

GENERAL  
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FIFTH SESSION

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THIRD COMMITTEE 341st

MEETING

Friday, 8 December 1950, at 10.45 a.m.

Lake Success, New York

## CONTENTS

Page

Refugees and stateless persons (A/1385, A/1396, A/C.3/528, A/C.3/538, A/C.3/540, A/C.3/547, E/1850, E/1850/Annex, A/C.3/L.142 and A/C.3/L.144 and Corr.1) ( <i>continued</i> ) .....	431
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Chairman: Mr. G. J. VAN HEUVEN GOEDHART (Netherlands).

**Refugees and stateless persons (A/1385, A/1396, A/C.3/528, A/C.3/538, A/C.3/540, A/C.3/547, E/1850, E/1850/Annex, A/C.3/L.142 and A/C.3/L.144 and Corr.1) (*continued*)**

[Item 32]\*

**(a) PROVISIONS FOR THE FUNCTIONING OF THE HIGH COMMISSIONER'S OFFICE FOR REFUGEES: DRAFT RESOLUTION PROPOSED BY THE ECONOMIC AND SOCIAL COUNCIL (A/C.3/L.142 and A/C.3/L.144 and Corr.1) (*continued*)**

1. The CHAIRMAN drew the Committee's attention to the text of the draft statute of the High Commissioner's Office for Refugees, as rearranged by the Secretariat (A/C.3/L.144 and Corr.1), and invited it to consider chapter I.

2. Mr. LEQUESNE (United Kingdom) suggested that in paragraph 1 of that chapter the words "will assume" should be replaced by the words "shall assume".

3. If, as he understood it, the intention of paragraph 2 was to explain in what manner the High Commissioner should discharge the function laid down in paragraph 1, it would clarify matters if the beginning of paragraph 2 were amended to read:

"By providing international protection for the refugees falling under his competence and by seeking permanent solutions for the problems of these refugees, the High Commissioner shall assist governments . . .".

4. Mr. ROBINSON (Israel) paid a tribute to the Secretariat for the rapid and conscientious work it had done in rearranging the text of the draft Statute. The Secretariat's terms of reference had, however, been too narrow to permit it to introduce all the improvements the text required. He therefore had several suggestions to make.

5. A minor alteration which the Secretariat could introduce in the final document would be to re-number all the paragraphs consecutively, according to the usual practice followed at the United Nations, so that it would be easier to refer to them in the future.

6. Paragraphs 1 and 2 called for a more serious rearrangement than the United Kingdom representative had proposed. The text had originally begun with what had since become paragraph 2, paragraph 1 having been introduced at a relatively late stage. As a result, paragraph 1 gave a narrow definition of the High Commissioner's functions, which was followed by a much broader one in paragraph 2. It would be much more logical to combine the first sentence of paragraph 1 with paragraph 2, with certain drafting changes, and to relegate the second sentence to the end of paragraph 4, which would then deal with the relationship between the High Commissioner and the various organs of the United Nations with which he would be in contact.

7. Mr. ROCHEFORT (France) thought that the Israel representative's proposal would necessitate changes in the text of paragraph 1 which might go beyond mere drafting. It should not be forgotten that that paragraph had already been adopted by the Committee, whereas paragraph 2 had not.

8. It would be preferable to let the text of paragraph 1 stand, and, in order to avoid undue repetition, begin paragraph 2 with the words: "In the exercise of his functions, the High Commissioner shall provide . . .". The desired result would then be obtained with a minimum of alteration.

9. Mr. LESAGE (Canada) suggested that the points raised by the Israel and French representatives might be met by combining the first sentence of paragraph 1 with paragraph 2 as redrafted by the French representative, and placing the second sentence of paragraph 1, unchanged, at the end of paragraph 4.

10. Mr. RAAFAT (Egypt), Mr. BAROODY (Saudi Arabia), Mr. PAZHWAQ (Afghanistan), and Mr.

\* Indicates the item number on the General Assembly agenda.

DAVIN (New Zealand) expressed the view that it would be a waste of time for the full Committee to attempt to re-draft the document before it.

11. The CHAIRMAN fully concurred with that view.

12. There were only two useful courses open to the Committee: either to confine its discussion entirely to the suggestions made by the Secretariat in the footnotes in document A/C.3/L.144 and Corr.1, or, if further drafting changes were desired, to appoint a drafting sub-committee which would make changes and would report back to the Committee.

13. Mr. DAVIN (New Zealand) formally moved that the Committee should confine itself to those points to which attention had been drawn by the Secretariat in document A/C.3/L.144 and Corr.1.

14. Mrs. ROOSEVELT (United States of America) supported the New Zealand proposal.

15. Mr. ROBINSON (Israel) objected, since the New Zealand proposal would debar members from making suggestions to improve a text in which he himself had noted no less than sixteen serious errors.

16. Mr. LESAGE (Canada) agreed with the Israel representative and thought the adoption of the procedure suggested by the New Zealand representative would set a dangerous precedent in preventing representatives from exercising their right to propose amendments.

17. He proposed that a drafting sub-committee should be set up consisting of the representatives of Australia, France, Israel, Lebanon, the United Kingdom, the United States of America and Venezuela.

18. Mr. DAVIN (New Zealand) withdrew his proposal, as he had been convinced by the arguments of the Canadian and Israel representatives, and particularly as the latter, whose legal acumen would be of great assistance, was to serve on the sub-committee.

19. Mrs. AFNAN (Iraq) supported the Canadian proposal, on the understanding that the sub-committee would be empowered to make drafting changes only.

20. She proposed that the sub-committee's membership should be expanded to include the representative of Pakistan.

21. Mr. LESAGE (Canada) accepted that proposal.

22. Mr. MOODIE (Australia) withdrew the name of his delegation in favour of that of Canada.

23. The CHAIRMAN put the Canadian proposal, as amended, to the vote.

*The proposal was adopted by 30 votes to 4, with 8 abstentions.*

24. Mr. CORDIER (Executive Assistant to the Secretary-General) announced that it had been decided that all the Committees with the exception of the First Committee must complete their work by the night of Wednesday, 13 December 1950, and the General Assembly by the night of Friday, 15 December 1950, and appealed to the Committee to regard those target dates as final.

25. Mr. ROCHEFORT (France) proposed that the sub-committee should begin its work shortly after the Committee adjourned its afternoon meeting and should attempt to complete its work the same night, so that the item could be transmitted as early as possible to the Fifth Committee.

*It was so agreed.*

26. Mr. PAZHAWAK (Afghanistan), Mr. AZKOUL (Lebanon) and Mrs. MENON (India) said that they would prefer the Committee to hold night meetings in the following week rather than to hold a meeting on Saturday afternoon.

*It was decided, by 25 votes to 7, with 13 abstentions, that the Committee should meet on the morning of Saturday, 9 December 1950.*

*It was decided, by 20 votes to 12, with 9 abstentions, that the Committee should not meet on the afternoon of Saturday, 9 December 1950.*

The meeting rose at 12.50 p.m.