

UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION.

No. 40 of 1944.

An Act to approve the Agreement for United Nations Relief and Rehabilitation Administration between the Commonwealth of Australia and certain other Nations and Authorities, and for other purposes.

[Assented to 27th November, 1944.]

Preamble.

WHEREAS, at Washington in the United States of America, on the ninth day of November, One thousand nine hundred and forty-three, an agreement for the establishment of a United Nations Relief and Rehabilitation Administration among the Governments or Authorities of the United Nations and Nations associated with the United Nations in the war against Germany, Japan and their associates, was signed on behalf of the Commonwealth by the representative therein named :

AND WHEREAS it is desirable to approve the Agreement and make appropriate financial provision :

BE it therefore enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title.

1. This Act may be cited as the *United Nations Relief and Rehabilitation Administration Act 1944*.

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

3. In this Act, "the Agreement" means the agreement signed at Washington, in the United States of America, on the ninth day of November, One thousand nine hundred and forty-three, for the establishment of a United Nations Relief and Rehabilitation Administration among the Governments or Authorities of the United Nations and Nations associated with the United Nations in the war against Germany, Japan and their associates, a copy of which agreement is set out in the Schedule to this Act.

Definition.

4. The Agreement is approved.

Approval of agreement.

5. There shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, such amounts (not exceeding in the aggregate Twelve million pounds) as are necessary for the contributions, by the Commonwealth, referred to in paragraph one of Article V. and in Article VI. of the Agreement.

Appropriation.

THE SCHEDULE.

Section 8.

AGREEMENT FOR UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION

The Governments or Authorities whose duly authorized representatives have subscribed hereto,

Being United Nations or being associated with the United Nations in this war,

Being determined that immediately upon the liberation of any area by the armed forces of the United Nations or as a consequence of retreat of the enemy the population thereof shall receive aid and relief from their sufferings, food, clothing and shelter, aid in the prevention of pestilence and in the recovery of the health of the people, and that preparation and arrangements shall be made for the return of prisoners and exiles to their homes and for assistance in the resumption of urgently needed agricultural and industrial production and the restoration of essential services,

Have agreed as follows :

Article I

There is hereby established the United Nations Relief and Rehabilitation Administration.

1. The Administration shall have power to acquire, hold and convey property, to enter into contracts and undertake obligations, to designate or create agencies and to review the activities of agencies so created, to manage undertakings and in general to perform any legal act appropriate to its objects and purposes.

2. Subject to the provisions of Article VII, the purposes and functions of the Administration shall be as follows :

- (a) To plan, coordinate, administer or arrange for the administration of measures for the relief of victims of war in any area under the control of any of the United Nations through the provision of food, fuel, clothing, shelter and other basic necessities, medical and other essential services; and to facilitate in such areas, so far as necessary to the adequate provision of relief, the production and transportation of these articles and the furnishing of these services. The form of activities of the Administration within the territory of a member government wherein that government exercises administrative authority and the responsibility to be assumed by the member government for carrying out measures planned by the Administration therein shall be determined after consultation with and with the consent of the member government.

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- (b) To formulate and recommend measures for individual or joint action by any or all of the member governments for the coordination of purchasing, the use of ships and other procurement activities in the period following the cessation of hostilities, with a view to integrating the plans and activities of the Administration with the total movement of supplies, and for the purpose of achieving an equitable distribution of available supplies. The Administration may administer such coordination measures as may be authorized by the member governments concerned.
- (c) To study, formulate and recommend for individual or joint action by any or all of the member governments measures with respect to such related matters, arising out of its experience in planning and performing the work of relief and rehabilitation, as may be proposed by any of the member governments. Such proposals shall be studied and recommendations formulated if the proposals are supported by a vote of the Council, and the recommendations shall be referred to any or all of the member governments for individual or joint action if approved by unanimous vote of the Central Committee and by vote of the Council.

Article II

Membership

The members of the United Nations Relief and Rehabilitation Administration shall be the governments or authorities signatory hereto and such other governments or authorities as may upon application for membership be admitted thereto by action of the Council. The Council may, if it desires, authorize the Central Committee to accept new members between sessions of the Council.

Wherever the term "member government" is used in this Agreement it shall be construed to mean a member of the Administration whether a government or an authority.

Article III

The Council

1. Each member government shall name one representative, and such alternates as may be necessary, upon the Council of the United Nations Relief and Rehabilitation Administration, which shall be the policy-making body of the Administration. The Council shall, for each of its sessions, select one of its members to preside at the session. The Council shall determine its own rules of procedure. Unless otherwise provided by the Agreement or by action of the Council, the Council shall vote by simple majority.

2. The Council shall be convened in regular session not less than twice a year by the Central Committee. It may be convened in special session whenever the Central Committee shall deem necessary, and shall be convened within thirty days after request therefor by one-third of the members of the Council.

3. The Central Committee of the Council shall consist of the representatives of China, the Union of Soviet Socialist Republics, the United Kingdom, and the United States of America, with the Director General presiding, without vote. Between sessions of the Council it shall when necessary make policy decisions of an emergency nature. All such decisions shall be recorded in the minutes of the Central Committee which shall be communicated promptly to each member government. Such decisions shall be open to reconsideration by the Council at any regular session or at any special session called in accordance with Article III, paragraph 2. The Central Committee shall invite the participation of the representative of any member government at those of its meetings at which action of special interest to such government is discussed. It shall invite the participation of the representative serving as Chairman of the Committee on Supplies of the Council at those of its meetings at which policies affecting the provision of supplies are discussed.

4. The Committee on Supplies of the Council shall consist of the members of the Council, or their alternates, representing those member governments likely to be principal suppliers of materials for relief and rehabilitation. The members shall be appointed by the Council, and the Council may authorize the Central Committee to make emergency appointments between sessions of the Council, such appointments to continue until the next session of the Council. The Committee on Supplies shall consider, formulate and recommend to the Council and the Central Committee policies designed to assure the provision of required supplies. The Central Committee shall from time to time meet with the Committee on Supplies to review policy matters affecting supplies.

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5. The Committee of the Council for Europe shall consist of all the members of the Council, or their alternates, representing member governments of territories within the European area and such other members of the Council representing other governments directly concerned with the problems of relief and rehabilitation in the European area as shall be appointed by the Council; the Council may authorize the Central Committee to make these appointments in cases of emergency between sessions of the Council, such appointments to continue until the next session of the Council. The Committee of the Council for the Far East shall consist of all the members of the Council, or their alternates, representing member governments of territories within the Far Eastern area and such other members of the Council representing other governments directly concerned with the problems of relief and rehabilitation in the Far Eastern area as shall be appointed by the Council; the Council may authorize the Central Committee to make these appointments in cases of emergency between sessions of the Council, such appointments to continue until the next session of the Council. The regional committees shall normally meet within their respective areas. They shall consider and recommend to the Council and the Central Committee policies with respect to relief and rehabilitation within their respective areas. The Committee of the Council for Europe shall replace the Inter-Allied Committee on European post-war relief established in London on September 24, 1941 and the records of the latter shall be made available to the Committee for Europe.

6. The Council shall establish such other standing regional committees as it shall consider desirable, the functions of such committees and the method of appointing their members being identical to that provided in Article III, paragraph 5 with respect to the Committees of the Council for Europe and for the Far East. The Council shall also establish such other standing committees as it considers desirable to advise it, and, in intervals between sessions of the Council, to advise the Central Committee. For such standing technical committees as may be established, in respect of particular problems such as nutrition, health, agriculture, transport, repatriation, and finance, the members may be members of the Council or alternates nominated by them because of special competence in their respective fields of work. The members shall be appointed by the Council, and the Council may authorize the Central Committee to make emergency appointments between sessions of the Council, such appointments to continue until the next session of the Council. Should a regional committee so desire, sub-committees of the standing technical committees shall be established by the technical committees in consultation with the regional committees, to advise the regional committees.

7. The travel and other expenses of members of the Council and of members of its committees shall be borne by the governments which they represent.

8. All reports and recommendations of committees of the Council shall be transmitted to the Director General for distribution to the Council and the Central Committee by the secretariat of the Council established under the provisions of Article IV, paragraph 4.

Article IV

The Director General

1. The executive authority of the United Nations Relief and Rehabilitation Administration shall be in the Director General, who shall be appointed by the Council on the nomination by unanimous vote of the Central Committee. The Director General may be removed by the Council on recommendation by unanimous vote of the Central Committee.

2. The Director General shall have full power and authority for carrying out relief operations contemplated by Article I, paragraph 2 (a), within the limits of available resources and the broad policies determined by the Council or its Central Committee. Immediately upon taking office he shall in conjunction with the military and other appropriate authorities of the United Nations prepare plans for the emergency relief of the civilian population in any area occupied by the armed forces of any of the United Nations, arrange for the procurement and assembly of the necessary supplies and create or select the emergency organization required for this purpose. In arranging for the procurement, transportation, and distribution of supplies and services, he and his representatives shall consult and collaborate with the appropriate authorities of the United Nations and shall, wherever practicable, use the facilities made available by such authorities. Foreign voluntary relief agencies may not engage in activity in any area receiving relief from the Administration without the consent and unless subject to the regulation of the Director General. The powers and duties of the Director General are subject to the limitations of Article VII.

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3. The Director General shall also be responsible for the organization and direction of the functions contemplated by Article I, paragraphs 2 (b) and 2 (c).

4. The Director General shall appoint such Deputy Directors General, officers, expert personnel, and staff at his headquarters and elsewhere, including field missions, as he shall find necessary, and he may delegate to them such of his powers as he may deem appropriate. The Director General, or upon his authorization the Deputy Directors General, shall supply such secretariat and other staff and facilities as shall be required by the Council and its committees, including the regional committees and sub-committees. Such Deputy Directors General as shall be assigned special functions within a region shall attend meetings of the regional standing committee whenever possible and shall keep it advised on the progress of the relief and rehabilitation programme within the region.

5. The Director General shall make periodic reports to the Central Committee and to the Council covering the progress of the Administration's activities. The reports shall be made public except for such portions as the Central Committee may consider it necessary, in the interest of the United Nations, to keep confidential; if a report affects the interests of a member government in such a way as to render it questionable whether it should be published, such government shall have an opportunity of expressing its views on the question of publication. The Director General shall also arrange to have prepared periodic reports covering the activities of the Administration within each region and he shall transmit such reports with his comments thereon to the Council, the Central Committee and the respective regional committees.

Article V

Supplies and Resources

1. In so far as its appropriate constitutional bodies shall authorize, each member government will contribute to the support of the Administration in order to accomplish the purposes of Article I, paragraph 2 (a). The amount and character of the contributions of each member government under this provision will be determined from time to time by its appropriate constitutional bodies. All such contributions received by the Administration shall be accounted for.

2. The supplies and resources made available by the member governments shall be kept in review in relation to prospective requirements by the Director General, who shall initiate action with the member governments with a view to assuring such additional supplies and resources as may be required.

3. All purchases by any of the member governments, to be made outside their own territories during the war for relief or rehabilitation purposes, shall be made only after consultation with the Director General, and shall, so far as practicable, be carried out through the appropriate United Nations agency.

Article VI

Administrative Expenses

The Director General shall submit to the Council an annual budget, and from time to time such supplementary budgets as may be required, covering the necessary administrative expenses of the Administration. Upon approval of a budget by the Council the total amount approved shall be allocated to the member governments in proportions to be determined by the Council. Each member government undertakes, subject to the requirements of its constitutional procedure, to contribute to the Administration promptly its share of the administrative expenses so determined.

Article VII

Notwithstanding any other provision herein contained, while hostilities or other military necessities exist in any area, the Administration and its Director General shall not undertake activities therein without the consent of the military command of that area, and unless subject to such control as the command may find necessary. The determination that such hostilities or military necessities exist in any area shall be made by its military commander.

Article VIII

Amendment

The provisions of this Agreement may be amended as follows :

- a. Amendments involving new obligations for member governments shall require the approval of the Council by a two-thirds vote and shall take effect for each member government on acceptance by it ;

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- b. Amendments involving modification of Article III or Article IV shall take effect on adoption by the Council by a two-thirds vote, including the votes of all the members of the Central Committee;
- c. Other amendments shall take effect on adoption by the Council by a two-thirds vote.

Article IX

Entry into Force

This Agreement shall enter into force with respect to each signatory on the date when the Agreement is signed by that signatory, unless otherwise specified by such signatory.

Article X

Withdrawal

Any member government may give notice of withdrawal from the Administration at any time after the expiration of six months from the entry into force of the Agreement for that government. Such notice shall take effect twelve months after the date of its communication to the Director General subject to the member government having met by that time all financial, supply or other material obligations accepted or undertaken by it.

IN WITNESS WHEREOF, this Agreement is signed by the following representatives, duly authorized for that purpose by their respective Governments or Authorities.

DONE in Washington this ninth day of November, one thousand nine hundred and forty-three, in the English language, the original to be deposited in the archives of the Department of State of the United States of America, and certified copies thereof to be furnished by the Government of the United States of America to each of the Governments and Authorities on whose behalf this Agreement is signed.

FOR AUSTRALIA :	OWEN DIXON <i>Minister for Australia</i>
FOR BELGIUM :	P. H. SPAAK
FOR BOLIVIA :	LOUIS GUACHALLA
FOR THE UNITED STATES OF BRAZIL.	E. PENTEADO
FOR CANADA :	LEIGHTON MCCARTHY
FOR CHILE :	Este Convenio regira respecto a Chile, de acuerdo con los preceptos de su Carta Fundamental, una vez que haya sido aprobado por el Congreso Nacional y ratificado por los organismos constitucionales correspondientes de la Republica. RODOLFO MICHELS
FOR CHINA :	T. F. ISIANG
FOR COLOMBIA :	El Plenipotenciario de Colombia firma con la salvedad de la ulterior aprobacion del Congreso Colombiano. A. VARGAS
FOR COSTA RICA :	CARLOS M. ESCALANTE
FOR CUBA :	Este Convenio, previa la aprobacion del Senado de la Republica, sera ratificado por el Ejecutivo. A. F. CONCHESO.
FOR CZECHOSLOVAKIA :	JAN MASARYK.
FOR THE DOMINICAN REPUBLIC :	JULIO VEGA BATLLE
FOR ECUADOR :	Sejeto a ratification por el Congreso de la Republica del Ecuador. S. D. BALLEEN
FOR EGYPT :	M. HASSAN
FOR EL SALVADOR :	HECTOR DAVID CASTRO
FOR ETHIOPIA :	Subject to the ratification of the Imperial Ethiopian Government. EPHREM T. MEDHEN

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THE SCHEDULE—*continued.*

- For THE FRENCH COMMITTEE OF NATIONAL LIBERATION.
JEAN MONNET
- For GREECE :
K. VARVARESSOS
- For GUATEMALA :
Pending the required approval by the National Assembly of Guatemala, the immediate application of this Agreement shall be considered provisional with regard to the Government of Guatemala.
ADRIAN RECINOS
- For HAITI :
A. LIAUTAUD
- For HONDURAS :
JULIAN R. CACERES
- For ICELAND :
MAGNUS SIGURDSSON.
- For INDIA :
This Agreement is signed subject to a reservation under Article IX that it shall enter into force with respect to the Government of India as soon as it has been approved by the Indian Legislature.
G. S. BAJPAI
- For IRAN :
This Agreement shall enter into force immediately after its approval by the Iranian Chamber of Deputies.
M. SHAYESTEH
- For IRAQ :
Subject to ratification by the Iraqi Parliament.
ALI JAWDAT
- For LIBERIA :
WALTER F. WALKER
- For LUXEMBOURG :
PIERRE DUPONG
- For THE UNITED MEXICAN STATES.
Sujeto a ratificación por el Senado de los Estados Unidos Mexicanos :
F. CASTILLO NAJERA
- For THE NETHERLANDS :
P. KERSTENS.
- For NEW ZEALAND :
GEOFFREY S. COX
- For NICARAGUA :
Ad referendum :
G. SEVILLA SACASA
- For NORWAY :
W. MUNTHE DE MOEGENSTIERNE
- For PANAMA :
E. A. JIMENES
- For PARAGUAY :
CELSO W. VELAZQUEZ
- For PERU :
Bajo reserva de su ratificación constitucional.
M. DE FREYRE
- For THE PHILIPPINE COMMONWEALTH :
S. OSMENA
- For POLAND :
JAN KWAPINSKI
- For THE UNION OF SOUTH AFRICA :
RALPH W. CLOSE
- For THE UNION OF SOVIET SOCIALIST REPUBLICS :
A. GROMYKO
- For THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND :
HALIFAX.
- For THE UNITED STATES OF AMERICA :
FRANKLIN D. ROOSEVELT
- For URUGUAY :
Con la reserva de que no podrá entrar en vigor con respecto al Uruguay hasta tanto se alcance la aprobación legislativa.
J. C. BLANCO
- For VENEZUELA :
El Plenipotenciario de Venezuela firma el presente Convenio en la inteligencia de que queda sujeto a la ratificación de los Poderes Públicos de la Nación, conforme al procedimiento constitucional venezolano.
DIOGENES ESCALANTE
- For YUGOSLAVIA :
CONSTANTIN A. FOTITCH