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AD HOC COMMITTEE ON STATELESSNESS AND RELATED PROBLEMS

First Session

SUMMARY RECORD OF THE EIGHTEENTH MEETING

Held at Lake Success, New York,  
on Tuesday, 31 January 1950, at 2.30 p.m.

CONTENTS:

International status of refugees and stateless persons: draft convention relating to the status of refugees: (E/AC.32/2, E/AC.32/2/Corr.1, E/AC.32/L.3, E/AC.32/L.3/Corr.1, E/AC.32/L.3/Corr.2, E/AC.32/L.6/Rev.1, E/AC.32/L.17, E/AC.32/L.18):

Chapter I (continued), chapter X (continued).

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

Representative of a specialized agency:

Mr. WEIS International Refugee Organization  
(IRO)

Secretariat:

Mr. HUMPHREY Representative of the Assistant  
Secretary-General  
Mr. HOGAN Secretary of the Committee

INTERNATIONAL STATUS OF REFUGEES AND STATELESS PERSONS: DRAFT CONVENTION  
RELATING TO THE STATUS OF REFUGEES: (E/AC.32/2, E/AC.32/2/Corr.1, E/AC.32/L.3,  
E/AC.32/L.3/Corr.1, E/AC.32/L.3/Corr.2, E/AC.32/L.6/Rev.1, E/AC.32/L.17,  
E/AC.32/L.18):

Chapter I (continued)

Article I - Definition of the term "refugee" (continued)

1. The CHAIRMAN invited the Committee to resume consideration of part B of article I of the draft convention. He recalled that, at the previous meeting, the representative of Israel had suggested that discussion should be limited to the text prepared by the working group, whereas the representative of the United States had proposed a drafting amendment along the following lines:

"The High Contracting Parties shall not be bound to apply the present convention to any person.....".

2. Mr. CUVELIER (Belgium) asked the representative of the United States how he thought the convention would be applied if the amendment he proposed was accepted. If a State issued a passport to a refugee who was a notorious war criminal, what would be the position of the other signatories to the convention? Would they be bound to recognize the validity of that passport?

3. Mr. HENKIN (United States of America) admitted that the point was well taken. That possibility had been a source of concern to him. It was his opinion that there were two problems to be considered: on the one hand, if a State issued a passport to a refugee, would it be possible for other States to refuse to recognize the validity of the document on the ground that the bearer was a war criminal?

/The interpretation

The interpretation of that particular clause would be a matter to be decided eventually by the reception States. On the other hand, who would decide as to whether the bearer of the passport had committed war crimes or not? That was why his proposed amendment specified that war criminals meant those who were considered such by the reception countries.

4. Mr. RAIN (France) shared Mr. Henkin's concern. The disturbing factor in the text proposed by the United States, however, was not its legal scope, but its possible moral consequences. Some signatories to the convention might in fact consider a notorious war criminal to be a refugee and protect him as such.

5. Mr. Rain therefore proposed the following text: "The High Contracting Parties shall not apply the present convention in the case of a person they consider a war criminal."

6. Mr. HENKIN (United States of America) was prepared to accept that text. The text proposed by the representative of France was adopted.

7. The CHAIRMAN opened discussion of paragraph 2 of part A and pointed out that the representative of Belgium had submitted an amendment (E/AC.32/L.18) which would be the subject of the discussion.

8. Mr. HENKIN (United States of America) proposed that the word "either" should be deleted from the first line of sub-paragraph (a). He also did not agree with the term "for the same reasons" in sub-paragraph (c). The Committee had decided not to make any reference to reasons, but in case of necessity he would agree to the term "for valid reasons". Finally, he proposed that the word "and" should be added to the last line of sub-paragraph (a) after the word "Spain".

9. Mr. CUVELLIER (Belgium) said that, in accordance with his terms of reference, he had taken account of the remarks of Sir Leslie Brass and others in the text of his amendment. He felt, nevertheless, that paragraph 2 was a duplication of the paragraph 1 adopted at the morning meeting. The sole difference lay in the fact that paragraph 1 referred to the general case whereas paragraph 2 mentioned specific cases. The latter, however, were already covered by the general case set out in paragraph 1, except for victims of the falangist regime in Spain.

10. Mr. ROBINSON (Israel) feared that the Committee might repeat the discussion which had already taken place on the question in the working group. All the objective factors which would make it possible to characterize a person as a "refugee" were now known. Those factors were contained in paragraph 1. It was also possible to determine objectively which persons should be covered by subparagraphs (a), (b) and (c) of paragraph 2.

11. These objective considerations were complete as far as the general formula laid down in paragraph 1 was concerned. The working group had selected two dates as limiting the field of application of the clause: September 1939 and July 1950, for it had wished to bring under paragraph 1 the most recent cases of refugees who were victims of oppression.

12. As for paragraph 2, it recalled events which had ended, but the consequences of which had not yet entirely disappeared. Such were the political and religious persecutions in Germany and its satellite countries, and those perpetrated by the Falangist regime in Spain. Cases of that type constituted vestiges of a past period.

13. If the objective criteria of the first category were applied to such cases, an injustice would be committed. In point of fact, the reasons why some of the refugees did not return to their countries of origin were not objective but subjective. They were not being prevented from returning; in some cases they were even invited to return. But they no longer had the courage or the desire to do so. Thus, persons who had left Germany, not of their own accord, but for reasons outside their own desires, could not refer to persecutions which no longer

existed. It was their horrifying memories which made it impossible for them to consider returning. <sup>German</sup> /occupied countries offered other examples which justified the reluctance of some refugees to return to their countries of origin.

14. Therefore, if the text finally adopted did not include a subjective clause, it would be unsatisfactory. It was essential that the clause should appear somewhere; its absence would constitute a grave omission.

15. If the Committee limited itself to repeating all the objective factors of evaluation in the convention, it would omit the subjective clause and would thus run the risk of introducing undesirable elements into the convention or of omitting essential factors.

16. To sum up, Mr. Robinson suggested either that sub-paragraph (c) should be deleted; or that at the very least the phrase "for the same reasons" should be deleted (reasons being often difficult to judge); or that the words "for emotional or sentimental reasons" should be inserted.

17. Mr. HENKIN (United States of America) felt that in the case of victims of the Spanish falangist regime, it was not sentimental considerations which prevented them from returning home.

18. In that connexion, Mr. ROBINSON (Israel) made it clear that that category of refugee should be included among those covered by paragraph 1.

19. Mr. HENKIN (United States of America) believed that the only difference between the cases covered by paragraphs 1 and 2 was that persons in the latter category could invoke sentimental reasons. But the representative of France had declared, at the preceding meeting, that there was no reason not to recognize the validity of sentimental reasons in all cases. If the Committee agreed to accept sentimental considerations as valid, Mr. Henkin could see no reason for not returning to the original text.

20. The CHAIRMAN wondered why mention of reasons should not be omitted entirely; he thought that the words "for valid reasons" might be deleted.

21. Mr. HENKIN (United States of America) recalled that the United Kingdom representative had considered it important to refer to reasons, so that only reasons of some weight should be admitted.

22. Sir Leslie BRASS (United Kingdom) thought that there seemed to be some confusion. If an individual did not have good reasons for not wishing to return to his own country, he would cease to be considered as a refugee.

23. The CHAIRMAN pointed out that in that way draft after draft could be proposed without a perfect text being achieved. It seemed to him that the day's discussions had not been without value, since the text of paragraph 1 was now clearer. As the text of paragraph 2 would be submitted to the Committee again on second reading, he suggested provisional adoption of the text proposed by the representative of Belgium, including the formula "for valid reasons".

24. Mr. ROBINSON (Israel) saw no reason for the adoption even on a provisional basis of a formula which everybody regarded as unsatisfactory. He urged that the words "for valid reasons" should be deleted from the text.

25. After a brief exchange of views, Mr. ROBINSON (Israel) expressed the opinion that it would be simpler to retain the text of paragraph 1 adopted at the previous meeting and the text of paragraph 2 proposed by the Belgian representative except for the words "for valid reasons".

26. The CHAIRMAN said that all members of the Committee except the United Kingdom representative appeared to be of that opinion. As unanimity was desirable, he wondered whether Sir Leslie Brass could agree merely to reserve his position on the phrase in question.

27. Sir Leslie BRASS (United Kingdom) was afraid that deletion of the words "for valid reasons" from sub-paragraph (c) would overlook the fact that a refusal to claim the protection of the country of origin might also be due to the reasons given in sub-paragraph (b), that is, to reasons which had existed at a given moment but which no longer existed, and not to present fear of persecution, which was the criterion adopted in paragraph 1 of part A of the article.

28. Mr. ROBINSON (Israel) proposed that the beginning of sub-paragraph (b) should be amended to read: "who, for such reasons, has found himself outside the country...". It would thus be established beyond all doubt that the determining cause envisaged in sub-paragraph (b) was the persecution, which had resulted in departure from the country of origin.

29. Sir Leslie BRASS (United Kingdom) thought that the question was very delicate and required careful reflection. He would therefore reserve his position in regard to the wording of sub-paragraph (c).

30. He suggested the following drafting amendments to paragraph 2: that the word "either" should be replaced in line 1 of sub-paragraph (a) by the symbol "(i)" and in line 6 of the same sub-paragraph by "or (ii)", and that the words "or formerly was" in line 2 of sub-paragraph (b) should be deleted.

31. Mr. HENKIN (United States of America) suggested that the phrase "left or is outside the country of his nationality...", which appeared in the first line of the provisional text prepared by the working group (E/AC.2/L.6/Rev.1), should be adopted for the beginning of sub-paragraph (b), prefixed by the phrase "and for such reasons".

32. The CHAIRMAN read the amended text of paragraph 2, on which there appeared to be general agreement, except for the United Kingdom's representative's reservation on sub-paragraph (c). The text was as follows:

"2. Any person who:

(a) (i) was a victim of the Nazi regime in Germany or in a territory purported to have been incorporated into Germany, or of a regime which took part on its side in the Second World War or of a regime in a country occupied by Germany which assisted Germany against the United Nations; or

(ii) who was or has well-founded fear of becoming a victim of the falangist regime in Spain; and

(b) who, for such reasons, has left or is outside the country of which he is a national or, if he has no nationality, outside his country of former habitual residence; and

/(c) who

(c) who is unable or unwilling to avail himself of the protection of the Government of his country of nationality."

The above text was adopted as paragraph 2 of part A of article 1.

33. The CHAIRMAN asked the Committee to state its views on part C of the first article prepared by the working group (E/AC.32/L.6/Rev.1).

34. Mr. GUERREIRO (Brazil) thought that it was not sufficiently clear. It seemed to mean that, following a General Assembly recommendation to signatory States to add a new category of refugees to those in the first article, each of the Contracting Parties would be entitled, but not bound, to accept that addition. The recommendation would not, therefore, be automatic. It should also be made clear/whether, in the event of acceptance, such acceptance should be effected by means of a multilateral act by each accepting State, or collectively by a protocol.

35. Mr. ROBINSON (Israel) explained what the working group, which drew up the article, had intended. The group had thought that the General Assembly might adopt a recommendation to include a new category of refugees. The acceptance of the new category thus recommended by the signatories to the convention should be collective and not unilateral, since otherwise there would be as many separate conventions as acceptances. Acceptances would be made according to one of the procedures used in the United Nations. The Secretary-General would send the recommendations to the States signatories to the convention. If general agreement among the signatories was reached, it would suffice to notify all the States Members thereof and such notification would automatically lead to the extension of the convention to the proposed new categories. If on the contrary, opinion was divided, the best course would be to convene a diplomatic conference to resolve the difficulties.

36. Mr. HENKIN (United States of America) thought that part C would not prevent certain signatory States from recognizing new categories of refugees, by means of bilateral or multilateral agreements, independently of their



inclusion in the convention. To remove any doubt on that point it would be advisable to add after the words "the High Contracting Parties may" the words "by mutual agreement".

37. Mr. GUERREIRO (Brazil) thought that the working group's intention, which the representative of Israel had clearly explained, should be stated more clearly in part C. That text shall therefore make it plain that new categories could not be added unilaterally, but only by general agreement between the parties. Even the first procedure suggested would, in fact, lead to agreement between a greater number of States.

38. Mr. ROBINSON (Israel) explained that part C prepared by the working group in no way precluded the addition by mutual agreement of new categories of refugees even without a previous recommendation of the General Assembly. The text provided for the intervention of the General Assembly in order to give expression to the bond which necessarily connected the convention, on the one hand, to the earlier General Assembly resolutions and, on the other hand, to any resolutions which the General Assembly or the Economic and Social Council might later adopt on the matter.

39. Mr. RAIN (France) agreed with the Israel representative's interpretation of part C, which needed no amendment whatsoever. The words "by agreement" would not add to its clarity, as the question would remain whether what was intended was general agreement between all the signatories -- which was the exact interpretation given by Mr. Robinson -- or agreement between some of the signatories only, which would lead to serious complications, particularly in regard to travel documents.

40. If fresh circumstances justified an additional category of refugees, the best course would be to put the matter before the General Assembly. The Assembly would take a decision, and if the decision was positive a protocol would be drawn up to which all the signatories would be invited to accede in accordance with the procedure followed in the signing of the convention itself. It would suffice to explain that interpretation in the Committee's report without amending the proposed text.

41. The French delegation, indeed, withdrew the amendment it had intended submitting to the Committee, providing for an emergency procedure in regard to new categories of refugees which might suddenly appear on the international scene. In principle the General Assembly held only one session a year and a case could arise where immediate protection had to be given unexpectedly to new categories of refugees which had been created through an unforeseen political situation. It would be natural, in that case, to appeal to the High Commissioner for Refugees and to give him exceptional powers in such an emergency in that part of the first article. It would appear on further consideration, however, that the High Commissioner did not have sufficient authority to obtain the unanimous consent to recognition of the new category of refugees from the signatories to the convention. It was very important that all the signatories should fulfil the obligations assumed in regard to any new category of refugees. The French delegation hoped, however, that should the need for immediate intervention appear necessary, the High Commissioner would be able to persuade countries that were in a position to do so to take in the new refugees arriving at their frontiers without delay. Simultaneously the High Commissioner would report the matter to the Secretary-General, who would certainly put it on the agenda of the next General Assembly.

42. The CHAIRMAN proposed that the Committee should accept the text of part C prepared by the working group without amendment.

It was so decided.

43. Mr. CUVELIER (Belgium) proposed that the sequence of parts B and C should be reversed in order to make the construction of article 1 more logical. The article would then deal in turn with the persons to whom the convention was to apply automatically, those to whom it might be extended, those who would be excluded and those to whom it was to cease to be applicable.

It was so decided.

44. The CHAIRMAN called upon the Committee to express its views on the text of part D of article 1 prepared by the working group.

The text of part D was approved.

CHAPTER X (continued)

Article 22: Travel document (continued)

Annex to the convention proposed by the United Kingdom (E/AC.32/L.17) (continued)

45. The CHAIRMAN called upon the Committee to continue the examination of the annex to the convention proposed by the United Kingdom delegation.

Paragraph 9

Paragraph 9 was adopted.

Paragraph 10

Paragraph 10 was adopted.

Paragraph 11

Paragraph 11 was adopted.

Paragraph 12

Paragraph 12 was adopted.

Paragraph 13

46. The CHAIRMAN opened the discussion on sub-paragraph 1 of that paragraph.

47. Mr. KURAL (Turkey) noted that under the sub-paragraph refugees were exempt from obtaining a re-entry visa. In some countries, however, such a visa was obligatory even for nationals. Consequently, refugees would be placed in a more favourable position than nationals.

48. The CHAIRMAN and Mr. CUVILLIER (Belgium) thought that the reservation at the end of the sub-paragraph would enable the countries concerned to apply the same rules to refugees as to nationals.

49. In the circumstances, Mr. KURAL (Turkey) reserved his position with regard to the final form of the article:

Sub-paragraph 1 of paragraph 13 was adopted.

50. The CHAIRMAN opened the discussion on sub-paragraph 2 of paragraph 13, which had been explained by its author at the sixteenth meeting of the Committee. (E/AC.32/SR.16).

51. Mr. WEIS (International Refugee Organization) agreed that the change proposed by the United Kingdom in the text of the corresponding sub-paragraph of the London Agreement seemed justified because refugees' permits to stay were for a limited period only. It was therefore logical that they should be obliged to return to the country issuing the travel document before that period expired. It was to be feared, however, that some countries might make a general rule of that exception and immediately limit the time during which refugees were permitted to return to three months, on the pretext that their permits were issued for a limited period.

52. The CHAIRMAN remarked that the fixing of a minimum period of three months actually represented a guarantee for refugees.

53. Mr. WEIS (International Refugee Organization) thought it might be necessary to define exactly what were the exceptional cases in which the countries issuing the permit could limit the period during which refugees were permitted to return, so as to avoid that limitation becoming a general rule.

54. Mr. RAIN (France) proposed the deletion of the word "only" after the words "for a specific period." Instead of clarifying the text, it made it less clear.

It was so decided.

Sub-paragraph 2 of paragraph 13 was adopted with that amendment.

#### Paragraph 14

55. Sir Leslie BRASS (United Kingdom) recalled that he had deleted sub-paragraph 2 of the corresponding article of the London Agreement because its text had seemed to be vague and contrary to the intentions of the Committee.

Paragraph 14 was adopted.

Paragraph 15

Paragraph 15 was adopted.

Paragraph 16

56. Mr. RAIN (France), at first sight, did not quite see the usefulness of that provision. Its first few lines might be explained at a pinch: their aim was to avoid complications on the diplomatic and consular level. But the only reason which would justify retention of the last phrase was that it appeared in the London Agreement.

57. Mr. WEIS (International Refugee Organization) said that, from a legal point of view, exercise of the right of protection with respect to a foreigner by the receiving country depended on the agreement of the country in whose territory the refugee was travelling.

58. Mr. ROBINSON (Israel) shared the French representative's opinion and thought it was preferable not to redraft the text. As the Committee was unaware of the reasons for its insertion in the London Agreement, it must assume that those provisions had been inserted for valid reasons.

59. Mr. LARSEN (Denmark) thought it was preferable to put a full stop after the words "country of issue": thus, the refugee would not be necessarily deprived of the protection of the country of issue if the country in which his journey was being made was prepared to admit that protection. There was no reason for settling a problem which came within the province of public international law in a negative way.

60. Mr. CUVELIER (Belgium) also thought that the paragraph should make no alterations to the public international law in force, which in no way provided for the extension of diplomatic and consular protection to persons not natives of the country of issue.

61. Mr. RAIN (France) proposed that examination of the question of the right of protection should be deferred until the Committee took up the problem of stateless persons, which had been set aside for the time. It was true that it might be advisable to refuse the protection of the receiving country to a refugee who had retained his nationality when he was abroad, lest that protection should be added to the protection of the country of origin. But in the case of a stateless person, on the contrary, it was desirable that he should be able to be protected by the consul of the country issuing the travel document.

62. Mr. LARSEN (Denmark) opposed that solution. He preferred simply deletion of the paragraph.

63. Mr. HENKIN (United States of America) thought the paragraph might be retained. While it neither conferred any right on, nor took any right away from, the refugee, it might obviate certain difficulties in consular practice.

64. As to Mr. Rain's remark, he thought the Committee might quite well examine the question of the right of protection from the viewpoint, not of stateless persons, but of refugees, stateless or not, who did not enjoy any diplomatic protection.

65. Sir Leslie BRASS (United Kingdom) was equally willing to agree to the retention or deletion of the paragraph.

66. Mr. ROBINSON (Israel) proposed that the Committee should provisionally adopt the paragraph without amending its text, and ask the Secretariat to find out the real reasons for its adoption in the papers of the London inter-governmental conference. It should then take a final decision, with full knowledge of the facts, on the second reading of the draft convention.

67. Mr. RAIN (France) supported the Israel representative's suggestion.

68. The most important part of the paragraph was that which dealt, not with the right of the refugee to the protection of the country of issue, but with that country's right to protect the person of the refugee. It should not be forgotten that refugees not protected by their country of origin were in that position, either because the protection of the country of origin was refused them, or because they themselves refused to take advantage of it. The case might therefore occur of a person who considered himself a non-protected refugee; while his country of origin claimed to continue to exercise protection over him. The question then arose of what consular authority would be qualified to protect the refugee abroad.

69. The CHAIRMAN proposed that the Committee should follow the Israel representative's suggestion, by provisionally adopting paragraph 16, it being understood that the final decision would only be taken after the results of the Secretariat's research on the preparatory work on the London Agreement had been communicated to it.

It was so decided.

Annex: Specimen travel document

70. Mr. ROBINSON (Israel) thought it was not for the Committee to examine the specimen travel document in detail as that question should be considered by specialists in passport matters. He proposed that the form which appeared in the United Kingdom proposal (E/AC.32/L.17) should be adopted without any change. When the draft convention was transmitted to States for comments and observations each Government would doubtless have the different parts of the convention examined by qualified experts; States would therefore be in a position to make such suggestions as they thought necessary for amending the specimen.

71. Mr. RAIN (France) fully shared the Israel representative's view. He wished to know, however, whether the specimen document proposed by the United Kingdom contained anything which did not appear in the travel documents currently in use.

72. Sir Leslie BRASS (United Kingdom) explained that the specimen travel document proposed by his delegation was a literal reproduction of the form adopted under the Agreement of 15 October 1946. Some details had been omitted from the document (E/AC.32/L.17) which was only a working paper; the draft convention would, of course, exactly reproduce the form adopted by the Agreement of 1946.

73. The CHAIRMAN proposed that the Israel representative's suggestion should be followed and the specimen travel document adopted.

The specimen travel document was adopted.

Reconsideration of paragraph 13, sub-paragraph 1 of the annex

74. Mr. KURAL (Turkey) wished to reopen the discussion of paragraph 13; he had stated earlier that he would have to reserve his position on that paragraph unless it was amended.

75. He recalled that in the view of some representatives the end of sub-paragraph 1 met his objection. He noted, however, that the reservation contained in the final words of the sub-paragraph, "subject only to those laws and regulations which apply to the bearers of duly visaed passports", applied only to duly visaed passports. That was precisely what he objected to. If, as provided in the first part of the sub-paragraph, a refugee did not have to obtain a re-entry visa, his passport would not be "duly visaed" and the laws and regulations of the country concerned could not be applied to him.

76. In Mr. Kural's view nothing in the reservation at the end of the sub-paragraph compelled the refugee to obtain a re-entry visa, whereas nationals were obliged to do so.

77. He thought that the difficulty might be resolved by replacing the words "duly visaed passports" by "duly issued passports".

78. Mr. CUVELIER (Belgium) suggested that the Turkish representative's point might be met -- and the provisions of the Agreement of 1946 adhered to as closely as possible -- by saying "duly issued and visaed passports".



79. Mr. WEIS (International Refugee Organization) said that, since refugees were regarded as foreigners, they might be refused return visas if the Turkish representative's amendment were adopted. That seemed entirely contrary to the stand taken by the Committee on the question under discussion.

80. Mr. HENKIN (United States of America) appreciated the position of the Turkish representative, who did not want refugees to enjoy more favourable treatment than nationals. That position was fully justified and every effort should be made to amend paragraph 13, sub-paragraph 1, so as to meet his objections.

81. Mr. Henkin proposed the deletion of the part of the sub-paragraph beginning with the words "without a visa".

82. Mr. LARSEN (Denmark) reserved the right to return to that question during the second reading, as he found the end of the sub-paragraph vague. In his opinion the question was as follows. Passports issued to a country's nationals always allowed them to return to their country, even if the country required the formality of a return visa. In the case of a refugee, the situation might be quite different. The country might tell him that he was in the same situation as a foreigner and that for certain reasons, such as an illness contracted during the journey, he could not be permitted to re-enter its territory. The fear of such an eventuality would deter many countries from issuing visas to refugees because they might be unable to return to the country which gave them a travel document and would be obliged to remain in the country where they had been when the re-entry visa was refused them.

83. Mr. HENKIN (United States of America) thought that the Danish representative's reasoning was correct, but did not quite apply to the question raised by the Turkish representative, who merely wanted the end of sub-paragraph 1 to be so amended as to make it clear that the laws and regulations which applied to nationals would also apply to refugees.

84. He thought that the deletion of the end of the sub-paragraph would meet the Turkish representative's objections without altering its basic provisions, as the right of the refugee to leave and re-enter the country which had issued the travel document would have been established.

85. Mr. KURAL

85. Mr. KURAL (Turkey) stated that the United States representative had quite rightly interpreted his position. There was no question of refusing refugees the right to return to the country which had issued the travel document. The question was merely whether the refugees permitted to return to the country which had issued the document should not undergo the formality of a visa when that was required of nationals.

86. Mr. RAIN (France) thought that the United States representative's amendment was inappropriate. In order to avoid difficulties which might arise very rarely, refugees would be deprived of the great general advantage of being able to re-enter the country which had issued their travel documents without a special visa.

87. The nationals of most countries could re-enter their homeland without a visa; a few countries, such as Turkey, required a re-entry visa. The difficulty might be solved by adding, after the words "without a visa from the authorities of that country" the phrase "except where a visa is required of nationals".

88. Sir Leslie BRASS (United Kingdom) thought that the amendment proposed by the French representative was acceptable but that a sentence should be added to make it clear that the refugees could not be refused the visa.

89. Mr. ROBINSON (Israel) wondered whether it would not be preferable to retain paragraph 13, sub-paragraph 1, as it stood, as Turkey and other countries in the same position were quite justified in making reservations with regard to the provisions of that sub-paragraph.

90. He agreed with most of his colleagues that it would not be advisable to modify the provisions of the Agreement of 15 November 1946, which had been in force for four years and which did not seem to have given rise to any difficulties.

91. Mr. KURAL (Turkey) stated that if no other solution were proposed they would obviously have to adopt the suggestion which the representative

/of Israel

of Israel had just made. He wished to point out, however, that Turkey was not an exceptional position since many States apparently required that their nationals should have a re-entry visa. Furthermore, the Agreement of 15 November 1946 had only been signed by a fairly small number of States and it could not, therefore, be considered as an instrument having universal significance the terms of which should be scrupulously respected in drafting the convention under consideration.

92. He did not think that the Committee would be doing a very positive or useful job by accumulating material for future reserve clauses.

93. Mr. CUVELIER (Belgium) thought that the representative of Turkey might be satisfied if the phrase "without a visa from the authorities of that country" were replaced by the words "without special permission from the authorities of that country", which would only modify the provisions of the 1946 Agreement very slightly. Thus, if general permission were required, refugees would have to conform to that formality.

94. Mr. RAIN (France) did not agree with the representative of Israel; like the representative of Turkey, he thought that, if it could be avoided, no useful purpose would be served by including clauses which would create difficulties for certain countries and oblige them to make reservations.

95. Mr. LARSEN (Denmark) was afraid that the Committee would undermine the importance and value of the instrument it was drafting by adopting amendments like those proposed to paragraph 13, sub-paragraph 1. If a State did not wish to recognize that the travel document gave a refugee the right to return to its territory, the simplest solution was not to issue a travel document to him. When a travel document had been issued, however, the consular authorities who would be called upon to stamp it must be fully aware of the provisions of the document and, among other things, they must know whether the holder would have the right to return to the country which had issued the document. Consular authorities should not have to bother about the contents of the travel document in every individual case.

96. It was quite natural that certain States should wish to control the re-entry of refugees if they took the same steps with regard to their nationals; nevertheless the travel document should guarantee the holder the right to return to the country which had issued it.

97. Mr. WEIS (International Refugee Organization) was in complete agreement with the representative of Denmark. He further pointed out that the provisions of paragraph 13, sub-paragraph 1, were not envisaged solely on behalf of refugees, but also in order to give some guarantee to the country which the refugees were intending to visit. If the end of the sub-paragraph were deleted, that guarantee would no longer exist.

98. Sir Leslie BRASS (United Kingdom) thought the matter might be solved by internal regulation. The countries in question might affix a re-entry visa when issuing the documents.

99. The CHAIRMAN remarked that most representatives seemed to feel that paragraph 13, sub-paragraph 1, should be retained in the form in which it appeared in the United Kingdom proposal. The States where that sub-paragraph gave rise to certain difficulties would always be free to make reservations.

100. Mr. KURAL (Turkey) stated that if there was no other solution, he would not press his point any further and his Government would make the necessary reservations when it signed the convention.

101. He wished, nevertheless, to stress once more that his objection did not concern the fundamental question of whether refugees should be authorized to return to the country which had issued the travel document or not. That was an established fact and his objection concerned an entirely different point; moreover, the formality of the re-entry visa was a question of fiscal duties rather than a question of authorization.

102. He thought that the matter could easily have been solved by adopting one of the suggestions which had been put forward during the discussion; the reserve clause could have been slightly modified, or the words "without a visa from the authorities of that country" could have been deleted, or <sup>they</sup> could have been replaced by a less specific formula.

103. The CHAIRMAN suggested that any decision should be left until the second reading. None of the articles had been adopted finally.

104. He pointed out that the Committee had concluded its examination of article 22 of the draft convention and proposed that further examination of the draft convention should be postponed until the next meeting.

It was so decided.

105. Before closing the meeting the CHAIRMAN and the United States representative, on behalf of all the members of the Committee, thanked the representative of France, who had to return to his country, for his valuable co-operation. Mr. Rain had always shown the utmost generosity and the greatest understanding in defending the interests of refugees and the Chairman was therefore happy to tell him that he was taking back to France the respect and friendship of all his colleagues on the Committee.

106. Mr. RAIN (France) thanked the Chairman and the members of the Committee warmly. He had been very touched by the kindness shown to him by all his colleagues and he sincerely regretted that he could not participate any longer in the very important work which was being done by the Committee.

The meeting rose at 4.35 p.m.