machinery. The points to be decided were whether the drafting group to be established should consider this machinery, and whether a recommendation should be made that it take the form of a body or a group of the Council. It was his view that the Committee must suggest the creation of such a body. Whether it was a committee or a commission was immaterial, but it must have adequate powers to supervise the new agency and exercise any control deemed necessary by the United Nations.

There appeared to be considerable agreement that the refugee agency should request the Council to control and approve its budget. The Charter provisions contained no limit to this control; for Article 66 which provided that the Council should perform any services requested of it by members of the United Nations or by specialized agencies, was in no way qualified by Article 63 which permitted the Council to co-ordinate the activities of specialized agencies. Furthermore, there would be little point in submitting the agency's budget to the Council for supervision, unless the Council had appropriate authority to make its supervision effective.

Sir George was doubtful whether, as Mr. Warren had indicated, the agency's membership would be similar to the Council's. Many states would have good reasons for not wishing to subscribe to assistance for refugees. It was none the less important that they should have a voice in the policy on which this assistance was based.

Though policy decisions ultimately rested with the Governments of the United Nations, Governments could express their views more easily within the United Nations than in a specialized agency which would be concerned with more technical work. The difference between major political and financial issues and day-to-day work must be recognized. Therefore, while concentrating on devising the structure of the specialized agency, it was nevertheless essential for the Committee, if its recommendations were to be truly constructive, not to shrink from including suggestions as to how the Council should develop and maintain its relationship with the agency.

He noted that the United States' amendment regarding the specialized agency had been accepted by the Committee on the understanding that the French proposal should be considered later by the sub-committee. If Mr. Warren's present motion were carried, it would automatically exclude discussion both of the French proposal and any similar suggestions.

Mr. RIDDELL (Canada) observed that apart from the United States' motion the Sub-Committee was considering on the one hand M. Bousquet's fully developed proposal, and, on the other, Sir George R ndel's plea that the whole question of the relationship to be established between the Economic and Social Council and the refugee agency be given full consideration. With regard to the first, he had considerable misgivings. As M. Bousquet had suggested, it would be necessary that an agreement be negotiated by the agency and the Council before any relationship could be established. It would, therefore, be a pity if the negotiators of this agreement were tied by the agency's constitution containing a too precise formula. Secondly, the control to be exercised by the Council over the agency, as envisaged by M. Bousquet, would give rise to a dangerous division of authority between the international commission and the plenary council of the specialized agency. For the Sub-Committee to endorse such a division would be a breach of the agreement already reached regarding the creation of a specialized agency. It was important that no type of liaison should be recommended which would limit in any way the inherent character of the

For these reasons he was not satisfied with M. Bousquet's proposal as it stood. On the other hand, the question of the relationship was one which would be continually under discussion until the final agreement had been concluded. Hence, it would not be right for the Sub-Committee to avoid making any recommendation on the subject. If Mr. Warren's motion were carried, discussion on this question would be eliminated.

In reply, MR. WARREN (United States) observed that his motion was not intended to preclude discussion of the relationship to be established between the specialized agency and the Council. It was merely designed to dispose of the French proposal, and ensure that the element of a commission or group of the Council, exercising controlling powers, would not be included in the relationship to be established.

With a view to meeting Mr. Warren's position, Sir George Rendel moved the following amendment to his motion:

"that paragraph 3 of Section III of E/REF/ORG/FIN/4 should not be referred to the drafting group about to be constituted."

This amendment was seconded by M. Bousquet.

Mr. Warren having objected that this amendment negated his motion since it retained paragraph 2 of Section III which contained a recommendation for an international commission, Sir George pointed out this had not been his intention. The gravamen of Mr. Warren's criticisms had been paragraph 3. Therefore in acquiescing to the deletion of this paragraph, he was accepting the major part of the motion. Moreover, it must be remembered that the subject under discussion was only a portion of the terms of reference of the drafting group. To refer the French proposal to the drafting group would not bind it in any way, nor, in fact would it bind future action by governments.

As he had stated on previous occasions, the United Kingdom Government believed that the refugee question was a matter for the United Nations. Though prepared to accept the decision for a specialized agency at the present time, if the Committee continued to increase the agency's complete independence of the United Nations, the United Kingdom Government might be forced to submit a minority report.

The following amendment to the United Kingdom amendment was moved by MR. CORTEZ (Colombia) and seconded by Mr. Riddell (Canada), with a view to reconciling the differing views:-

"and that the following words of paragraph 2 be also not referred:

'through an international committee on refugees,
created in accordance with the terms of Articles 68 and
90 of the Charter'. "

After some discussion regarding procedure, Sir George Rendel withdrew his amendment in favour of the Colombian amendment, provided the latter retained the last clause of paragraph 2. The amendment would then read as follows:

"that paragraph 3 of Section III of E/REF/ORG.FIN/4 and the following words of paragraph 2 be not referred to the drafting group about to be constituted:

'through an international committee on Refugees created'."

This alteration was acceptable to the Colombian and Canadian delegates.

Decision.

The Colombian amendment to the United States motion was put to the vote and rejected by 6 to 5, three delegates being absent.

The United States motion was then put to the vote and adopted by 7 to 3 with one abstention.

2. United Kingdom Proposal

Following this decision, Sir George Rendel proposed the following motion which was seconded by M. Bousquet:

"That all consideration of the relationship between the new specialized agency and the United Nations should be excluded from the terms of reference of the drafting group."

In explanation, Sir George stated that the decision which has just been taken and the discussion preliminary to it, had convinced him that there was no hope of securing a recommendation on the relationship between the new agency and the United Nations which could be satisfactory. The subject raised important questions of principle concerning which there were - it was very evident - fundamentally different points of view. The rejection of the French proposal had, in his view, eliminated the best chance of achieving the proper balance between an operative agency on the one hand, and the political support and authority of the United Nations, on the other. The manner of its rejection had persuaded him that the drafting group would be unable to produce any recommendation which would secure this balance. The subject would inevitably be re-opened; and therefore it would be best to leave the decision to the Council and give the drafting group only the task of devising a draft constitution for the specialized agency.

Mr. Warren said he could not agree with this motion. Apart from the French proposal, various suggestions as to the type of relationship to be established had been made in the course of the Sub-Committee's discussions. It would not be right for the drafting group to consider only the structure of the specialized agency without taking into account the measure of control which the Council should exercise.

In view of the late hour, the Chairman ruled that the discussion should be adjourned until the next meeting.

The meeting rose at 11.45 p.m.