



Dual Distribution

CONFERENCE OF Plenipotentiaries on the Status of
Refugees and Stateless Persons

SUMMARY RECORD OF THE TWENTY-SECOND MEETING

held at the Palais des Nations, Geneva,
on Monday, 16 July 1951, at 10 a.m.

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Present:

President: Mr. LARSEN

Members:

Australia	Mr. SHAW
Austria	Mr. FRITZER
Belgium	Mr. HERMENT
Brazil	Mr. de OLIVEIRA
Canada	Mr. CHANCE
Columbia	Mr. GIRALDO-JARAMILLO
Denmark	Mr. HOEG
Federal Republic of Germany	Mr. von TRUTZSCHLER
France	Mr. ROCHEFORT
Greece	Mr. PAPAANNIC
Iraq	Mr. Al PACHACHI
Israel	Mr. ROBINSON
Italy	Mr. del DRAGO
Monaco	Mr. SOLAMITO
Netherlands	Baren van BOETZELAER
Norway	Mr. ANKER
Sweden	Mr. PETREN
Switzerland (and Liechtenstein)	Mr. SCHURCH
Turkey	Mr. MIRAS
United Kingdom of Great Britain and Northern Ireland	Mr. HOARE
United States of America	Mr. WARREN
Venezuela	Mr. MONTOYA
Yugoslavia	Mr. MAKLEDO

Observer:

Iran Mr. KAFAI

High Commissioner for Refugees

Mr. van HEUVEN GOEDHART

Representatives of specialized agencies and
of other inter-governmental organizations:

International Refugee Organization
Council of Europe

Mr. SCHNITZER
Mr. TALIANI de MARCHIO

Representatives of non-governmental organizations:

Category A

International Confederation of Free
Trade Unions

Miss SENDER

Category B and Register

Caritas Internationalis

Mr. BRAUN
Mr. METTERNICH

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 Union of Catholic
Women's Leagues

Miss de ROMER

Standing Conference of Voluntary
Agencies

Mr. REES

World Jewish Congress

Mr. RIEGNER

Secretariat:

Mr. Humphrey
Miss Kitchen

Executive Secretary
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):

(1) Article 40 - Notifications by the Secretary-General

Baron van BOETZELAER (Netherlands) pointed out that article 40 provided that the authentic texts of the Convention should be drawn up in five languages, namely, the five official languages of the United Nations. That was the traditional practice of organs drafting instruments under the auspices of the United Nations, but in the present instance there would be certain practical difficulties in following it, and the Conference, as an assembly of plenipotentiaries, was at liberty to depart from the usual procedure.

In that connexion, he drew attention to the comparable clause in the Geneva Convention of 12 August, 1949, for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. That clause read:

"Article 55

"The present Convention is established in English and French. Both texts are equally authentic.

"The Swiss Federal Council shall arrange for official translation of the Convention to be made in the Russian and Spanish languages".

He felt that the Conference should consider drafting the Convention relating to the Status of Refugees in English and French, both texts being equally authentic, and that the Secretariat should arrange for its translation into Chinese, Russian and Spanish. He was prepared to introduce a formal amendment to article 40 to that effect if necessary.

The PRESIDENT suggested that the Conference should discuss the substance of the Netherlands amendment without waiting for the written text to be circulated.

Mr. ANKER (Norway) wondered whether the Secretariat could supply any information on the point. Had the Spanish, Russian and Chinese texts of the draft Convention already been prepared?

The EXECUTIVE SECRETARY replied that the Secretariat had been working on the translation of the text on the basis of the original draft and of the amendments already adopted. The Secretariat could prepare the final text in the various languages only after the Style Committee had decided on its actual wording.

The Netherlands amendment to article 40 was adopted by 19 votes to none, with 4 abstentions.

The PRESIDENT expressed thanks, on behalf of the Conference, to the Spanish-speaking representatives for their self-abnegation and for the generous way in which they were facilitating the work of the Conference.

He suggested that consideration of the remainder of article 40 should be deferred.

It was so agreed.

- (ii) Article 1 - Definition of the term "refugee" (A/CONF.2/9, A/CONF.2/13, A/CONF.2/16, A/CONF.2/17, A/CONF.2/27, A/CONF.2/73, A/CONF.2/74, A/CONF.2/75, A/CONF.2/76, A/CONF.2/77, A/CONF.2/78) (resumed from the twenty-first meeting)

Mr. MIRAS (Turkey) said that the definition appearing in Article 1 of the present text of the draft Convention was not the one that Turkey would have liked to see there. The Turkish point of view had already been explained on various occasions, in particular at the fifth session of the General Assembly. Turkey would, however, accept the present definition, which was a compromise reached with much difficulty.

Turkey was anxious to sign the Convention. The big effort she was making at the moment to receive hundreds of thousands of refugees, of Turkish origin, from Bulgaria, driven from their centuries-old homes, had not lessened her solicitude for other categories of refugees.

His delegation wished the Convention to be signed by as many States as possible and would not be opposed to suggestions leading to that goal. But the Turkish Government would have to study carefully any change in the present compromise text which substantially altered the structure of the Convention.

Mr. ROBINSON (Israel) said that, since paragraphs A and C of article 1 were closely related, he would deal with them together.

Of the three factors governing the definition of the term "refugee", practically no attention had been paid to the substantive requirements for qualification as a refugee. On the other hand, sufficient attention had been given to the temporal and geographical factors. But, whereas there appeared to be general agreement regarding the limitation of the definition in time, it was otherwise with the geographical criterion.

At three meetings the geographical issue had been discussed exhaustively. The "Europeans" had confronted the "universalists" in an exciting and enlightening debate, which had, however, in his opinion, been largely academic. The experience of history suggested that it would make little difference whether or not the words "in Europe" were included in sub-paragraph (2). He considered that the word "events" had originally been included in that sub-paragraph in an attempt to designate, in a somewhat camouflaged manner, the new categories of post-war refugees that had emerged as a result of the political changes which had supervened in parts of central and eastern Europe. He recalled the fact that those refugees had been termed "neo-refugees" in one of the first drafts of the Convention, in order to distinguish them from the traditional categories of internationally protected refugees referred to in sub-paragraph (1) of paragraph A.

The implications of omitting the words "in Europe" depended on how the facts were interpreted and evaluated. The text of sub-paragraph (2) obviously did not refer to refugees from natural disasters, for it was difficult to imagine that fires, floods, earthquakes or volcanic eruptions, for instance, differentiated between their victims on the grounds of race, religion or political opinion. Nor did that text cover all man-made events. There was no provision, for example, for refugees fleeing from hostilities unless they were otherwise covered by article 1 of the Convention.

The "universalists" had failed to specify from what parts of the world, other than Europe, candidates for the status of refugee might come. The United States representative, who had made an otherwise exhaustive survey of the position

of refugees throughout the world, had overlooked one country, Israel, which in the last eighteen years, first as the Jewish National Home and subsequently as the State of Israel, had absorbed more than three-quarters of a million refugees from central Europe and the Near East. It was easy to imagine what a burden that mass of people would have been for the international community had not Israel undertaken responsibility for their rehabilitation and resettlement.

The dramatic saga of operations "Magic Carpet" and "Cyrus", which in a short time had brought some 200,000 refugees to Israel from Yemen, Libya and Iraq, had caught the imagination of the world. But those refugees had never required international assistance or protection. Moreover, under the Israeli repatriation law, every Jew automatically became a citizen of Israel from the moment of his arrival on Israeli territory.

In only one area of the world outside Europe, namely, China, had there been a change of regime giving rise before 1 January 1951 to a movement of refugees. For reasons which must be well known to the Chiang Kai Shek regime the present representatives of China in the United Nations did not consider that to be a problem worthy of examination, as was eloquently demonstrated by the absence from the present Conference of a Chinese delegation.

The case of Chinese refugees now fleeing from the People's Republic of China was unique in history. They had a Government of their own, still recognized by many States, with a seat in the United Nations, and able to provide refuge in Formosa to those who sought asylum there.

Not everyone who considered himself a refugee, or who was so considered by others, even by United Nations organs, was a refugee under the terms of the Convention. To qualify as a refugee a person must satisfy the following requirements: first, his place of residence must be outside the country of his nationality or of his habitual residence; secondly, he must be in that place of residence because of a well-founded fear of persecution for reasons specified in article 1 of the draft Convention; and thirdly, he must be unable or unwilling to avail himself of the protection of his country of nationality or, having no nationality, he must be unwilling to return to the country of his habitual residence.

He submitted that Chinese refugees could not be considered as satisfying the last of those requirements, except in the eyes of those countries which had recognized the new regime, the great majority of which were Asiatic. It was therefore obvious that the difference between the "universalist" and "European" positions was insignificant, since it referred to small numbers of Chinese in a very few States. Thus, for the purposes of the Convention, there were practically no refugees in the world other than those coming from Europe. The Israeli delegation was therefore not perturbed by the suggestion that the words "in Europe" should be reinstated in the definition.

He felt that paragraph C was one of the most confusing sections of article 1. It was an innovation introduced by the General Assembly; neither the ad hoc Committee nor the Economic and Social Council was responsible for it. In an attempt to disguise practical situations under a veil of abstract notions an unhappy formula had been devised. As the United States representative had observed, if the formula were left unchanged it would automatically exclude from the scope of article 1 all the refugees within the purview of the High Commissioner for Refugees. The reason for that anomalous situation was a fear of calling things by their right names. There were only two categories of refugees catered for by the United Nations as an international organization under resolutions of the General Assembly: the Arab refugees from Palestine under various resolutions, the most recent of which were resolution 393 (V) of 2 December, 1950, and resolution 394 (V) of 14 December, 1950; and the Korean refugees under resolution 410 (V) of 1 December, 1950.

The fundamental question, therefore, was whether the Palestinian or Korean refugees could satisfy the requirements of sub-paragraph (2) of paragraph A. In view of the analysis which he had just made it was hardly necessary to answer the question. That did not imply that he was opposed to the Arab refugees being protected by the High Commissioner if the States concerned so desired, but that was quite a different matter from the one under consideration.

Three courses were open to the Conference: it could simply accept the French amendment (A/CONF.2/75) and reinstate the words "in Europe" in article 1; it could adopt the French amendment and, at the same time, lay more stress than

hitherto on paragraph F of article 1; or it could lay the Convention open to reservations in respect of the origin of refugees. With regard to the last course, he pointed out that the Swiss proposal put forward at the twentieth meeting, while ingenious, had legal and moral disadvantages. The legal disadvantage was that it would result in an instrument with different applications ratione originis for different Contracting States. The moral disadvantage was that any reservation, particularly one of a restrictive nature, would involve moral implications for the State making it.

He thought that the words "Since 1 August 1914", which did not appear in the Statute of the High Commissioner for Refugees, should be deleted from the first sentence of sub-paragraph (1) of paragraph A of article 1. It was possible, of course, that the French text was not open to the same interpretation as the English.

Mr. HERMENT (Belgium) submitted, in reply to the Israeli representative's contention that there was no reason to make a distinction between the "universalist" and the "European" conceptions of the Convention, that the Convention was intended to cover, not only existing refugees, but also those of the past and the future. The Belgian delegation accordingly opposed the French amendment to article 1 (A/CONF.2/75).

As to the deletion of the date 1 August, 1914, from sub-paragraph (1) of paragraph A, as proposed in the Belgian amendment (A/CONF.2/78), he requested that it should be discussed later. Only the French amendment should be discussed at the present stage.

Mr. ROBINSON (Israel) remarked that there was little difference of opinion between the Belgian representative and himself, except that the former apparently failed to appreciate that only recorded and known events which had occurred before 1 January, 1951, would have effect under article 1 as it stood. In that connexion, he wished to point out that events that had occurred before that date might still result in movements of refugees in years to come.

Mr. ROCHEFORT (France) said that when, before the second world war, France had had to admit into her territory several hundred thousand Spanish refugees, she would not have been able to grant the benefit of existing conventions to that category of refugees had she been tied by an international instrument. She had done her best in an exceptional situation; and only later had it become possible for her to extend to those refugees the benefits of the 1933 Convention. It might perhaps be possible to derive a normal method of procedure from that example. It seemed more natural for governments to extend their commitments subsequently rather than to set out by assuming excessively wide commitments. The formulation of reservations restricting the Convention's scope seemed less appropriate than making reservations the effect of which would be to widen it.

The discussions at the present Conference permitted several facts to be established. The first was that practically all delegations were in agreement in recognizing that the Convention should apply at least to European refugees. The second was that the terms of the definition of refugees in article 1 and of the Convention itself as a whole in fact referred to European refugees; the rights and duties mentioned in the draft Convention fitted in much more closely with the social, economic and legal systems of European countries than with those of countries outside Europe, particularly those of Asia. Finally, it could be said that, while all the States represented at the Conference agreed that they should commit themselves at least in respect of European refugees, a certain number of Governments were equally ready to commit themselves in respect of refugees from countries outside Europe. The widening of commitments in respect of the latter category of refugees might create certain obstacles, not only for France, but also for the countries of Latin America, which had already settled the position of refugees in their territory by bilateral agreements. However, the differences between the various conceptions of the Convention which had come to light should lead to the formulation of reservations widening its scope, not to that of reservations restricting its scope. No one, indeed, would lose thereby. It was unquestionable that since 1914 the problem of refugees had above all been a European problem, and it was equally unquestionable that, as a result of the last two world wars, Europe should be considered as the centre of gravity of the problem. At the instance of men like Nansen, Europe had made great and noble

efforts to settle the problem of refugees in a humanitarian way. Of all the problems affecting refugees, that of European refugees was the most fitted to be raised and dealt with internationally. It was also unquestionable that the introduction of the words "in Europe" into the definition of the term "refugee" in the draft Convention would give to European refugees a status which all countries could accept - one which they could later extend to refugees from countries outside Europe. In granting such a status to European refugees, the Convention would set an example to the world. If certain countries were ready to go further, there was nothing to prevent them from entering reservations in the direction of greater liberalism. What must at all costs be avoided was that the countries most burdened by the refugee problem should be obliged to enter reservations restricting the Convention's general scope.

The French viewpoint should, indeed, be thoroughly discussed; France considered that the need to enter reservations restricting the Convention's scope would necessarily prejudice the attitude it would take towards the Convention.

The PRESIDENT suggested that, since a number of delegations had been having informal conversations on the subject at issue, the Conference might adjourn for a short period in order to give them an opportunity of re-considering their positions.

It was so agreed.

The meeting was suspended at 11.05 a.m. and was resumed at 11.20 a.m.

Baron van BOETZELAER (Netherlands) stated that he was authorized by his Belgian, Danish, Norwegian, Swedish and Swiss colleagues to express their general feeling of regret that the French representative was unable to support a compromise text which they had prepared. The French delegation felt obliged to enter a reservation in respect of sub-paragraph (2) of paragraph A of article 1 along the lines indicated in its amendment (A/CONF.2/75).

His colleagues and he felt that they must uphold the decision of the General Assembly, which, after having considered all aspects of the matter, and after having examined a similar amendment introduced by the French delegation in the General Assembly, had felt that the scope of the Convention should be broad. If, in order to win the support of certain countries, the General Assembly's decision was disregarded, many delegations would find the Convention difficult, if not impossible, to accept.

The Belgian, Danish, Netherlands, Norwegian and Swedish delegations could not vote in favour of the French amendment, but were ready to support the compromise proposal made by the Swiss representative at the twentieth meeting concerning the principle of restrictive reservations; they saw little point in the formulation of reservations which would extend the Convention's scope. He had been prepared to introduce an amendment similar in purport to the Swiss proposal but, in view of the prevailing circumstances, he would refrain from doing so.

The PRESIDENT, observing that the scope of article 1 had been discussed at very great length, suggested that when the Conference came to vote on the amendments before it, the Yugoslav amendment (A/CONF.2/16) should be put to the vote first, as it proposed the substitution of an extremely broad definition and was furthest removed from the original text (A/CONF.2/1). The remaining amendments might be dealt with in the following order: the French amendment (A/CONF.2/75); the Swedish amendments (A/CONF.2/9); the United Kingdom amendment (A/CONF.2/27); the Austrian amendment (A/CONF.2/17); the Netherlands amendment (A/CONF.2/73); the second Netherlands amendment (A/CONF.2/77); the Egyptian amendment (A/CONF.2/13); the amendment submitted by the delegation of the Federal Republic of Germany (A/CONF.2/76); and, finally, the second United Kingdom amendment (A/CONF.2/74).

He understood that an amendment had also been introduced by the Belgian delegation, although it was not yet available in English. It would shortly be circulated as document A/CONF.2/78.

Mr. ROCHEFORT (France) thought that a vote should first be taken on the Egyptian amendment (A/CONF.2/13). Although that amendment merely modified paragraph C of article 1, it nevertheless affected the question of the origin of refugees, which was dealt with in paragraph A.

The PRESIDENT was perfectly willing to consider alternative suggestions for the order of voting. The order he had proposed was based on that of the provisions of article 1. The Egyptian amendment could be put to the vote earlier, but certain delegations might find it difficult to take a final position on it before a decision had been reached on sub-paragraph (1) of paragraph A. Furthermore, some representatives felt that the general discussion had so far been concentrated on paragraph A of article 1, whereas paragraph C had been examined only cursorily in connexion with paragraph A. He would personally be reluctant to put the Egyptian amendment to the vote forthwith, in view of the fact that its author was absent from the present meeting.

Mr. AL PACHACHI (Iraq) announced that he would be prepared, in the absence of the Egyptian representative, to defend his amendment.

Mr. HOARE (United Kingdom) agreed with the President that in voting on the amendments the order of the provisions of article 1 should be followed. For example, if the French amendment, which proposed the insertion of the words "in Europe" after the words "As a result of events occurring", were adopted, the Egyptian amendment would become superfluous.

He believed, however, that the general discussion had not yet been exhausted. He hoped that the Conference would not proceed to vote at the risk of excluding proposals which had not yet been submitted in final form, such as that made by the Swiss representative at the twentieth meeting.

Mr. ROCHEFORT (France) supported the United Kingdom representative. The attitude of the French delegation was the result of the surprise it had felt on learning of the President's apparent intention of closing the discussion on article 1. Before the order of voting on the various amendments was settled, the discussion of the general principle should be completed.

The French Government's attitude, as defined in the French amendment (A/CONF.2/75), entailed the possibility of reservations being entered to article 1 which would extend the scope of the Convention as a whole.

The PRESIDENT assured the United Kingdom representative that he was not pressing the Conference to begin voting prematurely; he had simply wished to indicate in advance the order in which the various amendments would be voted on. He agreed that certain general considerations had still to be thrashed out.

Mr. ROBINSON (Israel) asked whether the Swedish representative could agree to consideration of the second of his amendments, which dealt with what was sometimes known as the "non-personal convenience" clause, being deferred until sub-paragraph (5) of paragraph B, which dealt with the same subject, was taken up.

Mr. PETREN (Sweden) said that he could.

Mr. ANKER (Norway) shared the views expressed by the Netherlands representative on the French amendment (A/CONF.2/75). It would be remembered that the original text of article 1 had been adopted by 41 votes to 5, with 10 abstentions, by the General Assembly at its fifth session, which would seem to indicate that most governments were in favour of making the Convention as broadly applicable as possible, so as to ensure that it covered refugees from all parts of the world. He had listened with interest and respect to the arguments advanced by the French representative, and was well aware how much France had done to assist refugees. None the less, he was constrained to question the validity of the argument that, apart from the victims of events in Palestine and Korea, the problem of refugees was a European one. It could hardly have been forgotten that before the second world war there had been not a few Greek and Armenian refugees from Asia Minor. He himself had visited many camps and settlements for such persons in Syria and the Lebanon, both of which had at that time been under French Mandate.

As the Netherlands representative had said, it would be more logical to extend the provisions of article 1 to all refugees, regardless of their country of origin, and to enable governments to enter reservations restricting their application of the Convention to persons coming from specific areas. That would be preferable to restricting the application of the Convention in the way proposed by the French representative, although he realised that even if the latter course were adopted it would always be open to any government to extend the scope of the Convention to refugees not covered by its provisions, even without making a specific reservation to that effect. The Conference should attempt to reconcile the views of the majority in the General Assembly - as expressed in the original text - with the wishes of the French Government by amending article 36 so as to enable States to make restrictive reservations in respect of article 1.

Mr. ROCHEFORT (France) thought that - as the Israeli representative's statement had implied - the definition of the term "refugee" as at present incorporated in article 1 was based on the assumption of a divided world. If, however, it was considered that a single text should cover both refugees from western Europe seeking asylum in the countries beyond the "Iron Curtain" and refugees from the latter countries seeking asylum in western Europe, he wondered what the moral implications of such a text would be. The problem of refugees could not be treated in the abstract, but, on the contrary, must be considered in the light of historical facts. In laying down the definition of the term "refugee", account had hitherto always been taken of the fact that the refugees principally involved had originated from a certain part of the world; thus, such a definition was based on historical facts. Any attempt to impart a universal character to the text would be tantamount to making it an "Open Sesame".

The definition of the term "refugee" in the Constitution of the International Refugee Organization had given rise to certain difficulties, since it related solely to refugees who had acquired the status of refugee as a result of acts of war. That text had had to be adapted to include a new category of refugees. If the text were now to be applied to refugees coming from all parts of the world, violence would be done to those very historical considerations which underlay and inspired the Convention.

Mr. HERMENT (Belgium) pointed out that it was not a matter of the protection given to refugees by the United Nations, but of the protection given by Contracting States to refugees in their territory. If the countries which the French representative clearly had in mind signed the Convention, it would matter little, in practice, whether or not they accorded to any refugees from western European countries who might seek asylum on their territories the benefits of the provisions of the Convention.

Mr. WARREN (United States of America) said that, as the discussion seemed to have taken a critical turn, he felt bound, albeit with reluctance, to intervene in order to reply to those who had argued that to attempt to make any change in the original text of article 1 would be contrary to the intentions of the General Assembly. The Conference was free to accept, to alter or to reject the text of article 1, as could be seen from the terms of General Assembly resolution 429 (V), paragraph 2 of which read as follows:

"Recommends to governments participating in the conference to take into consideration the draft Convention submitted by the Economic and Social Council and, in particular, the text of the definition of the term 'refugee' as set forth in the annex hereto;"

There was nothing surprising in the fact that, when the question of the definition alone had been under consideration by the General Assembly by some sixty States, a very liberal approach should have been adopted, which had naturally resulted in the widest possible definition. It was, however, one thing to frame a definition in the desire to assist all refugees irrespective of their country of origin, and quite another to adjust that definition to the remaining provisions of the Convention, which the General Assembly had not considered in the light of its own definition. Had it done so, many delegations would without doubt have had second thoughts about article 1. If, when considering the articles other than article 1, the Conference had been aware that the Convention was to apply to all refugees without distinction, it would undoubtedly have proceeded differently. As it was, the provisions so far agreed upon had been adapted specifically for application to refugees from European countries.

Mr. HERMENT (Belgium), referring to the comments of the Norwegian representative, asked the French representative whether he considered that the insertion in sub-paragraph (2) of paragraph A of the words "in Europe" would mean that Armenian refugees would lose the status at present conferred on them by existing Conventions.

Mr. ROCHEFORT (France) replied that the refugees in question were completely covered by sub-paragraph (1) of paragraph A.

Mr. HERMENT (Belgium) admitted that that was true so far as concerned the refugees in respect of whom a decision had already been taken, but what would happen to the refugees in respect of whom no decision had yet been taken? That problem might arise in the case of refugees who had not yet claimed the benefit of previous conventions. The insertion in sub-paragraph (2) of paragraph A of the words "in Europe" would deprive that category of refugees of the benefit of the draft Convention at present being considered by the Conference.

Mr. ROCHEFORT (France) thought that the High Commissioner for Refugees might perhaps give his opinion concerning the situation of the refugees to whom the Belgian representative had referred; incidentally, that state of affairs had persisted for some thirty years, so that the point raised by the Belgian representative seemed to be entirely academic.

Mr. van HEUVEN GOEDHART (United Nations High Commissioner for Refugees), replying to the French representative, said that an Armenian presenting himself now, for the first time, as a refugee would not be covered by the provisions of sub-paragraph (1) of paragraph A of article 1.

The PRESIDENT suggested that there were four courses open to the Conference: the adoption of the French amendment without any provision for States to make reservations in respect of article 1; the adoption of a narrow definition, by restricting the scope of article 1 to refugees from European countries, and of a clause enabling governments to make a reservation extending the

applicability of the Convention to other refugees; the adoption of a broad definition giving governments the right to make a restrictive reservation, declaring that they would apply the Convention to refugees from European countries only; and the retention of the original text allowing for no reservations. He feared that the last course was unlikely to find favour with the Conference.

He suggested that, as the Yugoslav amendment (A/CONF.2/16) embodied a very broad definition which, if adopted, would eliminate the French amendment, it might be put to the vote immediately.

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

Mr. ROCHEFORT (France) wished to explain his vote. He had voted against the Yugoslav amendment because it seemed to be the result of theoretical and universalist reasoning, and to represent an attempt to legislate in the abstract while ignoring historical facts.

The PRESIDENT suggested that the Conference should next vote on the French amendment (A/CONF.2/75).

Mr. PETREN (Sweden) said that the French amendment involved most delicate and vital considerations; he would accordingly suggest that further discussion on it be deferred until the following meeting so as to give time to representatives for reflection and informal consultation.

Mr. ROCHEFORT (France) supported the Swedish representative's proposal. The French delegation did not wish to take advantage of the absence of certain delegations which, if present, would have voted against the French amendment.

He would, however, emphasize the importance of the problem. Certain delegations wished to place in a position which implied moral censure countries such as, not only France, but also the United States of America, the Federal Republic of Germany, Italy, Austria and Australia, in whose territories there were a large number of refugees. To support their argument, they had

cluded the position of the countries which had voted in favour of a text in the General Assembly, but which had not bothered to take the trouble to send representatives to the present Conference, thereby revealing their complete indifference to the refugee problem. By wishing to place the States favouring the "European" concept in a morally reprehensible position, the countries for which the Netherlands representative had acted as spokesman were not showing much regard for the latter's position.

The French delegation could not yet say definitely whether the French Government would not consider that fact as preventing it from acceding to the Convention. It should not be forgotten that France had acquired some considerable experience of previous conventions. That was why it would be wise to make it possible for France to become a party to the present Convention.

Mr. HOARE (United Kingdom) supported the Swedish representative's suggestion. He agreed with the French representative that it would be most undesirable to press the matter to a vote. The United Kingdom Government was in favour of a broad definition, but it had no wish to press such a definition on those governments for which it would present difficulties. If unanimous agreement was to be reached, perhaps the best course to follow would be that suggested by the Swiss representative.

He could not agree that, by entering a restrictive reservation, governments would call down upon themselves any moral obloquy. The possibility of such a reservation would in itself constitute recognition of what were believed to be practical difficulties. Reservations on article 1 would reflect on the goodwill of any State no more than would reservations on any of the other articles of the Convention.

If, however, the regrettable necessity should arise of having to put to the vote the various alternatives before the Conference, he would wish to express his desire that any proposal, however informal, should be discussed on its merits, without undue importance being attached to the form in which it had been presented.

The PRESIDENT expressed his sympathy for the motives which had prompted the United Kingdom representative's remarks. It was perfectly true that no member of the Conference had any desire whatsoever to misinterpret or to censure the attitude taken by any country. All were inspired by the desire to achieve results, and he, as President, was anxious to do everything which might facilitate unanimous agreement. The range of opinion seemed to have been narrowed to such an extent that it should now be possible to secure agreement without prejudice to the view of any delegation.

He suggested that the most logical procedure would be to consider the various courses open to the Conference in the order in which he had enumerated them.

Mr. ROCHEFORT (France) said that a country might have its reasons for not wishing to commit itself to making restrictive reservations, but it could easily make reservations widening the Convention's scope, and thus prove itself generous, at the time of signature.

The PRESIDENT said that, although he was not an expert in the drafting of international instruments, he would wish to suggest that one solution might be to embody the alternatives in the text of article 1 itself, enabling governments to opt for whichever clause was most acceptable to them.

The Swedish representative's proposal that further consideration of the French amendment be deferred until the next meeting was unanimously adopted.

The meeting rose at 12.45 p.m.