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Chairman: Mr. G. J. VAN HEUVEN GOEDHART (Netherlands).

Freedom of information (*concluded*)

[Item 30]*

(a) **Draft convention on freedom of information: report of the Economic and Social Council (A/1380 and Corr.1, A/C.3/518 and A/C.3/L.119) (*concluded*)**

1. Mr. PLEIC (Yugoslavia) wished to avail himself of his right of reply to protest against the attitude adopted by the USSR representative at the 322nd meeting towards Yugoslavia. That representative's allusions had nothing to do with the matter under discussion and were in contradiction with the concern he had expressed for freedom of information.

2. Mr. RODRIGUEZ ARIAS (Argentina) explained that his delegation had been compelled to abstain from voting on the United States proposal (A/C.3/L.113) which, although based on a sound principle, concluded erroneously that consideration of a draft convention on freedom of information should be adjourned *sine die*. The Argentine delegation had not voted against the proposal, however, since it would not prevent a thorough study by the subsidiary organs of the United Nations of the principles of the convention on freedom of information while the draft covenant on human rights was being prepared.

3. Believing that a general examination of the question was desirable, the Argentine delegation had voted at the 277th meeting for a proposal (A/C.3/L.47) to

convene a new session of the Sub-Commission on Freedom of Information and of the Press in 1951. Such a meeting, like those of the Economic and Social Council and of the Commission on Human Rights, would allow a careful study of the question and prevent an indefinite postponement of the general debate.

4. The Argentine delegation had also abstained from voting on the joint draft resolution because it felt the procedures proposed for guaranteeing freedom of information should be studied more extensively and that the general debate on the item should not be postponed or adjourned. It did not think a committee representing fifteen States, regardless of the competence and the impartiality of its members, could accomplish the task entrusted to it within a short time.

5. When so important a matter was involved, it would be regrettable if the United Nations was again to make the mistake of proposing general recommendations based on an incomplete exchange of views. In his opinion, the discussions which had taken place in the Committee had shown objectively that it would not be wise to entrust a committee composed of only fifteen members with the responsibility of representing the interests of all the Member States and of preparing a final draft on the subject.

6. Mr. DELAHAYE (Belgium) recalled that his delegation had abstained from voting on the operative part of the proposals before the Committee. The reason for its abstention was not that Belgium desired to see freedom of information restricted. The Belgian Constitution made it perfectly clear that the draft conven-

* Indicates the item number on the General Assembly agenda.

tion was far less liberal than the Belgian system. That would not lead his country to under-estimate the value of a convention which was less liberal than its own Constitution. Acting in conformity with the obligations of international solidarity and in a spirit of collaboration, the Belgian delegation would adopt an understanding attitude with respect to freedom of information as with regard to all other matters.

7. For those reasons Belgium could not simply accept any convention at all, regardless of its nature, and the proposed text, in order to secure its support, should effectively prove that those who characterized the proposed convention as a convention on the limitations to freedom of information were wrong. The most recent version of the draft convention did not seem very satisfactory, especially in the light of the abuses which article 2 might be made to cover. The Committee should not despair, however, but should continue its labours in conjunction with the work on human rights. That was why the Belgian delegation had abstained from voting on the United States amendment, for although it might be perfectly logical, it would have resulted in a prolonged postponement.

8. It was to be feared that the sole result of the draft resolution adopted by the Committee might be the establishment of one more committee. It was to be hoped, however, that the committee would achieve different results from those of its predecessors. The Belgian delegation had not voted against the joint draft resolution (A/C.3/L.110/Rev.1) in order not to place any obstacles in the way of what was still a step in the right direction. It had not voted in favour of the text for that would have indicated a degree of confidence which it did not in fact possess. It had chosen the middle way and would be gratified if similar feelings of moderation were to prevail and thus lead to a draft convention for the promotion of genuine freedom of information, on which Belgium founded its idea of democracy.

9. Mr. NORIEGA (Mexico) said that although his delegation had some misgivings about the final results which the joint draft resolution would achieve, after the many amendments to which it had been subjected, it had none the less voted in favour of the text because it represented the only positive attitude adopted on the question.

10. It should be noted, however, that certain countries such as Sweden, Denmark and Norway whose co-operation would have been of great value were not represented on the committee it was proposed to set up. He was convinced that more satisfactory results would be achieved if the preparatory committee invited those countries which belonged to a region not represented on the committee and also other countries to attend the discussions.

11. Mr. CASSIMATIS (Greece) recalled that at the 322nd meeting he had analysed the substance of the two proposals before the Committee. He would have preferred the United States proposal because that was the one which went furthest, but it had been rejected. He had therefore voted for the joint draft resolution because, by mentioning February 1952 as the time limit, it incorporated the aim of the United States text.

Refugees and stateless persons (A/1385, A/1396, A/C.3/528, A/C.3/538, A/C.3/540, A/C.3/547, E/1850 and E/1850/Annex)

[Item 32]*

GENERAL DEBATE

(a) PROVISIONS FOR THE FUNCTIONING OF THE HIGH COMMISSIONER'S OFFICE FOR REFUGEES: DRAFT RESOLUTION PROPOSED BY THE ECONOMIC AND SOCIAL COUNCIL; (b) DEFINITION OF THE TERM "REFUGEE" TO BE APPLIED BY THE HIGH COMMISSIONER FOR REFUGEES: RECOMMENDATIONS OF THE ECONOMIC AND SOCIAL COUNCIL; (c) PROBLEMS OF ASSISTANCE TO REFUGEES: MEMORANDUM FROM THE GENERAL COUNCIL OF IRO OF 20 OCTOBER 1949; (d) DRAFT CONVENTION RELATING TO THE STATUS OF REFUGEES

12. The CHAIRMAN opened the general debate on the question of refugees and stateless persons.

13. Mr. LAUGIER (Assistant Secretary-General in charge of the Department of Social Affairs) recalled that the problem of refugees and stateless persons was the heritage of two world wars and that, as a permanent matter of concern for the international community, it constantly reappeared in one part of the world or another. The question had been studied by the League of Nations and had been included, at various sessions, on the agenda of the General Assembly of the United Nations, the Economic and Social Council and the *Ad Hoc* Committee for Refugees and Stateless Persons. The question had also constituted a considerable part of the work of the International Refugee Organization, a specialized agency whose mandate was about to expire. That was why the General Assembly had decided to establish a High Commissioner's Office for Refugees which would continue the work of IRO under revised terms of reference.

14. He observed that the question of refugees and stateless persons, which was item 32 on the agenda of the General Assembly, was divided into five parts devoted to closely related factors. Part (e) of the item however was not on the Committee's agenda for the General Assembly had decided to deal with it in plenary meeting.

15. He emphasized the relationship between the draft convention and the question of the High Commissioner's Office for Refugees, not only because the convention, when adopted, would facilitate the work of the High Commissioner, but as a result of the recommendation adopted by the Economic and Social Council respecting the persons covered by the mandate of the High Commissioner's Office for Refugees (A/1385, appendix II), those two questions were thereby linked to the problem of definitions. He then drew attention to the documents on the subject.

16. In conclusion, he stressed the importance of the debates for thousands of human beings, emphasizing that although the material condition of the refugees who were assisted by IRO had improved owing to the organization's efforts, their legal status remained precarious. By a curious paradox, at a time when international action for human welfare was being developed, the barriers with which States had surrounded themselves since 1914 and the administrative and judicial

machinery they had evolved for the benefit of their nationals, had resulted in denying refugees that status which should be granted to all.

17. He therefore hoped the debates in the Third Committee would help refugees to regain a status as human beings which was in keeping with the principles of individual dignity proclaimed by the Charter.

18. Mr. ROCHEFORT (France) recalled that his country was one of the authors of most of the texts recommended to the Third Committee by the Economic and Social Council, a fact which was due to its geographical and political position with regard to the problem. Since 1920 France had received 1,300,000 refugees and 300,000 of them were still living in that country. France was therefore in a position to consider the problem from the most varied standpoints and its views were not the result of a chimerical idealism or a selfish realism.

19. The problem should be studied from the points of view of form, of procedure and substance, as the Assistant Secretary-General had considered it.

20. As regards the form, the problem was divided in the agenda, into four parts, which were really three, as parts (b) and (d) formed only one text and the Economic and Social Council had never intended to separate them. The question of relief should be left aside as it was a concrete and not a legal problem. The texts were complex but the amendments so far submitted were few and short.

21. The Committee should be thankful to see the debate so clearly limited as compared with the position during the preceding year when everything had to be done, when the principles had to be defined and imagination was needed.

22. He recalled the decisive part played at the fourth session by Mr. de Alba, the Mexican representative, who, with the support of the United Kingdom representative and other representatives, had attempted to reconcile two opposite proposals, namely, the texts proposed by the United States (A/C.3/L.28) and France (A/C.3/L.26). Thanks to his efforts they had been merged in General Assembly resolution 319 (IV), which had been adopted by a majority of 35 votes.

23. That conciliatory spirit had continued to prevail when the texts were drafted between the sessions. The Economic and Social Council had commenced the discussion of part (a) in 1949 and had addressed communications to the governments, which had replied by sending memoranda. The draft convention had been studied by the Commission on Human Rights in 1947 and 1948, by the Economic and Social Council in August, 1949, and by the *Ad Hoc* Committee on Refugees and Stateless Persons, which had devoted forty-two official meetings to it in 1950. Nor should the part played in the drafting by certain well known personages be forgotten.

24. He therefore concluded that the texts were neither new nor improvised and that they were based on a legal and political balance which had been sanctioned by General Assembly resolution 319 (IV). Definitions constituted the keystone of that balance. Certain minor changes would undoubtedly be made but it should be fully realized that the legal and political balance gov-

erned the texts as a whole. To reopen the question would put the Committee back one year, alter the principles of resolution 319 (IV) and confront the governments with a new situation with which they might not be able to cope. Hence, there would have to be good reasons for reconsidering the question, or for rejecting the Economic and Social Council's proposal that the texts should be referred to the General Assembly.

25. He gave an instance of the difficulties which might arise if one and the same text contained both the text defining the term "refugee" as it was to be applied by the High Commissioner and the text of the convention, and if, at the same time, the text of the convention were to be referred to a diplomatic conference. That would be tantamount to determining the scope of the convention before knowing what it would contain. Moreover, it would be improper to allow a diplomatic conference of Member and non-member States to define the High Commissioner's terms of reference.

26. Consequently, the first conclusion to be drawn from that brief study was the importance of the work done. As regards the question whether the Economic and Social Council had fully observed its terms of reference, he recalled the initiative taken by the French delegation and the decisions taken by the Council. The problem of definitions by categories and general definitions had arisen at the fourth session and it had been clear that the whole discussion had turned on the word "provisionally". On the initiative of France, eligibility had been discussed and the discussion had led, with the assistance of the United States, to a definition which, by broadening the terms of reference of the International Refugee Organization, had made it possible to make progress and to draft a single text.

27. The Economic and Social Council had had two tasks. It had had to put into effect a definition by categories, under paragraph 3 of the annex to resolution 319 A (IV), and it had been requested to submit recommendations regarding the definition of the term "refugee" for adoption by the General Assembly. The Council had not only chosen definition by categories but had also not exercised the right to recommend another method of definition.

28. As regards procedure, he explained the reasons which had led the Economic and Social Council to refer the text to the General Assembly. The Council had not departed from the terms of reference laid down by the General Assembly; it had considered that it would be difficult to separate the text concerning the High Commissioner's office and the convention and had obeyed the promptings of logic. What would be the use of two years of work if, at the last moment, the procedure which appeared to be normal had to be abandoned? He did not see the reasons for the proposal to refer the matter to a diplomatic conference, a proposal which had already been rejected by the Economic and Social Council, since it removed an important text from consideration by the General Assembly and turned the course of the draft convention into an obstacle-race. There must be weighty reasons for cancelling the results achieved, confronting the governments with a new situation, commencing lengthy discussions and perhaps making it impossible to sign the convention: he was waiting to hear those reasons in order to oppose them or agree with them.

29. As a concession, and in view of the urgent need for a decision, he would go so far as to propose that those reasons should be examined and that a working group should be set up to study them and the amendments.

30. As regards the powers and duties of the High Commissioner, it was merely a question whether, as the Economic and Social Council recommended, the General Assembly would delegate part of its powers to the High Commissioner pending, before going further, a request to that effect by Member States, or whether the General Assembly would delegate to the High Commissioner all of its powers for the purpose of settling current and future problems. As regards the text of the draft convention, it was essential to know whether it would be a contractual instrument for the High Commissioner and the first which he would have to apply, since he would be able to negotiate others, or whether it would be an all-embracing document applicable for all time and every situation.

31. In its memorandum, the United Kingdom had pointed out that the convention was not an ordinary document under which a government assumed certain obligations in return for advantages. None of the articles referred to the interests of governments but only to the interests of the refugees. The text recommended by the Economic and Social Council would lend itself to any necessary interpretations, not from the theoretical standpoint but with a full knowledge of the facts as a result of contact with reality. The Committee should be concerned with the facts rather than with the form of words. But to be useful the work must be done by stages; there was no question of establishing a permanent status of refugee but of solving a problem of facts. The host countries should admit not only workers and unmarried persons but also refugees with families and persons who were not economically attractive to the host country. It was not a matter of finding a magic formula but of silencing national egoism. The problem could only be solved by reconciling opposing wills.

32. That had been understood by Mr. de Alba, the Third Committee and the General Assembly, which had been anxious to maintain that international community of interests of which evidence had been given by the International Refugee Organization and the assistance to Palestine refugees. Throughout the world the same concern for human beings should animate countries far distant from one another. International solidarity would not be achieved in the abstract but in the concrete; it alone would give life to the institution which it was proposed to establish and would enable it to tackle current and future problems.

33. Lord MACDONALD (United Kingdom) paid a tribute to the Assistant Secretary-General for stressing the extent and complexity of the problem and for reminding the Third Committee that the fate of hundreds of thousands of people depended upon its decision. He had been deeply impressed by the French representative's speech expressing similar concern.

34. The United Kingdom delegation considered the draft convention and the provisions for the functioning of the High Commissioner's Office for Refugees generally acceptable, but thought the provisions could be improved in certain respects. To that end it had sub-

mitted some amendments (A/C.3/L.115 and A/C.3/L.118).

35. The first amendment proposed by the United Kingdom concerned chapter I, paragraph 2, of the statute of the High Commissioner's Office. It suggested that the Third Committee should determine at once, in the statute, the methods by which the High Commissioner should receive directives. Whether the directives came from the Assembly or the Council was of little importance. That was the meaning of the first amendment (A/C.3/L.118, point 1).

36. The second amendment (A/C.3/L.118, point 2) concerned chapter II, section A, paragraph 3, and would probably not raise any discussion. Its purpose was to make clear that the staff of the High Commissioner's Office should form part of the United Nations Secretariat and thus enjoy privileges and immunities.

37. The purpose of the third amendment (A/C.3/L.118, point 3) was to avoid definition of the duties and functions of the High Commissioner in two different documents. Generally speaking, such a practice was not desirable. In the case in point it was entirely superfluous, because the draft statute drawn up by the Council reproduced point by point the terms of General Assembly resolution 319 A (IV) and its annex. Footnote 3 of appendix I of the Secretary-General's memorandum (A/1385) suggested that there was a point which had been omitted, but it was reasonable to assume that the High Commissioner's prestige would depend more upon his own personality than upon phrases of that kind.

38. The most important amendment submitted by the United Kingdom was the one which appeared in document A/C.3/L.115. The text contained a definition of the persons falling under the competence of the High Commissioner's Office. It was intended to replace the definition contained in chapter III, section C, of the statute. The Committee was aware that the latter definition had only been adopted in the Social Committee of the Economic and Social Council by a very small majority, 6 votes to 5, with 4 abstentions.

39. The first paragraph of the preamble of General Assembly resolution 319 A (IV) expressly stated that "the problem of refugees is international in scope and nature". The experience of the last ten years unquestionably supported that statement. The resolution went on to say that the United Nations was responsible for the international protection of refugees. It meant therefore the protection of all refugees, regardless of their place of origin or the date upon which they became refugees.

40. Hence the High Commissioner's competence should extend throughout the world and to all refugees. Unfortunately the text proposed by the Economic and Social Council arbitrarily restricted his competence, making it applicable only to certain refugees. Reference to chapter I, article 1, paragraph A, of the draft convention showed that in practice, according to subparagraph 1, the status of refugees applied to Europeans only; according to subparagraph 2, it applied to persons accepted by the International Refugee Organization as falling under its mandate, in other words to victims of the fascist régimes and to those persons in the first category, both of which groups would of course

consist of Europeans. Sub-paragraph 3 was even more explicit, as it mentioned persons who had become victims of persecution as a result of events in Europe. In addition to those geographical restrictions, which were contrary to the international nature of the refugee problem, the text proposed by the Council introduced restrictions in time. Each of the sub-paragraphs just mentioned referred to specific dates before or after which the High Commissioner's protection ceased to apply.

41. Adoption of such principles was not only to be condemned on humanitarian grounds but would inevitably complicate the application of the convention. To obviate that, the United Kingdom Government proposed that the only criterion should be need of protection. The only question to be decided would be whether the potential refugee had no government to which he could turn for protection and therefore needed that of the High Commissioner.

42. Although it would not be essential to use the same formula in the statute and the convention, the definition proposed by the United Kingdom was designed for both. Although it did not contain the restrictive clauses of article 1, paragraph B, of the draft covenant in the same form, it excluded, in fact, the four categories of persons mentioned in sub-paragraphs 1 to 4 of paragraph B. Sub-paragraph 5 was actually a flagrant example of the spirit of discrimination against which the United Nations was supposed to be fighting. Again the United Kingdom definition differed from that of the Council in that it did not contain the restriction in paragraph C of the text proposed by the Council. The question whether or not a person was a war criminal should not be decided administratively by a government but by a duly constituted tribunal. Paragraph C cited article 14, paragraph 2, of the Universal Declaration of Human Rights, but it omitted to mention articles 10 and 11 of the Declaration. In contrast to the Council's definition, that proposed by the United Kingdom did not contain any arbitrary date. Consequently, with regard to persons becoming refugees after 1 January 1951, it would not have to resort to procedure as inappropriate as that prescribed in chapter III, section C, paragraph 2 of the statute, which made the mistake of submitting to the General Assembly, an essentially political organ, the purely humanitarian question of whether persons becoming refugees in the future should benefit from the protection of the High Commissioner's Office. In that case, moreover, the help would always come too late.

43. In conclusion, Lord Macdonald stated that if the choice lay between the United Kingdom formula, which gave the High Commissioner a competence sufficiently extensive to enable him to grant his protection to all refugees who stood in need of it, and the formula proposed by the Council, which contained arbitrary exclusions and discriminations and was often contrary to the principles of human rights, the Committee would have to acknowledge that only by adopting the former definition would it enable the High Commissioner to carry out the tasks which the United Nations ought to undertake in that field.

44. Mrs. ROOSEVELT (United States of America) said her government approved the recommendations

formulated by the Economic and Social Council concerning the statute of the High Commissioner's Office and would vote for the resolution submitted by the Council. That resolution was strictly in accordance with the decisions taken by the General Assembly in its resolution 319 A (IV) of 3 December 1949.

45. The programme proposed by the Council was designed to complete the task which the international community had had to assume at the end of the Second World War. As early as 1946 the United Nations General Assembly, by its resolution 62 (I), had agreed to take over that task and had set up the International Refugee Organization for that purpose. She stated that that agency had achieved remarkable results, and quoted some figures concerning money expended and numbers of refugees reinstated or repatriated.

46. The United Nations still had a task to do—to ensure legal protection for refugees in their new countries of residence until they acquired a nationality. Such refugees were in fact deprived of the rights and privileges generally associated with nationality. It was normal that for refugees who had been placed under international protection, the General Assembly should take the measures proposed by the Council and already accepted in principle at the fourth session of the Assembly.

47. The United States delegation approved the definition of the term "refugee" contained in article I of the draft convention relating to the status of refugees because it enumerated each of the categories of refugees who had been clearly identified and stood in need of international protection. There were other categories of refugees, such as those created by transfers of population, but most of them were entitled to the rights afforded by their countries of residence and were not in need of international protection. In determining the persons to whom the United Nations should grant its protection, it should be noted that the main purpose of such protection was to prevent the person from becoming a liability to the international community. For that reason any impediments preventing such refugees from leading a normal life and supporting themselves should be removed.

48. In spite of the suggestions of some delegations, it was impossible to define in a simple sentence the persons who should benefit from the proposed protection. The adoption of too simple a formula would give rise to varying interpretations and would help to cause great confusion, both in the United Nations and among governments, regarding the responsibilities which had been assumed. On the contrary, it was essential to be most precise.

49. The definition proposed by the Economic and Social Council clearly enumerated the various groups and left governments and the General Assembly quite free to add additional groups of refugees presenting similar needs in the future. The appearance of new refugees in fact raised new political problems, which must be settled in accordance with the particular circumstances in which they arose. The United Nations and governments could not commit themselves in advance to unascertained responsibilities without jeopardizing the current work.

50. Points (a), (b) and (d) of item 32 of the agenda were closely interrelated. The problem of defining the

term "refugee" was common to all three. Point (c) could be studied separately in conjunction with the memorandum submitted by the International Refugee Organization (A/C.3/528) on 20 October 1949.

51. The United States delegation therefore suggested that the Third Committee should immediately examine the question of the definition. It associated itself with the French proposal to set up a sub-committee to consider those articles of the draft convention relating to the status of refugees, other than its preamble and article I.

52. The proposed convention was largely based on earlier international conventions and agreements in the same field; it had already been considered twice, by the *Ad Hoc* Committee on Refugees and Stateless Persons, which had drafted it, and by the Economic and Social Council. The United States delegation found the resulting document satisfactory, and the changes proposed were comparatively few. They might well be considered by a sub-committee while the Committee was considering points (a), (b) and (d) in plenary meetings. The liberal provisions of article 36 of the draft convention (E/1850, annex I) would certainly help to reassure those States which did not support certain articles in the draft.

53. She emphasized the importance of approval of the convention at the current session of the General Assembly, so that governments would have time to accede to it before the protection afforded by IRO ended in the autumn of 1951. The number of accessions would increase if the General Assembly of the United Nations approved the convention and recommended governments to accede to it.

54. The United States delegation reserved the right to speak again on the various sub-divisions of item 32 as they arose in the discussion.

55. Mr. ALTMAN (Poland) said that for five years the refugee problem had appeared on the agenda of every session of the General Assembly and that there was every reason to fear that it would continue to be a United Nations problem. The measures adopted and the proposals under consideration showed that, far from attempting to find a solution, some delegations were making every effort to prolong its existence indefinitely.

56. At a time when the Third Committee was examining the Economic and Social Council resolution laying down certain provisions regarding the operation of the High Commissioner's Office for Refugees, the Polish delegation felt it pertinent to recall that at the fourth session it had opposed¹ the establishment of the High Commissioner's Office and had voted against the adoption of General Assembly resolution 319 (IV). Nothing had occurred since then to change its attitude, and the Polish delegation remained more than ever convinced that the execution of resolution 319 (IV) would not solve the refugee problem or enable effective assistance to be given to the hundreds of thousands of persons who, six years after the end of the war, were vegetating in camps or scattered throughout the world.

57. The proposals submitted to supplement and put into effect resolution 319 (IV) strengthened the Polish

delegation in its opinion that the establishment of the High Commissioner's Office was intended to perpetuate the refugee problem and stultify the decisions taken by the General Assembly at its first and second sessions, regarding the repatriation of refugees and displaced persons. Those just decisions had been constantly violated by the Western Powers and by IRO, which had never been more than a docile instrument in the hands of those Powers. The principles set forth in IRO's own Constitution—according to which the agency was to encourage by every means the repatriation of refugees and displaced persons and to ensure that its assistance was not exploited to encourage subversive or hostile activity against the government of any Member of the United Nations—had also been violated.

58. Poland felt that the refugee problem was and should remain essentially humanitarian. It therefore regretted to note that those States which might have played a decisive part in settling the matter, while pretending to play a humanitarian role, were more concerned with their own political or economic interests than with the fate of the refugees and displaced persons. The Western Powers, with the support of IRO, instead of encouraging the repatriation of refugees, had set up a whole system to prevent them from returning to their country of origin. Under the cover of so-called "resettlement" they had recruited hundreds of thousands of persons as workers for certain countries, where those workers had often fallen victim to the most brutal and systematic measures of discrimination imaginable. Thus, contrary to every principle of international solidarity, a problem had been contrived out of nothing and the establishment of the High Commissioner's Office was intended to prolong its existence.

59. No fine words, no recourse to the Universal Declaration of Human Rights, could disguise the unworthy part played by IRO and those States which determined its policy.

60. Comparing the terms of resolution 319 A (IV) of the General Assembly with the proposal submitted by the Economic and Social Council in its resolution 319 B (X), the Polish representative pointed out that whereas the first text had kept up appearances and stated that "Persons falling under the competence of the High Commissioner's Office for Refugees should be . . . refugees and displaced persons defined in annex I of the Constitution of the International Refugee Organization", it was now felt that the time had come to cast off even that outer semblance, and a new definition of the term "refugee" had been put forward. That definition should be regarded as proof of the desire of certain parties to use refugees for political purposes contrary to the principle of peaceful co-operation among peoples, for it was designed to enable certain countries to continue to use refugees as agents to provoke political disorder in their country of origin. If the United Nations adopted the proposal to apply the term "refugee" to all who renounced their nationality of their own free will, it would thereby protect persons co-operating with the intelligence services of the countries which were waging war against the governments of the peoples' democracies.

61. The Polish delegation categorically rejected the proposals of the Economic and Social Council, which

¹ See *Official Records of the General Assembly, Fourth Session, Third Committee*, 256th meeting.

were contrary to the purposes and principles of the Charter of the United Nations, constituted a new violation of the decisions of the General Assembly, and directly threatened the interests of the hundreds of thousands of refugees which the Second World War had left behind it.

62. Mr. DELAHAYE (Belgium) said that Belgium's position had always remained consistent since the question of refugees had first been placed on the agenda of the General Assembly.

63. It was unnecessary to remind the Committee of the liberality with which his country had always regarded the problem of refugees, and of the solicitude it had always shown for refugees and displaced persons.

64. Belgium, of course, had no monopoly of such a liberal and generous position; nevertheless, that country and its immediate neighbours had happened to be situated on the path of the exodus and had been able to rescue thousands of persons brutally torn from their native land who had arrived on its territory in a state of complete destitution. Belgium itself had had hundreds of thousands of refugees among its own population, and that painful experience had increased its solicitude for the unfortunate victims of the war and had also brought it a broader understanding of the refugee problem. That problem must be studied from the point of view of the individual, and therefore the idea of limited categories or time restrictions should not be introduced, nor should inflexible and bureaucratic administrative rules be applied in its solution. The Belgian delegation had therefore not believed it right that special categories of refugees should be enumerated in the definition of the term "refugee", and had proposed in the Economic and Social Council a general definition to cover all refugees, which it had subsequently withdrawn in favour of an almost identical text submitted by the United Kingdom delegation.

65. The United Kingdom proposal had been rejected by a very narrow margin, as the vote had been equally divided; the Council had then decided to adopt the principle of definition by categories, which seemed humanly much less satisfactory and which was also applicable only to European refugees. The General Assembly, on the contrary, in its resolution 319 A (IV), had recognized that the refugee problem was international in scope and nature.

66. The definition chosen by the Economic and Social Council at its eleventh session, which refused the status of refugee to a large number of persons, granted it to victims of the nazi or fascist regimes. That seemed to be unjustifiable, as apparently nothing prevented such persons from obtaining the legal protection to which they had a right from the authorities currently administering Western Germany and Austria. The text proposed by the Belgian delegation had refused the status of refugee to such persons but granted it to other persons to whom the definition in article 1 of the IRO Constitution would not apply.

67. The Belgian delegation had therefore thought it useful to submit again the text which it had proposed to substitute for the definition of the term "refugee" in the draft convention (A/C.3/L.114).

68. The representative of France, whose views were very close to those of the Belgian delegation, had stated that legal protection would be of no value if it were not accompanied by material assistance, even on a small scale. He had added that the ideas of the United States delegation on that question undoubtedly differed from those of the European countries because whereas Europe carried a historical burden of accumulated disappointments, the New World was infused with the irrepressible optimism of youth. Belgium was convinced that the High Commissioner should in cases of extreme distress give refugees the material aid which IRO could not offer them and of which they had nevertheless so great a need, in accordance with the terms of the communication from the General Council of that organization (A/C.3/540).

69. The funds which the High Commissioner might inherit from the International Refugee Organization had been mentioned several times; he would like some clarification of that point and also of the question of contributions which the High Commissioner might receive from voluntary organizations or persons.

70. In chapter II of the statute of the High Commissioner's Office for Refugees reference was made to the possible establishment of an advisory committee for refugees by the Economic and Social Council after the Council had heard the views of the High Commissioner on the subject. That committee should start work at the same time as the High Commissioner's Office so as to avoid delay.

71. The statute did not provide any appeals procedure for persons excluded from the competence of the High Commissioner's Office by application of the definitions. That omission should in his opinion be remedied.

72. AZMI Bey (Egypt) regretted that the General Assembly had at a previous session rejected the amendments submitted by his delegation concerning the repatriation of refugees and displaced persons and the obligation to receive refugees imposed on sovereign States against the expressed will of the majority of the population.

73. The Egyptian Government, however, took the greatest interest in IRO's efforts to give refugees the same status as that of the inhabitants of the country in which they resided.

74. He reminded the Committee that the Office of the Legal Adviser of IRO, after consulting the Egyptian authorities, had stated that the legislation and customs of Egypt were in complete conformity with the principles of IRO. Egypt had not compelled any refugee to leave its territory and had not deprived any person of freedom of movement. Although Egyptian law granted the right to work only to permanent residents, and although refugees were, in the view of IRO itself, only temporary residents, the Egyptian Labour Office issued work permits to some refugees of outstanding capacity.

75. Although the IRO refugees did not fulfil the conditions laid down in the new law on social insurance, the Egyptian authorities had promised the Office of the Legal Adviser of IRO that they would grant refugees the same treatment as Egyptian citizens.

76. Egypt regretted that it could not contribute to the funds of IRO, in view of its heavy responsibilities

towards the Palestine refugees. Nevertheless, it was far from indifferent to the appeal launched for refugees in general and would be prepared to contribute to the refugee relief movement as soon as the concept of refugee was made comprehensive.

77. The Egyptian delegation was extremely interested in the proposal to substitute a High Commissioner's

Office for Refugees for IRO and to draft a new convention relating to the status of refugees.

78. At the appropriate time it would submit the conclusions reached by Egypt as a result of its administration of the province of Gaza, and certain reservations formulated by it concerning the Palestine refugees.

The meeting rose at 5.45 p.m.