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CONFERENCE OF PLENIPOTENTIARIES ON THE STATUS OF REFUGEES AND STATELESS PERSONS

SUMMARY RECORD OF THE NINTH MEETING

held at the Palais des Nations, Geneva, on Friday, 6 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
Columbia	Mr. GIRALDO-JARAMILLO
Denmark	Mr. HOEG
Egypt	MOSTAFA Bey
Federal Republic of Germany	Mr. von TRUTZSCHLER
France	Mr. ROCHEFORT
Greece	Mr. PAPAYANNIS
Iraq	Mr. Al PACHACHI
Israel	Mr. ROBINSON
Italy	Mr. del DRAGO
Monaco	Mr. SOLAMITO
Netherlands	Baron van BOETZELAER
Norway	Mr. ANKER
Sweden	Mr. PETREN
Switzerland (and Liechtenstein)	Mr. ZUTTER Mr. SCHURCH
Turkey	Mr. MIRAS
United Kingdom of Great Britain and Northern Ireland	Mr. HOARE
United States of America	Mr. WARREN
Yugoslavia	Mr. MAKIEDO

Observers:

Iran	Mr. KAZEMI

High Commissioner for Refugees	Mr. van HEUVEN GOEDHART
Representatives of specialized agencies and other inter-governmental organizations:	
International Refugee Organization	Mr. STEPHENS 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 Council of Women	Mrs. GIROD
International League for the Rights of Man	Miss BAER
International Union for Child Welfare	Mr. THELIN
International Union of Catholic Women's Leagues	Miss de ROMER
League of Red Cross Societies	Mr. LEDERMANN
Standing Conference of Voluntary Agencies	Mr. REES
Women's International League for Peace and Freedom	Miss BAER
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 and Corr.1) (continued):

The PRESIDENT announced that the Australian delegation had submitted the text of a new article 11 (A), but, as the French version was not yet available, he suggested that the proposal (A/CONF.2/41), which was a kind of general observation concerning articles 12, 13 and 14, should be considered after those articles had been discussed.

Mr. SHAW (Australia) explained that his attitude to those articles would depend on the fate of his own proposal. Nevertheless, he had no objection to the procedure suggested by the President.

The President's suggestion was adopted.

1. Article 12 - Wage-earning employment (A/CONF.2/31; A/CONF.2/40, A/CONF.2/41, A/CONF.2/47)

The PRESIDENT drew attention to the amendments to article 12 submitted by the Yugoslav and United Kingdom delegations (A/CONF.2/31 and A/CONF.2/40 respectively).

Mr. MAKIEDO (Yugoslavia) remarked that his amendment called for little explanation. He recalled the fact that in the general discussion he had stated that refugees should be granted the same rights as nationals of the country in which they resided. Yugoslavia had already adopted that principle, and he hoped that the other delegations would find his amendment acceptable.

M. von TRUTZSCHLER (Federal Republic of Germany) said that a clause pertaining to the legal status of refugees, similar in purport to the Yugoslav amendment, had been incorporated in the legislation of the Federal Republic of Germany.

The right to engage in wage-earning employment was extended to refugees on the same terms as to nationals. It was hoped to assimilate the refugees within the

economic structure of the country on a permanent basis. He therefore hoped that the Yugoslav amendment would be adopted, although he realized that it presented certain difficulties to some delegations, and would vote in favour of it.

Mr. HOARE (United Kingdom) stated that paragraph 2 of article 12 related to conditions which a refugee had to fulfil in order to be exempt from the restrictive measures applying to aliens: one of those conditions was that of residence. The general administrative practice in the United Kingdom was to free a foreigner from all those controls after a period of residence of four years, although there were some categories of each in which controls were lifted after three years. If his minor amendment (A/CONF.2/40) to sub-paragraph 2(a) were adopted, it would satisfy his and possibly other delegations in that connexion. If it were not adopted, he would be obliged to enter a specific reservation on that point.

With regard to the proposed deletion of sub-paragraph 2(c), he pointed out that the mere fact of birth in the United Kingdom gave a child British nationality. There were cases of refugees who, shortly after admission, had given birth to offspring. Although he recognized that the purpose of sub-paragraph 2(c) was to ensure that a refugee with a family, who was firmly established in his country of refuge, should be accorded his due rights, he could not accept the arbitrary condition stipulated in that sub-paragraph. If his proposal that sub-paragraph 2(c) be deleted was not adopted, he would therefore have to enter an appropriate reservation in that respect too.

Mr. GIRALDO-JARAMILLO (Colombia) submitted that if the Yugoslav amendment to paragraph 1 of article 12 was adopted, paragraphs 2 and 3 would obviously become pointless, as, indeed, the Yugoslav delegation itself recognized, as was shown by its further proposal that those paragraphs should be deleted. In other words, if Contracting States accorded refugees the same labour treatment as their own nationals, there would no longer be any restrictive measures, or any consequential exceptions to be made to those measures.

The Colombian Constitution granted aliens the same civil rights as nationals; however, it was possible that some European countries might experience serious difficulties in accepting the liberal provisions of the Yugoslav amendment.

Mr. PETREN (Sweden) said that Sweden, which was a receiving country, was in a very special position. For domestic reasons, it had been obliged to introduce a system of labour permits for all aliens which, at the present juncture, it was unable to abandon. Hence, while the Swedish delegation was not opposed to the principle of the Yugoslav amendment, it would have to enter a reservation to article 12 should that amendment be adopted, and, indeed, insofar as paragraph 2 was concerned, even if the Yugoslav amendment was not adopted, since Sweden could not pledge itself to make an exception to the system in favour of refugees.

His delegation would also be obliged to enter a reservation to paragraph 1 of article 12, as it could not undertake to extend to refugees the preferential treatment granted to nationals of other Scandinavian countries under existing special treaties.

Mr. SCHURCH (Switzerland) said that Switzerland was in a similar position to Sweden so far as conditions for employment imposed on aliens were concerned. The basic principle of article 12 of the draft Convention was, he granted, equitable. Refugees must be guaranteed normal living conditions, which implied freedom to engage in work. The existing state of the labour market in Switzerland allowed that country to observe that principle. Nevertheless, his country could not undertake to apply the provisions of paragraph 2 of article 12 for an indefinite period, especially so far as the obligations imposed by sub-paragraphs (a) and (b) were concerned; and the Swiss Federal Government had no other course open to it but to enter reservations on that point. It should not be forgotten that a large number of Swiss nationals were obliged to leave their own country to find work. Notwithstanding that fact, the Federal Government would not fail to consider any specific cases submitted to it with the utmost sympathy.

Mr. HOEG (Denmark) said that the Danish delegation was in much the same position as the Swiss and Swedish delegations, and would also have to enter a reservation relating to the whole of article 12. In Denmark, there were regulations concerning working permits for aliens; those regulations had been implemented liberally in the past and would, he hoped, be liberally interpreted in the future too. On the other hand, the Danish Government could not commit itself to fulfilling the obligations provided for in article 12, especially those in paragraph 2. He could not therefore support the Yugoslav amendment. He was, however, in favour of the United Kingdom amendments to article 12.

Mr. FRITZER (Austria) remarked that the Austrian delegation was also in the same position. He was instructed by the Austrian Federal Government to enter a reservation concerning article 12 which it could accept as a recommendation but not as a binding provision.

There were 400,000 refugees in Austria, and in December, 1950, the number of unemployed had been 200,000. Austria, in spite of its restricted economy, had done everything in its power for the refugees within its territory, but it would be extremely difficult for such a small country to accept the obligations inherent in article 12. 580 million Austrian schillings had been spent on refugees between 1945 and 1951; with that sum, 7,000 dwelling-units could have been constructed. By 28 February, 1951, 162,000 foreigners had become naturalized, of whom 120,000 had been refugees; if the families of refugees were included, that figure would be approximately 177,000.

With regard to the labour situation, refugees of German ethnic origin (Volksdeutsche) employed in agriculture or as domestic servants or child nurses, for example, were treated as Austrian nationals. The same was true of Volksdeutsche who had been working for three years in the same trade, industry or business. The three-year qualifying period mentioned in sub-paragraph 2(a) was therefore already generally observed in practice in Austria.

Refugees who were blind or helpless, or who had been wounded in the second world war, were also entitled to public assistance on the same terms as Austrian nationals.

Finally, the Austrian Federal Government was actively engaged in trying to meet the refugees' most urgent need, that of accomodation.

Every State had the duty of giving its own nationals primary consideration, but, although he felt that difficulties would be raised by putting refugees on the same footing as nationals, Austria solemnly promised to do everything in its power to transform the provisional solution of its refugee problems into a permanent one.

Mr. HERMENT (Belgium) said that, although Belgium had a large number of unemployed, she was nevertheless prepared to accept article 12 of the draft Convention. However, the Belgian delegation would have to enter reservations in respect of paragraph 1 of that article in view of the economic and customs agreements existing between Belgium and certain neighbouring countries.

With regard to paragraph 2, Belgium was submitting an amendment (A/CONF.2/47) to sub-paragraph (b) which admittedly limited its scope, but which nevertheless seemed essential: a stipulation obviously had to be made that, in order to be exempt from the application of the restrictive measures imposed on aliens, the refugee must reside with the spouse of the country on whose account he or she enjoyed that exemption.

The PRESIDENT said that Belgian amendment would be considered after it had been circulated in both working languages.

Mr. CHANCE (Canada) pointed out to the Yugoslav representative that the text of article 12, like that of the other articles, was the product of a great deal of discussion and thought over the preceding eighteen months. At the second session of the Ad hoc Committee, some delegations, had felt that a proposal as simple as the one in the Yugoslav amendment would be acceptable, but, after much discussion, it had been considered that paragraph 1 as it stood in document A/CONF.2/1 would be most likely to command general acceptance. He therefore urged the Yugoslav representative not to press his amendment; otherwise the Conference would probably find itself involved in an endless discussion.

He found some difficulty in sharing the apprehensions of the United Kingdom representative with regard to sub-paragraph 2(c). He doubted whether the point involved was of any great importance, but, if the United Kingdom representative had strong feelings in the matter, he was prepared to support him.

Mr. del DRAGO (Italy) said that the point at issue was one on which the Italian Government had always had very definite views. Both in his Government's reply (E/1703(Add.6) to the Secretary-General's invitation requesting Governments to submit to him their comments on the report of the Ad hoc Committee on Statelessness and Related Problems, and in his own statement summarizing those comments,[1] the position of the Italian Government had been made quite clear with regard to the commitments to be assumed under the various articles of Chapter III of the draft Convention (Practice of Professions).

A country such as Italy, which was over-populated and therefore had a great deal of unemployment, and whose frontiers and Adriatic coast lay adjacent to areas which formed an inexhaustible source of refugees, could definitely not consider assuming commitments regarding the employment or naturalization of foreign refugees, which could only add to the difficulties already confronting the Italian economy.

Each year approximately 300,000 Italian students finished their studies and set out to seek employment. Those young people, some of whom were prepared to work on Saturdays and Sundays, could not be refused the opportunity of working.

For those reasons, the Italian Government could not do more than allow refugees to benefit by the laws and regulations concerning work, employment, salaried professions, insurance and so on, which at the moment applied to all aliens resident in Italy.

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(1) See summary record of the third meeting (A/CONF.2/SR.3)

Mr. ROCHEFORT (France) congratulated the Yugoslav representative on his generous display of liberalism. He doubted, however, whether the Yugoslav amendment could be implemented by receiving countries without causing a wave of hostility on the part of the trade unions or without provoking an outburst of xenophobia which might well end in the closure of the frontiers. Indeed, such generosity would recoil on the heads of the very people whom it was sought to protect. His own country's refugee policy was very liberal, but it was a policy of stages which gradually led refugees to the enjoyment of the unrestricted right to work. The liberalism of the policy was based on the right of asylum. The Yugoslav amendment jeopardized the very existence of that right, and did not therefore reflect a very realistic attitude.

If France acceded to the Convention, it would do so subject to reservations on article 12, as had been the case with the corresponding article in the 1933 Convention.

With regard to the United Kingdom amendment, he preferred to retain sub-paragraph 2(a) as it was. He was opposed to sub-paragraph (c), but would not oppose the Belgian amendment to sub-paragraph (b).

Mr. SHAW (Australia) said that his first concern in respect of article 12 was the interpretation of the words "lawfully living in their territory" in paragraph 1. He felt that some interpretative article such as the one he was himself proposing (A/CONF.2/41) should be inserted in the Convention.

In Australia, as in certain other countries, there were several categories of people holding visas for a temporary stay, for example, students, invalids undergoing medical treatment and business men, who had no permanent residence in those countries entitling them to engage in wage-earning employment. It was possible that such people, who were "lawfully living" in those countries, might later claim the rights pertaining to refugees; their claimmmight be legitimate if, for example, a revolution had in the meantime occurred in their countries of origin. In his opinion, however, aliens sojourning in a given country should not

automatically be entitled to benefit from the provisions of the Convention; they should be required to satisfy the authorities that circumstances had arisen which allowed them to qualify. Naturally, aliens including refugees who had been admitted on a permanent basis were lawfully entitled to such rights.

He had therefore introduced his proposal for a new article 11 (A). That proposal might appear a cumbersome method of meeting the difficulty, and he suggested that some representatives who had participated in the work of the Ad hoc Committees, might be in a position to make suggestions as to how it could be improved.

He also had doubts regarding the words "in the same circumstances" in the third line of paragraph 1, and in that connexion, recalled his earlier statement concerning Australia's position as a country of immigration. There was no question of discriminating against refugees, and the general purport of article 12 was acceptable to his delegation. Australia's aim was to assimilate the refugees within its territory, but its immigration scheme provided for labour contracts for certain types of migrants. Approximately 160,000 refugees had come to Australia under an agreement with the International Refugee Organization (IRO); they had been classed as assisted migrants and had had to enter into two-year labour contracts. There was also an annual intake of 40,000 to 50,000 non-refugee immigrants from countries with which Australia had bilateral agreements and which had agreed to the two-year contract condition. In addition, 150,000 non-refugee aliens and 50,000 refugee aliens had been admitted since the second world war without assistance or labour contracts.

It had been asserted by some representatives that the Australian delegation's reservations would be covered by the words "in the same circumstances", those words being taken to mean that refugees should have the same treatment as other aliens in the same circumstances, in the sense that the refugees would have to satisfy the requirements prescribed for nationals of foreign States resident in Australia. But his difficulty would not be resolved by such a vague wording, and problems might arise concerning the different categories of refugees under the Australian immigration scheme.

It was for those reasons that he had introduced his proposal. He had tried to draft it in such a way as to confine its application to as few articles as possible, namely, articles 12, 13, 14 and 21, in which he saw a possible conflict between the Convention and the Australian labour-contract system. In that way, he hoped that he had disposed of the objection that his proposal was too wide and too general.

His attitude to articles 12, 13, 14 and 21 would depend on the position which the Conference took on his proposal, and he would therefore reserve his position if those articles were put to the vote before that position had been made clear.

Mr. van HEUVEN GOEDHART (United Nations High Commissioner for Refugees) felt that article 12 was a basic element in the draft Convention and that it would be deplorable to water it down by making substantive amendments to it. He appreciated the motives which had prompted the Yugoslav delegation to introduce its amendment. He nevertheless fully supported the pertinent remarks of the French representative. To accept the Yugoslav amendment would be to run counter to the true intentions of the Yugoslav delegation, for, as the French representative had pointed out, certain delegations would then be obliged to enter reservations on the entire article.

The points raised by the United Kingdom representative could be covered by two appropriate reservations. Thus, on the one hand, the force of article 12 in its existing form would be preserved, and, on the other, the difficulties of the United Kingdom delegation would be met. He hoped that article 12 would be adopted unamended, and that delegations which could not accept it <u>in toto</u> would enter the necessary reservations. It was also to be hoped that the Yugoslav representative would reconsider his position.

MOSTAFA Bey (Egypt) wished, at that stage of the discussion, to clarify the position of the Egyptian Government on the articles grouped together in Chapter III of the draft Convention under the heading "Practice of Professions".

For historical, geographical and political reasons, Egypt had a prosperous foreign colony that made up 5% of its total population. That colony enjoyed liberal treatment that enabled it to carry out multifarious activities, and it co-operated amicably in the economic development of the country. As he had already said, however, Egypt was faced with grave demographic problems and was accordingly obliged to debar nationals of other countries from exercising certain profession within the country.

Egypt was neither a receiving country nor a country of immigration, and was fully prepared to extend to refugees the benefit of provisions laid down in favour of aliens. It was in the process of negotiating with various countries treaties regarding the establishment of foreign nationals, and intended to introduce into those treaties a clause enabling it to close certain trades or professions to aliens. For that reason, the Egyptian delegation had submitted an amendment (A/CONF.2/43) which sought to add a new article 14 (A), which it would explain in due course. He could not therefore support the Yugoslav amendment to article 12.

Another question which was causing him concern was of a legal nature; it related to the procedure for entering reservations. He drew attention to the fact that States which acceded to the Convention after its signature would not be entitled to enter reservations; in such circumstances, it seemed preferable for the Conference to amend the text of the draft Convention rather than to contemplate the possibility of numerous reservations.

The PRESIDENT drew the attention of the Egyptian representative to paragraph 1 of article 36 as proposed by the Ad hoc Committee (A/CONF.2/1) according to which Contracting States could enter reservations to certain articles of the Convention at the time of signature, ratification or accession.

Mr. ANKER (Norway) said that Norway accepted the principle laid down in article 12 of the draft Convention. It could do so all the more readily in that its labour legislation granted refugees more favourable treatment than aliens in general. But it could not go further, and it could not agree to put refugees on the same footing as its own nationals in respect of wage-earning employment. It could not therefore accept the Yugoslav amendment.

He desired to associate himself with the statements made by the Swedish and Danish representatives on the regional policy of the Scandinavian countries in respect of the labour market. Accordingly, he would be compelled to enter reservations on article 12 when the Convention was signed. And in the event of article 36 of the draft Convention, which dealt with reservations, not being adopted, his delegation would submit an amendment to Article 12 at a suitable time. He did not think, however, that that would be necessary.

The PRESIDENT said that while drafting article 12, the ad hoc Committee had also had in mind cases where refugees might temporarily visit a country for special reasons and for a specific period, for example, for purposes of study. It was clearly only fair that they should not be accorded the right to engage in wage-earning employment to any greater extent than other aliens, whose sojourn was governed by special conditions, were allowed to.

Passing to a matter of broad principle, he said that the Conference was in reality faced with two alternative methods of approach to the draft Convention. It could aim either at perfection or at reaching the lowest common denominator of agreement. If the latter course were adopted the government which insisted on the most restrictive conditions would be in a position to dictate the final form that the provisions of the draft Convention should take. If, on the other hand, the former course was followed, many governments would probably be obliged to enter reservations; in so doing, he pointed out, they would reserve their position on articles as a whole, without distinction as to their component provisions. Neither of those solutions seemed to be very desirable, and he therefore appealed to representatives to seek the golden mean, and, if possible, by precept and example, to encourage others to withdraw their reservations at a later stage. If the Conference worked along those lines he believed it might be possible to arrive at a just and effective instrument.

Mr. HOARE (United Kingdom) had been impressed by the French representative's arguments concerning sub-paragraphs 2 (a) and 2 (c). He would not press the United Kingdom amendments (A/CONF.2/40), which it had been suggested

might weaken the draft Convention, against the will of the majority, purely to avoid potential difficulties for his own country. He entirely agreed with the President that the aim of the Conference should be to frame as liberal a text as could be achieved in the light of practical possibilities. It should be open, of course, to governments to make reservations in respect of specific provisions. He would accordingly withdraw his amendments.

The PRESIDENT assumed that sub-paragraph 2 (c) covered illegitimate as well as legitimate children, in view of the provision contained in Article 25 (2) of the Universal Declaration of Human Rights.

Mr. ROBINSON (Israel) suggested that as sub-paragraph 2 (c) opened with the word "He" it could only apply to legitimate children. He would suggest that if the intention was that the provision should be applicable to illegitimate children as well, the words "or she" should be inserted after the word "He" in that particular case. It was unnecessary to do so in other parts of the draft Convention, where it was understood that the word "he" meant both men and women.

Mr. ROCHEFORT (France) thought that the existing text of the sub-paragraph was satisfactory. It would be difficult to make it clearer.

Baron van BOETZELAER (Netherlands) considered that the provisions of paragraph 3 of article 12 constituted a recommendation to, rather than an obligation on, Contracting States. It was undesirable to make recommendations in a convention. It would therefore be desirable to relegate voeux and recommendations appearing in the draft Convention as it then stood to a separate draft resolution, which the Conference could adopt later when the instrument itself was signed.

Mr. MAKIEDO (Yugoslavia) said he understood the difficulties with which governments might be faced in connexion with the provision contained in the Yugoslav amendment to article 12. Nevertheless, he would point out that in most countries the number of refugees was smaller than the number of unemployed, so that unless the former were accorded freedom to seek employment on equal terms with the nationals of the country concerned they would be unable to find work.

When the present Constitution of Yugoslavia, which contained certain provisions relating to the status of refugees, had been in course of preparation, the problem had not been a particularly serious one for his country. Since then the flow of refugees from eastern Europe had grown to sizeable proportions, and was continuing to increase, and Yugoslavia's economic situation had been made serious by the economic blockade enforced by the Cominform countries. Nevertheless, he was unable to withdraw his amendment to article 12, which was in effect a crucial article dealing with the right to work. However, in view of the arguments advanced in connexion with article 12, he would re-consider amendments which he had introduced to certain other articles of the draft Convention.

Mr. von TRÜTZSCHLER (Federal Republic of Germany) said that he had been struck by the cogent objections raised to the Yugoslav amendment, which, if adopted, might give rise to difficulties of application. He would therefore abstain from voting on it.

The PRESIDENT suggested that, as there were no more speakers, the general discussion on article 12 might be closed.

It was so agreed.

The PRESIDENT put to the vote the Yugoslav amendment to article 12 (A/CONF.2/31).

The Yugoslav amendment was rejected by 16 votes to 1, with 4 abstentions.

The PRESIDENT said that he would next put to the vote the Belgian amendment (A/CONF.2/47) which proposed the addition to sub-paragraph 2 (b) of the words "and resides with that spouse".

Mr. ROCHEFORT (France) wished to comment on the wording of the Belgian amendment, despite the fact that it had already reached the voting stage. It might be physically impossible for a refugee to reside with his wife, in which case the wording of the Belgian amendment, if adopted, would be unfair to him. In order to avoid that danger the following sentence might perhaps be added to

sub-paragraph 2 (b): "Should a refugee have abandoned his spouse, he shall not be entitled to benefit by this provision".

Mr. HERMENT (Belgium) accepted the French suggestion.

Mr. HOARE (United Kingdom) thought that the whole matter required further consideration. The French representative's attempt to improve on the Belgian amendment raised difficulties of its own. For example, a refugee might not abandon his wife, but he might treat her with such cruelty that she was forced to leave him. Moreover, if the wife were able to obtain from the courts a maintenance order against her husband, it would clearly be desirable that the husband should continue to enjoy rights in respect of employment so as to be able to support her. It would be extremely difficult to allow for all possible contingencies, and it might therefore perhaps be wise to retain the original wording.

Mr. ROCHEFORT (France) admitted that the points made by the United Kingdom representative were well-founded. It would no doubt be possible to find a better formula than he had himself suggested to meet the Belgian representative's desires.

MOSTAFA Bey (Egypt) suggested that, in view of the inter-dependence of the three articles in Chapter III, the vote on them should be deferred. The Egyptian delegation was submitting an amendment to article 14 which also affected articles 12 and 13, and its position towards all the articles in Chapter III would depend on the fate of that amendment.

Baron van BOETZELAER (Netherlands) believed that what was desired was that the marriage of a refugee should be followed by lasting cohabitation. But that was not what the Belgian amendment said.

Mr. HERMENT (Belgium) said that it was known that marriages were at times contracted solely with a view to securing certain advantages. It would be paradoxical if a refugee was able to benefit from his marital status without

observing his marital obligations. That was why he urged the Conference to adopt his amendment. Its wording could no doubt be improved, if it were not acceptable to certain delegations as it stood.

Mr. ROCHEFORT (France) considered that growing difficulties and complications of all sorts lay ahead. He wondered whether it would not be better to leave the authorities of the Contracting States free to refuse through their interpretation of paragraph 2 of article 12 the benefit of its provisions to refugees who abandoned their spouses or failed to honour their family obligations. Would the Belgian representative be prepared to withdraw his amendment on that understanding?

Mr. HERMENT (Belgium) said that he could not give an immediate reply. He would consider the matter.

The PRESIDENT pointed out that his suggestion that the general discussion on article 12 should be closed had been adopted. He had exercised his discretion as President in allowing the French representative to suggest a re-drafting of the Belgian amendment as it was on the point of being put to the vote. The re-draft had been accepted by the Belgian representative. In the light of the difficulties that had subsequently arisen, he considered that it would be best to proceed to the vote on the question of substance immediately and leave it to the Style Committee to find a suitable wording.

The Belgian amendment to sub-paragraph 2 (b) of article 12, as re-phrased by the French representative, was adopted by 6 votes to 5, with 9 abstentions, subject to appropriate drafting changes by the Style Committee.

Article 12 was adopted as amended by 16 votes to none, with 4 abstentions.

2. Article 13 - Self-employment

Mr. MAKIEDO (Yugoslavia) withdrew his amendment (A/CONF.2/31) to article 13.

Baron van BOETZELAER (Netherlands) suggested that the word "engage" was not very appropriate in an article relating to self-employment.

Mr. HOARE (United Kingdom) agreed with the Netherlands representative, and suggested that the text would be improved by the insertion of the words "on his own account" after the word "engage".

It was so agreed.

The PRESIDENT pointed out that the amendment did not call for any change in the French text.

Mr. SHAW (Australia), explaining his vote, said that he was abstaining on articles 12, 13 and 14 pending the decision yet to be taken on his proposal (A/CONF.2/41) relating to the addition of an interpretative article.

The PRESIDENT put to the vote article 13 as amended.

Article 13 was adopted as amended by 20 votes to none, with 2 abstentions.

3. Article 14 - Liberal Professions

Baron van BOETZELAER (Netherlands) said that he would not press his earlier suggestion that provisions in the form of recommendations to governments, such as that contained in article 12, paragraph 3, and article 14, paragraph 2, should be removed from the draft Convention and incorporated in a separate resolution, but he would nevertheless question whether article 14, paragraph 2, which dealt with the re-establishment of refugees, was in fact an appropriate provision for the Convention, the aim of which was to provide them with a legal status. If it was the wish of the majority, however, to retain that paragraph, he would point out that the words "colonies, protectorates or in Trust Territories under their administration" were not consistent with that of article 35 of the draft Convention - the "Colonial clause".

Mr. ROCHEFORT (France) considered that the clause would have to be redrafted in any case. Further consideration of the question might be deferred until the second reading of the draft Convention.

Mr. HOARE (United Kingdom) agreed with the Netherlands representative that article 14, paragraph 2, should agree with the wording of article 35. No point of substance, however, was involved, and the matter might perhaps be left to the Style Committee.

The PRESIDENT suggested that the text might be examined informally by the French, Netherlands and United Kingdom representatives, and a new text submitted to the Conference later. In the meantime, a vote could be taken on article 14, paragraph 1, and on the substance of paragraph 2, since, if the latter was rejected, there would be no need for drafting changes.

Mr. ROCHEFORT (France) saw no objection to such a procedure, always provided that the changes in the text were not made at the expense of the wording of article 35. The French delegation would, in any case, abstain from voting on a paragraph, the form of which was subject to further amendment.

The President's suggestion was adopted.

Article 14, paragraph 1, was adopted by 19 votes to none, with 2 abstentions.

Article 14, paragraph 2, was adopted by 16 votes to none, with 5 abstentions, subject to drafting changes by the Style Committee.

The PRESIDENT stated that article 14 as a whole would be put to the vote once the final text of paragraph 2 had been agreed upon.

4. Proposed new article 14 (A) (A/CONF.2/43)

MOSTAFA Bey (Egypt) had little to add to the explanation he had already given on the substance of his amendment (A/CONF.2/43). The purpose of that amendment was to give Contracting States the right to reserve certain professions to their own nationals. That option was necessary in the case of certain States which, like Egypt, were faced with serious demographic problems.

Mr. HERMENT (Belgium) wondered whether the Egyptian amendment was really essential to the safeguarding of such rights. Actually, the draft Convention gave refugees the status of aliens - not that of nationals.

MOSTAFA Bey (Egypt) considered that as a reservation of that kind was included in the text of the bilateral treaties regarding the establishment of foreign nationals that his country was in process of negotiating with certain other countries, there could be no objection to inserting it in the Convention and applying it to refugees, it being understood of course that the tendency was to assimilate them to aliens.

Mr. HERMENT (Belgium) was not opposed to such a course, but still did not see the necessity of including that new reservation in the draft Convention. Moreover, speaking generally, only limited use should be made of restrictive provisions in instruments like the Convention, if only for psychological reasons.

Mr. HOARE (United Kingdom) agreed with the Belgian representative. As refugees were to be accorded the same rights as aliens generally it was unnecessary to refer to rights reserved to nationals, and it might be dangerous to refer to rights which could be covered by special regulations, as was done in the Egyptian proposal, inasmuch as it might suggest to States the possibility of taking such action in respect of refugees.

The PRESIDENT put to the vote the Egyptian proposal relating to a new article 14 (A).

The Egyptian proposal was rejected by 13 votes to 2, with 5 abstentions.

The PRESIDENT suggested that the Australian proposal (A/CONF.2/42) relating to an additional interpretative article might be taken up at the next meeting.

Mr. SHAW (Australia) suggested that all the interpretative articles should be dealt with together; if they were, it might be preferable for the Conference not to interrupt its present order of discussion, and to proceed to article 15.

It was so agreed.

The meeting rose at 12.55 p.m.