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SOCIAL COMMITTEE

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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. CHA
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. HENKIN

Representatives of specialized agencies:

International Labour Organisation	Mr. FLORES
International Refugee Organization	Sir Arthur RUCKER
	Mr. KINGSLEY
	Mr. COHEN
	Mr. BLANCHARD
	Mr. KULLMANN

Representatives of non-governmental organizations:

Category A

International Confederation of Free Trade Unions	Miss SENDER
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Representatives of non-governmental organizations (continued):

Category B and Register

Commission of the Churches on International Affairs	Mrs MOURAVIEFF Mr. REES
Consultative Council of Jewish Organisations	Mr. TEMKIN
Friends' World Committee for Consultation	Mr. BELL
International Co-operative Womens' Guild	Miss ROSSIER
International League for the Rights of Man	Mr. BEER
International Union of Catholic Women's Leagues	Miss de ROMER Miss TCHIN
Liaison Committee of International Women's Organizations	Miss ROSSIER
<u>Pax Romana</u> - International Catholic Movement for Intellectual and Cultural Affairs	Mr. HABICHT
World Jewish Congress	Mr. LIBAN

Secretariat:

Mr. Humphrey	Director, Division of Human Rights
Mr. Hogan	Department of Economic Affairs
Mr. Alexander	Department of Social Affairs
Mr. Dumontet	Secretary to the Committee

REFUGEES AND STATELESS PERSONS (item 32 of the agenda)

(b) Report of the Ad hoc Committee on Statelessness and Related Problems

(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.79/Add.1, E/L.81, E/L.82 and E/AC.7/L.59)
(continued)

Definition of "refugee" in article 1 of the draft Convention.

The CHAIRMAN drew particular attention to the proposal submitted by the Belgian delegation concerning the definition of the term "refugee" (E/AC.7/L.59).

He called for comments on the procedure to be adopted in the light of the views expressed at the two previous meetings on the limitation of the discussion to certain points raised by the United States representative, and to the questions of the definition of the term "refugee", the reservation clause, the federal State clause, the territorial application clause and the preamble to the draft Convention submitted by the Ad hoc Committee on Statelessness and Related Problems.

After some discussion, in which Mr. CHA (China), Mr. DESAI (India), Mr. FEARNLEY (United Kingdom), Mr. HENKIN (United States of America) and the CHAIRMAN took part, the last-named suggested that, as all appeared agreed that the Committee should first discuss the definition of the term "refugee", it should do so and that, when a decision had been reached on that point, it should be left to each individual member to propose for discussion any item he considered of sufficient importance.

It was so agreed.

Replying to Mr. DESCHAMPS (Australia), the CHAIRMAN confirmed that the decision to limit the Committee's discussion as suggested would not prevent the Australian Government, which had not yet submitted its written comments on the report of the Ad hoc Committee, from submitting them to the Ad hoc Committee if it were re-convened.

Mr. ROCHEFORT (France) thought it impossible to begin the general discussion on the definition of the word "refugee" without first considering the preamble to the Convention relating to the Status of Refugees. If the Committee did not wish to give priority to consideration of the preamble, it should at least study the two questions in conjunction. The French delegation would, indeed, find it impossible to give an opinion on the specific issue of the definition of the word "refugee" unless it could at the same time express its views on the refugee problem as a whole.

The French delegation realized that it might prove vain to attempt to deal with the substance of the problem when several representatives seemed inclined to favour the discussion of procedural issues. His delegation did not despair, however, but embarked on the discussion hopefully, borne up by the conviction that the cause was a just one.

In view of the statements made at previous meetings, he thought it advisable to explain that the Committee was obviously considering the text of a draft convention, relating to the status of refugees, and not the Statute of the High Commissioner's Office. It was equally obvious that those two questions should be examined separately.

Several important consequences proceeded from those two observations. First of all, it seemed logical to study the draft Convention before the Statute of the High Commissioner's Office. Indeed, reference to the Annex to General Assembly resolution No. 319 (IV) showed that the High Commissioner was to promote "the conclusion and ratification of international conventions providing for the protection of refugees." Hence the Convention now being drafted would be the first of the contractual instruments of which the High Commissioner was to promote the conclusion and ratification. It also followed from that Annex that the High Commissioner could be appointed and take action even before the conclusion of the Convention. Moreover, it appeared that the Convention was not intended to deal exhaustively with the matter: for instance, the definition of "refugees" in the Convention might either be different from, or similar to, that in the Statute of the High Commissioner's Office. Although the decision

the Committee would have to take regarding the definition to be included in the Convention would in no way prejudice the corresponding decision in connexion with the Statute of the High Commissioner's Office, he emphasized that the text of the Convention did not appear to provide favourable ground on which to fight for a definition of a general character.

The draft Convention would certainly derive some moral authority from adoption by the General Assembly; but it must not be forgotten that the real force of the Convention would come from the signatures and ratifications following that adoption. Without signatures and ratifications any convention must remain a dead letter. Consequently, the Committee must concern itself above all with securing - in addition to an affirmative vote of the General Assembly, which would be valuable but not indispensable - the signatures and ratifications of governments, which were a sine qua non for the effective application of the Convention.

In those circumstances, the Committee should bear carefully in mind the actual situation, which was determined in advance by the expressed intention of certain governments to sign, ratify and implement the Convention. Whereas the General Assembly's vote was binding only in the moral sense, signature and ratification imposed financial and other contractual obligations. It therefore appeared that unless immediate consideration were given to the views and, above all, to the needs, of the countries that intended to implement the Convention, there would be grave danger that nothing would be achieved. Hence it would be advisable to determine as soon as possible where the Convention was to be implemented. Was it to apply only in Europe, or throughout the world?

It should also be ascertained in advance which countries intended to put the Convention into effect, since they constituted the effective majority, even though they might be in a voting minority in the Committee.

If the United Nations had assured the right to draft such a Convention it was because it had recognized the world wide scope of the problem. It was in that spirit that the French delegation was prepared to accept a text which would not always completely accord with its views. But it recognized that the United

Nations had that right, because it had at least the moral responsibility for solving the problem of refugees. That was why, in the draft preamble that it had submitted, the French delegation had asked that the problem be presented in truly international and equitable terms.

In fact, the question seemed to have been badly presented from the outset, and a retrospective analysis appeared necessary, to define both what the Convention was not and what it ought to be and the true situation it was designed to meet and the aims it was intended to pursue.

First, it might be most instructive to compare the signatories of the various pre-war conventions relating to refugees with the composition of the Ad hoc Committee. The signatories of conventions relating to the protection of refugees were without exception European governments. The Ad hoc Committee, on the other hand, consisted of representatives of four European countries and of seven non-European countries.

Those figures should give rise neither to optimism nor to pessimism, since it had soon become clear that the Ad hoc Committee had not always been guided by a true spirit of international collaboration. It had rejected the modest article 2 of the French draft, relating to the welcome which should be accorded to refugees, and had, moreover, contrary to what might have been expected, rejected the liberal principles of the European countries.

A debt of gratitude was, of course, due to the experts of all countries for their collaboration, but it was none the less regrettable that, being at the same time the representatives of their respective countries, they had not always succeeded in rising above purely national considerations, to see things as they really were and fully to comprehend the aims of the agreement. In that respect, the records of the meetings of the Ad hoc Committee left an unsatisfactory impression - the impression that the countries of Europe were responsible for the existence of a problem which the other, more liberal, countries, would have been able to solve. That was a heinous mistake, since distortion of the problem at the outset might have extremely unfortunate consequences.

In actual fact, the position was quite different. The truth was that certain European countries were the victims of their geographical situation, which had made them, for more than thirty years, a haven of refuge in a particularly disturbed part of the world. They had also been the victims of their own liberalism; they did not accept only selected persons in possession of visas and who were prepared, if necessary, to become citizens; on the contrary, they opened their doors without discrimination to all who were in the unfortunate position of having to leave their native country. Under those conditions, which were none the less in accordance with the principles proclaimed in the Universal Declaration of Human Rights, it was easy to understand that the problem was not only much more extensive, but also more difficult for those countries than for others. He asked, for example, whether countries practising such a system of reception would not be bound to apply to applicants for naturalization the conditions applied by other countries to intending immigrants, and, when granting rights to refugees, to consider the latter's capacities as other countries did when ascertaining the professions of immigrants.

The existence of a large number of refugees in certain European countries raised the problem of international protection. What aims should be pursued in that connexion?

If the aim were to impose upon those countries a law which they had been unable to adopt themselves, that would be to forget that since 1920 those countries had taken every possible initiative in that field. France, in particular, accorded the same rights and benefits to refugees who were not protected by any convention as to refugees who were protected by conventions - conventions which were, in any case, at the present time out of date.

On the other hand, if the aim was to force those countries to do more than lay within their power, for example, to naturalize all refugees, that would be to forget that the persons in question were refugees, and not immigrants. Some of those refugees had broken with a régime, without thereby breaking with their homeland, to which they hoped to return; others did not wish to settle in the reception countries, but were waiting for a visa to go elsewhere.

If the aim of the reception countries was to secure certain benefits, the United Kingdom memorandum provided answer enough, by pointing out that the Convention was not of the sort which a State subscribed to in return for certain gains.

What then was the true aim of the Covenant, if it was none of those he had mentioned, and if it was not to restrict the right of asylum, as was suggested in one government's memorandum? The attempt of the United Nations to establish a system of international protection was based on four considerations:

First, the international desire, inspired by the Universal Declaration of Human Rights, to provide refugees with the greatest possible number of rights to protect them against political or demographic pressure and economic depression, while guaranteeing their freedom from extradition proceedings;

2) The desire for balance, and hence for uniformity of status, so as to prevent a country which did its duty from being flooded with refugees, and so being compelled to review its unduly liberal policy;

3) The desire to improve the lot of refugees by endeavouring to achieve an overall solution of the problem;

4) The technical desire to restore to refugees the benefits which every human being derived from the protection of his country of origin and the exercise of his citizenship of that country - benefits which could only be restored on the international plane by granting them a recognized juridical status.

Those were the great objectives which must be attained. Clearly they could not be reached in a day, and the first essential was that they should be thoroughly comprehensive. It was also essential that all countries should be enabled to make the necessary effort to rise above purely national considerations. Lastly, it was essential that the Convention should command a large number of signatures. Past experience, however, was particularly disappointing in that respect. A number of delegations which had taken part in the work of the Ad hoc Committee, and would participate in the voting, had intimated at the outset that they had no intention of signing or ratifying the Convention, either because their own legislation was more liberal, or because it was less so.

One Government, for example, had declared in a very significant note that it had prohibited the entry into its territory of stateless persons, even as temporary visitors, and that it considered it advisable to attach certain conditions to the grant of asylum to refugees, adding that the measures set forth in paragraph 3 (f) of the draft resolution submitted by the Secretary-General would have no implementing authority in its country, since its existing legislation made no provision for the issue of travel documents to persons other than its own citizens. But that same Government, prompted by a spirit of international collaboration, had a few years back been one of the first to sign the International Refugee Organization Agreement. It was, indeed, thanks to its vote that the necessary quorum had been obtained and that it had been possible to set up the Preparatory Commission. However, after having thus played a quasi-decisive role, that Government had subsequently declined to assume financial obligations.

The question at issue was, at that moment, taking a similar shape, and it would accordingly be desirable, in order to throw the balance in favour of refugees and to encourage a large number of accessions to the Convention, thereby conferring greater moral value on the status of refugee, for the General Assembly itself to adopt a text.

To that end, the French delegation had made extensive concessions to the theses maintained by governments which had either stated that they would not sign the Convention, or had refrained from declaring themselves on the subject. It would be realized that the French delegation, which had declared that it was its Government's intention to sign, ratify and apply the Convention, was quite unable to give its approval to any text indiscriminately.

With a view to elaborating a text which would meet the requirements of the problem and state that problem in fair and truly international terms, the French delegation had submitted two amendments (E/AC.7/L.81 and E/AC.7/L.82), the purpose of which was to enable - at least such was its hope - agreement to be reached.

The fact that it had submitted only two amendments did not however mean that the French delegation had no further observations to put forward. It reserved the right to raise other questions, but would do so at a later stage, since the remaining difficulties were not so grave.

At that stage he felt it necessary, after the general statement he had just made, to give certain explanations concerning the amendments he had just mentioned.

The chief aim of the preamble was to state the refugee problem in human and equitable terms. It enabled that problem to be expanded to its true dimensions, and indicated the ideal towards which the United Nations must strive if it was not to rest content with an imperfect and partial solution. That was all the more essential since any convention must of necessity represent a compromise between the ideal and the practicable. It was therefore necessary to find a place in the preamble for the sacrificed ideal which it had proved impossible to embody in the Convention. It should not be forgotten that, in the ultimate analysis, it was always the mind and the ideal which were right; the very existence of the United Nations was a proof of that.

His delegation considered that the preamble represented the only return asked of the international community in exchange for the recognition of its right to determine the status of refugees in the reception countries, such return taking the form of a definition, not of the refugee himself, but of the refugee problem, in fair and accurate terms in conformity with reality and the aims pursued.

The preamble itself was a modest one, simply a compromise which the French delegation thought a sincere one and likely to prove acceptable to all in its entirety, since it formed a coherent whole.

With regard to the definition of the term "refugee" proposed by his delegation, that definition determined, not so much the persons falling under the competence of the High Commissioner's Office for Refugees, as the categories of persons to whom governments were invited to grant a definite status. The text submitted by the French delegation involved acceptance of definition by categories in return for a technically superior text, rendered more flexible in accordance with the unanimous wishes of the General Council of the International Refugee Organization and of important non-governmental organizations.

He would submit that a country which had received, either on a temporary or on a permanent basis, 1,300,000 refugees (in other words, more than the International Refugee Organization had ever had under its mandate), of every nationality and origin, without discrimination, and which still had on its territory at least 300,000 refugees of whom 70,000 were recent arrivals, had the right to raise its voice and to be heard. It was impossible to deny that it possessed a certain humanity, a certain experience and a certain competence in the matter. France, which had served as a refuge for the whole of Europe, had earned the right to ask that there should be at least some feeling in favour of the text its delegation had submitted.

His country's "service record" should reassure those who were alarmed at the idea of too broad a definition because that definition involved obligations and burdens for the reception countries, and was not a vague expression of intention. France had no intention of undertaking more than was reasonable.

There was not a single category of European refugees which was not represented in France, and the very fact that all were admitted regardless of whether they entered by the front door or by the back stairs, showed quite clearly that the French Government had a sufficiently broad conception of its responsibilities. All authentic refugees should therefore be covered by the text.

Finally, the French conception was neither selfishly national nor excessively international in spirit, and it was precisely towards such a happy medium that the Convention should tend.

Even should the United Nations finally decline to adopt the preamble and definition, and decide to leave the elaboration of the measure of implementation to a diplomatic conference, his delegation was convinced that it would nevertheless have made a great contribution to the improvement of the lot of all refugees.

Mr. HENKIN (United States of America) said that in a discussion on the problem of refugees his delegation would be the first to recognise the difficult geographical position of France, and the gracious hospitality she had extended to refugees.

While the French representative had dealt with the subject in its general context, he would like to place the matter in a more specific context. The Council, on the one hand, in resolution 248(IX), had requested the Ad hoc Committee, if it saw fit, to prepare a draft convention on the subject; the Committee had done so and the Convention, including a definition of refugees, was now under discussion. On the other hand, the scope of the High Commissioner's activities as defined by the General Assembly provided that his mandate should include individuals defined as refugees in international agreements approved by the Assembly. Also, as the French representative had said, one of the High Commissioner's functions would be to implement the Convention on the Status of Refugees, and he would, therefore, have to see that it was ratified by as many States as possible.

It was in that context that the Committee came to define the term "refugee". It had before it, on the one hand, the broad definition proposed by the Belgian delegation and, on the other, a definition by categories of refugees of the kind which had been proposed by the United States delegation to the Ad hoc Committee. It should be noted that the Ad hoc Committee, in accepting that view, had prepared two documents, a draft convention on the status of refugees and a protocol relating to the status of stateless persons; the former dealt with the protection of refugees, whether technically stateless or not, and the latter covered stateless persons other than refugees. For, although the Ad hoc Committee took the view that the United Nations would not wish to be burdened indefinitely with machinery for the protection of stateless persons generally, it had recognised that they needed protection and that the United Nations had an interest in them; it had, therefore, prepared a separate instrument relating to them. The draft Convention on the Status of Refugees, however, gave somewhat greater benefits, it being assumed that States would be willing to go further in respect of refugees than in respect of stateless persons generally, in view of the greater humanitarian factors involved. Moreover, the Convention on the Status of Refugees would come within the mandate of the High Commissioner and would accord international refugee status to the individuals covered by it; stateless persons generally would not have international status.

The definition of the term "refugee", in his view, depended on the purpose underlying the definition. It had to be borne in mind that what the Committee had to decide was, who were the refugees who should have the protection of an international convention. In the first instance, the issue was between the Belgian definition and those proposed by the Ad hoc Committee and the French delegation, which were, relatively speaking, similar; that was to say, the Committee would have to decide between a global definition and a definition on the basis of categories of refugees. If the latter definition were accepted, the Committee would then go on to decide which categories of refugees should be covered by the Convention. In that connexion it was important to note that hitherto every international agreement relating to refugees had specifically enumerated the categories of refugees with which it was concerned, and that good reasons had been adduced for so doing. His delegation was convinced that a convention relating to the status of refugees based on a definition by categories would be more generally acceptable, and more easily implemented, and that it would facilitate the task of the High Commissioner in seeing that the Convention was implemented.

The United States definition was not narrow, as had been alleged; it was precise. The United States Government believed that international status as a refugee, and the benefits of the United Nations Convention under discussion, should extend to everyone, without limitation, who at present needed it. His Government believed, however, that definition by categories would be more likely to ensure maximum protection for refugees who needed such protection at the earliest opportunity than would the global definition proposed by the Belgian delegation.

In the light of the nature of the draft Convention, it was probable that if a global definition were adopted some countries might be reluctant to adhere to the Convention; there were persons who might be considered as refugees, for example those fleeing from a revolution, for whom countries might not wish to provide a blank cheque of protection in advance; there were also other persons, admittedly refugees, in respect of whom the question would arise as to whether or

not they should enjoy, or needed, the protection of an international convention. Again, it was his delegation's hope that under the Convention countries would be willing to give all refugees covered by it protection in excess of what was provided by their own legislation. The Ad hoc Committee had worked on that assumption. He believed, however, that the broader the definition of the term "refugee" the narrower would be the protection that nations would be willing to accord the refugees. If they knew the categories with which they had to deal they would be able to decide how far they could go. For that reason, too, he considered that the definition proposed by the Belgian delegation would tend to defeat the purpose the United Nations had in view.

With regard to the remarks of the United Kingdom representative, it was beyond question that there was a definite link between the Convention and the High Commissioner's Office. If the draft Convention were approved, the definition of the term "refugee" would form part of the High Commissioner's terms of reference. Reference to General Assembly resolution 319 (IV) showed that the implementation of the Convention would be one of the principal functions of the High Commissioner. Once the Convention had been signed and ratified, groups of individuals, if not individuals themselves, would approach the High Commissioner for protection. If, then, he were charged with the implementation of a Convention based on a broad definition of the term "refugee", his efforts would be nullified by the vast number of applications he would have to consider from persons or groups who did not merit or require international protection.

In paragraph 8 of the Annex to General Assembly resolution 319 (IV), it was laid down that the High Commissioner's work should relate as a rule to groups and categories of refugees. How, then, would it be possible for him to give effect to that directive, if there was no definition of "refugee" on the basis of categories, if he was subject to call by isolated persons throughout the world who determined for themselves that they were refugees?

The decision the Committee must shortly take was therefore, in his view, not whether a narrow or broad definition should be provided, but rather whether States and the High Commissioner should know to whom the Convention applied, or whether the field of application should be vague, general and uncertain.

Mr. BROHI (Pakistan), referring to the question of the definition of the term "refugee", recalled a statement made by Mrs. Roosevelt at the 260th meeting of the Third Committee of the General Assembly, in which she had said:

"Lastly, the Pakistani representative had expressed the view that if the General Assembly was to assume responsibility for refugees, it should do so on a global basis, and he had in that connection mentioned the 6 or 7 million refugees in his own country. That raised a very great problem indeed. The Pakistani representative had in fact suggested that the General Assembly accept responsibility for all categories of refugees existing in any part of the world, and also for such other categories as might develop in the future. It should be borne in mind, however, that at its ninth session the Economic and Social Council had set up an Ad hoc Committee to review existing conventions providing protection for refugees and to consider the desirability of drafting a single convention to be submitted to the General Assembly for approval. In accomplishing that task, the Ad hoc Committee would have to deal first with the categories of refugees who were to be covered by the draft convention."

He enquired what had become of the hope expressed by Mrs. Roosevelt, and whether the drafting of a single convention had proved to be beyond human ingenuity, and consequently ignored by the Ad hoc Committee.

He could not follow the United States argument that the purpose underlying the definition of the term "refugee" was all-important. A definition was always a definition, whatever the term involved, and he could not see how the question of underlying purpose affected the issue. Moreover, the draft Convention contained, not a definition of refugees but a description of the protection to be afforded to them.

He also considered that it should not be claimed that an international instrument was international in application when its scope was limited to a particular area of the world, as was that of the draft Convention under discussion, in sub-paragraph A (a) of Article 1 of which various specific limitations were apparent. Nor could he understand paragraph B of article 1. How could a definition be added to, and how could persons be added to a definition? The problem before the Committee was to ensure that the Convention embraced all refugees; if it was to be regarded as an instrument of restricted application,

its title should be reconciled with that conception.

Mr. FEARNLEY (United Kingdom) said that all three preceding speakers had either explicitly or implicitly expressed the opinion that the problem of refugees as it affected the United Nations was universal in scope. They had, however, adopted somewhat different lines of thought when it came to bringing that problem within the scope of an international instrument. It was also clear from their statements that the attitude of governments in various parts of the world was bound to be conditioned by the political experience and the geographical position of their countries.

He felt that the definitions of the term "refugee" contained in the draft Convention and in the terms of reference of the High Commissioner for Refugees need not necessarily be the same. While the Convention would impose certain definite legal obligations on States that chose to become parties to it, the High Commissioner, though he would no doubt enjoy great moral authority, would not be able to impose any obligations which were not voluntarily accepted by the States concerned, and, consequently, the attitudes of governments towards the two definitions might well be different.

His delegation had submitted an amendment to article 1 of the draft Convention because it felt that the Convention should concern itself with all refugees, and not merely with certain prescribed and limited categories of refugees. That amendment was similar to the amendment submitted by the Belgian delegation, though he felt that his delegation's definition was more precise. It would be seen that his delegation would specifically exclude from the category of refugees cases of technical statelessness caused merely by conflicts of nationality laws. Broadly speaking, a refugee was a person who could not or did not want, for fear of persecution, to return to the country of his nationality or former residence.

Since governments would have to assume definite legal obligations under the Convention, he appreciated the arguments of those governments which were in favour of a limited definition of the term "refugee". They did not wish to undertake commitments, the full scope of which they could not foresee. Should

it become clear in the future that such governments would be unable to adhere to the Convention because the definition of "refugee" contained in it was broad, his delegation would give sympathetic consideration to their arguments. At the present stage, however, his delegation thought a broad definition was the right approach. He wished to make it quite clear, however, that nothing would alter its conviction that although there might be reasons at the present time for restricting the definition of "refugee" in the draft Convention, the one contained in the High Commissioner's terms of reference could not be so restricted for it would be the duty of the High Commissioner to concern himself with all refugees throughout the world.

In brief, he hoped that the Committee would accept a broad definition in both cases, but since the obligations resulting for governments would not be the same, being legal in the case of the Convention and simply moral in the case of the High Commissioner, his delegation did not believe that the two definitions need necessarily be identical. It would, however, insist that the definition in the High Commissioner's terms of reference should be a broad one.

Mr. BERNSTEIN (Chile) said it was essential to draw a clear distinction between two problems: the question of the rights of refugees in the countries which had granted them asylum, and the question of the international protection of refugees. The former could only be settled by an international Convention, whereas the latter would be the task of the United Nations acting through the High Commissioner. Since there were two problems, there could also be two different definitions. The definition of a refugee in connection with the rights of refugees in the countries which had given them asylum should be a broad one, while the definition for purposes of international protection should to some extent be limited. It was obvious, as the United States representative had pointed out, that the High Commissioner could not possibly consider all appeals for help without exception.

Referring to paragraph B of article 1 of the draft Convention, which stated that contracting States might agree to add to the definition of the term "refugee" contained in that article persons in other categories recommended by the General

Assembly, he said that he could not understand how such a provision could ever be accepted by any country. Indeed, what government would agree to a provision whereby the main article of an international agreement to which it was a party could be changed at will by another organ?

Mr. HENKIN (United States of America) emphasized that the provision in question would not operate automatically. It merely laid down a procedure whereby contracting States might accept, if they so wished, recommendations made by the General Assembly for the extension of the definition of the term "refugee" to cover persons in other categories.

He wished to emphasize that the Ad hoc Committee had examined very thoroughly the question of how broad the definition of the term "refugee" should be. The definition proposed in the draft Convention had been chosen as the best suited, in existing circumstances, to provide protection for those who needed it. His delegation believed that the definition contained in the draft Convention and in the High Commissioner's terms of reference should be the same, but would be willing to consider the two questions separately.

Mr. de ALBA (Mexico) thought it was essential for the Committee to make a clear distinction between past and existing problems in the refugee field which had to be settled immediately, and problems which might arise in the future. The High Commissioner's Office was being set up to deal with immediate problems, whereas the aim of the draft Convention would be to provide solutions for future problems.

He believed that instead of working out a complicated convention, it might be wise merely to agree on the principle that both refugees and stateless persons should enjoy the same rights as nationals of the country in which they had been granted asylum. That would remove many difficulties, and it would then be possible to dispense with any enumeration of categories of refugees, enumerations which were bound to be incomplete. He fully realised the difficulties of countries such as France, the United Kingdom and Belgium, to whose efforts in grappling with the refugee problems which were the legacy of

successive wars he paid tribute. It was only natural that those countries should try to take some precautions against the threat of further influxes of refugees. He sincerely hoped that the draft Convention, when it came into force, would help them to solve any difficulties that might arise in the future.

In the light of the distinction he had drawn between the solution of existing problems - the task of the High Commissioner - and that of future problems - the aim of the Convention - it was clear that a limited classification by categories might meet the purposes of the High Commissioner's Office but could never be adequate or useful for a lasting international convention on refugees. He believed that it would be wise for the Committee not to amend the draft Convention, but merely to refer the matter back to the Ad hoc Committee, which would examine it in the light of the comments made during the discussion. When the draft Convention came to be examined by the General Assembly, his delegation might express itself in favour of referring it to a special diplomatic conference, as originally suggested by the Ad hoc Committee.

Mr. DESAI (India) agreed with the United States representative that there should be a precise definition of the term "refugee". The United Nations, first through the United Nations Relief and Rehabilitation Administration and then through the International Refugee Organization, had dealt with two sides of the refugee problem, namely, relief and rehabilitation. The main task of the High Commissioner would be to arrange re-settlement of refugees. It was obvious that no re-settlement could be carried out unless refugees were considered in specific categories. Hence there was need for an exact definition of the refugees to whom the United Nations wished to give protection. A broad definition comprising all possible refugees would raise so many difficulties that it would be impossible to attend even to the most urgent and most immediate problems. That was why he felt that the course advocated by the United States representative was by far the more practical, and the more likely to yield useful results.

The meeting rose at 1 p.m.