



Friday, 1 December 1950, at 3 p.m.

Lake Success, New York

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

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, E/1850/Annex, A/C.3/L.68/Rev.1 and A/C.3/L.131/Rev.1) (*continued*)

[Item 32]*

(b) DEFINITION OF THE TERM "REFUGEE" TO BE APPLIED BY THE HIGH COMMISSIONER FOR REFUGEES: RECOMMENDATIONS OF THE ECONOMIC AND SOCIAL COUNCIL (A/1385, A/C.3/547, E/1850 and A/C.3/L.131/Rev.1) (*continued*)

1. The CHAIRMAN drew the Committee's attention to document A/C.3/L.131/Rev.1 which contained a revised text agreed on by the informal working party that morning and replaced the amendments contained in documents A/C.3/L.122 to A/C.3/L.130, inclusive.

2. Mr. AZKOUL (Lebanon) said that, as he had pointed out at the 330th meeting, it might endanger the prestige of the General Assembly's recommendations and set up an undesirable precedent if the General Assembly were to adopt the proposed definition of the term "refugee" and then permit a conference of plenipotentiaries to change that definition at will. On the basis of such a precedent, States which did not wish to carry out a political decision of the General Assembly might convene a conference of plenipotentiaries and reverse that decision.

3. There were two ways of avoiding that danger. If the Committee wished to vote on article I, which contained the definition, it should refer that article to the conference as an inviolable text, in the light of which the rest of the convention should be drafted, and request the conference to prepare a final draft of the remaining articles only. The other possible course,

which he preferred, would be to take no formal vote on the definition and to refer the entire draft convention to the conference, merely recommending that the definition, which might be placed in an annex to the United Kingdom revised draft resolution (A/C.3/L.68/Rev.1), should be given particular consideration. He added that the text presented by the informal working party (A/C.3/L.131/Rev.1) was a compromise and was not fully satisfactory even to the delegations sponsoring it.

4. He therefore proposed that before proceeding to consider the definition itself the Committee should decide which of the two courses it wished to follow.

5. Mr. LESAGE (Canada) said that the Committee was plainly in favour of convening a conference of plenipotentiaries for the final drafting and signing of the convention and that it also wished to inform the conference of its views on what the definition of the term "refugee" should be. Since the intention clearly was to leave the final action to sovereign States, whether they were Members of the United Nations or not, those States should be given full latitude and the General Assembly should not impose upon them a definition adopted by itself. The General Assembly should, however, express its opinion on that basic point.

6. He therefore supported the Lebanese representative's suggestion that no formal vote should be taken on the definition of the term "refugee".

7. Mr. TEIXEIRA SOARES (Brazil) also supported the Lebanese representative's suggestion.

8. As his delegation had a special view on the question under consideration, he reserved the right to explain its position at a later stage.

9. In reply to questions by Mrs. AFNAN (Iraq) and Mr. DAVIN (New Zealand), the CHAIRMAN explained that, as indicated in the footnote in document

* Indicates the item number on the General Assembly agenda.

A/C.3/L.131/Rev.1, the reference to that document in section III, paragraph 1 (a) would be replaced by the full text of whatever definition for article I of the convention the Committee agreed on.

10. Mr. ROCHEFORT (France) enquired whether the definition of the term "refugee" which might be adopted by a conference of plenipotentiaries would be binding on the High Commissioner for Refugees and would place under his supervision categories of refugees deliberately excluded from the definition contained in the statute.

11. Mr. LEQUESNE (United Kingdom) pointed out that the High Commissioner would have two separate duties to perform. The first would be to supervise the application of the convention, and in that connexion he would be concerned with all the refugees to whom the provisions of that convention applied. The second would be to perform the functions stipulated in the statute strictly with regard to the categories of refugees specified in the statute. Consequently, if new categories of refugees were to become beneficiaries of the convention, the High Commissioner would not have to apply to them the provisions of the statute, but only to make sure that they enjoyed their rights under the convention.

12. Mr. AZKOUL (Lebanon) remarked that the question raised by the French representative would apply not only to the convention under discussion but to the future conventions and agreements which the High Commissioner would be empowered to conclude. He agreed with the United Kingdom representative, however, that there was no real difficulty. Since the convention would be binding only upon the signatory States, States which objected to the inclusion in the definition of certain categories of refugees would not sign the convention and the High Commissioner would be unable to ask them to respect its provisions.

13. The CHAIRMAN called upon the Committee to vote on the question whether it wished to adopt finally a definition of the term "refugee" and exclude that text from the terms of reference of the proposed conference of plenipotentiaries. If that course of action were rejected, the Committee would have to agree on a text to be recommended to the conference for special consideration.

14. He put to the vote the motion that the text for the definition of the term "refugee", if adopted by the General Assembly, should be binding on the proposed conference of plenipotentiaries.

The motion was rejected by 34 votes to 1, with 11 abstentions.

15. Mr. LESAGE (Canada) said that, in view of the Committee's decision, when the Committee examined the United Kingdom draft resolution (A/C.3/L.68/Rev.1) he would propose that in the fourth paragraph of the preamble the words "as adopted by the General Assembly in resolution . . ." should be replaced by the words "as set forth in annex A hereto". The text of the definition agreed upon by the Committee would then be appended to the resolution under the heading "annex A".

16. The CHAIRMAN drew the Committee's attention to the text of chapter 1, article I, of the draft con-

vention as proposed by the working party (A/C.3/L.131/Rev.1, section I).

17. Mr. CHA (China) remarked that the first part of paragraph A (1) of that text appeared superfluous. Since the second part of that paragraph stated that the decisions as to eligibility taken by the International Refugee Organization during the period of its activities should not prevent according the status of refugee to persons who fulfilled the conditions of paragraph A (2) of that article, there was absolutely no need to refer to the various arrangements, conventions and the Constitution of IRO which determined what persons were recognized as refugees by that organization.

18. Mr. NORIEGA (Mexico) found paragraph C (2) of the proposed text difficult to understand. The Spanish refugees who had been admitted into his own country, for example, would under that paragraph be denied the benefits of the convention, since they undoubtedly had "close ties of ethnic and cultural kinship" with the Mexican people and had been given the same rights and privileges. It did not seem to be in keeping with the generous spirit of the United Nations to deny protection both under the convention and the statute of the High Commissioner's Office for Refugees to such groups, which unmistakably remained refugees in spite of the fact that they spoke the same language as the people of the country which had given them shelter. He would like to hear an explanation of the meaning of that paragraph.

19. Mr. BAROODY (Saudi Arabia) shared the Mexican representative's misgivings. Paragraph C (2) was drafted in vague terms; such words as "ethnic", "cultural" and "usually" were incapable of precise definition. The paragraph was also inconsistent; since the persons to whom it referred were presumably not nationals of the country referred to, it was not clear why they should enjoy the same rights and privileges as the country's nationals. Furthermore, the paragraph was dangerous; persons forced to flee to a neighbouring State, the inhabitants of which might have similar racial and cultural characteristics, would be denied the protection both of the convention and of the High Commissioner's Office.

20. He too wished to have an explanation of the motives behind paragraph C (2).

21. Mr. ROCHEFORT (France) wished to explain that paragraph. It was intended to exclude from the scope of the draft convention some eight to ten million members of former German minorities who had entered Germany either as a result of international agreements or population transfers. Their main problem was emigration. They were, in fact, recognized as Germans, although such recognition was not yet *de jure* under German law. There might be some doubt regarding their status. If the German Government should refuse to consider them as German nationals *de jure*, and if they should declare themselves to be refugees, France might suddenly be confronted with a most serious situation; millions of such persons might stream into France illegally, claim refugee status, and invoke the protection either of the convention or of the High Commissioner's Office.

22. The text of article I, paragraph C (2), might perhaps be improved; but the Committee should appreci-

ate the fact that it had been designed to meet a very real need in a matter of grave concern to his government.

23. Mrs. MENON (India) said that her delegation had decided to clarify its position because several references had been made to refugees in India and Pakistan, and because the French representative had recalled that India had previously favoured a restricted definition of the term "refugee". The refugee problem was spreading, and India was prepared to change its position if events warranted.

24. The Indian delegation had previously abstained from participation in the debate on the question of refugees for definite reasons. The International Refugee Organization, which had been created to deal with special categories of persons in Europe, had been able to resettle most of them, with the aid of certain countries. The hard core which remained would require legal protection, to provide which would be the whole purpose of the High Commissioner's Office. The Office could hardly do more, with the small funds at its disposal. Since it was a limited problem, it would be logical to accept a limited definition.

25. It had been possible to resettle many refugees and displaced persons because they had been Europeans, and countries such as Australia had opened their doors to them. International aid had not been requested for the millions of refugees in India and Pakistan; she wished to ask the Australian representative whether those people would be permitted to settle in his country, which had invited emigrants from the British Commonwealth. One reason why the problem of the Palestine refugees could not be solved was that the possibilities of emigration were limited to Asia.

26. The United Nations should try to help not only special sections of the world's population, but all afflicted people everywhere. Suffering knew no racial or political boundaries; it was the same for all. As international tension increased, vast masses of humanity might be uprooted and displaced. For the United Nations to attempt a partial remedy involving discrimination, whether accidental or deliberate, would be contrary to the great principles of the Charter. The problem of refugees and displaced persons could be solved only if the countries which had the space and resources to absorb them did so without imposing artificial restrictions.

27. The Indian delegation had been in favour of a limited definition because it was fully and painfully conscious of the limitations of the whole project that was being considered by the Committee. Rather than become a party to such an unreal attempt, the Indian delegation had preferred to abstain from voting.

28. Because the immigration policy of many countries was based on racial prejudice, India had sought to settle the problem of its own refugees, who numbered millions, without international aid. Fortunately, as a result of patient negotiation and attempts to achieve a better understanding between peoples and governments, that problem had begun to solve itself, and people were returning to their homes on both sides of the frontier in far greater numbers than had been expected.

29. The whole problem of refugees could never be solved, however, until it became evident that the hu-

manitarian sentiments expressed by representatives were an accurate reflection of their governments' intentions and that the United Nations had the same concern for all peoples, regardless of race.

30. Mr. NORIEGA (Mexico), while appreciating the concern of the French representative, pointed out that, as drafted, paragraph C (2) might, for example, preclude Spanish Basques seeking refuge among French Basques, with whom they certainly had "close ties of ethnic and cultural kinship", from claiming the protection of the High Commissioner or of the draft convention. The point of the French representative could be met without the dangers inherent in a generalization by stating in paragraph C (2) the concrete case mentioned by Mr. Rochefort, and the same could be done in respect of section III, paragraph 2 (b) of the text proposed by the informal working party (A/C.3/L.131/Rev.1). In any event, the text was unacceptable to his delegation.

31. He also could not agree that innocent persons coming under the auspices of other agencies or organs of the United Nations should be mentioned under the same heading of the draft convention as war criminals. He therefore suggested that the paragraphs concerned—paragraphs C (1) and (3) (A/C.3/L.131/Rev.1, section I)—should be placed under separate headings.

32. Mr. MOODIE (Australia) introduced the first two of the amendments (A/C.3/L.133) submitted by his delegation to the text presented by the informal working party (A/C.3/L.131/Rev.1).

33. The first of the two amendments referred to paragraph C (1). His delegation felt that the paragraph as it stood was too vague. At the very least, persons should not be excluded from the scope of the draft convention on mere suspicion, as was possible under the phrase "serious reasons for considering" in that paragraph. Point (b) of the same paragraph was even less appropriate for inclusion in the draft convention. Article 14 of the Universal Declaration of Human Rights, to which point (b) made allusion, said that the right to asylum "may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations". His delegation fully appreciated the danger which point (b) was intended to avert but did not think that the existing text offered the most appropriate way of doing so. The language of the Declaration was too vague for the purposes of a convention of the kind under consideration. He thought the first Australian amendment took matters as far as they could reasonably be taken without opening the door to a large number of abuses.

34. The second Australian amendment referred to paragraph C (3), and was submitted only tentatively. Paragraph C (3) had been modelled on the original amendment submitted jointly by Lebanon, Egypt and Saudi Arabia (A/C.3/L.128). The existing wording seemed, however, to be too vague in its reference to persons "who fall under the auspices...". The original intention had been to make the draft convention inapplicable to persons receiving protection or assistance from other agencies or organs of the United Nations. The substitute wording proposed by his delegation expressed that intention much more precisely and was also

applicable to paragraph 2 (c) (A/C.3/L.131/Rev.1, section III). If the second Australian amendment were adopted, the reference in paragraph C (3) to the International Refugee Organization, which he considered unnecessary, would disappear.

35. Mr. VALENZUELA (Chile) had some difficulty in taking part in the discussion at the current stage. His delegation had intimated in the general debate that it favoured a broad definition of the term "refugee" in the draft convention and a more limited one to be applied by the High Commissioner's office, whereas the text submitted by the informal working party practically reversed matters.

36. Paragraph A (2) spoke of "events" as a criterion. Nothing was, however, said about how, and by whom, it was to be determined what constituted an "event" within the meaning of the draft convention. The same paragraph contained the expression "reasons of race", and the word "race" was also used in paragraph 1 (b) in section III, while paragraph C (2) of article I—concerning which he shared the feelings of the Mexican and Saudi Arabian representatives—made use of the word "ethnic". He reminded the Committee in that connexion that several months previously UNESCO had distributed a document on "race" prepared by a group of experts, who recommended that the United Nations should not use the word "race" in its documentation because the term was unscientific.

37. In view of that opinion, he would prefer the substitution of the words "ethnic reasons" for "reasons of race" in paragraph A (2) (section I) and paragraph 1 (b) (section III).

38. Article I, paragraph B (A/C.3/L.131/Rev.1, section I) raised the very complicated legal problems of nationality, loss of nationality and double nationality. Those were subjects for technical examination by legal experts, and he did not think that they were completely covered by that paragraph as it stood.

39. Regarding paragraph C (1) (A/C.3/L.131/Rev.1, section I), he agreed with the Australian representative, and would support the amendment he proposed. Point (b), in particular, could easily be used to deprive many persons of the benefits which they might otherwise enjoy under the draft convention. Obligations towards the United Nations had been assumed by States, not by individuals, many millions of whom had never read the Charter of the United Nations or the Universal Declaration of Human Rights. The language of article 14, paragraph 2, of the Universal Declaration was appropriate to that instrument, which proclaimed moral principles; it would, however, be out of place in a convention, which was a legally binding, international agreement and should be precisely worded.

40. Paragraph C (2) (A/C.3/L.131/Rev.1, section 1) was a most dangerous clause, approval of which might involve the General Assembly in complicity in the aggression of a State against a group of its citizens. He agreed with the suggestion of the Mexican representative that the clause should be redrafted so as to refer to the specific case mentioned by the French representative. He would vote against the paragraph in question as it was then worded.

41. Mr. ROCHEFORT (France) explained that the Economic and Social Council had discussed the sub-

stance of paragraph C (1) at length, on the basis of the hypothetical case of a revolution against a dictatorship, followed by the establishment of another undemocratic regime. Politicians and high officials who had ceased to be oppressors might conceivably in some cases enjoy the right of asylum, but it was doubtful whether they should be protected by the High Commissioner in the name of the United Nations and its Charter.

42. Mr. NORIEGA (Mexico) thought that no practical purpose would be served by discussing the substance of the definition of the term "refugee" after the Committee had clearly agreed that it was not going to adopt a text. On the other hand, there were urgent legal reasons for the immediate discussion of the definition to be applied by the High Commissioner. If the proposed conference of plenipotentiaries was to be given a free hand to draft the text of article 1 of the convention embodying the definition, as the Committee had agreed, he did not see how the General Assembly could decide upon a text to recommend to it. The Committee could be sure that the proposed conference would take into account the amendments worked out at such length by the informal working party, and its attention might further be drawn to the first two Australian amendments (A/C.3/L.133). The Committee would only be wasting time if it engaged in drafting a tentative text, which the conference might or might not accept.

43. The CHAIRMAN observed that, although the Committee had agreed that it would not formally adopt any text, it must transmit some text to the conference for its guidance, even though that text would not be a binding one. Merely to transmit a number of amendments to the text submitted by the Economic and Social Council would not be sufficient. The only manner in which the Committee could obtain an agreed text was to vote on the documents before it.

44. Mr. MENDEZ (Philippines) said that he had abstained in the previous vote on the understanding that, since the conference would be given a free hand, even a recommendation transmitted by the Third Committee would have some binding force.

45. Mr. LESAGE (Canada) agreed with the Chairman that the Committee was bound to give the conference some guidance concerning the definition. The amendments proposed by the informal working party (A/C.3/L.131/Rev.1) were the result of a great many compromises and concessions; his own delegation, for example, had originally favoured a very broad definition for both the convention and the statute. Delegations which were not entirely satisfied with that document could raise their objections in the conference, if they were disposed to sign the convention. The document should be voted on paragraph by paragraph. Although his delegation was not wholly in favour of certain paragraphs, it would vote for all of them in a spirit of compromise.

46. Mr. ROCHEFORT (France) supported the representative of Canada. The text was the result of a compromise and should be voted on paragraph by paragraph.

47. Mr. AZKOUL (Lebanon) maintained that no vote should be taken at all, because a text which had been accepted by vote would be tantamount to a recommendation to the General Assembly, whereas the Com-

mittee had decided that it would not adopt any text. The Committee had agreed to transmit a text for the consideration of the conference, not for inclusion in the draft convention. The vote should therefore be taken in that connexion only on the second paragraph of the operative part of the United Kingdom draft resolution (A/C.3/L.68/Rev.1), recommending to governments to take into consideration the text of the definition of the term "refugee".

48. The CHAIRMAN observed that if the amendment, which the Canadian representative had stated he would later submit, were adopted, the Committee would still have to vote on a text in the proposed annex to be transmitted to the conference as its recommendation. The Committee itself had agreed on that procedure.

49. Mr. CABADA (Peru) observed that the Committee must agree on a text if it was going to implement the footnote to the text proposed for chapter III, section C, paragraph 1 (a) (A/C.3/L.131/Rev.1, section III).

50. Mrs. AFNAN (Iraq) agreed with the Peruvian representative and maintained that a decision on the text of article 1 could be taken only by a vote.

51. Mr. LESAGE (Canada) observed that he had not formally presented his amendment to the United Kingdom draft resolution because it had not been under discussion at that stage. A text would have to be approved before action could be taken on his amendment.

52. Mr. AZKOUL (Lebanon) thought that the Canadian representative might have unwittingly caused members to prejudge the result of the vote by announcing his amendment prematurely. His own intention in pressing for the vote on principle had simply been a most earnest desire that the prestige of the General Assembly should not be endangered by the possibility that the conference might reverse a decision of its superior organ. The dangers inherent in voting even a recommendation could not be exaggerated. The text presented by the informal working party had been approved by a number of delegations and should have great weight with the conference, but the danger of a reversal remained, if it was made mandatory by a vote. The Committee could draw the attention of the conference to the amendments submitted to that text, but ought not to vote on them.

53. Mr. BAROODY (Saudi Arabia) said that he had abstained from voting because the Committee could not know in advance what the decision of the conference of plenipotentiaries would be. The prestige of the General Assembly would not be endangered, because the Committee had voted merely to make a recommendation to the conference, but not to adopt a resolution.

54. Mr. AZKOUL (Lebanon) observed that no vote would be taken on the remainder of the text of the draft convention submitted by the Economic and Social Council and he did not see why an exception should be made in favour of article I.

55. Mrs. MENON (India) and Mrs. AFNAN (Iraq) moved the closure of the debate on procedure.

56. Mr. PAZHAWAK (Afghanistan) opposed the closure as he had two questions to ask.

57. The CHAIRMAN disallowed the Afghan representative's request, in accordance with rule 116 of the rules of procedure.

58. Mr. PAZHAWAK (Afghanistan) accepted the Chairman's ruling.

59. The CHAIRMAN put to the vote the motion for the closure of the debate on procedure.

The motion was adopted by 29 votes to 2, with 12 abstentions.

60. Mr. MENDEZ (Philippines) had voted against the closure of the debate because he had believed that it might be wise to hear the Afghan representative's questions.

61. Mr. CHA (China) favoured the deletion of the first part of article I, paragraph A (1), but was prepared to accept a separate vote on that part of the paragraph.

62. Mr. PLEIC (Yugoslavia) said that his delegation had reservations to make. It had been in favour of a general definition, but the text before the Committee embodied a definition by categories. He still believed that assistance given to a single country or group of countries might be interpreted as a political action directed against another country or group of countries and might thus heighten international tension.

63. He was opposed to the second part of paragraph A (1). It implied that all refugees recognized as eligible by IRO would be recognized as such by the High Commissioner, who would thus be deprived of the power of independent judgment. The definition in the IRO Constitution, excellent though it had been, had been framed to meet special circumstances and had not been implemented in an entirely satisfactory manner. The disapproval of that manner of implementation expressed by a number of countries had been a source of political friction. The International Refugee Organization comprised only eighteen members. There seemed to be no valid reason why the United Nations, in setting up a new humanitarian and social institution, should be bound by the previous definition and why the High Commissioner should not be entirely free to apply the IRO definition as he deemed fit.

64. He proposed the deletion of that part of the paragraph. He formally moved that a separate vote should be taken on it.

65. Mr. BAROODY (Saudi Arabia), referring to the second Australian amendment (A/C.3/L.133), observed that the Committee could not know what the conference would decide with regard to the terms of reference of the High Commissioner. It was clear that the High Commissioner would not have funds at his disposal, but would be empowered only to afford legal protection. To specify protection or assistance comparable to that which the High Commissioner might afford might prejudice the rights of certain categories of refugees, such as the Arab refugees, who were currently receiving financial aid from another organ of the United Nations.

66. The Egyptian and Lebanese delegations agreed with the delegation of Saudi Arabia in requesting the Australian representative to delete from his second amendment the words "comparable to that which the High Commissioner may afford".

67. Mr. MOODIE (Australia) accepted that deletion. The wording of his amendment had in any case been tentative.

68. Mr. PLEIC (Yugoslavia) opposed the two Australian amendments, as he regretted the omission of the reference to article VI of the London Charter of the International Military Tribunal and to article 14, paragraph 2, of the Universal Declaration of Human Rights. The High Commissioner should not be obliged to afford protection to persons falling under the provisions of those two articles.

69. Mr. KAYALI (Syria) proposed that a separate vote should be taken on article I, paragraph C (2).

70. Mr. BAROODY (Saudi Arabia) proposed that article I, paragraph C (2) should be deleted and that sub-paragraphs (1) and (3) of paragraph C should be placed in separate sections, as it was unfitting that criminals and refugees falling under the auspices of United Nations organs or agencies should be linked together.

71. The second Australian amendment with the deletion accepted by the Australian representative was more acceptable than paragraph C (3), but, in the event of the rejection of that amendment, he proposed that the words "as long as those persons remain under the auspices of other organs or agencies of the United Nations" should be added at the end of paragraph C (3). The Australian amendment was preferable because of the words "at present".

72. Mr. LESAGE (Canada) said that his delegation would prefer the second Australian amendment, as modified, to the existing text of article I, paragraph C (3).

73. Mr. DELHAYE (Belgium) stated that his delegation had not so far received instructions from its government regarding the draft definitions submitted by the informal working party. He would therefore abstain from voting. The abstention was to be regarded as provisional; his delegation would vote at the plenary meeting of the General Assembly in accordance with the instructions it would by then have received.

74. Mr. PEREZ PEROZO (Venezuela) and Mr. SAVUT (Turkey) were in the same position as the Belgian representative, and associated themselves with his statement.

75. The CHAIRMAN put to the vote the first part of article I, paragraph A (1).

That text was adopted by 20 votes to 6, with 14 abstentions.

76. The CHAIRMAN put to the vote the second part of article I, paragraph A (1).

That text was adopted by 19 votes to 9, with 13 abstentions.

77. The CHAIRMAN put to the vote the first Australian amendment (A/C.3/L.133, point 1).

That amendment was rejected by 14 votes to 6, with 20 abstentions.

78. The CHAIRMAN put to the vote the Saudi Arabian proposal to delete paragraph C (2) of article I.

The proposal was adopted by 14 votes to 6, with 18 abstentions.

79. The CHAIRMAN put to the vote the second Australian amendment (A/C.3/L.133, point 2), as amended.

The amendment, as amended, was adopted by 22 votes to 5, with 12 abstentions.

80. The CHAIRMAN put to the vote the whole of section I of the text prepared by the informal working party (A/C.3/L.131/Rev.1), as amended.

That text, as amended, was adopted by 12 votes to 6, with 21 abstentions.

81. The CHAIRMAN asked the Secretariat to make the necessary adjustments when producing the text as adopted.

82. Mr. AZKOUL (Lebanon) explained that he had not taken part in the vote because he considered that voting on the text which was to be recommended to the consideration of the proposed conference of plenipotentiaries was against the interests of the United Nations. The results of the voting had confirmed his opinion. There was not much value in recommending consideration of a text adopted by 12 votes to 6, with 21 abstentions—more abstentions than the total number of votes cast in favour and against.

83. He would construe the last vote as referring to the recommendation that the text concerned should be considered by the proposed conference of plenipotentiaries, and not to the merits *per se* of the text.

84. Mr. PAZHWAQ (Afghanistan) said that he had not participated in the vote. He had supported the Lebanese proposal that the Committee, instead of voting on the text of the definition of the term "refugee" to be used in the draft convention, should limit itself to voting on the recommendation that the text should be considered by the proposed conference. He recalled that subsequently he had not been given an opportunity to ask two questions of importance to his delegation. He had intended to ask the Chairman whether the Committee would be invited to vote on the text of the definition itself, a procedure which his delegation interpreted as being inconsistent with the decision taken on the Lebanese proposal; or whether the Committee would adhere to the Lebanese proposal which it had adopted, in which case a vote upon the text would have been precluded.

85. The Committee had chosen the former alternative and had adopted the text as such rather than a recommendation to the proposed conference of plenipotentiaries. He shared the views expressed by the Lebanese representative regarding the danger involved for the prestige of the United Nations and had therefore not taken part in the vote.

86. The CHAIRMAN explained that he had been obliged to refuse the Afghan representative's request because it was not in accordance with rule 116 of the rules of procedure.

87. Mr. PAZHWAQ (Afghanistan) said that he was not questioning the Chairman's motives but merely stating the facts.

88. Mr. KAYALI (Syria) did not share the views of the Lebanese representative. He agreed with the Chair-

man that the only manner in which the Third Committee or the General Assembly could recommend a text for consideration was by voting on it.

89. Mr. ROCHEFORT (France) explained that he had voted against section I as a whole because of the decision to delete paragraph C (2).

90. He agreed with the Lebanese representative that a text adopted by 12 votes to 6, with 21 abstentions, was indeed a very feeble recommendation. The Committee had made a most grave decision. He had noticed that other members of the informal working party, as well as himself, had been confused during some of the separate votes.

91. Mr. NORIEGA (Mexico) thought that the many abstentions could not all have been the result of confusion. He agreed with the French representative that it was a most serious matter for the General Assembly to recommend transmission of a text adopted by 12 votes to 6, with 21 abstentions, to a conference of plenipotentiaries.

92. There might, however, be a way out of the situation. He formally proposed that the Committee should decide to re-open consideration of the text prepared by the informal working party (A/C.3/L.131/Rev.1) and should add a paragraph to the United Kingdom draft resolution (A/C.3/L.68/Rev.1) to the effect that the General Assembly decided to transmit document A/C.3/L.131/Rev.1, which had been prepared by the delegations of Belgium, Canada, France, Israel, Turkey,

the United Kingdom, the United States of America and Venezuela, to the conference of plenipotentiaries for its consideration in view of the basic importance of the document for the work of the conference.

93. Mr. AZKOUL (Lebanon) suggested that no decision should be taken on the Mexican proposal at the current meeting.

Request relating to the consideration by the General Assembly of items on the agenda of the Third Committee

94. Mr. NORIEGA (Mexico) asked that steps should be taken to see that the Third Committee did not meet when items of concern to the Committee were being considered at a plenary meeting of the General Assembly. He asked also that enough time should be given for Third Committee documents to be properly prepared before the items were placed on the agenda of the plenary meetings. As Rapporteur of the Third Committee he was in a particularly delicate position.

95. The CHAIRMAN said that he would draw the attention of the President of the General Assembly to that request, as it fell outside the competence of the Third Committee.

96. Mr. BAROODY (Saudi Arabia) moved the adjournment of the meeting.

The motion was adopted unanimously.

The meeting rose at 7 p.m.