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Eleventh Session

SOCIAL COMMITTEE

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Held at the Palais des Nations, Geneva,  
on Tuesday, 8 August 1950, at 10.30 a.m.

CONTENTS:

Pages

Refugees and Stateless Persons (item 32 of the agenda) (continued)	
(b) Report of the <u>ad hoc</u> Committee on Statelessness and Related Problems (continued) (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.66)	
Draft resolution on the elimination of statelessness (continued)	4 - 19
United States draft resolution on the report of the <u>ad hoc</u> Committee on Statelessness	19 - 23

Present:

Chairman: Mr. DAVIDSON (Canada), Vice-Chairman

Members:

Australia	Mr. DESCHAMPS
	Miss DOBSON
Belgium	Mr. DELHAYE
Brazil	Mr. PENTEADO
Canada	Miss MEAGHER
Chile	Mr. HERNSTEIN
China	Mr. CHA
Denmark	Mr. FRIIS
France	Mr. ROCHEFORT
India	Mr. DESAI
Iran	Mr. KHALATBARY
Mexico	Mr. CALDERON PUIG
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:	Mr. KULLMANN

Representatives of non-governmental organisations:

Category A

International Confederation of Free Trade Unions	Miss SENDER
World Federation of United Nations Associations	Mrs. EVANS

Category B and Register

Agudas Israel World Organisation	Mr. GOODMAN
Committee of the Churches on International Affairs	Mr. REES Mr. MOURAVIEFF
Consultative Council of Jewish Organisations	Mr. TEMKIN
International Co-operative Women's Guild	Miss ROSSIER
International Federation of University Women	Miss DUBOIS
International Union for Child Welfare	Miss DINGMAN
Liaison Committee of Women's International Organizations	Miss ROSSIER
World Jewish Congress	Mr. LIBAN Mr. GOODMAN

Secretariat:

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

REFUGEES AND STATELESS PERSONS (item 31 of the agenda) (continued)

(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/Corr.1, E/L.81, E/L.82 and E/AC.7/L.66) (continued)

Draft resolution for the Economic and Social Council concerning the elimination of statelessness (continued)

The CHAIRMAN invited continuation of the discussion on the draft resolution on the elimination of statelessness, submitted by the Ad hoc Committee on Statelessness and Related Problems in its report (E/1681, paragraph 26).

Mr. GIRAUD (Secretariat) pointed out that the draft resolution fell into two sections, the first of which (paragraph A), limited in scope, consisted in a series of invitations and recommendations to governments. Even where States adopted radical measures in line with those indications, those would be inadequate unless accompanied by similar measures in other countries. The first section of the resolution did no harm, and might produce some good results.

The second section of the resolution (paragraph B) was of far greater importance, and would, if accepted, constitute a notable advance.

What was the position? The question of statelessness and refugees had been referred to the International Law Commission. The latter, in 1949, had examined a list of the subjects which it had been asked to consider, among them the question of statelessness. The Commission had included it among the fourteen items which it had agreed to examine on a non-priority basis. In the absence of priority, the probability was that the Commission would be unable to deal with it for a considerable time to come. If, however, the question could be given priority the delay could in all likelihood be reduced.

Article 15 of the Universal Declaration of Human Rights stipulated that everyone had the right to a nationality, and that no one should be arbitrarily deprived of his nationality or denied the right to change it. That principle was purely theoretical. By its resolution 248 (IX) B of 8 August 1949, the Economic and

Social Council had likewise acknowledged the need to recognize the right of every person to a nationality. Incidentally, the Council had had in mind not only the question of statelessness, but also that of refugees.

The Convention on nationality adopted by the Hague Conference on 12 April 1930 had produced limited results. The Convention had been ratified by thirteen States, whereas its two Protocols had secured ten and eight ratifications respectively. There was no gainsaying the paucity of those numbers, or the fact that the Convention itself had proved of only limited value. The most important article was probably article 8 which, if generally applied, would prevent a married woman from losing her nationality as a result of her marriage. The various feminist organizations found that provision inadequate: their demands went further - the absolute equality of women in respect of nationality.

While certain results had been achieved in the past, it was not too much to hope that further results could be achieved in the future. The body which was in a position to improve the law on the subject was the International Law Commission.

Mr. HENKIN (United States of America) pointed out that the Council at its present session had already proposed to the International Law Commission that it consider the problem of the nationality of women. The Commission had replied that it would deal with that problem as part of the general problem. In a sense, therefore, paragraph B of the draft resolution would ask the Commission to draft a convention on statelessness also.

Of course, the problem of statelessness was related to the problem of women's nationality since marriage or its dissolution often led to statelessness. In the opinion of the United States delegation, therefore, the Council should invite the International Law Commission to undertake the drafting of a convention designed to eliminate statelessness, leaving it to the latter to decide whether it would deal with that problem as part of the general problem of nationality.

He wished to suggest two amendments to the text of the draft resolution. Sub-paragraph 2 of paragraph A had seemed to the representative of Peru to contain an implicit incitement to create statelessness, and it was therefore

suggested that the words "the necessary provisions" be replaced by the words "provisions, if necessary". To meet various objections that had been raised at the previous meeting, the words "habitually resident" should be inserted between the words "persons" and "in their territory" in sub-paragraph 3. That would not imply that governments might not, if they chose, impose requirements in addition to habitual residence.

Mr. FEARNLEY (United Kingdom) thought that the International Law Commission, when it finally decided to take up its study, would begin by seeking information on the views and practices of governments. In that case there was a danger that the provisions of sub-paragraph 4 of paragraph A might duplicate later action by the International Law Commission. It was undesirable that governments should be asked twice within six months for the same information.

Mr. ROCHEFORT (France) expressed dissatisfaction with the draft resolution formulated by the Ad hoc Committee. It had been complained that the concluding paragraphs of the resolution were not adequately motivated by the preceding paragraphs. He therefore proposed to submit an amended text to the Committee in respect of certain points. In particular, the operative part of the resolution should be preceded by a series of clauses by way of preamble to the effect: first, that statelessness involved serious drawbacks for human beings and States alike, and that it was essential simultaneously to reduce the number of stateless persons, remedy the drawbacks of statelessness and eliminate its causes at the source; and, secondly, that those various objectives were impossible of attainment without the co-operation of all States and the adoption of appropriate international conventions. Those two clauses should replace sub-paragraphs 1 and 2 of paragraph B of the draft resolution. He proposed to go on to invite States to give particularly favourable consideration to applications for nationalization submitted by stateless persons normally resident in their territory. Then would come sub-paragraph 1 of paragraph A of the draft resolution. In addition, he would invite the International Law Commission to devote special attention to that problem, and to prepare draft international

conventions designed to eliminate the causes of statelessness at source. Finally, his amendment would take in sub-paragraph 2 of paragraph A of the draft resolution.

Mr. GIRAUD (Secretariat) said that if the International Law Commission was called upon to deal with the question of statelessness, it would circulate a questionnaire to all States Members of the United Nations, and to the organs, specialized agencies and other official bodies which were concerned with the question, and would invite them to transmit their comments within a reasonable time. As it had done on an earlier occasion, the Commission would, in particular, ask States for information about their law and practice. That was the procedure provided for in the Statute of the International Law Commission.

That did not mean that the provision contained in sub-paragraph 4 of paragraph A of the draft resolution was unnecessary, since it asked for something different.

Mr. HENKIN (United States of America) agreed with the representative of the Secretariat that sub-paragraph 4 of paragraph A was intended to refer to paragraph A of the draft resolution. That paragraph was designed to get States to pay greater attention to the resolution; it had been included because too many resolutions were adopted without any reference to their implementation.

The United States delegation would support the French amendment with certain modifications. If a preamble was to be included in paragraph A of the resolution, there should be some reference to the right of every human being to possess a nationality, as laid down in the Universal Declaration of Human Rights. Secondly, it seemed unnecessary to suppress sub-paragraph 1 of paragraph A of the draft resolution. It could well be retained along with the French additions to it. Thirdly, it might be advisable to include some reference to implementation even if it amounted only to requesting the Secretary-General to communicate the results of his requests to governments for information.

Mr. BERNSTEIN (Chile) felt that the representative of France was proposing to improve the draft resolution too much. The preamble would be so good that the operative part would be an anti-climax, and add nothing. If the suggestion of the United States representative was also followed, the Committee would be adopting a declaration of human rights in two sentences with nothing to follow. The wording proposed by those two representatives was so excellent that it should be kept for use on some other occasion, but in the present connexion the Chilean delegation would vote against it.

Concerning the request to the International Law Commission, when the nationality of married women had been discussed in the Council the same question had arisen, and the representative of the Secretariat had made a comment in the Council in the light of which it had been necessary to change the wording of the resolution. Perhaps the representative of the Secretariat would remind the Committee exactly what that comment had been, so that even if the Chilean delegation could not approve of the present draft resolution, at least it would not be transmitted to the Council improperly worded.

Mr. FEARNLEY (United Kingdom) agreed with the United States representative that sub-paragraph 1 of paragraph A had some value since it was clear that cases of statelessness regularly arose through conflicts between the different national laws relating to nationality. If, therefore, all States adopted laws designed to avoid statelessness, cases of statelessness arising through technicalities would diminish. He therefore suggested the retention of the sub-paragraph.

Mr. GIRAUD (Secretariat) recalled that article 17, paragraph 1, of the Statute of the International Law Commission provided that: "The Commission shall also consider proposals and draft multilateral conventions submitted by Members of the United Nations, the principal organs of the United Nations other than the General Assembly, specialized agencies, or official bodies established by inter-governmental agreement to encourage the progressive development of international law and its codification, and transmitted to it for that purpose



by the Secretary-General". In order to conform with that provision, a paragraph could be inserted in the draft resolution inviting the Secretary-General to transmit the draft resolution to the International Law Commission.

Mr. ROCHEFORT (France) said that he had given the Secretariat some additional data relating to his proposed amendment. The text drawn up in accordance with those data could very quickly be communicated to the Committee.

The CHAIRMAN said that the text of the French amendment would be read to the Committee by the Secretariat when it had been received by the latter. He felt that there should also be a reference to the fact that the draft resolution had arisen out of the report of the Ad hoc Committee. He therefore suggested that an additional paragraph be inserted at the beginning to read somewhat as follows: "Having considered the report of the Ad hoc Committee relating to the problem of statelessness." Next would come the paragraph referring to the Universal Declaration of Human Rights, as suggested by the United States representative, and then the French text. That was the form in which the text would eventually be put to the vote.

Mr. HENKIN (United States of America) thought that a reference should also be included to resolution 248 (IX) B of the Economic and Social Council under which the ad hoc Committee had been set up.

Mr. DUMONTET (Secretary) read out the ~~amendment~~ amendment submitted by the French representative, as follows:

"Considering that statelessness entails serious inconveniences both for individuals and for States, and that it is necessary to reduce the number of stateless persons to remedy the inconveniences arising from statelessness and to eliminate the problem of statelessness,

Considering that these objectives can be achieved only through the co-operation of all Member States, and through the adoption of international conventions,

Recommends those Member States involved in changes of territorial sovereignty to include in the agreements for such changes the necessary provisions for the avoidance of statelessness,

Invites Member States to examine in a particularly sympathetic spirit applications for naturalization presented by stateless persons habitually resident on their territory, and, where necessary to re-examine their Nationality Laws with a view to reducing as far as possible cases of statelessness arising from the application of such legislation,

Requests the Secretary-General to collect information from Member States on the above points and to report thereon to the Council,

Urges the International Law Commission to pay special attention to the problem with a view to preparing at the earliest possible date the necessary draft international conventions for eliminating the sources of statelessness, and

Invites the Secretary-General to transmit this resolution to the International Law Commission."

The CHAIRMAN announced that it seemed that the preambular paragraphs to precede the French text should read:

"The Economic and Social Council,

Recalling its resolution 248 (IX) B by which it established the Ad hoc Committee on Statelessness and Related Problems;

Taking note of article 15 of the Universal Declaration of Human Rights concerning the right of every individual to a nationality;

Having considered the report of the ad hoc Committee and its recommendations concerning the elimination of statelessness;"

Mr. FEARNLEY (United Kingdom) wondered whether it was necessary for the preamble to include the entire history of the genesis of the draft resolution as well as a reference to the Universal Declaration of Human Rights.

Mr. HENKIN (United States of America) suggested that since reference to the establishment of the ad hoc Committee would be in the first paragraph, the reference to the consideration of the report of that Committee should come before, and not after, the reference to article 15 of the Universal Declaration of Human Rights. Furthermore, the first paragraph ought to refer not only to the establishment by the Economic and Social Council of an ad hoc committee on the problem of statelessness, but also - what was more important - to the concern caused by that problem.

Mr. FEARNLBY (United Kingdom), referring to the third paragraph of the French text, recalled that it had been agreed the previous day to refer, not to "Member States" but to "States". Secondly, the wording of the first paragraph of the French text could be strengthened. It had been found possible in the United Kingdom and some other countries to produce legislation that in effect eliminated, so far as those countries themselves were concerned, the causes of statelessness among their citizens. It was therefore suggested that the words "reducing as far as possible" be replaced by the word "eliminating".

Mr. KHALATBARI (Iran) asked that in the first paragraph of the French amendment the word "individuals" should be replaced by the words "human beings".

Mr. CALDERON PUIG (Mexico) said that the previous day the Mexican delegation had expressed its concern at the problem of statelessness and had also explained why it would abstain from voting on the present draft resolution. However, the preamble which had been produced at the present meeting was couched in extremely noble and generous terms, and he might be able to vote for it if a constructive operative paragraph could be added. He therefore proposed that the paragraph of the French amendment which referred to the submission of the problem to the International Law Commission be replaced by the following text: "Invites the General Assembly to request the International Law Commission to prepare as soon as possible a draft general convention on nationality which will include provisions to solve the problem of statelessness;".

Mr. CABADA (Peru) regretted that the representative of Mexico had not produced his text before. It was a great improvement on the text of the French amendment, and would reduce the work of the International Law Commission which would not be required to make two separate studies. He suggested, however, that since the International Law Commission had already given attention to general problems of nationality, the Mexican amendment be modified so as to invite the Commission to deal with the question of nationality incidentally to the problem of statelessness.

Mr. FEARNLEY (United Kingdom) could not accept the Mexican proposal since it raised an issue quite beyond the scope of the problems of statelessness under discussion.

Mr. HENKIN (United States of America) agreed with the United Kingdom representative, and felt even greater concern at the proposal that the question of when and how the work was to be undertaken should be taken out of the hands of the International Law Commission.

The CHAIRMAN said he would put to the vote the first paragraph, which, as so far modified, would read:

"The Economic and Social Council,

Recalling its concern with the problem of statelessness as expressed in its resolution 248 (IX) B of 8 August 1949, by which it established an Ad hoc Committee on statelessness and related problems."

Mr. HENKIN (United States of America) noted that the question of changing the name of the Ad hoc Committee had been raised in the Council. Difficulties might therefore be avoided if the name of the Committee was not mentioned in the paragraph.

The CHAIRMAN put the first paragraph to the vote, the words "an Ad hoc Committee on statelessness and related problems" being replaced by the "an ad hoc committee to study this problem".

The first paragraph was adopted by 11 votes to 1, with 3 abstentions.

The CHAIRMAN put to the vote the second paragraph, which read:  
"Having considered the report of the ad hoc committee and its recommendations concerning the elimination of statelessness;"

The second paragraph was adopted by 10 votes to 1, with 4 abstentions.

The CHAIRMAN put to the vote the third paragraph which read:  
"Taking note of article 15 of the Universal Declaration of Human Rights concerning the right of every individual to a nationality;"

The third paragraph was adopted by 7 votes to 2 with 6 abstentions.

The CHAIRMAN put to the vote the fourth paragraph, which read:  
"Considering that statelessness entails serious inconveniences both for individuals and for States and that it is necessary to reduce the number of stateless persons to remedy the inconveniences arising from statelessness and to eliminate the problem of statelessness;"

Mr. HENKIN (United States of America) thought that the remedying of inconveniences was not in fact dealt with in the draft resolution. The words "to remedy the inconveniences" should therefore be deleted.

Mr. ROCHEFORT (France) accepted the amendment to the fourth paragraph proposed by the United States representative, for the sake of logic.

Mr. CHA (China) felt that it was difficult in any case to define inconveniences entailed by statelessness. A stateless person making a good living in some country might experience no inconveniences at all. He therefore suggested that the words "arising from statelessness" should also be deleted.

The CHAIRMAN put to the vote the fourth paragraph with the words "to remedy the inconveniences arising from statelessness" deleted therefrom.

The fourth paragraph was adopted by 9 votes to 2, with 4 abstentions.

The CHAIRMAN put to the vote the fifth paragraph which read:

"Considering that these objectives can be achieved only through the co-operation of each State and through the adoption of international conventions."

The fifth paragraph was adopted by 10 votes to 2, with 3 abstentions.

The CHAIRMAN put to the vote the sixth paragraph which read:

"Recommends to States involved in changes of territorial sovereignty that they include in the arrangements for such changes provisions, if necessary, for the avoidance of statelessness;"

The sixth paragraph was adopted by 8 votes to 3, with 4 abstentions.

The CHAIRMAN, at the request of the representative of Peru, agreed to put the seventh paragraph of the French amendment to the vote in two parts.

Mr. HENKIN (United States of America) said he would abstain from voting on the paragraph, which could be interpreted as calling for special treatment for stateless persons, and might thus create constitutional difficulties for his Government.

Mr. FEARNLEY (United Kingdom) and Mr. PENTEADO (Brasil) said they preferred sub-paragraph 3 of paragraph A of the original draft resolution.

Mr. ROCHEFORT (France) thought the Ad hoc Committee's text less satisfactory than the text he had proposed. He felt that it was impossible to give to stateless persons in the territory of a State the opportunity of becoming naturalized, in the absence of a provision to the effect that those persons must be habitually resident in that State's territory. He recalled that the ebb and flow of aliens entering and leaving France between 1900 and 1950 had totalled five million, a number of whom had been stateless persons. His country would be unable to extend naturalization to one and all indifferently, nor, he felt, could the Committee recommend such a procedure. There was nothing in French law to compel aliens entering the country to take an oath of allegiance to France or to renounce their nationality. It was therefore impossible for France to extend French nationality to all and sundry in the absence of any conditions for normal residence and of a certain number of essential security conditions.

Mr. DESCHAMPS (Australia) associated himself with the views expressed by the French representative.

The CHAIRMAN put to the vote the first part of the seventh paragraph of the French amendment which read:

"Invites States to examine sympathetically applications for naturalisation presented by stateless persons habitually resident in their territory".

The first part of the seventh paragraph was adopted by 7 votes to 3, with 5 abstentions.

Mr. FEARNLEY (United Kingdom) formally moved, as an alternative to the second part of the seventh paragraph of the French amendment, that the phrase: "with a view to reducing as far as possible cases of statelessness which arise from the operation of such laws" be replaced by the phrase "with a view to eliminating cases of statelessness which arise from the operation of such laws."

Mr. ROCHEFORT (France) was prepared to accept the United Kingdom proposal.

Mr. HENKIN (United States of America) considered it impossible to eliminate those cases of statelessness that arose from the interplay of the laws of one country with those of others. The French wording corresponded more closely to realities.

Mr. FEARLEY (United Kingdom) maintained that if each country drafted its legislation so as to ensure that no statelessness was thereby caused in so far as it itself was concerned, it would be drafting such legislation "with a view to eliminating statelessness".

Mr. BROHI (Pakistan), as one who had had much experience in the field of conflict of laws, assured the United Kingdom representative of the impossibility of framing domestic legislation to ensure the elimination of statelessness without uniform knowledge of what steps would be taken by other countries.

The CHAIRMAN put to the vote the United Kingdom amendment to the second part of the seventh paragraph of the French amendment.

The United Kingdom amendment was rejected by 3 votes to 3, with 9 abstentions.

The CHAIRMAN put to the vote the second part of the seventh paragraph of the French amendment, which read:

"and to re-examine if necessary their nationality laws with a view to reducing so far as possible cases of statelessness which arise from the operation of such laws".

The second part of the seventh amendment was adopted by 3 votes to 2, with 10 abstentions.

The CHAIRMAN put to the vote the seventh paragraph of the French amendment in its entirety.

The seventh paragraph of the French amendment was adopted by 5 votes to 1, with 8 abstentions.



The CHAIRMAN drew attention to the Mexican alternative to the eighth paragraph of the French amendment; reading:

"Invites the General assembly to request the International Law Commission to prepare as soon as possible a draft general convention on nationality, which will include provisions to solve the problem of statelessness".

Mr. CALDERON PUIG (Mexico) accepted a proposal by the Pakistani representative that the word "solve" should be replaced by the word "eradicate".

The CHAIRMAN put to the vote the Mexican proposal, as amended.

The Mexican proposal was rejected by 6 votes to 6 with 3 abstentions.

Mr. CALDERON PUIG (Mexico) said that, since the rejection was the result of a tied vote, he reserved the right to re-introduce his proposal at a later stage.

Mr. HENKIN (United States of America) suggested that the wording of the paragraph should conform to the language employed in the Statute of the International Law Commission, which dealt in terms of proposals. The paragraph should therefore open: "Proposes to the International Law Commission" instead of "Invites the International Law Commission".

The CHAIRMAN put to the vote the eighth paragraph of the French amendment, as amended, which read:

"Proposes to the International Law Commission that it give special attention to this problem and that it prepare at the earliest possible date the draft conventions necessary to eliminate the problem of statelessness".

The eighth paragraph of the French amendment, as amended, was adopted by 7 votes to 2, with 6 abstentions.

The CHAIRMAN pointed out that the ninth paragraph of the French amendment was identical with paragraph 4 of sub-paragraph A of the original draft.

resolution submitted by the Ad hoc Committee, except that the word "Member" had been deleted as agreed the previous day. He suggested that its logical place was immediately after the paragraphs dealing with the obligations of States, and before the reference to the International Law Commission.

Mr. FEARNLEY (United Kingdom) supported the Chairman's view, pointing out that the transposition of the paragraph would call for some change in its wording.

The CHAIRMAN, replying to a question by the representative of Brazil as to whether the Secretary-General was entitled to seek information from non-Member States, said he was advised that there were numerous precedents for such action.

Mr. FEARNLEY (United Kingdom) said that, while his proposal had merely concerned a drafting point, he had now come to the conclusion that he would vote against the paragraph.

The CHAIRMAN put to the vote the ninth paragraph of the French amendment, so modified as to allow its insertion immediately after the paragraphs to which its contents referred, and reading:

"Requests the Secretary-General to seek information from States with regard to the above-mentioned matters and to report thereon to the Council".

The ninth paragraph of the French amendment, as modified, was adopted by 7 votes to 3, with 5 abstentions.

The CHAIRMAN put to the vote the tenth and final paragraph of the French amendment, which read:

"Invites the Secretary-General to transmit this resolution to the International Law Commission".

The tenth and final paragraph of the French amendment was adopted by 7 votes to 2, with 6 abstentions.

The CHAIRMAN put to the vote, as modified, the whole text of the French amendment to the draft resolution on the elimination of statelessness submitted

by the Ad hoc Committee (E/1618, Chapter IV).

The French amendment, as modified, was adopted by 7 votes to 3, with 5 abstentions.

Mr. BERNSTEIN (Chile) said that his delegation had been unequivocally opposed to the whole amendment, and had voted against it. It had abstained from voting on the alternative proposals.

Mr. CARRADA (Peru) said that he had considered the original draft resolution submitted by the Ad hoc Committee fairly satisfactory. He had abstained from voting as a protest against the practice of taking a vote on an amendment of such scope without a text in the form of a document.

Mr. FRIIS (Denmark) said he had already explained the reasons for his abstentions. Since the draft resolution submitted by the Ad hoc Committee had failed to gain a majority, he reserved the right to re-open the question in plenary.

Mr. BROHI (Pakistan) said he had voted against the amendment on instructions from his Government.

2. United States Draft resolution on the Report of the Ad hoc Committee on Statelessness (E/L.79)

The CHAIRMAN pointed out that in taking note of the Ad hoc Committee's report the Committee would exclude the article concerning the High Commissioner, which would be discussed later under item 32 (a) of the agenda. He suggested that, as a result of the deliberations and decisions which had intervened, the United States representative might wish to make some consequential changes in his draft resolution.

Mr. HENKIN (United States of America) said that most of the features of his draft resolution had already been accepted in principle by the Council. He would like to add the words "in Geneva on August 14" in sub-paragraph (1) of the first operative paragraph, after the words "the Ad hoc Committee on

Statelessness and Related Problems", though that was not a matter to which he attached great importance.

The concluding phrase of the same sub-paragraph, namely, "and supplying the articles left open in the present drafts of the agreement" should be deleted. The only article which the Ad hoc Committee might be expected to supply was that on reservations, and it could still do so in preparing the revised drafts of agreements referred to earlier in the paragraphs. The words "and specialized agencies" should be inserted after the word "Governments" in the third line. He would be ready to add a paragraph inviting non-member Governments to send observers, as had been suggested at an earlier stage by the representative of France.

Mr. ROCHEFORT (France) proposed the insertion in the draft resolution of a provision worded somewhat as follows:

"The non-member States which were invited by the Secretary-General to submit their comments on the decision adopted by the Ad hoc Committee may attend the meetings of that Committee and may be invited to state their views."

Mr. HENKIN (United States of America) suggested that such an invitation might form the subject of a second request to the Secretary-General.

The CHAIRMAN pointed out that the Secretary-General might find himself embarrassed if requested to invite non-member States at the very short notice entailed by the fact that the Ad hoc Committee was scheduled to meet on August 14.

It was plain from Rule 75 of the Council's rules of the procedure that a committee of the Council could invite any Member of the United Nations to participate in its deliberations as an observer. Though States that were not members of the United Nations were allowed to send observers to the Council itself, as laid down in its terms of reference, they could not participate in debates except by special invitation.

Mr. FEARNLEY (United Kingdom) welcomed the addition to the draft resolution of a reference to the comments of the specialized agencies. The International Refugee Organization (IRO) had sent in written comments on the report, and the representative of the International Labour Organisation had indicated the International Labour Office would also have detailed comments to make.

On the matter of an invitation to States not members of the United Nations, while he sympathised with the intentions of the French proposal, he saw a danger in it. Any invitation would have to be very carefully worded, since it would constitute a precedent. There had been cases where States not members of the United Nations had been invited to conferences, and those cases had more than once confronted the Council with considerable difficulties. If non-member States were to be specifically invited, their status as observers should be precisely defined. The maximum that could be allowed them would be the faculty of presenting their views when called upon. Otherwise a precedent would be created which would lead non-member States to participate fully in the future in other committees which had quite other purposes than the Ad hoc Committee under discussion.

Mr. ROCHEFORT (France) pointed out that he had expressly said "non-member States". He felt that the United States formula was dangerous, and preferred his own, which referred merely to those States which had already been invited to transmit their comments. The United States proposal could be combined with his own, by a text to the effect that it would be appropriate to invite the non-member States which had already been requested by the Secretary-General to submit comments, to attend the meetings of the Ad hoc Committee, and by adding that those representatives could be heard "at their request", as had been suggested by the United Kingdom. That text would leave it to the Chairman to decide, at his discretion, whether those representatives should be given the floor. What was important in his view was that it should be possible for countries such as Italy, for which the problem of refugees was very important,

to be heard and to submit proposals. Otherwise a text might be drafted which would, in practice, prove to be inapplicable, or impossible to adapt to existing conditions.

Mr. HENKIN (United States of America) admitted the validity of the remarks of the United Kingdom representative, and suggested, in order to accommodate him, that a similar formula should be adopted to that employed in the Economic Commission for Europe, namely, that non-member States should be invited simply to "participate as observers", in the confidence that the Ad hoc Committee would give them every opportunity to be heard.

Mr. ROCHEFORT (France) thought that the words "in the light of comments of governments" in sub-paragraph (1) of the United States draft resolution referred to the comments which those governments had submitted in their memoranda. Various governments had, however, reserved the right to make further comments, and they could, if necessary, do so in the Ad hoc Committee itself.

Mr. DESAI (India) suggested that, since it was essential for non-member States to be invited and it would be absurd to invite them at three days' notice, the difficulty might be met by the insertion in sub-paragraph (1), after the reference to "comments of governments", the words "and statements of observers, if any". That would make implicit provision for the representation of non-member States.

Mr. FRIIS (Denmark) said his Government attached the greatest importance to the collaboration of non-member States; that was one of its reasons for preferring a diplomatic conference to discussion in the General Assembly. He agreed, however, with the United Kingdom representative that an important precedent would be created; therefore a specific decision on the part of the Council would be necessary. A matter of such importance should not be left for the Ad hoc Committee to solve.

Mr. DELHAYE (Belgium) said that it would be unfortunate if the representatives of certain non-member States were not heard. He agreed that it

would be difficult to find a suitable formula, but hoped that it would eventually prove possible to do so, to give non-member States an opportunity of stating their views.

Mr. ROCHEFORT (France) thought that the Indian formula did not meet the case, since the text referred to the current meetings of the Committee. It was regrettable that no observers had been able to submit comments. Not having been invited to do so, they had been unable to collaborate in drafting the text of the Convention upon which the Committee was engaged. No great difficulty was involved in combining the United States proposal with his own, and if it were accepted, an invitation could be transmitted forthwith to the non-member States. He saw no technical obstacle to the issue of invitations to Members or non-members who had been invited to submit comments.

Mr. FEARNLEY (United Kingdom) said his Government recognized the importance of the participation of non-member States, and for that reason had proposed a diplomatic conference which would have made their full participation possible. Two problems were involved. In the first place, there was the question whether it was practicable and consonant with the prestige of the Council to issue invitations at three days' notice - a consideration which would lead him to abstain from voting. In the second place, there was the question of the rights to be accorded to non-member States. He agreed with the representative of Denmark that it was impossible to leave such a thorny constitutional problem for settlement by the ad hoc Committee, and suggested that an attempt should be made to reach an agreed formula in the luncheon recess.

It was so agreed.

The meeting rose at 12.55 p.m.