UNITED NATIONS

GENERAL ASSEMBLY

GENERAL

A/CONF.2/SR.5
19 November 1951
ENGLISH
ORIGINAL: ENGLISH AND FRENCH

Dual Distribution

CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF REFUGEES AND STATELESS PERSONS

SUMMARY RECORD OF THE FIFTH MEETING

held at the Palais des Nations, Geneva,
on Wednesday, 4 July 1951, at 10.30 a.m.

CONTENTS:

Present:

President: Mr. LARSEN (Denmark)

Members:

Australia	Mr. SHAW
Austria	Mr. FRITZER
Belgium	Mr. HERMENT
Canada	Mr. CHANCE
Colombia	Mr. GIRALDO-JARAMILLO
Egypt	MOSTAFA Bey
Federal Republic of Germany	Mr. von TRÜTZSCHLER
France	Mr. ROCHEFORT
Greece	Mr. PHILON
Iraq	Mr. AL PACHACHI
Israel	Mr. ROBINSON
Italy	Mr. THEODOLI
Luxembourg	Mr. STURM
Netherlands	Baron van BOETZELAER
Norway	Mr. ANKER
Sweden	Mr. PETRÉN
Switzerland (and Liechtenstein)	Mr. ZUTTER
Turkey	Mr. MIRAS
United Kingdom of Great Britain and Northern Ireland	Mr. HOARE
United States of America	Mr. WARREN
Yugoslavia	Mr. MAKIEDO

Observer:

Iran	Mr. KAFAI

High Commissioner for Refugees	Mr. van HEUVEN GOEDHART

Representatives of specialized agencies and other inter-governmental organizations:

International Refugee Organization	Mr. SCHNITZER
Council of Europe	Mr. von SCHMIEDEN

Representatives of non-governmental organizations:

Category B and Register

Caritas Internationalis	Mr. METTERNICH Mr. BRAUN
Catholic International Union for Social Service	Miss de ROMER
Commission of the Churches on International Affairs	Mr. REES
Consultative Council of Jewish Organizations	Mr. MEYROWITZ
Co-ordinating Board of Jewish Organizations	Mr. WARBURG
International Committee of the Red Cross	Mr. PILLAND
International Council of Women	Mrs. GIROD
International Union of Catholic Women's Leagues	Miss de ROMER
Standing Conference of Voluntary Agencies	Mr. REES
World Jewish Congress	Mr. RIEGNER

Secretariat:

Mr. Humphrey	Executive Secretary
Miss Kitchen	Deputy Executive Secretary

CONSIDERATION OF THE DRAFT CONVENTION ON THE STATUS OF REFUGEES (item 5(a) of the agenda) (A/CONF.2/1 and Corr.1, A/CONF.2/5) (continued):

1. Article 3 Non-discrimination (A/CONF.2/25, A/CONF.2/28, A/CONF.2/29) (continued)

The PRESIDENT drew attention to the French amendment (A/CONF.2/29) to article 3, introduced orally at the preceding meeting. He recalled that he had been Vice-Chairman of the Ad hoc Committee at its second session, and explained that the words which the French amendment sought to delete had been included to dispel the anxiety of the representatives of countries of immigration concerning the use of the words "or because he is a refugee". The feeling had been that, whereas a non-refugee migrant who failed to settle satisfactorily in his country of adoption was able to return to his country of origin, refugees could not. It had therefore been considered desirable to provide them with certain assistance in settling in their new countries by granting them contracts to support them at the beginning of their stay. Hence, since the words "or because he is a refugee" had been deleted at the previous meeting, the reason for retaining the words "within its territory" had disappeared.

Mr. CHANCE (Canada) said that the deletion of the words "within its territory" would create genuine difficulties for countries of immigration, and therefore requested the French representative not to press his amendment. From the outset, in other words since the Ad Hoc Committee had first begun its work, the aim had been to draft an instrument which would be acceptable to the greatest possible number of States. If the words quoted were omitted, certain countries of immigration might find it difficult to accept the Convention.

Mr. WARREN (United States of America) said that all representatives were in full sympathy with the suggestion that there should be no discrimination against refugees. By that he meant discrimination in its true sense, namely, denying to one category of persons certain rights and privileges enjoyed by others in identical circumstances.

The history of the drafting of article 3 showed that if the words "within its territory" were deleted the Convention would affect the whole field of immigration policy. The admission of refugees was closely linked with national immigration policies and laws, no matter how the latter might be modified to cover the particular case of refugees. Most countries had immigration policies based on principles of selection; Mexico, for example, accepted Spanish refugees more readily than those from other countries, which was in the interests of the refugees themselves. There was no subject on which Governments were more sensitive or jealous regarding their freedom of action than on the determination of immigration policies. Those policies were the subject of lively discussion in national parliaments. If the proposed deletion were made, certain Governments might feel that their policy of selection was affected by the Convention, and they might accordingly be more hesitant about acceding to it. He supported the Canadian representative's appeal to the French representative.

Mr. ROCHEFORT (France) said that France was at one and the same time a receiving country and a country of immigration. It was therefore fully aware of the difficulties experienced by both. When presenting its amendment, which was intended mainly to state a moral position, the French delegation had not imagined that the text was likely to embarrass the countries of immigration. It was therefore perfectly willing to respond to the appeal of the Canadian and United States representatives and to withdraw the amendment.

Baron van BOETZELAER (Netherlands) recalled that at the preceding meeting attention had been drawn to the divergence between the English and French texts with regard to the words "within its territory". He felt that the English text was the more correct, but in any case the two would have to be concorded.

Mr. ROCHEFORT (France) was in favour of keeping the French wording, as it reflected France's position exactly.

The PRESIDENT suggested that the matter, and similar drafting points which might arise in the course of the discussion, should be referred to a style committee to be set up later.

Baron van BOETZELAER (Netherlands) observed that the point was not merely of linguistic interest; it also raised a question of principle.

The PRESIDENT replied that, in that case, the style committee should have some guidance from the Conference.

He then asked the French-speaking delegations whether, from the purely linguistic aspect, it would be possible to re-phrase the French text to read:

"Aucun Etat contractant ne prendra sur son territoire de mesures discriminatoires contre un réfugié ....."

Mr. ROCHEFORT (France) had nothing to say against the formula proposed by the President, which he considered excellent; at the same time, he was somewhat diffident about supporting it, since to do so would be tantamount to reverting in a roundabout way to the amendment he had withdrawn.

The PRESIDENT asked whether it would be possible to say:

"Aucun Etat contractant ne prendra de mesures discriminatoires contre un réfugié sur son territoire ....."

By re-wording the text thus, there would be conformity between the English and French drafts. It would then have to be decided whether the English or the original French text should be adopted from the point of view of substance.

Baron van BOETZELAER (Netherlands) thought the proposed formula merely shifted the difficulty without solving it. To make the point clear, the words "se trouvant" would have to be inserted before "sur son territoire".

Mr. ROCHEFORT (France) said that the Netherlands representative's suggestion would have consequences which might change France's attitude. It was not clear what discriminatory measures were referred to, or how the territorial clause would apply in respect of the provisions of the article. That being so, he must reserve his entire attitude towards it pending instructions from his Government.

Mr. HERMENT (Belgium) supported the Netherlands suggestion, which would bring the French text exactly into line with the English. The alteration would, of course, affect not merely the form but the substance of the article, and it would therefore have to be ascertained whether the text thus revised was acceptable to the majority of representatives.

Mr. ROBINSON (Israel) said that if article 3, which was one of the general provisions of the Convention and should therefore govern all the particular articles in Chapters II to V inclusive, was regarded as referring only to refugees within the territory of a given State, it would be difficult to reconcile it with those articles that contained extra-territorial provisions, especially article 23 entitled "Travel documents". He considered that the Conference was faced, not with a question of substance but with the necessity for drafting article 3 in such a way that it was in harmony with all the other articles. He supported the President's suggestion that the text should be discussed by a style committee.

Mr. ROCHEFORT (France) asked whether it would not be possible to locate the original text of article 3 fairly quickly. His impression was that it had been a Belgian proposal submitted at the second session of the Ad hoc Committee.

The PRESIDENT drew attention to paragraph 21 of the Report of the second session of the Ad hoc Committee (E/1850), where it was recorded that the Committee had decided to add the words "within its territory" to the article in question in order to make it clear that it was not intended to apply to special conditions of immigration imposed on aliens, but only to the treatment of aliens within the territory of a Contracting State.

Mr. HERMENT (Belgium) observed that it had never been a question discrimination between refugees, as there was now a tendency to believe, but against refugees - a totally different matter.

Mr. SHAW (Australia) explained that he had introduced his amendment (A/CONF.2/14) because the meaning of the term "discriminate" as used in article

3 was not clear; it might be taken as referring to discrimination between refugees and nationals, between refugees and other aliens or between various classes of refugees and other aliens or between various classes of refugees themselves. He was suggesting that it should be taken to mean discrimination between refugees and other aliens, because, in Australia at least, there was no discrimination between those two categories although all aliens were subject to certain restrictions which did not apply to nationals.

On the other hand, if what was meant was discrimination between various classes of refugees, the substitution of the words: "between refugees" for the words "against a refugee" would meet the point, provided the words "within its territory" were retained.

Mr. ROCHEFORT (France) submitted that there could be no question of discrimination between refugees, since that would open the door to discriminatory measures of all kinds. For example, a Contracting State would only need to reserve prejudicial treatment for all refugees to avoid contravening the provisions of the Convention.

Mr. WARREN (United States of America) said that, as was acknowledged in article 4 (exemption from reciprocity) the Convention itself provided for refugees being given more favourable treatment, in certain cases, than other aliens. That could itself be regarded as discrimination.

Mr. HERMENT (Belgium) considered the objection raised by the United States representative to be purely formal. There was no question of prohibiting discriminatory measures in favour of refugees, but only those which would be to their detriment.

Perhaps the difficulty might be solved by using the words "against and between refugees". That formula would cover all possible forms of discrimination.

The PRESIDENT suggested that the representatives of Australia, Belgium, France, Israel and the United States of America should meet as a drafting group to discuss the text in question and to submit an approved version to the Conference for further consideration.

Mr. HERMENT (Belgium) agreed to the President's suggestion.

Baron van BOETZELAER (Netherlands) thought that the drafting group might find it useful to refer to article 3 of the Red Cross Convention.

The President's suggestion was adopted.

Mr. MAKIEDO (Yugoslavia) recalled that he had withdrawn his amendment (A/CONF.2/22) to article 3 at the preceding meeting, because it had been considered too broad in scope. On the other hand, he felt that article 3 should be broadened to a certain extent, because only three reasons for discrimination were mentioned, namely, race, religion and country of origin. Article 2 of the Universal Declaration of Human Rights referred to other reasons such as colour, sex, language and property. Although it would be impracticable to mention all those reasons, it would be advisable to insert the word "particularly" in front of the words "on account of his race ..." and the words "or sex" after the words "country of origin". It should be appreciated that, if sex discrimination were practised, families would be broken up.

Mr. ROCHEFORT (France) saw no objections to the insertion of the word "particularly". He would, however, oppose the insertion of the words "and sex" which would imply that certain countries at present practised discrimination on grounds of sex. Such was not the case.

Mr. HOARE (United Kingdom) said that the inclusion of the word "particularly" would extend the scope of article 3 enormously, because the reasons for discrimination given therein would then become examples, and the term "discrimination" was in itself so wide that it would have to be further defined.

With regard to the inclusion of a reference to sex, he pointed out that the equality of the sexes was a matter for national legislation. He wondered whether, supposing a woman refugee obtained employment in the government of a State where the salaries of women were smaller than those of men, it would be

possible to allege that discrimination was being practised against that refugee. Such an example was probably academic, but served to illustrate the possible difficulties to which the adoption of the second Yugoslav amendment might give rise.

Mr. THEODALI (Italy) said that, if sex was included among the possible reasons for discrimination, mention could be made with equal justification of age and health. A certain number of Italian refugees had been sent to other countries under the auspices of the International Refugee Organization, but some had been sent back because they suffered from tuberculosis or because of their age; that had had the result of breaking up families. He submitted that the point might be considered by the style committee.

The PRESIDENT feared that there might be a long discussion in the style committee, which would later be repeated in the Conference itself. He was therefore hesitant about referring the matter to the style committee at that stage. He believed the original idea underlying article 3 to be that persons who had been persecuted on account of their race or religion, for example, should not be exposed to the same danger in their country of asylum. He doubted strongly whether there would be any cases of persecution on grounds of sex.

Mr. WARREN (United States of America) agreed with the United Kingdom representative that the introduction of the word "particularly" and of a reference to discrimination on grounds of sex would substantially widen the scope of article 3. If that were done, therefore, States whose legislation provided for different hours of work for men and women, for instance, might be hesitant to accede to the Convention.

The PRESIDENT added that, under article 7, paragraph 1 of the draft convention, married women might be prevented by national legislation from establishing their own domiciles. The inclusion of a reference to sex in article 3 might therefore present legislative difficulties for the State in question.

Mr. FRITZER (Austria) said that he was opposed to the insertion of the word "particularly", because the scope of article 3 would thereby be unduly extended. The Yugoslav representative wished to include a list of examples, but the point might be met by a reference to a collective concept, such as "human rights".

Again, the inclusion of a reference to sex might conflict with national legislation, and he was therefore opposed to it as well. To quote one example, during a tobacco shortage in Austria the ration for women had been smaller than that for men. It had been alleged in the constitutional courts that that was a violation of the equality of the sexes, but the finding of the courts had been that women needed less tobacco than men. Thus, to include the reference to sex might bring the Convention into conflict with national legislation, because a woman refugee might not obtain as many cigarettes as a male refugee. Such was certainly not the intention of article 3.

Mr. ZUTTER (Switzerland) thought that there was some contradiction between the two Yugoslav amendments. If the word "particularly" was added, the grounds of discrimination would thereby be broadened, and it would not then be necessary to add the words "and sex". The Swiss delegation opposed the widening of the scope of the article proposed, and favoured the text of article 3 as already amended by the Conference.

Mr. GIRALDO-JARAMILLO (Colombia) agreed with the Swiss representative. Moreover, article 7 of the draft Convention already provided that the personal status of a refugee should be governed by the law of the country of his domicile. He therefore opposed both Yugoslav amendments.

Mr. MIRAS (Turkey) also favoured the retention of the text of article 3 as amended at the preceding meeting.

Mr. MAKEDO (Yugoslavia) said that representatives who believed that the insertion of the word "particularly" after the words "within its territory", would greatly extend the scope of article 3 were perfectly correct. Indeed,

that had been his intention in introducing his amendment. The President had suggested that the text was satisfactory because it in fact enumerated all the reasons for which refugees were generally persecuted. There were, however, others, such as the holding of certain political opinions. It was therefore necessary to amplify the existing text of article 3. As the insertion of the word "particularly" would have that effect, he was prepared to withdraw his second amendment concerning the insertion of the words "or sex" after the word "origin".

The PRESIDENT put to the vote the Yugoslav proposal that the word "particularly" should be inserted after the words "within its territory".

The Yugoslav proposal was rejected by 17 votes to 1, with 5 abstentions.

The PRESIDENT drew attention to the Egyptian amendments (A/CONF.2/28) proposing the addition of the words "subject to the requirements of public order and morals" at the end of article 3.

MOSTAFA Bey (Egypt) said that he had abstained from the vote that had just been taken because he questioned the whole value of article 3. The discussion on that article had made it clear, in fact, that the regime applied to aliens was not uniform in all countries.

With regard to the Egyptian amendment (A/CONF.2/28), it simply represented, as he had pointed out at the preceding meeting, the formal reservation usually included in texts which limited the sovereignty of States.

Egypt was fully aware of the dangers of mass immigration, and considered it essential that the Contracting States should be in a position, if necessary, to adopt all requisite measures for the maintenance of public order.

Mr. PHILON (Greece) considered the considerations on which the Egyptian amendment was based to be both realistic and cogent. Nevertheless, it might seem open, at first sight, to varying interpretations. To his mind, a more restrictive formula might be adopted which would harmonize more closely with the basic principle of non-discrimination. The Greek delegation accordingly proposed the

addition at the end of the present text of article 3 of the words "except insofar as legitimate considerations of public safety require".

The suggested formula was merely tentative, and was no doubt capable of improvement; however, it would give the Contracting States a free hand to adopt specific measures necessary for the maintenance of public order.

Mr. GIRALDO-JARAMILLO (Colombia) supported the formula proposed by the Egyptian representative, which he described as both clear and consonant with general legal principles. The Colombian Constitution, incidentally, included reservations of the same nature in respect, inter alia, of the practice of religions.

Mr. MAKIEDO (Yugoslavia) pointed out that the Egyptian amendment would further restrict the scope of a provision which was already too narrow.

Mr. HOARE (United Kingdom) said that he was doubtful whether the addition of the words proposed by the Egyptian representative would not be superfluous. There was no need to safeguard the inherent right of any State to impose restrictions on any persons within its territory in the interests of public order, security or even morals, a right which was not encroached upon by the terms of article 3, which merely stated that discrimination should not be practised against refugees solely on grounds of race, religion or nationality. Unless it could be conclusively shown that there was a real need for such an addition, he would be very reluctant to agree to it, since it would have a certain restrictive effect.

Mr. ROCHEFORT (France), while anxious not to add to the confusion of the discussion, wondered whether the provisions of article 3 would not be more aptly placed in the preamble. In any case, would not paragraph 1 of the Preamble be sufficient in itself to meet all the points that were causing concern, and was article 3 therefore really necessary?

MOSTAFA Bey (Egypt) requested some clarification of the statements just made by the Yugoslav and United Kingdom representatives to the effect that his amendment was limitative in character. What sense did those representatives mean that observation to bear?

Mr. HOARE (United Kingdom) restated his opinion that the acknowledged right of any State to safeguard the requirements of public order and morality was extraneous to the subject-matter of article 3, and that the addition of the Egyptian amendment would only serve to weaken the text.

Mr. von TRÜTZSCHLER (Federal Republic of Germany) and Mr. MAKLEDO (Yugoslavia) supported the United Kingdom representative.

Baron van BOETZELAER (Netherlands) also shared the United Kingdom representative's view. To his mind, the obligations imposed on refugees under article 2 were such as to allay the fears harboured by the Egyptian representative. It would be dangerous to add a provision to article 3 which would to some extent emasculate it, and which in any case seemed unnecessary.

The PRESIDENT put to the vote the Egyptian amendment (A/CONF.2/28) concerning the addition of the words "subject to the requirements of public order and morals" at the end of article 3.

The Egyptian amendment was rejected by 14 votes to 4, with 4 abstentions.

The PRESIDENT suggested that the Conference should next take up the Australian proposal (A/CONF.2/25) for an additional article to precede article 3.

Mr. SHAW (Australia) said there were two minor drafting alterations which he wished to make to the text introduced by his delegation. They were: the substitution of the words "to absolve" for the words "as absolving"; and the insertion of the words "or shall be" after the words "which he was". The purpose of the second amendment was to show that the provision applied to all refugees, and not only to those who had already been admitted to the territory of a Contracting State.

The purpose of the proposed new article was to give recognition to the fact that States must be free to prescribe the conditions of admission of refugees, conditions which the refugees in their turn had a standing obligation to observe. It was important to ensure that refugees would abide by those conditions irrespective of the other provisions of the draft Covenant, particularly those of articles 3, 12, 13, 14 and 21. The views of the Australian Government on the matter had been made known on previous occasions at considerable length and there was no necessity for him to repeat them now.

Mr. GIRALDO-JARAMILLO (Colombia) was entirely in favour of the Australian proposal. The inclusion of its provisions in the draft Convention would be of great value to countries of immigration.

Mr. ROCHEFORT (France) was not opposed to the Australian amendment proposal, but did not really wish to see the new article included in the draft Convention, as it would enable receiving countries, as well as countries of immigration, to refuse authorization to stay until refugees had fulfilled certain conditions.

Mr. HOARE (United Kingdom) had some sympathy with the pre-occupations of the Australian Government, but doubted whether the difficulty would be met by the insertion of the proposed new article, since it would not eliminate the possibility of governments being prevented, by the terms of other provisions of the draft Covenant, from imposing certain conditions relating to the entry of refugees.

Mr. HERMENT (Belgium) was rather disturbed by the United Kingdom representative's remarks, which raised the question of the relationship between the Australian proposal and subsequent articles of the Convention. Would the proposed new article make it possible, for instance, for a Contracting State to require a refugee in its territory to agree to take up some specific employment before he could obtain authorization to stay there?

Mr. ROCHEFORT (France) pointed out that the countries in the most difficult position were those which were unable to screen refugees. The Australian amendment would only be acceptable if a balance was preserved between receiving countries and countries of immigration.

Mr. SHAW (Australia) said that it was in no way the intention of the Australian Government to impose new conditions on refugees once they had been admitted. All that was asked of them was that they should conform to certain conditions laid down before their entry.

Mr. ROCHEFORT (France) asked the Australian representative for his opinion on what the attitude of a government should be towards refugees entering its territory clandestinely. Would such a government have the right to impose on such refugees conditions of stay based on considerations of race, religion or country of origin rather than on general considerations of security and the like?

Mr. SHAW (Australia) said that the case described by the French representative would be regarded as an illegal entry. He did not presume that the intention was to alter the existing legal arrangements for dealing with such cases.

Mr. HERMENT (Belgium) said that the Australian representative's reply did not appear to him to be satisfactory. In the case where a refugee who had entered clandestinely the territory of a contracting State brought a judicial action, would he enjoy the rights and privileges laid down in article 11, especially exemption from cautio judicatum solvi?

Mr. ROCHEFORT (France) observed that article 26 of the draft Convention laid down that penalties could not be imposed upon refugees for irregular entry into or stay in the territory of a Contracting State. The position adopted by the Australian representative amounted to a negation of the right of asylum.

Mr. CHANCE (Canada) said that the movement of refugees from one job to another, involving a breach of their contracts, had not proved a serious problem in his country. The crucial matter at issue, however, was the essentially different attitude of governments of overseas countries and those of countries where refugees first sought asylum. It would be most regrettable to insert a provision in the Convention which, while meeting the peculiar position of an immigration country, would seriously impair the general strength of the Convention itself. He therefore earnestly appealed to the Australian representative to make known the reservations of the Australian Government rather than to attempt to write into the instrument a provision which would weaken the position of refugees throughout the world.

Mr. SHAW (Australia) said that he was aware that his view was not shared by the majority of governments represented at the Conference, and he was reluctant to press for the insertion of a provision if it did not command general approval. He would not therefore press the matter, but would confine himself to saying that the Australian Government had explored the various possible alternatives, namely, formulation of a reservation or amendment of article 1, but had found that they were both unsatisfactory. As he had already stated, if such a provision was omitted from the Convention, the Australian Government would find it much more difficult to ratify it.

Mr. GIRALDO-JARAMILLO (Colombia) said that it was clear that the laws and provisions adopted by a Contracting State subsequent to the entry of a refugee into its territory could not apply to that refugee. Criminal law, in particular, could have no retroactive effect. The addition to the Convention of the new article proposed by the Australian delegation would facilitate the accession of receiving countries and countries of immigration.

The PRESIDENT put the Australian proposal (A/CONF.2/25) to the vote.

The Australian proposal was rejected by 6 votes to 5, with 11 abstentions.

Article 3 was adopted as amended, subject to review by the Style Committee set up earlier in the meeting.

2. Article 3 (A)

The PRESIDENT observed that there was a slight discrepancy between the English and French texts; they read "prior to or apart from" and "indépendamment de" respectively.

Mr. HERMENT (Belgium) wondered whether the words "prior to or" were really necessary; for article 4 of the draft Convention already contained a reservation concerning the rights acquired by refugees. He would nevertheless not oppose the addition of the words to article 3 (A).

Mr. von TRÜTSCHLER (Federal Republic of Germany) pointed out that article 4, paragraph 2, only dealt with rights and benefits subject to reciprocity. Article 3 (A) was broader in scope.

The PRESIDENT thought that the words "prior to or" were redundant, but suggested that the matter might be left to the Style Committee.

It was so agreed.

Article 3 (A) was adopted on that understanding.

3. Article 3 (B) (A/CONF.2/14)

The PRESIDENT drew the attention of representatives to the Australian amendment (A/CONF.2/14).

Mr. SHAW (Australia) said that in view of the fact that the wording of article 3 was to be referred to the Style Committee, he would withdraw his amendment to article 3 (B), which was designed to remove any possible ambiguity with regard to the interpretation of the term "discriminate".

Mr. ROBINSON (Israel) suggested that as a matter of drafting the interpretative clauses contained in article 3 (B) should more properly be placed at the end of the draft Convention.

He had, in addition, a more important objection of substance to article 3 (B). It had to be recognized that in certain cases refugees could not satisfy requirements identical with those prescribed for nationals. For example, in some eastern European countries a person had to fulfil certain qualifications relating to residence in order to be eligible for social security. The definition contained in sub-paragraph (a) was too rigid, and would weaken the Convention. The same argument applied to sub-paragraph (b). The special circumstances of refugees must be recognized, and while accepting the basic principle underlying the definitions put forward in article 3 (B), he suggested that it needed to be drafted somewhat differently.

Mr. HOARE (United Kingdom) expressed his general agreement with the arguments advanced by the Israeli representative, and, though he had at present no alternative wording to suggest, believed that it would not be impossible to devise a more satisfactory text. Particular attention should be paid to the definition of the term "In the same circumstances". If success could be achieved in that respect, perhaps some of the hesitations of the Australian Government might be overcome.

The PRESIDENT suggested that the Israeli and United Kingdom representatives might endeavour to work out a satisfactory text between them before the next meeting.

The meeting rose at 1.0 p.m.