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Eleventh Session

SOCIAL COMMITTEE

SUMMARY RECORD OF THE HUNDRED AND FIFTY-SIXTH MEETING

Held at the Palais des Nations, Geneva,
on Monday, 31 July 1950, at 10.30 a.m.

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Present:

Chairman:

Mr. DAVIDSON (Canada), Vice-
Chairman.

Members:

Australia

Mr. DESCHAMPS

Belgium

Mr. DELHAYE

Brazil

Mr. PENTEADO

Canada

Miss MEAGHER

Chile

Mr. BERNSTEIN

China

Mr. TSAO

Denmark

Mr. FRIIS

France

Mr. ROCHEFORT

India

Mr. DESAI

Iran

Mr. KHALATBARY

Mexico

Mr. de ALBA

Pakistan

Mr. BROHI

Peru

Mr. CABADA

United Kingdom of Great Britain
and Northern Ireland

Mr. FEARNLEY

United States of America

Mr. KOTSCHNIG
Mr. HENKIN

Representatives of specialized agencies:

International Labour Organisation

Mr. FLORES

International Refugee Organization

Mr. KINGSLEY
Mr. COHEN
Mr. BLANCHARD
Mr. KULLMANN

Representatives of non-governmental organizations:

Category A

World Federation of United Nations
Associations

Mrs. EVANS

Representatives of non-governmental organizations (continued):

Category B and Register

| | |
|---|--------------------|
| Commission of the Churches on International Affairs | Mr. MOURAVIEFF |
| Friends' World Committee for Consultation | Mr. BELL |
| International Co-operative Women's Guild | Miss ROSSIER |
| International Union for Child Welfare | Miss DINGMAN |
| Liaison Committee of Women's International Organizations | Miss ROSSIER |
| World Jewish Congress | Mr. RIEGNER |
| World's Young Women's Christian Association | Mrs. BERESFORD FOX |

Secretariat:

| | |
|--------------|--|
| Mr. Laugier | Assistant Secretary-General in charge of the Department of Social Affairs |
| Mr. Humphrey | Director, Division of Human Rights |
| Mr. Hogan | Department of Social Affairs |
| Mr. Dumontet | Secretary to the Committee |

REFUGEES AND STATELESS PERSONS

b) Report of the Ad hoc Committee on Statelessness and Related Problems (item 32 of the agenda) (E/1618, E/1618/Corr.1, E/1703, E/1703/Corr.1, E/1703/Add.1 - 6, E/1704, E/1704/Corr.1 and 2, E/L.79, E/L.81 and E/L.82)

The CHAIRMAN said that the report of the drafting committee which had been set up at the 155th meeting to prepare an agreed text of a joint draft resolution concerning the discussion on the draft First International Covenant on Human Rights would not be ready before that afternoon. He suggested, therefore, that the Social Committee should in the meantime begin its consideration of the problem of refugees and stateless persons.

Mr. FEARNFLEY (United Kingdom) suggested that the discussion should deal first with the United States draft resolution (E/L.79) on the report of the Ad hoc Committee on Statelessness and Related Problems (E/1618 and E/1618/Corr.1).

It was so agreed.

Mr. KOTSCHNIG (United States of America) submitted his delegation's draft resolution (E/L.79) on the report of the Ad hoc Committee on Statelessness and Related Problems.

The Ad hoc Committee recommended that the Council should submit the draft Convention relating to the Status of Refugees, and the protocol thereto relating to the status of stateless persons, to a diplomatic conference which would review the draft and open it for signature. That recommendation raised a serious question of procedure. The United States delegation to the Ad hoc Committee had not at first opposed the plan, but had since come to the conclusion that the procedure of convening a special diplomatic conference would not result in giving refugees the maximum protection at the earliest possible moment. He also wished to remark that in his opinion the report of the Ad hoc Committee did not seem to recognize fully the very close relationship existing between the draft Convention and the whole United Nations programme for the protection of refugees.

The Convention would be the principal instrument through which the High Commissioner for Refugees would exercise his functions for the protection of refugees. It was highly desirable therefore that it should be ready for signature by the time the High Commissioner took up his duties in January 1951, and, indeed, one of his first tasks would be to consult governments on the question of their adherence to it. The United States delegation therefore felt that the Convention should be referred to the next session of the General Assembly, instead of waiting for a special diplomatic conference, which could not be convened before the spring of 1951.

He believed that if the Ad hoc Committee were re-convened after the end of the Council's session and before the opening of the fifth session of the General Assembly, to re-examine the draft Convention in the light of the comments made by the Council, it would be able to submit a revised draft on which the General Assembly could reach agreement, and which could then be opened for signature before the end of the Assembly's fifth session.

In the meantime, the Council could, in the first place, examine the draft Convention in its broad aspects, although in some respects it might have to go further than in the case of the draft First International Covenant on Human Rights. In particular, it would have to give more guidance to the Ad hoc Committee and the General Assembly regarding the question of the definition of refugees. That was a most important question, and would help to determine the scope of the High Commissioner's work.

Secondly, the Council could examine the question of a reservation clause which the Ad hoc Committee had decided to leave open for later inclusion.

Thirdly, it might also discuss the question of the inclusion of territorial application and federal State clauses, although he believed that such a task would be best left to the General Assembly, since it was essentially political.

Fourthly, the Council might also wish to re-examine the preamble to the draft Convention.

Since certain delegations might find it difficult to vote in favour of his draft resolution, because it took it for granted that the definition of refugees

and other matters would be considered, he proposed that the Committee should first take a decision of principle, namely, whether the draft Convention should be referred to the General Assembly instead of to the suggested special diplomatic conference. Should there be agreement on referring the matter to the fifth session of the General Assembly, it would furthermore be desirable to reach immediate agreement on the reconvening of the Ad hoc Committee before the opening of the General Assembly session. He urged members of the Committee to vote in favour of referring the draft Convention to the General Assembly, in order to avoid any gap between the time when the International Refugee Organization ceased to be responsible for the legal protection of refugees, and the time the United Nations High Commissioner for Refugees took up his post; and to forge an instrument to be at the disposal of the High Commissioner when he assumed his functions.

Mr. ROCHEFORT (France) remarked that the circular movement which brought the same question periodically either to Lake Success or to Geneva reminded him of a merry-go-round.

Pursuant to a resolution of the Commission on Human Rights, the question of drawing up a convention for the protection of refugees had first been examined by the Economic and Social Council in March 1948, without result, owing to confusion between the concept of refugees and that of stateless persons. Having noted that fact, the Economic and Social Council had been obliged to confine itself, in August 1949, to pointing out the difference involved, and referring the question to an Ad hoc Committee for study. The question was now before the Economic and Social Council for the third time, in the form of a draft Convention and protocol.

It could therefore be assumed that all the various aspects of the question had been considered, since it had been studied by the Secretariat, by an Ad hoc Committee, by the Economic and Social Council, and by governments. His delegation was, of course, aware that a question of such importance and complexity required prolonged and detailed study; it was also alive to the desirability of periodically renewing United Nations interest in what was a great cause requiring the collaboration of the whole world for its just settlement.

Precisely because of the question's importance from the humanitarian point of view, his delegation hoped that a solution would be reached, and that now that the Economic and Social Council was preparing to deal with the matter for the third time it would be able to make the effort required to reach a conclusion. It was to be hoped that the question would not leave the Council without change, but would be passed on only when agreement had been achieved on essential points, so that the text drawn up could be adopted by the General Assembly at its fifth session.

His delegation was not under the illusion that agreement could be reached on the whole of so lengthy and so technical a text, but it did not think it too much to hope that agreement might be reached on a number of essential points. It was with that in mind that his delegation supported the United States draft resolution, which was based on a true appreciation of the position. Under that draft resolution, the Economic and Social Council was invited to examine in substance at least two sections of the draft Convention relating to the Status of Refugees - the preamble, and the definition of the term "refugee" - and to refer them, together with whatever conclusions it had reached, with the comments of governments and the observations of the various delegations, to the Ad hoc Committee, which was to be re-convened in Geneva, for final elaboration of the text.

His delegation considered, on the one hand, that it was eminently desirable that the draft Convention should be voted on by the General Assembly before being opened to governments for signature, as that would vest it with greater authority, and perhaps improve the chances of winning accessions. On the other hand, his delegation felt that in the absence of any agreement in the Economic and Social Council as to the spirit in which the Convention should be considered - which was the object of the preamble - and as to the persons to which it would apply - which was the object of the definition - the meeting of the Ad hoc Committee would be fruitless, and there would be a danger that agreement would not be reached in the General Assembly.

He did not of course mean that that prospect could be ruled out in consequence of the decision which the United States delegation was inviting the

Economic and Social Council to take. It was possible for the Council to reach agreement on essentials, and on the basis of that agreement the other difficulties which were more of a technical nature could easily be overcome.

With a view to facilitating agreement, his delegation had made substantial concessions to points of view with which it did not agree. In view of the fact, however, that his Government wished the Convention to constitute an instrument which it might use, and that, unlike a number of delegations which were nevertheless taking an active part in drawing up the text, his delegation had not stated that it would confine itself to voting for the Convention without going so far as to sign it, his delegation would not seek an agreement at any price. Hence, if no agreement were reached in the Council, owing either to lack of time or to the absence of concessions to match its own, his delegation would only be able to hope, without any great confidence, that such agreement would be reached in the General Assembly. It regarded the question as urgent, however, since, for a number of reasons, it wished to avoid any interruptions after 1 January 1951 of the protection afforded to refugees. For that reason, the position that his delegation was adopting with regard to referral to the Ad hoc Committee and thence to the General Assembly could not in any way prejudice the position it might be called upon to adopt in the General Assembly itself, should the desired agreement not be reached. Should that occur, to refer the draft Convention to a diplomatic conference might well appear to be the only way to reach a conclusion in time.

At the present stage of the discussion, his delegation was opposed to mere referral of the question to a diplomatic conference, since that would mean, in reality, that the United Nations had been unable to draft a text which met the terms of the problem sufficiently well to be acceptable, at least to the governments which intended not only to vote for it, but to sign, ratify and implement it. Such a failure would, perhaps, betoken more than a technical inadequacy, and might indicate the absence of agreement on objectives and on the means of achieving those objectives, and even the absence of any genuine spirit of international co-operation.

Thus, as was frequently the case, the decision which the Council was required to take in regard to procedure affected the very substance of the problem. To approve the procedure proposed by the United States delegation would be to express confidence that the Council, the Ad hoc Committee, the General Assembly and the United Nations would find a solution to the problem; it would also express the desire that the Convention should have, over and above the contractual value deriving from the signatures thereto, the moral authority attaching to a United Nations text. Because of its international spirit, its attachment to the cause of the refugees and its faith in the United Nations, his delegation earnestly hoped that that procedure would be adopted.

On the other hand, to approve the procedure of referring the question to a diplomatic conference would be to abandon the idea of a great international agreement in favour of an individual agreement in which there would be the danger that national considerations might weigh more heavily, but in which there would also be the advantage that it would be possible for those governments which genuinely intended to implement the agreement in their respective countries, to elaborate an instrument to suit them.

Taking all those considerations and reservations into account, the French delegation intended to vote for the United States draft resolution.

Should that draft secure only a small majority, it would perhaps be desirable to examine the substance of the question at once, and to deal with the question of procedure later.

Mr. FRIIS (Denmark) said that in assessing the work done by the Ad hoc Committee on Statelessness and Related Problems, it was essential to bear in mind its terms of reference as defined in Council resolution 248 (IX) B, which stated that the Ad hoc Committee should:

"(a) Consider the desirability of preparing a revised and consolidated convention relating to the international status of refugees and

stateless persons and, if they consider such a course desirable, draft the text of such a convention;

(b) Consider means of eliminating the problem of statelessness..."

The Ad hoc Committee deserved full praise for the work it had done on the problem of refugees, but the same could not be said of its work in connexion with the problem of statelessness. He regretted that the Ad hoc Committee had done no real work in that field, although it could easily have discussed several questions of principle which had been suggested by the Danish representative on the Committee (E/1618, Annex V). Instead of dealing with those questions of substance, the Ad hoc Committee had merely adopted a general resolution and a draft protocol which was not acceptable to the Danish Government. In view of the heavy agenda of the International Law Commission he doubted whether the proposal that the matter be referred to that body was likely to yield tangible results in the near future.

He agreed with the United States suggestion that the Ad hoc Committee should be re-convened, and also agreed that the Council should give it guidance in connexion with particular questions such as the definition of the term "refugee" and the preamble to the draft Convention. He was anxious, however, that any prolonged and detailed discussion in the Council of all the provisions of the draft Convention should be avoided.

He was convinced, on the other hand, that to refer the draft Convention to the General Assembly would not be the best solution in the circumstances. He favoured the procedure advocated by the Ad hoc Committee, namely, that the draft Convention should be referred to a special diplomatic conference. Those who advocated the first procedure argued that it would prove speedier, and that it would invest the draft Convention with the full authority of the United Nations, which would not be the case if it were adopted by a diplomatic conference. He could not accept those arguments, because if the Convention were referred to the General Assembly it would be examined only as one of some sixty odd items on

the Assembly's agenda, whereas a special diplomatic conference would be able to devote all its attention to the problem. Furthermore, the General Assembly would have to give governments time to examine the final draft, and would thus be able to begin its discussion of it only towards the end of the fifth session. If, as he hoped, a special diplomatic conference could be convened at the beginning of 1951, the referral of the problem to the Assembly would only save a few weeks. The diplomatic conference would have the additional advantage of being in direct contact with the High Commissioner, and, furthermore, it would be able to invite representatives of those non-member States who were most interested in the problem of refugees to take part in its work.

He reserved the right of his delegation to comment on the substance of the draft Convention at a later stage. He would only say that his delegation was prepared to accept the definition of "refugee" proposed by the Ad hoc Committee, though it would also give sympathetic consideration to amendments which had already been submitted, or might be submitted in the future, to that definition.

Mr. DELHAYE (Belgium) stated that his delegation desired to confine its remarks at that stage of the discussion to some observations of a general nature.

Although the Belgian Government approved of the greater part of the provisions of the draft Convention and of the draft protocol it had a few remarks and certain reservations to make with respect to several articles thereof.

His Government was unable to give its approval to the draft article containing a definition of the term "refugee". The text proposed by the Ad hoc Committee seemed to it to be too long and unnecessarily complicated. Furthermore, it saw no point in making specific reference to the victims of any particular political régime. His Government accordingly wished to confirm what had already been stated by its representative on the Ad hoc Committee,

namely, that it would give preference to a definition drafted in general terms, which might run somewhat as follows:

"Shall be considered as a refugee any person who is outside the country of his nationality or the country of his former habitual residence and who is unable to avail himself of the protection of the country of his nationality or former nationality, or unwilling to do so owing to well-founded fear of being the victim of persecution for reasons of race, religion, nationality or political opinion."

There might perhaps be some objection to a definition so broad as to grant the status of refugee to a number of persons not normally regarded as coming within the mandate of the International Refugee Organization. The same definition would, however, deprive of the status of refugee many persons who were in fact at that moment no longer refugees, for example, those persons who had sought refuge from Germany and Austria and who were covered by the 1938 Conventions.

In paragraph 2 of article 35 containing the colonial (or territorial) application clause, the Belgian Government would like to see the words "as soon as possible" replaced by the phrase "as soon as it deems possible". That request should not however be interpreted as springing from an intention to delay application of the provisions of the draft Convention in the overseas territories for which the Belgian Government was responsible. Its sole aim was to emphasize the obligation of all governments concerned to examine the possibility of applying the Convention to the territories for whose international relations they were responsible, after consideration of all the factors influencing the problem, amongst which must be included both reasonable possibilities of success and the sense of international responsibility prevailing in the territory concerned.

In the case of article 36, the Ad hoc Committee had been unable to come to any agreement as to the scope to be given to it. The Committee had decided that, in drafting such an article, the comments of governments must be the determining factor. The Belgian Government, for its part, wished to state that it would confine itself to a reservation which it regarded as absolutely indispensable, namely, that it should be made impossible for refugees to invoke the most-favoured-nation treatment accorded to refugees under certain articles of the Convention in order to claim treatment not less favourable than that accorded by Belgium to nationals of countries with which Belgium was linked by regional unions of an economic, customs or political nature, such as the Benelux Union and the Brussels Treaty.

With regard to the proposal of the Ad hoc Committee that the draft Convention be referred to a diplomatic conference, while his delegation did not consider that there was no merit in the suggestion, it did agree with the representative of the United States of America that one disadvantage of such a course was that there could be no question of convening such a conference early enough to enable the General Assembly to discuss its findings at its fifth session. On the other hand, the course of action proposed in the United States draft resolution would make it possible to bring the problem before the fifth session of the General Assembly.

It was not the intention of his delegation to place any obstacle in the way of a procedure likely to expedite the work and to prove satisfactory. It would accordingly vote for the draft resolution submitted by the United States delegation, at the same time reserving its freedom of action in the event of that proposal not being accepted.

Mr. de ALBA (Mexico) began by expressing the hope that the work done in connexion with the problems of refugees and statelessness would finally lead to the elimination of those evils, which were partly the result of the prevailing international tension. In his opinion, a clear distinction should be drawn in that connexion between problems requiring urgent solutions and those requiring long-term studies. The latter could easily be left to the various specialized agencies concerned with them.

He had always believed that the problem as a whole should be considered by the United Nations itself; that was why he had supported the French proposal that the High Commissioner should be appointed by the General Assembly. It had often been pointed out that the International Refugee Organization was composed of only eighteen members; the time was undoubtedly approaching when the United Nations as a whole should take over its responsibilities.

The procedure proposed in the United States draft resolution was extremely useful, because it would invest the draft Convention with the authority of the United Nations and provide the High Commissioner with the necessary authority for the proper discharge of his functions. He believed, however, that very special and technical problems should be left to the organizations most competent to deal with them. The International Labour Organisation, for instance, had recently examined the question of emigrant workers, in which connexion it had also been concerned with refugee and stateless workers. He would therefore support the United States proposal on the understanding that the General Assembly would discuss the problem as a whole, and that the specialized agencies would continue to work on the various specific problems.

Mr. FEARNLEY (United Kingdom) said that he would confine his remarks to the question of procedure dealt with in the United States' draft resolution, and would reserve his right to make observations on the question of its substance as occasion arose.

While he recognized the importance of the draft Convention prepared by the Ad hoc Committee, he did not find it so important that the High Commissioner's existence and activity should be regarded as contingent upon it. The question of the terms of reference of the High Commissioner for Refugees and the question of the draft Convention were related, but not inseparably linked. While the High Commissioner's interest and activity would presumably include matters arising from the Convention, he would also concern himself with matters affecting States not Parties to the Convention, and also with persons not at present covered by the draft. In the view of the United Kingdom delegation, the High Commissioner would be able to carry out his duties under the terms of reference given him by

the General Assembly without the existence of a convention. In fact, the probability was that he would begin his work before the Convention could come into force, even if it were put into final form by the General Assembly at its fifth session. His delegation supported the recommendation of the Ad hoc Committee that the draft Convention be referred to a diplomatic conference, for several reasons, some of which had already been mentioned by the representative of Denmark.

He would limit his observations to consideration of the disadvantages of submitting the draft Convention to the General Assembly, and of the advantages of referring it to a diplomatic conference. Experience with regard to discussion of conventions in the General Assembly had not always been particularly happy. Not only had such discussions taken up a great deal of the time of the General Assembly's various Committees, but it had also been found on occasion that such discussion had been unduly influenced by extraneous political considerations raised elsewhere in the Assembly. That might happen again in the case of the draft Convention under consideration. There were added disadvantages in submitting the draft to the forthcoming session of the General Assembly. If such a procedure were adopted, he agreed with the French and United States representatives that it would probably be best if the Ad hoc Committee were to revise the draft Convention first. That would mean convening the Ad hoc Committee without much notice, thereby prejudicing the possibility of effective consideration of the draft and the possibility of the same individual experts attending such a meeting of the Committee. The General Assembly would be faced with a new document just before the fifth session opened, and would presumably have to defer its consideration until late in the session. Moreover, as the agenda for the fifth session of the Assembly was particularly heavy, there was the risk that the matter might not be given the consideration it deserved or might even not be discussed at all, as had been the case with the draft Convention on the Death of Missing Persons at the fourth session of the General Assembly.

Referral to a diplomatic conference as recommended by the Ad hoc Committee, on the other hand, would ensure that the subject, which was a technical one -

and no less technical because the draft Convention was to a large extent a consolidation of the existing Conventions - would be discussed by experts, that extraneous political considerations would not play so large a part as would be the case if the draft were submitted to the General Assembly, that the conference would be attended only by countries that had a direct interest in the question, and that certain governments non-Members of the United Nations, whose participation in those matters was of first-rate importance, would be able to attend.

Mr. PENTEADO (Brazil) said that his delegation favoured the Ad hoc Committee's recommendation that the draft Convention be referred to a diplomatic conference since, in view of the General Assembly's already over-crowded agenda, the subject might not receive all the attention it required, and also because a diplomatic conference could count on the valuable collaboration of the non-Member States interested in the problem.

Mr. BROHI (Pakistan) confirmed his delegation's support of the United States draft resolution with regard to the procedure to be adopted. The argument advanced against referral to the General Assembly on the ground that the latter's agenda was already very heavy was not really valid for, if carried to its logical conclusion, it would mean that no question would ever be referred to the Assembly. In his view, the matter should go before that body, which would know what was the best action to take.

Miss MEAGHER (Canada) said that her Government was in favour of submitting the draft Convention, after revision by the Ad hoc Committee, to a diplomatic conference. She recognized the force of some of the arguments for submitting it to the General Assembly, but was not persuaded by them. Those governments with a real interest in the problem of refugees would have a better chance of reaching agreement on a suitable text at a diplomatic conference, where they would not be hampered by the observations and suggestions of those who had no direct interest in the subject. Those attending might differ on details, but would be essentially in agreement on the principle, which might not

be the case if the matter were considered in the General Assembly. Her Government favoured a speedy solution to the problem, and hoped for the widest possible measure of agreement, but considered that submission to the General Assembly would not achieve that end.

She thought, moreover, that certain preparatory steps should be taken before governments were asked to vote on or sign the Convention. In the latter connexion it would be useful if the Secretariat were to analyse and submit to the Ad hoc Committee the comments already received from governments. Furthermore, governments should have time to study the new text as revised by the Ad hoc Committee before they were expected to take final action on it.

All that would mean that there would not be time for due consideration by governments before the matter came up in the Assembly. A further objection was that the Assembly's agenda was a heavy one, and while she agreed with the Pakistani representative that an overloaded agenda was not always a valid argument for refraining from bringing a problem before the Assembly, she considered it was valid when adduced in favour of convening a diplomatic conference.

The main argument of the United States representative for submission to the General Assembly was that the latter would be able to give its approval before 1 January 1951, so that the High Commissioner would have the adopted Convention before him as a guide. She agreed, however, with the United Kingdom representative that the High Commissioner could begin his work without the Convention. It was not necessary to define the term "refugee" in order to enable the High Commissioner to function. The point had been made that unless such a procedure was adopted there would be a gap between the termination of the International Refugee Organization (IRO) and the coming into force of the Convention, during which the High Commissioner would not be able effectively to protect refugees. If there was no change in the General Assembly definition of the term "refugee", the High Commissioner would have to work on the definition contained in the Annex to General Assembly resolution 319 (IV). Although she did not suggest that that definition was entirely satisfactory, she nevertheless

could not understand the objection to referring the matter to a diplomatic conference on the ground of the alleged possible gap in providing protection.

Mr. CABADA (Peru) noted that all representatives seemed to agree on the need for revising the draft Convention. Personally, he considered that it was the duty of the Ad hoc Committee to carry out that task, and that the revised draft should then be submitted to the General Assembly for decision. The latter could either settle the question at its next session or at a later one, or even, if it considered it advisable, refer the Convention to a diplomatic conference.

Mr. de ALBA (Mexico) wished to make clear his delegation's position on the matter. The fact that it supported the United States draft resolution did not mean that in its opinion the adoption of that resolution would preclude the possibility of envisaging subsequently either the convening of a diplomatic conference or the referral of the draft Convention to the International Law Commission. It considered, however, that at the present stage the best means of finding a rapid solution to the problem was to refer the draft Convention to the General Assembly.

His delegation agreed with the representative of the United Kingdom that the powers conferred on the High Commissioner would enable him to exercise his functions before the Convention came into force.

Mr. DESAI (India) felt, like the French representative, that the problem of refugees had been too frequently passed on from one body to another without any substantial progress. The United States draft proposal, although not perfect, was a constructive procedural suggestion. It might well be that the General Assembly would find it necessary to refer the matter to a diplomatic conference. If so, the Council's conscience would be clear. His delegation, therefore, supported the United States draft resolution.

Mr. DESCHAMPS (Australia) stated that, as he was in communication with his Government on the question of procedure, and since a number of points raised during the discussion might affect its attitude, he must reserve his delegation's position for the time being.

Mr. BERNSTEIN (Chile) said that of the two proposals as to procedure before the Committee, he favoured the United States draft resolution. As the French representative had rightly said, the problem of refugees had become an international merry-go-round - a situation to which he was entirely opposed. The question of the legal status of refugees was most urgent for the refugees both of today and of the future, and the result of the further study by the experts should be submitted to the fifth session of the General Assembly which, after all, was in itself a diplomatic conference. Refugees came to some of the countries in the West full of enthusiasm, but found themselves up against legal problems which rendered it impossible for them to enjoy the liberty for which they had striven at the risk of their lives. They were frequently considered undesirables, and suffered hardships because of those legal impediments. From a political point of view, practical steps must be taken to enable such States to make the lives of refugees easier.

That did not mean that his delegation supported all the provisions of the draft Convention. Some of them had overstepped the mark, and were out of touch with reality; for instance, if articles 19 and 24 were adopted, refugees would have more extensive rights than aliens in general. Moreover, the definition of the term "refugee" in the draft Convention was not in accordance with accepted legal principles, and should be broadened, since there would undoubtedly be refugees from other areas than the continent of Europe.

His delegation therefore supported the United States draft resolution with regard to procedure. It hoped that the definition of the term "refugee" would be broadened but, on the other hand, that greater strictness would be observed as regards the rights to be conferred upon refugees.

Mr. KHALATBARY (Iran) said that his delegation would also support the United States draft resolution. In his view, no attention need be paid to the United Kingdom representative's argument that the agenda for the next session of the General Assembly was already very heavy, since the Assembly could always consider referring the problem to a diplomatic conference when the time came.

He also considered that there should be nothing to prevent States which were not Members of the United Nations from adhering to the Convention at a later date, if they so desired.

His remarks having been of a general nature, he reserved the right to take part in the discussion again if he thought fit.

Mr. TSAO (China) said that so far as the question of procedure was concerned, his delegation favoured the United States proposal. He reserved his delegation's right to participate in the general discussion on substance at a later stage.

Mr. FEARNLEY (United Kingdom) wished, in order to avoid all misunderstanding, to emphasize that when he had supported the Ad hoc Committee's recommendation that the draft Convention be referred to a diplomatic conference, he had had no thought whatever of seeking to delay action in favour of refugees. His support for that procedure was based on the ground that it would yield more effective results than would submission to the General Assembly.

Mr. ROCHEFORT (France) said that the misunderstanding which existed should be dispelled. Representatives were unanimous on the urgency of finding a satisfactory text. While the French delegation had, to that end, supported the United States draft resolution, it would be sorry if, as a result of the statements just made, its position was to be interpreted as a vote of confidence in the Ad hoc Committee, the composition of which, it must be admitted, was rather peculiar, in that it comprised seven representatives of non-European countries and four representatives of European countries. All the countries represented by the latter intended to implement the Convention, whereas certain of the representatives of the non-European countries had stated that their Governments did not intend to do so. That being the case, it was not surprising that the results achieved by the Committee left something to be desired. The Ad hoc Committee had been unable to confine itself to a purely technical and legal study of a question which had also its political side, and its members had therefore been obliged to follow instructions from their Governments.

It was therefore regrettable that the Ad hoc Committee did not contain more representatives of countries which intended to ratify the Convention, and also that countries which were not Members of the United Nations, but were very interested in the question of refugees, should not be entitled to send observers to that Committee.

He accordingly suggested, with a view to facilitating agreement within the Council, that the composition of the Ad hoc Committee should be modified by calling in representatives of countries interested in the refugee problem.

He would also like to re-assure those who were perturbed as to the fate of refugees in the event of the Convention's not coming into force before 1 January 1951. The position of refugees was clearly not the same in all countries; but refugees in France would still enjoy the same rights as they did at present, even if the Convention were not in force in 1951. It was true that the problem urgently required solution, but the situation was certainly not so critical as some representatives had made out.

Mr. HENKIN (United States of America) said that, with regard to the question of procedure, his delegation had pressed for early consideration of its draft resolution because it had understood from the Secretariat that the earliest possible decision was necessary if the Ad hoc Committee was to be re-convened to revise the draft Convention before its submission to the General Assembly. It would have to be convened immediately after the close of the present session of the Council, and it was desirable that everything possible should be done to ensure that all members attended.

He felt that the suggestion of the French representative with regard to the composition of the Ad hoc Committee had considerable merit. If, as appeared likely, that Committee had to meet in Europe, it would seem possible for interested governments, other than those already represented on the Ad hoc Committee, to send observers, and he was sure that the views of the latter would be taken into consideration.

Contrary to the view that the Canadian representative appeared to hold, he considered that, if the matter were referred to a diplomatic conference, a

year's delay was inevitable. If the Convention were to be linked with the activities of the High Commissioner, as was obviously the intention of the General Assembly, it would have to have the approval of the General Assembly before it could be embodied in his terms of reference. The crux of the question was, not whether the matter should go to the General Assembly, but rather whether it should be submitted to its fifth or to its sixth session, as would perforce be the case if the draft Convention were referred to a diplomatic conference.

The CHAIRMAN informed the Committee that he had requested the Secretariat to prepare a statement on the financial implications of the United States draft resolution, and to comment on the possible place of a meeting of the Ad hoc Committee and the technical difficulties, if any, attending that proposition. He also suggested that, in order to facilitate the task of the Secretariat, the United States delegation might indicate a provisional date for the meeting of the Ad hoc Committee.

He then drew attention to the fact that the United States draft resolution began by taking note of the report of the Ad hoc Committee, and submitted that it should be understood that if action were taken on that draft resolution in the early part of the debate on item 32 of the agenda, the Committee would not be precluded from commenting on other parts of the report, for example, on the specific resolution contained in paragraph 26 of document E/1618. It would also be understood that questions of substance raised in the United States draft resolution and such considerations as the wording of the preamble, the territorial application clause, the reservations clause and the definition of the term "refugee", would be considered at a later stage. He also believed it would be an orderly procedure if the Committee were to proceed to a vote on the principle of submission to the General Assembly, have that decision reported in the summary records, and then continue the subsequent debate on the understanding that it was taking place within the framework of the decision so reached. The other possibility was to proceed, when the time was ripe, to a formal vote on the United States draft resolution; that procedure would be complicated by the various understandings he had outlined.

The meeting rose at 1 p.m.