

UNITED NATIONS
 ECONOMIC AND
 SOCIAL COUNCIL
 OFFICIAL RECORDS



ELEVENTH SESSION, 406th
 MEETING
 FRIDAY, 11 AUGUST 1950, AT 10 A.M.
 PALAIS DES NATIONS, GENEVA

CONTENTS

	<i>Page</i>		<i>Page</i>
Long-range activities for children: report of the Social Committee (E/1811 and E/1811/Corr.1)	271	Refugees and stateless persons: report of the <i>Ad Hoc</i> Committee on Statelessness (<i>continued</i>): second report of the Social Committee (E/1814)	274
Report of the United Nations International Children's Emergency Fund: report of the Social Committee (E/1812)	274		

President: Mr. Hernán SANTA CRUZ (Chile).

Present: Representatives of the following countries:

Australia, Belgium, Brazil, Canada, Chile, China, Denmark, France, India, Iran, Mexico, Pakistan, Peru, United Kingdom of Great Britain and Northern Ireland, United States of America.

Representatives of the following specialized agencies:

International Labour Organisation, Food and Agriculture Organization, United Nations Educational, Scientific and Cultural Organization, World Health Organization, International Refugee Organization.

Long-range activities for children: report of the Social Committee (E/1811 and E/1811/Corr.1)

1. The PRESIDENT stated that the first item on the Council's agenda was the report of the Social Committee on item 26: "Long-range activities for children". The Committee's report included a draft resolution in which were set out the terms of reference and the future activities of the proposed International Children's Endowment Fund. The Indian delegation had submitted an amendment to sub-paragraph (8) of paragraph 7 of the draft resolution (E/L.92). He invited discussion on the draft resolution together with the Indian amendment.

2. Mr. BALLARD (Australia) stated that his Government was unable to support the draft resolution (E/1811). Without reiterating in detail the objections which he had already voiced at the 162nd meeting of the Social Committee,¹ he must explain that his Government considered inadvisable the fundamental change in the character of the organization from an emergency to a permanent one. That change imposed financial commitments on governments, and he was unable to accept the principle that financial contributions to the new organization should be made from the regular budget of the United Nations. An organization which had been

founded to deal with an emergency situation should be brought to an end when the emergency ceased. Although he fully sympathized with the aims expressed in the draft resolution, he would be obliged to abstain from voting on it.

3. Mr. LEDWARD (United Kingdom) also expressed his regret that he was unable to support the draft resolution. He had already stated his Government's reservations at the 162nd meeting of the Social Committee,¹ but would now reiterate them briefly for the record.

4. In the first place, his Government believed that the main emphasis in child welfare carried on under international auspices in the world to-day should remain upon emergency activities rather than on the long term.

5. In the second place, the terms of reference for long-range activities should be less wide than those set out in paragraph 6 of the draft resolution. The amendment to that paragraph submitted jointly by his delegation and those of Canada and Denmark (E/AC.7/L.67) had been rejected in the Social Committee. His delegation, however, still maintained that to expect efficient work on such wide terms of reference was to lack realism, especially since the foreseeable income of the Endowment Fund would probably be less than half that of the United Nations Children's Emergency Fund.

6. His Government failed to see why a new Endowment Fund should be created to carry on the work which was now being done by the Emergency Fund. It would surely have been simpler, as the Australian representative had suggested, for the Emergency Fund to continue operations for a limited period of two years, if the terms of reference were to be left as wide as hitherto.

7. Nor was his Government wholly satisfied with the liaison arrangements between the new organization, the Department of Social Affairs of the United Nations Secretariat, the International Labour Organisation, the Food and Agriculture Organization, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization. Sub-paragraphs (2),

¹ See document E/AC.7/SR.162.

(3) and (4) of paragraph 7 contained contradictions which would make them difficult to interpret. His delegation was still unable to understand how responsibility had been divided between the various organizations in so far as they were concerned with work on behalf of children.

8. Finally, his Government could not find itself in agreement with sub-paragraph (10) of paragraph 7, which foreshadowed the possibility of a very heavy commitment on the United Nations budget in future years over and above what the budget already carried for social welfare activities on behalf of children. As a matter of principle, it was preferable that a voluntary fund should not be financed in any way from compulsory contributions. In any case, his Government was unable to agree that the General Assembly should vote an appropriation for that purpose to be shared by Member States in the same proportion as laid down in the scale of contributions to the regular United Nations budget. He drew attention to the fact that the United Kingdom amendment to sub-paragraph (10) had been rejected in the Committee by only 7 votes to 6, with 2 abstentions. His delegation would therefore take the matter up again in the General Assembly.

9. He would abstain from voting on the draft resolution submitted by the Social Committee (E/1814) and would reserve his Government's position in the General Assembly.

10. Mr. AMIN (Pakistan) also expressed his disagreement with the proposal that UNICEF should be transformed into a new organization. The consequences of that change would merely be to disorganize the work. His Government had been perfectly satisfied with the work of UNICEF and held that it should continue to implement those programmes which had been drawn up in consultation with various governments.

11. Mr. DELHAYE (Belgium) reaffirmed the statements made at the 163rd meeting of the Social Committee² by the Belgian delegation in regard to sub-paragraph (10). The Belgian Government wished to reserve its full freedom of judgment on the question of the financing of the Fund. Having made that reservation, the Belgian delegation would vote for the draft resolution.

12. Mr. BUGNARD (France) expressed his delegation's satisfaction at the fact that the Social Committee had adopted in its entirety the draft resolution jointly submitted by five delegations to the Social Committee. His delegation felt that, now that the permanent needs of children had been demonstrated, it was a wise move to ensure the Fund's stability and so enable it to pursue its activities. The resolution finally adopted by the Social Committee was a compromise between the conflicting views expressed in the Committee. It also had the merit of stressing co-operation with the specialized agencies. It would seem, in these circumstances, that the draft resolution afforded every assurance that the Economic and Social Council would fulfil its undertakings in respect of the needs of children throughout the world.

² See document E/AC.7/SR.163.

13. Mr. KOTSCHNIG (United States of America) joined the French representative in commending the draft resolution, which in his view provided an excellent basis for work to be accomplished by the General Assembly. He agreed that the drafting of the resolution could have been improved, but felt that it would enable the General Assembly to arrive at constructive conclusions which would contribute to solving the problem of the long-term needs of children throughout the world. He also agreed with the French representative that the draft resolution, if implemented, would improve the co-ordination arrangements between the International Children's Endowment Fund and the specialized agencies. He attached considerable importance to the scheme of co-ordination outlined in sub-paragraph (3) of paragraph 7. He reiterated, however, the reservation which he had made on his Government's behalf at the 164th meeting of the Social Committee³ regarding the question whether the administrative costs of field missions should be financed from the regular budget of the United Nations or by means of voluntary contributions. His delegation reserved the right to raise that issue in the General Assembly.

14. He was prepared to support the Indian amendment (E/L.92), which stated more clearly and fully the issues defined in paragraph 7 (8) of the operative part of the draft resolution. He drew attention to the minor point that the word "Emergency" had been dropped from the title of UNICEF in the amendment. He suggested that it should be re-inserted.

15. Mr. TSAO (China) supported the draft resolution on the grounds that, in his Government's view, the needs of children must be met by means of long-term action. In some parts of the world, children's circumstances had greatly improved, thanks to the endeavours of UNICEF and of governments, but the need for action nevertheless existed. The draft resolution provided an appropriate framework for such action.

16. Although the time had come to view the needs of children in terms of long-range policy, he reminded the Council that in some parts of the world—as, for instance, in the Far East and in the Latin-American continent—a state of emergency still obtained. That fact should not be lost sight of.

17. He agreed that the future organization should not wholly rely on the United Nations budget, but rather on voluntary governmental and private contributions. The participation of the United Nations should be strictly limited to administrative expenses, the cost of which should not be too high.

18. Finally, he too was prepared to support the Indian amendment (E/L.92).

19. Mr. SEN (India), introducing the amendment submitted by his delegation, noted that certain misgivings had been expressed by speakers. His delegation had supported the draft resolution in the Social Committee despite certain defects of drafting. But, since opinion in the Social Committee had been greatly divided, those defects arose from an attempt to arrive at a compromise

³ See document E/AC.7/SR.164.

solution. While admitting that serious objections to the text did exist, he pointed out that it had been adopted by a substantial majority vote.

20. The purpose of his delegation's amendment to sub-paragraph 7 (8) of the draft resolution was to ensure that the same method of meeting local expenses should be applied in the case of programmes undertaken by the new organization as had been applied in the case of UNICEF.

21. Mr. PENTEADO (Brazil), speaking as one of the sponsors of the draft resolution, said that he would vote for it, although he would reserve his Government's position in relation to sub-paragraph 7 (10). His Government held that the International Children's Endowment Fund should be financed through voluntary contributions, since a heavy financial burden could not be imposed on the United Nations budget.

22. Mr. DAVIDSON (Canada), agreeing with the representatives of Australia and of the United Kingdom, said that he would abstain from voting on the draft resolution and would reserve his Government's position with regard to any action which might be taken under its terms. That attitude was due, not to any lack of sympathy for the work of an organization concerned with the welfare of children, but to certain misgivings as to the timeliness of the proposed changes. If the fundamental concept of emergency had been abandoned at a less serious moment, then his Government might have been able to accept the change. But a state of emergency did in fact still exist, and the Endowment Fund might well be called upon to work in the vanguard of the United Nations. That was why his Government had advocated that the word "Emergency" should be retained in the title of the new organization.

23. Furthermore, the draft resolution promised more than could possibly be accomplished, in view of the important fact that contributions to UNICEF had been steadily decreasing year by year even though the funds were intended to serve a limited purpose in certain limited areas. But now the aims had been widened, and the number of children to whom the future programme would apply had been greatly increased. It was important that every organization should cut its coat according to its cloth, and, in his view, the draft resolution failed to take a practical view of the existing problems. Paragraph 6, in which were set out the new terms of reference, held out hopes which financial stringency might well render vain. The resolution did not take sufficient account of the important statements made by the representatives of FAO and WHO, who had drawn a clear picture of the correct methods of tackling the problem of long-range activities for children.

24. He shared the Brazilian representative's concern about sub-paragraph 7 (10), which afforded yet another example of the manner in which the draft resolution attempted to look both ways at the same time. It was proposed that the Endowment Fund should rely on voluntary contributions, but, if those were not available, it should then draw upon the United Nations budget.

25. For all those reasons, he must reserve his Government's right to raise the whole issue again at a later stage. The Indian amendment (E/L.92) was, in his view, acceptable and should be included in the text.

26. Mr. RICARD (Denmark), recalling the fact that in the Social Committee his delegation had sponsored the joint amendment to the draft resolution together with the delegations of Canada and the United Kingdom, emphasized the point that his abstention in the Committee did not signify that his Government was in principle opposed to the programme of long-range activities for children. It doubted, however, whether the draft resolution provided the best possible means for the execution of such a programme.

27. Assuming that the draft resolution were adopted, the Emergency Fund, under the terms of paragraph 6, would be entrusted with the task of:

"(a) Providing supplies, training services and advisory assistance in support of the recipient countries' permanent programmes for children; and

"(b) Meeting relief needs in cases of serious emergencies."

Although the sponsors of the draft resolution had stressed in the Committee the point that the alphabetical order in which the Fund's tasks were set out did not indicate an order of priority, his delegation feared that the Fund might well be tempted to embark upon those long-range activities to the detriment of emergency assistance. His Government would deplore such a development, because emergency circumstances had by no means come to an end, and necessitated a concentration of effort on emergency assistance.

28. Moreover, his delegation felt strongly that a certain number of the long-range activities which would, in accordance with the draft resolution, be entrusted to the proposed Fund, could be handled by existing bodies—either by the Department of Social Affairs of the United Nations Secretariat or by such specialized agencies as ILO, FAO, UNESCO and WHO. Despite the decisive role which was entrusted to those agencies by the draft resolution, his delegation feared that overlapping and duplication of work would occur.

29. On all those grounds, he would not be able to vote in favour of the draft resolution, although his delegation took a great interest in all efforts made by the United Nations in the field of child welfare.

30. His delegation also was prepared to support the Indian amendment.

31. Mr. DE ALBA (Mexico) considered that the draft resolution would add to the prestige of the Council and of the United Nations. The former's objectives were closely linked with those important economic provisions of the Charter which had been further strengthened by the Declaration of the Aims and Purposes of the International Labour Organisation signed at Philadelphia in May 1944. It was essential to bear in mind the fact that wherever there was a poverty-stricken child there was an economic and social ill which called for remedy. The Spanish thinker to whom he had recently referred

had declared that no man should be able to sleep soundly as long as children went naked, hungry and unprotected. It was precisely to that aspect of the problem that the Social Committee's attention had been drawn.

32. While supporting the draft resolution, he made a reservation with regard to the last clause of sub-paragraph (10) of paragraph 7. He believed that it would be possible for the Council to adopt the text unanimously if that last clause were deleted. It militated against the principle of voluntary contributions, and his Government could not be accused of egoism, for it must be remembered that they had already assumed many international as well as national obligations in regard to child welfare. His Government was not unwilling to contribute, but it did not wish to make any future commitments which it would be unable to meet. If the clause in question were retained in sub-paragraph (10), his delegation would be obliged to abstain from voting on that sub-paragraph.

33. Mr. SEN (India) moved the inclusion of the words "for these purposes" after the word "established" in sub-paragraph (1) of paragraph 7 of the draft resolution.

34. Mr. LEDWARD (United Kingdom) supported the Mexican representative's proposal that the last clause of sub-paragraph (10) of paragraph 7 should be deleted.

35. The PRESIDENT ruled the closure of the debate, in accordance with rule 51 of the rules of procedure, and said that, if there were no objections, he would take as adopted the Indian representative's amendment to sub-paragraph (1) of paragraph 7, just submitted orally, and also the re-insertion of the word "Emergency" before the word "Fund" in the previous Indian amendment (E/L.92).

It was so decided.

36. The PRESIDENT put to the vote the Indian amendment (E/L.92) to sub-paragraph (8) of paragraph 7 of the draft resolution (E/1811).

The amendment was adopted by 13 votes to none, with 1 abstention.

37. The PRESIDENT put to the vote the last clause of sub-paragraph (10) of paragraph 7 of the draft resolution, reading as follows: "if necessary, by a sum of money to be shared by Member States in the same proportion as laid down in the scale of contributions to the regular United Nations budget," which the Mexican representative had proposed should be deleted.

The clause was rejected by 7 votes to 4, with 2 abstentions.

38. The PRESIDENT put to the vote the draft resolution relating to long-range activities for children as set out in the Social Committee's report (E/1811), as amended.

The resolution, as amended, was adopted by 8 votes to none, with 5 abstentions.

39. Mr. PENTEADO (Brazil) asked that it should be recorded that he had voted in favour of the draft resolution.

40. Mr. KOTSCHNIG (United States of America) stated that, in the light of the deletion of the last clause of sub-paragraph (10), he had voted in favour of the draft resolution with considerable hesitation, and only because he was convinced that the draft resolution provided a sound basis for further action by the General Assembly. He emphasized that his Government would take all appropriate steps in order to restore to the text the clause which the Council had just decided to delete. That attitude was governed by the consideration that if, within the General Assembly, Member States expressed their unwillingness to devote even a small share of the regular United Nations budget to the proposed work and organizational arrangements on behalf of children, the whole plan might prove to be unworkable. He must therefore record his Government's reservation.

Report of the United Nations International Children's Emergency Fund: report of the Social Committee (E/1812)

41. The PRESIDENT assumed that members of the Council would not wish to comment on the draft resolution submitted by the Social Committee on the report of the United Nations International Children's Emergency Fund (E/1812) whereby the Council would take note with satisfaction of that report (E/1737).

42. In the absence of comments, he put the draft resolution to the vote.

The resolution was adopted unanimously.

Refugees and stateless persons: report of the Ad Hoc Committee on Statelessness (continued):⁴ second report of the Social Committee (E/1814)

43. The PRESIDENT called on the Council to consider the second report (E/1814) of the Social Committee on the report of the Ad Hoc Committee on Statelessness. The Council had already at its 399th meeting, held on 2 August 1950, taken two decisions in relation to that item: namely, that the draft international Convention included in the Ad Hoc Committee's report should be transmitted to the General Assembly and that the Ad Hoc Committee should be convened in the near future to re-examine that draft. The Social Committee's second report (E/1814) contained a draft resolution in which reference was made to those two decisions. It also contained the draft text of a preamble to the draft convention, as well as a draft text for Chapter I, article 1, giving a definition of the term "refugee". Furthermore, the report included a draft resolution containing recommendations to governments advocating certain measures regarding statelessness and nationality laws.

44. Before opening the discussion on the report, he invited the Vice-Chairman of the Social Committee to make any appropriate comments.

⁴ See 399th meeting.

45. Mr. DAVIDSON (Canada), having recalled the Council's decision that the draft convention should, after re-examination by the *Ad Hoc* Committee, be transmitted to the General Assembly and that no general diplomatic conference should be convened, said that the Social Committee had continued its work on the problem in the light of those decisions and had consequently adopted the draft resolution contained in section 3 of its second report (E/1814). Very careful consideration had been given by the Social Committee to the participation in the *Ad Hoc* Committee on Refugees and Stateless Persons at its next session of such States, non-members of the United Nations, as were closely concerned with the problem of refugees. That was one of the most important issues covered by the above-mentioned draft resolution. The Council should further note that paragraph 4 of the Committee's report contained the preamble and article 1 of the draft convention which the Committee had considered in detail, leaving all the other provisions of the draft convention aside. Representatives had made general statements for inclusion in the summary records and for the guidance of the *Ad Hoc* Committee. Substantive action had been taken by the Social Committee only in regard to the preamble and to chapter I, article 1, of the draft convention, wherein the term "refugee" was defined. The draft resolution contained in section 3 indicated that, in the Social Committee's view, the preamble and article 1 should be transmitted to the *Ad Hoc* Committee in the form of a binding decision taken by the Council, it being the duty of the *Ad Hoc* Committee to incorporate the preamble and article 1 in the draft convention for transmission to the General Assembly. The revision of the remaining articles of the draft convention should be carried out by the *Ad Hoc* Committee.

46. Since the Social Committee had concluded its work on the problem, he had thought that it might be preferable for the preamble and the text of article 1 to be included in one resolution which the Council would vote upon formally. The text of his proposed draft resolution was as follows (E/L.93):

"The Economic and Social Council,

"Having examined the preamble and the definition of 'refugee' contained in article I of the draft convention relating to the status of refugees, prepared by the Ad Hoc Committee on Refugees and Stateless Persons,

"Decides that the revised draft convention to be submitted to the fifth session of the General Assembly after further review by the Ad Hoc Committee shall contain the following texts of the preamble and definition of 'refugee' (article I)."

47. In conclusion, he indicated that the draft resolution set out in section 5 of the report was based on a resolution prepared by the *Ad Hoc* Committee. The new text was longer and in some respects an improvement on the original.

48. The PRESIDENT ruled that the Council should first discuss the draft resolution contained in section 3 of the report, taking note of the fact that sub-paragraphs (1) and (2) of that resolution had already been approved in principle by the Council at its 399th meeting.

Although he would put the text of that draft resolution to the vote as a whole, no substantive amendments could be moved at the present stage to sub-paragraphs (1) and (2) thereof.

49. Mr. ROCHEFORT (France) said that as two of the four texts contained in the Social Committee's report (E/1814) had been submitted by the French delegation, the latter felt called upon to elucidate several points.

50. The discussions had been dominated by two questions—one of procedure and one of definition.

51. With regard to procedure, the Committee had had to choose between reference to a diplomatic conference and reference to the Assembly, via the *Ad Hoc* Committee on Refugees and Stateless Persons. The Social Committee had decided in favour of reference to the Assembly, the *Ad Hoc* Committee being instructed to prepare, in the meantime, revised drafts of the agreements, because it was important to have so vital a convention endorsed by a vote of the General Assembly.

52. The discussions in the Social Committee had been arduous and detailed, and prospects for the solution of the problem of refugees and stateless persons to-day appeared bright. The grim reality which the *Ad Hoc* Committee would have to take into account was that a number of countries were overburdened with refugees and were threatened with continuous new intakes. For example, Austria had 450,000 refugees in a total population of 7 million inhabitants; and the French delegation to the International Refugee Organization had recorded a monthly flow of 4,500 refugees into France during the past few months. If that situation were not taken into account, the instrument created might prove incapable of serving its purpose.

53. The French delegation was gratified that the *Ad Hoc* Committee on Refugees and Stateless Persons had been authorized to hear statements from Member States not members of the Committee and from specialized agencies and non-member States, the latter taking part in the proceedings as observers, without vote. If the *Ad Hoc* Committee failed to reach agreement on a draft convention acceptable to the Assembly, or if the Assembly was unable to agree to that text, it would doubtless be necessary to convene a diplomatic conference—a step which the French delegation would have preferred to avoid.

54. With regard to the definition of the term "refugee", the French representative noted that the choice lay between two formulæ: a general definition or a definition by category. The French delegation had expressed its support of a definition by category, on the following grounds:

(1) The text as formulated was that of a convention requiring signature;

(2) The States parties to that convention undertook obligations without compensating advantages;

(3) It would be incorrect to assume that a general definition was evidence of generosity, while a definition by category betrayed a selfish outlook. A convention containing a general definition would have been conceived as a sort of model convention, necessitating

the conclusion of additional conventions concerning implementation which would be open for signature.

55. The French delegation had sought to broaden the definition of the term "refugee" as much as possible, so as to cover all *bona-fide* refugees, in conformity with the desire expressed by the General Council of the International Refugee Organization at its last session. It had gone further than the IRO Constitution by providing fewer restrictive clauses; and it held that the definition, as repeatedly urged at the General Council of the IRO and by a number of leading international welfare organizations, should cover the *Volksdeutschen* now in Austria. It had also striven to make the timing more flexible by introducing secondary factors directly conditioned by events. Thus, for the first time in the case of a convention on refugees, definite progress had been achieved in the direction of liberalization. Never before had a definition so wide and generous, but also so dangerous for the receiving countries, been put forward for signature by governments.

56. The obligations flowing from the convention were such that the day might come when certain countries might find it impossible to honour them: hence the necessity of certain safeguarding clauses.

57. France herself could not be bound by the convention were it one day to be again faced with an influx of refugees as large as was that of the Spanish Republican refugees, amounting to 500,000. The exclusion of war criminals, ordinary criminals and persons guilty of crimes against humanity was based on concern for international morality.

58. A further reason why the French delegation wished to include safeguarding clauses was its desire to allow only persons who were still refugees to keep that status. It recognized that in no case could the victims of racial persecution be compelled to resume their former nationality or resettle in the countries where they had suffered so bitterly. The convention should nevertheless include a clause providing for the termination of the status of refugee—a status which could not be regarded as permanent. Furthermore, no one could be at the same time a refugee and a foreigner enjoying the protection of his government.

59. Lastly, France had been guided by the experience of having had to deal with 500,000 Spanish refugees, a certain number of whom—the "hard core"—were still in France, and by the dangers it would have to face after the IRO had gone out of existence.

60. Two of the paragraphs of the preamble to the French draft constituted safeguarding clauses of this kind. One of them was the paragraph on action by the High Commissioner with regard to the application of the convention. It had been retained, amended in an acceptable form. The second had been deleted by the Social Committee by 5 votes to 5, with 5 abstentions. Hence, the French delegation now reverted to that question in the Council and requested the insertion, between paragraphs 4 and 5 of the preamble, of the following text (E/L.94):

"But considering that the exercise of the right of asylum may place unduly heavy burdens on certain

countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international co-operation;".

61. It was simply a question of taking note of a concrete situation, which the IRO itself had acknowledged, and which might recur in the future. The French delegation felt that the inclusion of that paragraph was a minor matter compared with the obligations which it was willing to accept.

62. Viewing the matter on a higher plane, he stressed the great human importance of the refugee problem and said that it should be tackled in a generous spirit and could only be solved on the basis of justice, and not on purely legal considerations. The rights of countries of refuge should be safeguarded, as well as the rights of refugees. That was why the preamble to the Charter of the United Nations and the Universal Declaration of Human Rights had been mentioned in the first paragraph of the French draft. The fact that a man was deprived of his government's protection should not prevent his enjoyment of the rights and fundamental freedoms defined in those texts. But discrimination existed, and it was not easy for a country to replace an alien's homeland. Nationality was a serious matter, and failure to consider it as such might result in precarious naturalization which would only add in the long run to the existing number of stateless persons.

63. France, like other countries in Western Europe, had afforded hospitality to hundreds of thousands of refugees without distinction of race, age, political opinions, health or profession, in the name of the most sacred principles of civilization and of the United Nations. The problem of protection arose because naturalization and repatriation could not provide a complete and immediate solution to the refugee problem. Other countries which did not have the same burdens should be grateful to such countries for constituting the advanced line of defence of civilization so far as the cause of the refugees, and therefore of freedom of opinion and religious liberty, was concerned. The convention would be applied mainly in Western Europe, but it also had its application in other more distant countries.

64. Summarizing the ideas underlying the French delegation's various proposals, he pointed out that, in his delegation's view, there were four main tasks to be faced:

(1) To safeguard refugees from political pressure and economic depressions, and as far as possible to guarantee the refugee's freedom in the face of possible international claims by his country of origin;

(2) To preserve uniformity, since, if a liberal and uniform statute for refugees was applied in all European countries, liberal countries would have less cause to fear influxes of refugees whose arrival might possibly force them to adopt less liberal practices;

(3) To improve the status of refugees, which was dependent on international co-operation; and

(4) To provide refugees with certain facilities, particularly for travel, which they lacked, and were unable to obtain except on the international level.

65. Failing the accession of a large number of countries to the convention, he thought it was likely to remain a dead letter.

66. With regard to the sixth paragraph of the preamble, he pointed out that France had granted to categories of refugees who came from very distant countries and for whose protection no instrument existed, the same rights and advantages as other refugees. His delegation's intention in inserting this paragraph was to secure the extension of the international protection of refugees to all refugees, of whatever category, throughout the world.

67. Mr. CALDERÓN PUIG (Mexico) recalled that, when the Social Committee had discussed article 1, which defined the term "refugee", his delegation had paid tribute to the remarkable work done by the French Government on behalf of refugees. He had, in connexion with that article, expressed his concern at the deletion of a specific reference to Spanish refugees which had figured in the draft text submitted by the *Ad Hoc* Committee. He raised that point without in any way wishing to touch upon the political aspects of the problem. The French delegation had explained in the Social Committee that the reference contained in section A, paragraph (3), of article 1 to persons who had had to leave their country before 1 January 1951 covered the case of the Spanish refugees. He recalled that, during the Spanish Civil War, his country as well as others had given asylum to several thousand Spaniards, irrespective of their political opinions. In order that no misunderstanding should arise in the future, he requested the President to state whether the French delegation's interpretation of section A, paragraph (3), of article 1 did in point of fact cover the Spanish refugees.

68. The PRESIDENT stated that, as President of the Council, he was not competent to interpret the text of any resolution.

69. Mr. CALDERÓN PUIG (Mexico) asked whether the Council would decide whether, in the light of the statement made by the French representative in the Social Committee, section A, paragraph (3), of article 1 did in fact cover Spanish refugees.

70. The PRESIDENT ruled that, when article 1 was discussed by the Council, representatives would be able to make any comments and give any interpretations that they wished. But the President was not empowered to request the Council to adopt any specific interpretation.

71. Mr. FEARNLEY (United Kingdom) said that the United Kingdom delegation had opposed the two main points of the draft resolution in section 3 of the Social Committee's report (E/1814) when the Council had voted on them at its 399th meeting. It had opposed them because it was of the opinion that a diplomatic conference was a better method of dealing with the draft agreements in the report of the *Ad Hoc* Committee than the General Assembly. Discussions in the Social Committee subsequent to the decision in plenary had strengthened that opinion, but, since the decision had been taken, he would not vote against the draft resolution of the Council but

would merely abstain. The United Kingdom delegation had doubted and still doubted the advisability of convening the *Ad Hoc* Committee again as soon as had been decided; however, he was glad to be able to report that the United Kingdom representative who had attended the previous session of the *Ad Hoc* Committee would be present at its session scheduled to begin on Monday, 14 August.

72. Mr. DELHAYE (Belgium) pointed out that, while his delegation supported some of the provisions of the draft resolution, it had reservations to make on others and was opposed to a few of them.

73. The Belgian delegation approved the decision to reconvene the *Ad Hoc* Committee and was glad that it was authorized to hear statements from Member States not members of the Committee, from specialized agencies and from such non-member States as were specially interested in the refugee problem. It was also in favour of the recommendation to the General Assembly that it approve international agreements on the basis of the draft agreements prepared by the *Ad Hoc* Committee.

74. With regard to the reference to the definition of the term "refugee" contained in the first paragraph of the resolution, he confirmed what he had said previously in the Social Committee—namely, that his delegation was opposed to it because it favoured a general definition.

75. So far as the preamble was concerned, the Belgian delegation had abstained from voting in the Social Committee, since it supported the first three paragraphs and was opposed to the remainder. He added that his delegation had requested the inclusion of a fourth paragraph.

76. In conclusion, since the resolution contained certain points of which it approved, the Belgian delegation would not oppose, but would abstain from voting on, the proposal.

77. Mr. FRIIS (Denmark) supported the amendment to the preamble proposed by the French delegation.

78. The Danish delegation shared the United Kingdom point of view with regard to convening a diplomatic conference. As that view had not been sustained by the Social Committee, he would not oppose reference of the convention to the General Assembly. It might, however, well be that the Assembly would be obliged, after all, to convene such a conference.

79. Mr. DAVIDSON (Canada) said that, when the draft resolution was put to the vote, he would abstain for reasons which he had stated at greater length in committee. Like the representative of the United Kingdom, he was of the opinion that it would be preferable to convene a diplomatic conference to consider the draft agreements rather than to submit them direct to the General Assembly after revision by the *Ad Hoc* Committee. The Canadian Government was, of course, willing to discuss the draft agreements at the next session of the General Assembly, but he would not be surprised if the General Assembly decided that a diplomatic conference should be convened to discuss them. There were cogent arguments against convening the *Ad Hoc* Committee as early as 14 August. He regretted that, following that decision, the Canadian representative who had had the

honour to preside over the previous session of the *Ad Hoc* Committee would not be able to attend its forthcoming session; Canada would be represented on that occasion by an alternate.

80. Mr. AMIN (Pakistan) said that, as his delegation had explained fully in the Social Committee, it was of the opinion that the definition of the term "refugee" for the purposes of the convention should not be limited by any territorial boundaries. He regretted that the Social Committee had submitted a definition which was not in accordance with that opinion, but he hoped that the scope of the definition would be extended by the General Assembly so as to cover unfortunate people both inside and outside the boundaries of Europe, in whatever part of the world they might be.

81. The PRESIDENT put to the vote the draft resolution in section 3 of the Social Committee's report (E/1814).

The resolution was adopted by 9 votes to none, with 6 abstentions.

82. The PRESIDENT invited comments on the draft preamble and definition of the term "refugee" in section 4 of the Social Committee's report, on the text (E/L.93) proposed by the Chairman of the Social Committee to preface the preamble and definition so as to incorporate them in a resolution, and on the amendments proposed by the French representative (E/L.94) to the preamble.

83. Mr. KOTSCHNIG (United States of America) said that, before expressing disagreement with some of the views stated by the French representative, he wished to congratulate the Social Committee on the high quality of its work on the report of the *Ad Hoc* Committee on Statelessness and to thank the French representative for the constructive contributions he had made to that work.

84. Except in so far as procedure was concerned, he agreed with most of what the French representative had said on the subject of the amendment (E/L.94) which he had proposed. It went without saying that there should be international co-operation to alleviate the burden falling on certain countries because their geographical situation was such that an inordinately large number of refugees fled to them; but the inclusion of the text proposed by the French representative in the preamble to what was to be a binding international instrument would not be appropriate. The United States delegation was of the opinion that the substance of the text might be incorporated in a General Assembly resolution, where it would be more proper and effective. Furthermore, in recognition of the difficulties certain countries might encounter owing to the sudden influx of large numbers of new refugees, the United States delegation had proposed the insertion in the draft statute for the High Commissioner's Office (E/AC.7/L.60) of the clause (E/AC.7/L.73):

"In his discretion, the High Commissioner may, after consultation with the Advisory Committee on Refugees, intercede with governments on behalf of

new categories of refugees which might arise, pending consideration by the General Assembly as to whether to bring such new categories within the mandate of the High Commissioner's Office for Refugees."

Rather than accept the amendment to the draft resolution proposed by the French representative, the Council should look forward to the adoption by the General Assembly of an effective resolution on the subject and keep it in mind when drafting the statute for the High Commissioner's Office.

85. The United States delegation considered furthermore that paragraph 6 of the preamble should be deleted. The fact that it had been adopted in committee by only 5 votes to 4, with 6 abstentions, made it desirable to re-open the discussion on it. That paragraph would be even more inappropriate in the preamble to the convention than the French amendment, to which his delegation was opposed. It would be definitely wrong to include in the preamble to a convention, with its contractual obligations, a hortatory clause which went beyond the provisions of the succeeding articles. He would request the President to put the paragraph to the vote separately.

86. In reply to the representative of Mexico, he said that he was of the opinion that both paragraphs A.2 and A.3 of the definition ensured that the convention would apply to Spanish Republican refugees.

87. He requested the President to put to the vote separately the words in paragraph A.3 of the definition: "or circumstances directly resulting from such events"; for the United States delegation considered that those words, unlike the preceding words, which were precise and showed that the authors of the paragraph agreed to the application of the convention on a wide scale, were altogether too vague. If those words were retained, they would make the convention applicable to persons who became refugees because of the results of events which had taken place before 1951 and might establish a chain of cause and effect extending into the year 3000 A.D. and beyond.

88. Mr. DAVIDSON (Canada), requesting the President to put both the definition and the preamble to the vote separately, said that he also was very grateful to the French representative for his contribution to the success of the Social Committee's work on the subject. He had agreed with many of the proposals made by the French representative in the Social Committee and he could also agree to the adoption of the amendment he had proposed to the preamble at the present meeting, for the text of that amendment did not include the words in the corresponding text proposed by the French representative in the committee which had led the Canadian delegation to oppose that text. Indeed, the fact that the problem of refugees was being dealt with by the Council at the international level was tantamount to an admission by the Council that the problem could be satisfactorily solved only if it was dealt with at that level.

89. On reflection, the Canadian delegation had come to the conclusion that, although the inclusion of paragraph 6 of the preamble might give rise to discussion as to whether such action was proper, it could agree to its

inclusion because it might help to induce the General Assembly to adopt a broad definition of the term "refugee", such as the Canadian delegation had urged in committee, instead of the narrow definition by category that the Committee had submitted. The timid gesture of expressing a pious hope in paragraph 6 of the preamble was not as satisfactory as drafting the definition of the term "refugee" in accordance with that hope, but it was better than nothing at all.

90. He was merely following the example of the United States representative in asking the Council to re-open the discussion on the proposal that the definition should be a broad one and not the narrow definition by category submitted by the Committee, for the proposal had been lost by an even narrower margin—namely, 7 votes to 7, with 1 abstention—than the proposal to delete paragraph 6 of the preamble; but he did not intend to do so. When the definition was put to the vote he would merely abstain, in order to leave the Canadian Government free to support any efforts to persuade the General Assembly to adopt a broad definition of the term.

91. Mr. FEARNLEY (United Kingdom) said that he agreed with the arguments the Canadian representative had presented so ably on the subject of the preamble. He would support the amendment to it proposed by the French representative, for reasons the United Kingdom delegation had stated in committee. He did not see how the possibility of the addition of the text proposed by the United States delegation to the draft statute for the High Commissioner's Office could be considered a reason for the rejection of the French amendment. He would also vote in favour of paragraph 6, in the hope that it would induce the General Assembly to adopt a broad definition of the term "refugee", instead of the limited definition recommended by the Committee.

92. Although, following the rejection of the proposal that there should be a broad definition of the term "refugee" for the purpose of the convention, the United Kingdom delegation had participated in drafting the limited definition submitted by the Social Committee, it could not support it, and he would abstain when it was put to the vote.

93. In reply to the Mexican representative, he said that the United Kingdom delegation considered that the definition covered the Spanish Republican refugees.

94. Mr. BALLARD (Australia) said that he would vote in favour of the definition, but that action should not be interpreted to mean that his Government could grant all the rights defined in the convention to all the categories of refugees covered by the definition; it might have to take advantage of the safeguarding clause.

95. Mr. DELHAYE (Belgium) shared the opinions expressed by the United States representative on the French amendment (E/L.94) to the preamble. The Belgian delegation was not opposed to the ideas expressed in the amendment, but considered that they had no place in the convention. It would therefore vote against the amendment.

96. Regarding the Mexican representative's observations on the subject of Spanish refugees, the Belgian delegation was of the opinion that the definition of the term "refugee" covered Spanish refugees. It had not agreed to the definition of that term contained in document E/1814, as it preferred a wide definition which would also include the Spanish refugees.

97. Mr. BERNSTEIN (Chile), requesting the President to put paragraph A.3 of the definition to the vote separately, said that he would abstain when that paragraph, which was the key paragraph of the definition, was put to the vote, because his delegation maintained that the definition should be a broad one and wished to reserve the right of the Chilean Government to raise the question again when it was discussed by the General Assembly.

98. He would vote in favour of the text (E/L.94) submitted by the French delegation, as he thought it preferable to the corresponding text which the Chilean representative had voted for in the Social Committee and which the Committee had rejected.

99. Mr. PENTEADO (Brazil) declared his support for the amendment proposed by the French representative.

100. Mr. FRIIS (Denmark) expressed entire agreement with the statement made by the Australian representative.

101. Mr. DESAI (India) said that the Indian delegation had opposed the broad definition of the term "refugee" advocated by several delegations, because the broad definition would make a satisfactory solution of certain problems connected with refugees less probable inasmuch as it would not be possible to determine in advance exactly what categories of refugees would be covered by it.

102. When the amendment to the preamble proposed by the French representative was put to the vote, he would abstain, because he was opposed to inserting in the preamble something which went beyond the scope of the definition or something which was not normally considered proper in such a preamble.

103. Mr. ROCHEFORT (France) thanked the delegations of Brazil, Canada, Chile, Denmark and the United Kingdom for their support of the French amendment.

104. For the benefit of the Chairman of the Social Committee, he pointed out that it was possible to adopt a convention for European countries only because those countries had had twenty-five years' experience in refugee matters. Paragraph 6 of the preamble expressed the hope that, if the refugee problems submitted to the United Nations could not be solved, their solution should be sought by means of conventions on protection of the kind which the French delegation considered could now be adopted for the countries of Europe. That clause of the preamble had a very definite object. There were in fact refugees who did not come under the terms of reference of the IRO and to whom the convention would not apply. France had coined the term *asilés* for that category of refugees. They enjoyed the same rights and the same advantages as persons to whom international conventions applied. The purpose of paragraph 6 was to invite all countries to act in the same manner as France had done.

105. In reply to the United States representative, he said that the date 1 January 1951 did not in itself constitute sufficient protection against a large-scale influx of refugees covered by the definition. There were in fact accumulations of refugees in Europe, such as those in Germany and Austria, which might one day overflow into France, for instance. Such persons would unquestionably have the status of refugees, even though, owing to fresh developments, they had moved to another country after 1 January 1951. The safeguarding clause was intended to meet such an exceptional situation.

106. The words "circumstances directly resulting from such events" had been inserted because the date 1 January 1951 in itself meant nothing. His Government was prepared to accept that date, and considered that it was wise to have fixed it, on condition that that decision were correctly interpreted to mean that events taking place in Europe before 1 January 1951, and the circumstances resulting from such events, should be treated on the same footing.

107. Lastly, the French delegation agreed with the Mexican representative that the term "refugee" applied to Spanish refugees.

108. By and large, he was of the opinion that the text submitted to the Council would fully satisfy the European countries.

109. Mr. KOTSCHNIG (United States of America) said that, unlike the United Kingdom representative, he considered that the inclusion of paragraph 6 in the preamble would be illogical, because it was not logical to make provision in the preamble of a convention for something for which there was no provision in the succeeding articles. He would vote against the adoption of the paragraph, and would abstain when the amendment to the preamble proposed by the French representative was put to the vote.

110. Mr. FEARNLEY (United Kingdom) said that the United Kingdom delegation had, in the Social Committee, voted against the deletion of the words "or circumstances directly resulting from such events" to which the United States representative had raised objections, because it considered then and still maintained that those words helped to make clear what the Social Committee considered the definition should mean and because their deletion would reduce the scope of the definition still further.

111. Mr. PENTEADO (Brazil) said that he agreed with all that the United States representative had said on the subject of paragraph 6 of the preamble.

112. The PRESIDENT declared the debate on section 4 of the Social Committee's report (E/1814) closed and said that, if no representative raised any objection, he would consider as unanimously adopted the text proposed by the Chairman of the Social Committee (E/L.93) as a preface to the preamble and the definition of the term "refugee" in that section so as to incorporate them in a resolution.

It was so agreed.

113. The PRESIDENT put to the vote the text (E/L.94) proposed by the French representative for insertion between paragraphs 4 and 5 of the preamble.

The text was adopted by 9 votes to none, with 6 abstentions.

114. The PRESIDENT asked if there were any objections to the adoption of the consequential amendment (E/L.94) proposed by the French representative to paragraph 6 of the preamble, whereby the word "finally" would be substituted for the word "furthermore".

The amendment was adopted unanimously.

115. The PRESIDENT put to the vote paragraph 6 of the preamble as amended.

The paragraph, as amended, was adopted by 7 votes to 5, with 2 abstentions.

116. The PRESIDENT put to the vote the words "or circumstances directly resulting from such events" in paragraph A.3 of the definition.

The wording in question was adopted by 7 votes to 3, with 5 abstentions.

117. The PRESIDENT put paragraph A.3 of the definition to the vote.

The paragraph was adopted by 11 votes to 2, with 2 abstentions.

118. Mr. KOTSCHNIG (United States of America) said that the words "and on a wide measure of international co-operation" should be deleted from paragraph 5 of the preamble, since they were almost an exact repetition of the concluding words of the new paragraph adopted on the proposal of the French representative.

119. The PRESIDENT said that, since the debate on section 4 of the Social Committee's report had been closed, the words could only be deleted from paragraph 5 of the preamble if no member of the Council raised any objections.

120. Mr. FEARNLEY (United Kingdom) said that a reference to international co-operation should be retained in both paragraphs.

121. The PRESIDENT said that, in view of the objection raised by the United Kingdom representative, the suggestion made by the United States representative could not be accepted.

122. He put to the vote the preamble as amended.

The preamble, as amended, was adopted by 12 votes to none, with 3 abstentions.

123. The PRESIDENT put to the vote the definition of the term "refugee" contained in section 4 of the Social Committee's report (E/1814).

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

124. The PRESIDENT put to the vote as a whole the draft resolution constituted by the above decisions.

The resolution was adopted by 9 votes to none, with 6 abstentions.

125. Mr. DAVIDSON (Canada) said that he had voted in favour of the resolution as a whole because he considered that its operative part was mainly a decision to transmit the documents concerned to the fifth session of the General Assembly after further review by the *Ad Hoc* Committee. His vote should not be interpreted as meaning that he approved the definition of the term "refugee" as given in the resolution.

126. Mr. CALDERÓN PUIG (Mexico) said that he had voted in favour of the definition on the understanding that it included Spanish Republican refugees. He was grateful to those representatives who had stated that that was their understanding also, and had noted that no representative had expressed a contrary opinion.

127. Mr. CABADA (Peru) said that he had abstained from voting, since, during the discussions leading up to the adoption of the draft resolution, many representatives had referred to the "Spanish Falangist regime", a term which had appeared in the draft submitted by

the *Ad Hoc* Committee, thereby using to describe a political system a term which was not acceptable to all.

128. Mr. TSAO (China) said that he had voted in favour of the draft resolution when it was put to the vote as a whole, although he did not approve of it in entirety and wished to reserve his Government's position in regard to the subject of the draft resolution.

129. The PRESIDENT invited comments on the draft resolution in section 5 of the Social Committee's report (E/1814) and on the amendment proposed thereto submitted by the Mexican delegation (E/L.95).

130. Mr. CALDERÓN PUIG (Mexico) said that his delegation had submitted the amendment because it believed that the problem of statelessness was a single problem and, consequently, that it should be solved as a whole at the international level. The amendment was similar to one which the Mexican delegation had submitted to the Committee and which the Committee had rejected by only 6 votes to 6, with 3 abstentions; he believed that developments subsequent to the Committee's decision had made the amendment more acceptable on the present occasion.

The meeting rose at 1 p.m.