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NEW ZEALAND

INTERNATIONAL REFUGEE ORGANIZATION

CONSTITUTION OF THE INTERNATIONAL REFUGEE
ORGANIZATION AND AGREEMENT ON INTERIM
MEASURES TO BE TAKEN IN RESPECT OF REFUGEES
AND DISPLACED PERSONS

Presented to both Houses of the General Assembly by Leave

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THE INTERNATIONAL REFUGEE ORGANIZATION

INTRODUCTION

On 12 February, 1946, the General Assembly of the United Nations adopted a resolution (printed as Annex III to the Constitution of the International Refugee Organization below) referring the problem of refugees and displaced persons to the Economic and Social Council for examination and report to the General Assembly.

During its First Session the Economic and Social Council established a Special Committee on Refugees and Displaced Persons to carry out promptly a thorough examination of the problem and to make a report to the Council at its Second Session.

This Special Committee met in London from 8 April to 1 June, 1946. It recommended the establishment of a new international body, to be a specialized agency of a non-permanent character, to deal with the problem of refugees and displaced persons and reported on matters incidental to the establishment of such an organization.

The Committee's report was considered at the Second Session of the Economic and Social Council, which adopted a draft Constitution for the Organization. The Council also urged upon members of the United Nations the gravity and urgency of the problem of refugees and displaced persons.

At its Third Session in 1946 the Council further considered the draft Constitution, and also the report of the Committee it had previously established on the finances of the proposed International Refugee Organization, in the light of comments received from Governments. It transmitted to the General Assembly the draft Constitution, a resolution on interim measures, and a report on finances.

The matter was the subject of lengthy discussion at the second part of the First Session of the General Assembly before the Constitution of the International Refugee Organization, and the Agreement on Interim Measures were approved and opened for signature on 15 December, 1946. In approving these Instruments the General Assembly, considering that every effort should be made to provide for the early establishment of the Organization, urged members to sign the Instruments, and, if possible, to sign the Constitution without reservation.

The functions of the Organization, which are detailed in Article 2 of the Constitution, are the repatriation; the identification, registration, and classification; the care and assistance; the legal and political protection; the transport; and the resettlement and re-establishment of persons who are the concern of the Organization.

The International Refugee Organization is to be a non-permanent specialized agency, its relationship to the United Nations to be established by an Agreement under Articles 57 and 63 of the Charter of the United Nations. The Constitution will 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 75 per cent. of the total thereof, have become parties to it"—*i.e.*, have accepted the Constitution without reservation.

It is the function of the Preparatory Commission, established under the Agreement on Interim Measures approved by the General Assembly, to take all necessary and practicable measures for the purpose of bringing the International Refugee Organization into effective operation as soon as possible and to make the necessary preparations therefor. The Commission may, under certain conditions, take over any of the functions, activities, assets and personnel of existing organizations dealing with refugees and displaced persons. This refers particularly to the United Nations Relief and Rehabilitation Administration, the activities of which will terminate on 30 June, 1947, the Intergovernmental Committee on Refugees, whose activities are expected to terminate on the same date, and the pending termination of the activities in the field of refugees and displaced persons of the Allied Military Authorities in Italy—factors which have been recognized by the General Assembly as giving particular urgency to the entry into force of the Constitution of the International Refugee Organization if international action in the field of refugees and displaced persons is not to collapse.

The Constitution of the International Refugee Organization and the Agreement on Interim Measures were signed without reservation on 17 March, 1947, by the Rt Hon. W. Nash on behalf of New Zealand.

CONSTITUTION OF THE INTERNATIONAL REFUGEE ORGANIZATION

PREAMBLE

The Governments accepting this Constitution,

RECOGNIZING :

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

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

That genuine refugees and displaced persons should be assisted by international action, either to return to their countries of nationality or former habitual residence, or to find new homes elsewhere, under the conditions provided for in this Constitution ; or in the case of Spanish

Republicans, to establish themselves temporarily in order to enable them to return to Spain when the present Falangist regime is succeeded by a democratic regime ;

That 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, should receive care and assistance and, as far as possible, should be put to useful employment in order to avoid the evil and anti-social consequences of continued idleness ; and

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

HAVE AGREED :

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

HAVE ACCEPTED THE FOLLOWING ARTICLES :

ARTICLE 1

MANDATE

The mandate of the Organization shall extend to refugees and displaced persons in accordance with the principles, definitions and conditions set forth in Annex I, which is attached to and made an integral part of this Constitution.

ARTICLE 2

FUNCTIONS AND POWERS

1. The functions of the Organization to be carried out in accordance with the purposes and the principles of the Charter of the United Nations shall be : the repatriation ; the identification, registration and classification ; the care and assistance ; the legal and political protection ; the transport ; and the 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, and to promoting this by all possible means, in particular by providing them with material assistance, adequate food for a period of three months from the time of their departure from their present places of residence provided they are returning to a country suffering as a result of enemy occupation during the war, and provided such food shall be distributed under the auspices of the Organization ; and the necessary clothing and means of transportation ; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) To conclude agreements with countries able and willing to receive refugees and displaced persons for the purpose of ensuring the protection of their legitimate rights and interests in so far as this may be necessary ; and

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

ARTICLE 3

RELATIONSHIP TO THE UNITED NATIONS

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

ARTICLE 4

MEMBERSHIP

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

2. Subject to the provisions of paragraph 1 of this article, the members of the Organization shall be those States whose duly authorized representatives sign this Constitution without reservation as to subsequent acceptance, and those States which deposit with the Secretary-General of the United Nations their instruments of acceptance after their duly authorized representatives have signed this Constitution with such reservation.

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

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

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

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

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

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

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

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

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

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

ARTICLE 5

ORGANS

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

ARTICLE 6

THE GENERAL COUNCIL

1. The ultimate policy-making body of the Organization shall be the General Council in which each member shall have one representative and such alternates and advisers as may be necessary. Each member shall have one vote in the General Council.

2. The General Council shall be convened in regular session not less than once a year by the Executive Committee provided, however, that for three years after the Organization comes into being the General Council shall be convened in regular session not less than twice a year. It may be convened in special session whenever the Executive Committee shall deem necessary; and it shall be convened in special session by the Director-General within thirty days after a request for such a special session is received by the Director-General from one-third of the members of the Council.

3. At the opening meeting of each session of the General Council, the Chairman of the Executive Committee shall preside until the General Council has elected one of its members as Chairman for the session.

4. The General Council shall thereupon proceed to elect from among its members a first Vice-Chairman and a second Vice-Chairman, and such other officers as it may deem necessary.

ARTICLE 7

EXECUTIVE COMMITTEE

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

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

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

4. Meetings of the Executive Committee shall be convened :

(a) At the call of the Chairman, normally twice a month

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

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

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

6. The Executive Committee shall receive the reports of the Director-General as provided in paragraph 6 of Article 8 of this Constitution, and, after consideration thereof, shall request the Director-General to transmit these reports to the General Council with such comments as the Executive Committee may consider appropriate. These reports and such comments shall be transmitted to all members of the General Council before its next regular session and shall be published. The Executive Committee may request the Director-General to submit such further reports as may be deemed necessary.

ARTICLE 8

ADMINISTRATION

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

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

3. The Director-General shall serve under a contract which shall be signed on behalf of the Organization by the Chairman of the Executive Committee and it shall be a clause of such contract that six months' notice of termination can be given on either side. In exceptional circumstances, the Executive Committee, subject to subsequent confirmation by the General Council, has the power to relieve the Director-General of his duties by a two-thirds majority vote of the members if, in the Committee's opinion, his conduct is such as to warrant such action.

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

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

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

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

ARTICLE 9

STAFF

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

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

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

ARTICLE 10

FINANCE

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 11

HEADQUARTERS AND OTHER OFFICES

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

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

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

ARTICLE 12

PROCEDURE

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

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

ARTICLE 13

STATUS, IMMUNITIES AND PRIVILEGES

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

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

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

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

ARTICLE 14

RELATIONS WITH OTHER ORGANIZATIONS

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

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

ARTICLE 15

RELATIONSHIP WITH AUTHORITIES OF COUNTRIES OF LOCATION OF REFUGEES AND DISPLACED PERSONS

The relationship of the Organization with the Governments or administrations of countries in which displaced persons or refugees are located, and the conditions under which it will operate in such countries,

shall be determined by agreements to be negotiated by it with such Governments or administrations in accordance with the terms of this Constitution.

ARTICLE 16

AMENDMENT OF CONSTITUTION

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

ARTICLE 17

INTERPRETATION

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

2. Subject to Article 96 of the Charter of the United Nations and of Chapter II of the Statute of the International Court of Justice, any question or dispute concerning the interpretation or application of this Constitution shall be referred to the International Court of Justice, unless the General Council or the parties to such dispute agree to another mode of settlement.

ARTICLE 18

ENTRY INTO FORCE

1. (a) States may become parties to this Constitution by :
 - (i) Signature without reservation as to approval ;
 - (ii) Signature subject to approval followed by acceptance ;
 - (iii) Acceptance.

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

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

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

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

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

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

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 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.

(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 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.

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 of this Annex, 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 provision 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 "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, 16 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 person" 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-paragraph (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 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 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)¹ 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.

¹ 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.

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 ; 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 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.¹

3. Ordinary criminals 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

¹ 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.

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.

ANNEX II

BUDGET AND CONTRIBUTIONS FOR THE FIRST FINANCIAL YEAR

1. The provisional budget for the first financial year shall be the sum of 4,800,000 United States dollars for administrative expenses, and a sum of 151,060,500 United States dollars for operational expenses (except for large-scale re-settlement expenses), and a sum of 5,000,000 United States dollars for large-scale re-settlement expenses. Any unspent balance under these headings shall be carried over to the corresponding heading as a credit in the budget of the next financial year.

2. These sums (except for large-scale re-settlement expenses), shall be contributed by the members in the following proportions :

A. FOR ADMINISTRATIVE EXPENSES

Country.	Percentage.	Country.	Percentage.
Afghanistan	0.05	Lebanon	0.06
Argentina	1.85	Liberia	0.04
Australia	1.97	Luxembourg	0.05
Belgium	1.35	Mexico	0.63
Bolivia	0.08	Netherlands	1.40
Brazil	1.85	New Zealand	0.50
Byelorussian Soviet		Nicaragua	0.04
Socialist Republic ..	0.22	Norway	0.50
Canada	3.20	Panama	0.05
Chile	0.45	Paraguay	0.04
China	6.00	Peru	0.20
Colombia	0.37	Philippine Republic ..	0.29
Costa Rica	0.04	Poland	0.95
Cuba	0.29	Saudi Arabia	0.08
Czechoslovakia	0.90	Sweden	2.35
Denmark	0.79	Syria	0.12
Dominican Republic ..	0.05	Turkey	0.91
Ecuador	0.05	Ukrainian Soviet Socialist	
Egypt	0.79	Republic	0.84
El Salvador	0.05	Union of South Africa ..	1.12
Ethiopia	0.08	Union of Soviet Socialist	
France	6.00	Republics	6.34
Greece	0.17	United Kingdom	11.48
Guatemala	0.05	United States of America	39.89
Haiti	0.04	Uruguay	0.18
Honduras	0.04	Venezuela	0.27
Iceland	0.04	Yugoslavia	0.33
India	3.95		
Iran	0.45		
Iraq	0.17		
			100.00

B. FOR OPERATIONAL EXPENSES (EXCEPT FOR LARGE-SCALE
RE-SETTLEMENT)

Country.	Percentage.	Country.	Percentage.
Afghanistan	0.03	Lebanon	0.05
Argentina	1.50	Liberia	0.02
Australia	1.76	Luxembourg	0.04
Belgium	1.00	Mexico	0.54
Bolivia	0.07	Netherlands	0.90
Brazil	1.50	New Zealand	0.44
Byelorussian Soviet Socialist Republic ..	0.16	Nicaragua	0.02
Canada	3.50	Norway	0.44
Chile	0.39	Panama	0.04
China	2.50	Paraguay	0.02
Colombia	0.32	Peru	0.17
Costa Rica	0.02	Philippine Republic ..	0.24
Cuba	0.24	Poland	0.61
Czechoslovakia	0.80	Saudi Arabia	0.07
Denmark	0.68	Sweden	2.20
Dominican Republic ..	0.04	Syria	0.10
Ecuador	0.04	Turkey	0.88
Egypt	0.68	Ukrainian Soviet Socialist Republic	0.62
El Salvador	0.03	Union of South Africa ..	1.00
Ethiopia	0.07	Union of Soviet Socialist Republics	4.69
France	4.10	United Kingdom	14.75
Greece	0.15	United States of America	45.75
Guatemala	0.04	Uruguay	0.15
Haiti	0.02	Venezuela	0.23
Honduras	0.02	Yugoslavia	0.23
Iceland	0.02	New Members	1.92
India	3.66		
Iran	0.39		
Iraq	0.15		
			100.00

3. Contributions to large-scale re-settlement expenses shall be governed by the provisions of Article 10, paragraph 4 of this Constitution.

ANNEX III

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY ON 12 FEBRUARY 1946

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 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.

AGREEMENT ON INTERIM MEASURES TO BE TAKEN IN RESPECT OF REFUGEES AND DISPLACED PERSONS

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 entry 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 entry 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 the following measures :

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 UNRRA 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 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 of this Agreement.

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 Agreement shall come into force as soon as it has been signed by the representatives of eight Government signatories to 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 of this Agreement.

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

DONE at Flushing Meadow, New York, this fifteenth day of December, one thousand nine hundred and forty-six.

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