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AD HOC COMMITTEE ON STATELESSNESS AND RELATED PROBLEMS

First Session

SUMMARY RECORD OF THE THIRTEENTH MEETING

Held at Lake Success, New York,
on Thursday, 26 January 1950, at 11 a.m.

CONTENTS:

International status of refugees and stateless persons: draft convention
relating to the status of refugees (E/AC.32/2, E/AC.32/L.3, E/AC.32/L.3/Corr.1,
E/AC.32/L.3/Corr.2): Chapter V (continued)

<u>Chairman:</u>	Mr. CHANCE	Canada
<u>Members:</u>	Mr. CUVELIER	Belgium
	Mr. GUERREIRO	Brazil
	Mr. CHA	China
	Mr. LARSEN	Denmark
	Mr. RAIN	France
	Mr. ROBINSON	Israel
	Mr. KURAL	Turkey
	Sir Leslie BRASS	United Kingdom of Great Britain and Northern Ireland
	Mr. HENKIN	United States of America
	Mr. PEREZ PEROZO	Venezuela

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Representatives of specialized agencies:

Mr. METALL	International Labour Organisation (ILO)
Mr. WEIS	International Refugee Organization (IRO)

Consultant from a non-governmental organization:

Mr. STOLZ	American Federation of Labor (AF of L)
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Secretariat:

Mr. HUMPHREY	Director, Human Rights Division
Mr. HOGAN	Secretary of the Committee

INTERNATIONAL STATUS OF REFUGEES AND STATELESS PERSONS: DRAFT CONVENTION RELATING TO THE STATUS OF REFUGEES (E/AC.32/2, E/AC.32/L.3, E/AC.32/L.3/Corr.1, E/AC.32/L.3/Corr.2).

Chapter V: Conditions of employment

Article 13: Wage-earning employment (continued)

1. The CHAIRMAN invited the Committee to continue its examination of article 13 and proposed that the basis for discussion should be the text of article 12 of the French draft (E/AC.32/L.3/Corr.2), which would replace article 13 of the Secretariat draft.

It was so decided.

2. Mr. CUVELIER (Belgium) remarked that the French text would accord the most favourable treatment to refugees as regards the right to engage in wage-earning employment; he wondered whether that were the intention of the Committee, or if its intention were not rather to accord them only the treatment granted to foreigners generally. The representative of Belgium had no preference for either course, but if the Committee approved the clause providing for the most favourable treatment, he would be obliged to make reservations.

3. Mr. RAIN (France) explained that the French Government thought that it was legitimate and desirable to accord the most favourable treatment to refugees as regards the right to engage in wage-earning employment and not only the

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treatment accorded to foreigners generally because refugees by their very nature were denied the support of their Governments and could not hope for governmental intervention in their favour in obtaining exceptions to the general rule by means of conventions. France was thus merely being faithful to the spirit which had heretofore guided United Nations action in favour of refugees: the purpose of that action was to obtain for refugees the advantages which Governments sought to have granted to their own subjects.

4. Mr. HENKIN (United States of America) concurred entirely in the views expressed by the representative of France and emphasized the fact that if the Committee merely granted to refugees the treatment granted to foreigners generally, it would actually bring about no improvement in their lot because it was impossible to give them less than that general treatment.

5. Mr. WEIS (International Refugee Organization) pointed out that under the terms of sub-paragraph (a) of the third paragraph of the French text, in order to have restrictive measures suspended in his case, a refugee would have to have at least three years' residence in the country of reception. He feared that the expression "at least" might lead to misunderstanding. It might be understood to mean that what was involved was a period of undetermined duration that was, however, in excess of three years. The 1933 convention which contained a similar provision clearly set the period of residence at three years.

6. Mr. RAIN (France) saw no objection to the deletion of the expression "at least", if its retention might lead to debate. Deletion of that expression would in no way change the meaning of the French text of that sub-paragraph which was, moreover, identical with the corresponding sub-paragraph of the Secretariat text.

7. Mr. WEIS (International Refugee Organization) recalled that IRO had concluded agreements with certain countries of reception providing for a mass influx of refugees into those countries under a scheme for manpower recruitment.

/Those agreements

Those agreements stipulated that after completion of their original contracts, refugees would be entitled to the same conditions as nationals as regards the right to engage in wage-earning employment. In the light of those facts, IRO proposed the addition after article 13 of a supplementary article dealing with that special category of refugees and reading as follows:

"1) The High Contracting Parties undertake to accord to refugees admitted to their territory under a scheme for recruitment of foreign manpower, the same treatment accorded to their nationals in respect of access to paid employment, provided they have fulfilled the obligations of their original contract.

"2) Refugees admitted to the territory of one of the High Contracting Parties under an immigration scheme shall also be accorded the same treatment as nationals with respect to access to paid employment."

8. Mr. RAIN (France) thought that the supplementary article would go beyond the intentions of his Government which had made a tremendous effort to establish a sufficiently broad formula; it could not agree to put refugees who had just been admitted to the territory of the country of reception on the same footing as nationals. Moreover, it was likely that a provision of that kind would be unfavourably received by the trade unions concerned in the country of reception and that, in fact, it might work against the refugees and against the immigration policy which the French Government for its part fully favoured. Finally, there was no reason for including in a general convention applying to each signatory country as a whole a special provision which related only to certain particular territories.

9. Mr. CUVILLIER (Belgium) shared the views of the representative of France. The suggestion of the representative of IRO might be acceptable in itself but should not appear in the text of the convention. Its rightful place was in the agreements which IRO and the countries concerned had concluded or would conclude with regard to refugees admitted under schemes for recruitment of foreign manpower or immigration. It did not seem that Governments which would conclude such agreements in the future should be committed in advance.

10. Mr. HENKIN (United States of America) felt that the Belgian and French delegations should not be forced to accept a clause to which they objected. He wondered, however, whether a paragraph reproducing the gist of paragraph 3 of article 13 of the Secretariat draft might not be added to the French text; that paragraph, however, should be amended to read that the High Contracting Parties would give favourable consideration to the possibility of according the treatment given to national wage-earners to specified categories of refugees instead of merely stating that they "reserve the right" to do so.
11. The CHAIRMAN felt that the IRO representative's proposal to define matters more precisely so as to benefit the refugees of the category in question merited attention.
12. Sir Leslie BRASS (United Kingdom) emphasized that his Government was in full sympathy with the aims of the Committee; namely, the improvement of the status of refugees. Indeed, the United Kingdom had ratified the 1933 and 1938 Conventions containing provisions similar to those proposed by the Secretariat. His Government wished to be as generous as possible towards refugees, but should such a policy entail too heavy commitments it might be forced to restrict the admission of refugees to the United Kingdom.
13. Indeed, the 1933 and 1938 Conventions had concerned only a limited group of refugees so that the favourable treatment provided for them had caused no serious hardship to British workers. Since then, however, the war had altered the economic situation of the United Kingdom which was currently facing serious difficulties resulting both from the material damages it had sustained and from the fact that its economy had been geared to war production over a period of several years. To remedy the situation, the United Kingdom, in agreement with employers' and the trade union organizations concerned, and for the common good of the people, had had to adopt a system of planned economy. The United Kingdom had had, for instance, to subject ^{wage-}earners who were its own nationals to certain restrictions.

14. It could not, therefore, undertake to free the refugees from all employment restrictions. The total number of refugees had risen by 250,000 since 1939 and most of whom had entered the United Kingdom during the previous three years. Many had voluntarily agreed to employment in certain specified industries only. It was not a question of refusing to give refugees the most favourable treatment regarding wages or working conditions proper, once they had been allowed to work in a given industry; the restriction which the United Kingdom could not lift for their benefit was that concerning access to paid employment of their own choice. The United Kingdom delegation was therefore unable to accept the first paragraph of the French text.

15. Regarding the second paragraph, he believed that the length of residence provided for in sub-paragraph (a) was inadequate, because his Government could not undertake to free the refugees from all restrictions, even those which applied to its own nationals, after three years of residence.

16. He had no objections to sub-paragraph (b).

17. He emphasized that sub-paragraph (c) raised a question of nationality which would be settled in accordance with the different naturalization laws of the various signatory States. The United Kingdom, for instance, applied the principle of jus soli: all children born on British territory were automatically British subjects; that applied to children of refugees born in the United Kingdom. The implementation of that sub-paragraph would lead to a capricious discrimination between refugees, by favouring those who had children born after their arrival.

18. The CHAIRMAN, speaking as representative of Canada, said that his country could easily accept the text of the article proposed by the French delegation; he realized, however, that it might give rise to difficulties resulting from the different laws of various countries in that field.

19. Mr. LARSEN (Denmark) said that his country's position in the matter was much like that of the United Kingdom. Denmark had also signed the 1933 Convention, but had made reservations concerning article 7, which was similar to article 13 of the draft under discussion. He had no serious objection to the solution advocated by the French representative but was

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not in a position to express his Government's opinion on that subject at the existing juncture. His Government would undoubtedly try to obtain the agreement of the trade union organizations concerned for the implementation of the provisions of that article, but it could not commit itself in advance on that score. Furthermore, Denmark had satisfactorily solved the problem of manpower on its territory, so that the question of importing foreign manpower did not arise in its case. Nonetheless, even if the Danish Government did not accept the obligation resulting from the proposed article, it would pursue the policy it had adopted towards the 1933 Convention and would not fail to consider the provisions of that article as constituting a moral obligation to be taken into account in connexion with every individual case.

20. Mr. CHA (China) said that his delegation supported the principle of giving refugees the most favourable treatment possible. Although China was a very densely-populated country, in which the problem of unemployment frequently became very acute, it had never hesitated to admit to its territory refugees who had requested asylum. That had been so in particular with regard to the Russian refugees after the First World War. The Chinese Government had given them particularly favourable treatment, since it had accorded to them full freedom of access to wage-earning employment. It was true that they had hardly taken advantage of that freedom, preferring self-employment which had given them greater independence and larger profits.

21. He would therefore be prepared to accept the text of the first paragraph of the article proposed by the French delegation. He would, however, like the expression "a favourable treatment" to be substituted for "the most favourable treatment". The latter might be a source of misunderstanding, as it would be hard to say exactly what constituted the most favourable treatment.

22. The Chinese delegation saw certain objections to the adoption of sub-paragraphs (a), (b) and (c) of the second paragraph. For the same reasons as those stated by the representative of the United Kingdom, it could not accept the fixing of the time of residence at three years.

23. Sub-paragraph (b) raised a problem of nationality. China applied the jus sanguinis in that respect, under which the nationality of the spouse was not changed by marriage. There was, therefore, no reason in law to favour a refugee who married a person of Chinese nationality.

24. With regard to children, only those who were born of a Chinese mother or father became Chinese. It was therefore unlikely that sub-paragraph (c) would be applied frequently in his country and the Chinese Government could not be expected to alter its legislation on nationality merely to improve the situation of refugees. The Chinese delegation would therefore find it hard to accept those three sub-paragraphs.

25. The CHAIRMAN notified the delegations which had reservations to make with regard to that article that they would have every opportunity of expressing them during the discussion of article 35 of the draft convention.

26. Mr. MENKIN (United States of America) remarked that, since all delegations did not seem able to accept a solution as broad as that proposed, the Committee could choose between the following two methods: either to provide only minimum measures in favour of refugees, which would be accepted without reservations almost unanimously, or to lay down measures more favourable to them, and to permit reservations, in the hope that they would not ultimately be very numerous or serious. In his opinion, the latter solution should be adopted, as it would be better to incorporate in the convention a clause providing for a real improvement of the refugees' situation in that respect, even if that clause were to result in reservations, which, it might be hoped, would not be very numerous or extensive.

27. Mr. CUVILLIER (Belgium) observed that the text proposed by the French delegation comprised a first part which represented an advance upon the provisions of previous conventions on the subject and a second which merely reproduced the stipulations of the 1933 and 1938 Conventions. While it was understandable that some delegations should hesitate to accept the innovation in the first part, it would be surprising if the Committee should wish to retreat from the results

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obtained by the previous Conventions, and to end with a text which would contribute nothing towards the improvement of the conditions of refugees. He suggested that the Committee should vote separately on each of those two parts.

28. Sir Leslie BRASS (United Kingdom) wished to remind the Committee that in principle the United Kingdom had always accorded to foreigners freedom of choice with regard to wage-earning employment. Temporary difficulties alone had compelled it to depart from that policy. The restrictions which it had been forced to apply in that field were reflected in the agreements with regard to certain refugees which it had made with IRO. If the article were adopted in the version proposed by the French delegation, however, the undertaking to suspend all restrictions on refugees would, it appeared, compel the United Kingdom Government to waive the conditions in those agreements.

29. Mr. RAIN (France) observed that the restrictions referred to in the second paragraph were certainly not those stipulated in agreements between certain countries and IRO. They were restrictions deriving from the domestic law of various countries. France itself was prepared to renounce in favour of those refugees who fulfilled one of the conditions set out in sub-paragraphs (a), (b) and (c) the restrictions stipulated in the law of 1932. By doing so, it would be making no innovation whatever, as the Conventions of 1933 and 1938 had already mitigated the rigour of that law. Like the representative of Belgium, he thought that the Committee should not take a retrograde step in that field.

30. Mr. WEIS (International Refugee Organization) thought that the solution recommended by the United States representative and supported by the Chairman would be the best one. The convention would incorporate the greatest possible number of measures favourable to the refugees; it would be a standard to aim at in that respect, on the understanding that the signatory States would be enabled to make reservations under article 35 of the draft convention. Such a solution was in particular to be preferred

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to that of including in article 13 only the lowest common denominator of the advantages which States were prepared to confer upon refugees in the practice of wage-earning employment.

31. With regard to refugees in special categories which fell within the framework of the plans for the recruiting of foreign manpower and of immigration plans, it was because the existence of IRO would be terminated shortly that that organization would like to see a clause in the convention safeguarding their position in the future.

32. The CHAIRMAN requested the Committee to take into account the generosity of France, which had made the utmost possible concessions in drafting the text under discussion. He appealed to all its members to accept that text which contained a standard to aspire to, on the understanding that every delegation would have the right to make whatever reservations it deemed fit. It did not seem likely that they would be very extensive, particularly so far as the United Kingdom was concerned.

33. Sir Leslie BRASS (United Kingdom) stated that in the circumstances he would not oppose the adoption of the French draft.

34. Mr. ROBINSON (Israel) observed that the second paragraph of the French text stated that restrictive measures "shall not be applied in all their severity to refugees...". He feared that such an expression might be taken as constituting merely a temporary measure and it would therefore be preferable to state that the restrictions "shall not be applied to refugees".

35. Mr. RAIN (France) accepted the Israel proposal, although the French text was not ambiguous and clearly provided for the raising of the restrictive measures in question.

36. Mr. CUVELIER (Belgium) suggested that in the first paragraph of the French text the expression "refugiés résidant habituellement" should be replaced by the phrase already accepted: "refugiés résidant régulièrement".

37. Mr. WEIS (International Refugee Organization) pointed out that the French text was, in fact, identical with that of the Convention of 1953 which was designed to ensure equal treatment for refugees and nationals. At that time, no restrictive measures had been applied against refugees in the matter of employment. The situation had since changed and it was obvious that the text to be adopted should indicate that restrictive measures which were applicable in the case of nationals, applied equally to refugees.

38. Mr. RAIN (France) agreed that his text did not stipulate that only restrictive measures applying to foreigners should be raised. That was clear, however, because the measures in question were the result of laws and regulations for the protection of the labour market. It was therefore only a question of restrictive measures to protect national labour against foreign competition. There could be no possible doubts on that point.

39. Mr. METALL (International Labour Organization) asked the French representative whether in the first lines of the second paragraph, he would agree to the substitution of the following phrase, taken from recommendation 86 of the International Labour Conference:

"In countries in which employment of migrants is subject to restrictions, those restrictions shall not apply to refugees".

40. Mr. BENKIN (United States of America) suggested that the word "migrants" should be replaced by "aliens".

41. Mr. CUVELIER (Belgium) pointed out that the proposal of the ILO representative was prompted by a desire to avoid the use of the expression "labour market" which had rightly been eschewed by that Organization.

42. Mr. RAIN (France) had no objection to adopting wording such as that proposed by the ILO representative.

/43. Mr. STOLZ

43. Mr. STOLZ (American Federation of Labor) said his Organization also disapproved of the term "labour market". That was a common expression however, which, together with idea of protection, symbolised in the eyes of national workers the defence of their rights against foreign competition. The American Federation of Labor therefore favoured the inclusion in the second paragraph of a mention of the laws and regulations for the protection of the national labour market.

44. Mr. METALL (International Labour Organisation) asked the representative of the American Federation of Labor whether, instead of the amendment Mr. Metall himself had suggested, he would agree to the inclusion in the Committee's report of a comment which would clearly indicate that in adopting the text of article 13, the Committee had sought to provide means for the protection of the national labour market.

45. Sir Leslie BRASS (United Kingdom) thought that the term "protection of national workers" could be substituted, which might satisfy the representatives of ILO as well as AF of L.

46. The CHAIRMAN asked whether the Committee was prepared to accept the principles of the French text on the understanding that its final drafting would be done at a later date.

The French draft, in principle, was unanimously adopted.

47. The CHAIRMAN stated that the United States representative had submitted a proposal to insert after the French text an additional paragraph, based on the draft supplementary article suggested by IRO; it read as follows:

"The High Contracting Parties shall give sympathetic consideration to assimilating the rights of refugees in this regard so far as possible to those of nationals, particularly with regard to refugees who enter pursuant to programs of labour recruitment and pursuant to immigration schemes."

/48. Mr. RAIN

48. Mr. RAIN (France) had no objection to the adoption of that additional paragraph.

49. The CHAIRMAN suggested that the Committee should decide in principle to insert that paragraph after the French text.

It was so decided.

Article 14: Self-employment

50. The CHAIRMAN read out the text of article 14, dealing with self-employment, and the accompanying comments. He stated that the French delegation had withdrawn its draft article 11 dealing with the same subject.

51. Sir Leslie BRASS (United Kingdom) said that his remarks with regard to article 13 also applied to some extent to article 14.

52. The United Kingdom had adopted a system of planned economy; it was therefore obliged to impose certain conditions on aliens on admission ^{who} wished to engage in self-employment in the country. The United Kingdom consequently might have to make the same reservations with regard to article 14 as to article 13.

53. Sir Leslie thought that article 14 might be more acceptable to most of the signatories of the convention if it were to read: "The High Contracting Parties undertake to accord to refugees regularly resident in their territory the treatment given to foreigners generally, under the same conditions, as regards...." That amendment was motivated in particular by the fact that foreigners arriving in the United Kingdom were required not to engage in self-employment without permission for a certain time, after which they were free to engage in any profession they chose.

54. Mr. KURAL (Turkey) remarked that he had not taken part in the debate on article 13 because its provisions presented no difficulty for Turkey. The same was not true of article 14. Under Turkish law, only nationals could be self-employed, and Turkey would consequently have to reserve its position on that article, no matter what its wording.

55. Mr. Kural thought the most acceptable solution would be to accord to refugees the treatment given to foreigners generally. Turkey might wish to conclude bilateral agreements providing for exceptions to the general rule in the case of some foreigners, but would not wish such exceptions to apply automatically to refugees.

56. Mr. CUVELIER (Belgium) was also in favour of according to refugees the treatment given to foreigners generally; if the Committee were to accord to them the most favourable treatment given to foreigners by virtue of treaties, Belgium would be obliged to reserve its position.

57. The provisions of article 14 were of great importance to Belgium, as it had an acute middle-class problem.

58. The CHAIRMAN noted that all the previous speakers had been in favour of according to refugees the treatment given to foreigners generally; he therefore wondered whether that was not the solution preferred by the Committee.

59. Mr. HENKIN (United States of America) did not wish to complicate the question needlessly, especially as it concerned particularly the countries of Western Europe, Denmark and Turkey. He felt, however, that the preferred solution would confer no real benefits on the refugees, and wondered whether it might not be possible to find a third solution, whereby refugees would be granted not the most favourable treatment, but a treatment more favourable than that given to foreigners generally.

60. Sir Leslie BRASS (United Kingdom) cited an example to show why it would be difficult to accord to refugees the most favourable treatment given to foreigners by virtue of treaties: in the United Kingdom, only nationals could be steamship pilots; the only exception to that rule was made in favour of French pilots who were permitted to enter Channel ports. It would be very difficult to extend that exception to refugees, in accordance with the provisions of article 14. Sir Leslie could partly cite other examples.

61. Mr. GUERREIRO (Brasil) said that, if some found it difficult to accept the first solution proposed by the Secretariat, the second was equally objectionable in that it conferred no real benefit upon refugees.

62. While it was true that adoption of provisions giving rise to numerous reservations was to be avoided, an intermediary solution, such as proposed by the United States representative, seemed hardly more acceptable.

63. Mr. Guerreiro thought the Committee should adopt the first Secretariat solution and accept the fact that several signatories would make reservations with regard to certain professions.

64. Mr. KURAL (Turkey) appreciated the humanitarian motives of the United States representative and felt that a formula should be found urging States to accord to refugees treatment more favourable than that given to foreigners generally.

65. He therefore proposed adopting some form of words to the effect that refugees should be accorded treatment as favourable as possible under the national law.

66. After a brief exchange of views, Mr. Kural proposed the following text: "The High Contracting Parties undertake as far as possible to accord to refugees regularly resident in their territory the most favourable treatment possible, which shall in no case be less favourable than the treatment given to foreigners generally as regards..."

67. Sir Leslie BRASS (United Kingdom) had no objection to that text, but thought that his Government would be obliged to make a reservation.

68. Mr. WEIS (International Refugee Organization) suggested that the Committee should adopt the form of words which accorded refugees the most favourable treatment given to foreigners by virtue of treaties, specifying such treatment must not conflict with restrictions laid down in national legislations in regard to the exercise of certain professions.

69. Mr. RAIN (France) said that it would be difficult to accept the IRO representative's proposal as most of the signatories would have to make reservations if such an article were adopted; it would therefore in no way serve the interests of the refugees. The Committee should adopt a text acceptable to all, or at least to most, of the countries concerned.

70. The CHAIRMAN proposed that the text submitted by the Turkish representative be adopted.

It was so decided.

Article 15: Liberal Professions

71. The CHAIRMAN read article 15 on liberal professions and the accompanying comments.

72. Mr. RAIN (France) pointed out to the Committee that ^{that} paragraph of article 13 of the French draft on liberal professions had been amended by the addition of the words "and which would be in no case inferior to the treatment accorded to foreigners generally".

73. Mr. CUVELIER (Belgium) thought that the provision on diplomas was better phrased in the French draft than in that of the Secretariat: indeed the latter appeared to exclude diplomas acquired in the country of asylum, which was obviously wrong.

74. The CHAIRMAN said that the question of diplomas was very difficult and in many cases could be solved only by bilateral treaties. For example, in the United Kingdom and Canada liberal professions bodies admitted holders of local diplomas only; that was because they wished to maintain a certain level and tradition; it was true, of course, that such a requirement reflected too rigid a spirit of exclusiveness but the question was nevertheless very difficult to resolve.

75. Mr. KURAL (Turkey) wondered whether the expression "holders of diplomas and titles" would satisfy countries such as the United Kingdom and Canada.
76. The CHAIRMAN, following a remark by the French representative, suggested to the Committee that it should state its views on the substance of the article, leaving it for the Secretariat to prepare the best possible draft.
77. Mr. CHA (China) said that the provisions of article 13 as proposed by France had been applied in China already. It had done so of its own free will, but would hesitate to accept such provisions if they were imposed on it by the convention. To illustrate his point he quoted the case of the Jewish doctors who had taken refuge in China at the beginning of the Second World War. Although it was contrary to the usual practice the Chinese Government had felt that those refugees should be permitted to exercise their profession, as it was their only means of livelihood. As no other refugees had asked for permission to exercise their own professions, the Chinese Government had not interfered with the Jewish refugees practising medicine; it would have had to do so had the nationals of certain States invoked treaties according them the most favoured nation treatment.
78. The CHAIRMAN pointed out to the Chinese representative that there was no question of according refugees the most favourable treatment given to foreigners by virtue of treaties, but merely the most favourable treatment possible.
79. Mr. RAIN (France) remarked that the question gave rise to grave difficulties in France where there was a considerable number of refugees belonging to the liberal professions. The provisions suggested in the French draft should not be regarded as a means of evading the problem. It should be understood that there were two types of interests: on the one hand, national interests which tended to reserve for nationals exclusively, or to a very large extent, the exercise of the liberal professions; on the other hand, the material interests of

persons exercising those professions who were stubbornly defending their positions. It was the Committee's duty to see that States accorded refugees the most favourable treatment possible provided it did not conflict with national interests.

80. Mr. METALL (International Labour Organisation) drew the Committee's attention to the expression "desirous to practise a liberal profession". That form of words was very vague and could be variously interpreted. He wondered whether a refugee would have to state his intention to exercise a liberal profession first, or whether the equivalent value of his diploma would be recognized immediately on his entry into the country of reception.

81. Mr. CUVELIER (Belgium) agreed that the form of words was vague, but thought that it should remain so. The Committee was faced with two separate considerations: on the one hand the recognition of diplomas and, on the other, the exercise of the professions. In Belgium a foreigner could practise medicine if he held a Belgian diploma or a diploma recognized as equivalent; on the other hand, no foreigner, no matter what his diploma, was allowed to practise as a lawyer. It would be impossible therefore to adopt a definite form of words, as it could not be applied to all cases, as could the existing one.

82. The CHAIRMAN also thought it was impossible to adopt a more definite formula; the High Contracting Parties should simply be invited to do their best to make the most liberal provisions possible. The convention could not impose upon them obligations which it would be impossible for them to accept.

83. Mr. LARSEN (Denmark) observed that the representative of China had raised a question of a general character: would certain countries be able to invoke the most-favoured-nation clause on the pretext that refugees enjoyed more favourable treatment than was accorded to nationals of those countries? That was an important question which would have to be examined when all the articles had been adopted.

84. The CHAIRMAN proposed the adoption of paragraph 1 of article 13 of the French draft, as amended by the representative of France at the beginning of the discussion.

It was so decided.

85. The CHAIRMAN opened the discussion on paragraph 2 of article 15.

86. Sir Leslie BRASS (United Kingdom) preferred the deletion of the paragraph. Its provisions did not properly belong in article 15 and there would be included a special article, usually known as the "colonial clause."

87. Sir Leslie emphasized that the United Kingdom Government left the greatest possible independence in such matters to the Governments of overseas territories; it facilitated as far as possible the settlement of refugees in those territories, but he was afraid that such a clause might be misunderstood by the local governments.

88. Sir Leslie Brass thought it would be better to delete paragraph 2 and include the idea contained therein in the Rapporteur's report.

89. Mr. CUVELIER (Belgium) asked why the application of this clause was limited to the liberal professions.

90. Mr. HUMPHREY (Secretariat) explained that the Secretariat had thought that the treatment of refugees belonging to the liberal professions raised the most serious problem. Such refugees would have to be taken care of by special measures. Their settlement in overseas territories was more important in the general interest than the settlement of wage-earning and self-employed refugees.

91. Mr. RAIN (France) thought it would be preferable to delete paragraph 2 and insert a separate article applying to all professions. It was obvious that in practice the question would arise principally in connexion with refugees belonging to the liberal professions, for it was those professions which, everywhere, were the most overcrowded. For the past four years it had been his task in France to bring home to the local administrations of the

overseas territories the advantage of attracting refugees of the liberal professions.

92. Mr. Rain said that the French Government had much the same difficulties as the United Kingdom Government. From the legal point of view, the United Kingdom representative's objection was not in order, since the overseas territories were not autonomous and were therefore dependent on the metropolitan country. It must however be recognized that care should be taken not to offend the local authorities. Mr. Rain believed that the wording proposed in the French draft was flexible enough not to be embarrassing; it provided simply that the signatory States would do their best to convince the administrations of overseas territories that it was in their interest to attract refugees belonging to the liberal professions.

93. Mr. HENKIN (United States of America), in view of the fact that the question concerned more particularly the so-called "colonial" Powers, proposed the adoption of the French suggestion to the effect that there should be a separate article, to be drafted by the representatives of France and Belgium. Mr. Henkin believed it would at any rate be preferable to replace the word "promote" in the English text by the word "encourage". That did not affect the French text.

The United States proposal was adopted.

The meeting rose at 1 p. m.