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UNITED NATIONS CONFERENCE ON TERRITORIAL ASYLUM

COMMITTEE OF THE WHOLE

SUMMARY RECORD OF THE FOURTEENTH MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 25 January 1977, at 3.25 p.m.

Chairman:

Mr. DO NASCIMENTO E SILVA

(Brazil)

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CONSIDERATION OF THE QUESTION OF TERRITORIAL ASYLUM IN ACCORDANCE WITH RESOLUTION 3456 (XXX) ADOPTED BY THE GENERAL ASSEMBLY ON 9 DECEMBER 1975 (item 11 of the agenda of the Conference) (A/10177; A/CONF.78/7; A/CONF.78/C.1/L.2, L.10, L.28, L.38, L.39, L.44, L.48, L.54, L.55, L.59, L.61, L.79) (continued)

New article proposed by Nigeria (A/CONF.78/C.1/L.2, article 8), Bangladesh (A/CONF.78/C.1/L.59) and Austria (A/CONF.78/C.1/L.61) (continued)

1. Mr. GOLOVKO (Byelorussian Soviet Socialist Republic) said that his delegation took a favourable view of the proposals for a new article submitted by the delegations of Nigeria (A/CONF.78/C.1/L.2, article 8), Austria (A/CONF.78/C.1/L.61) and Bangladesh (A/CONF.78/C.1/L.59), since the texts proposed would protect the rights of the State with respect to asylees. In his delegation's opinion, therefore, such an article should be included in the convention.

2. Although the substance of the proposed texts was similar, in the sense that they all sought to define the legal status of the asylee in the territory of the State granting asylum, and they all provided that the asylee had a duty to conform to the laws of that State, the three proposals were not in fact identical. The proposal drafted in the broadest terms was that of Nigeria and, on the whole, his delegation was prepared to vote for it. In addition to defining the legal status of the asylee, the proposal would give the State granting asylum the right to terminate the state of asylum.

3. With regard to the proposal by Bangladesh, his delegation thought that the words "to the extent to which it is possible under their law" should be deleted, since they introduced a certain lack of clarity into the article. In his delegation's view, a country's legislation should not be contrary to the purposes and principles as set out in the Charter of the United Nations and other rules of international law.

4. After introducing his delegation's proposal for a new article (A/CONF.78/C.1/L.79), he suggested that the proposals by Nigeria, Bangladesh and Austria as well as that of his delegation might be merged into one text which could be considered and adopted by the Committee.

5. In conclusion, he said that in his delegation's opinion, the inclusion of the proposed new article would not diminish the humanitarian spirit of the convention, and would strengthen the guarantees that asylees would not be used by States for political purposes.

6. Mr. WISNOEMOERTI (Indonesia) said that his delegation supported the principle embodied in the proposals for a new article - namely, that asylees must not abuse the benefits of the convention granted by a Contracting State. With regard to the proposal by Nigeria (A/CONF.78/C.1/L.2), his delegation believed that the wording could be simplified along the lines proposed in the text submitted by Bangladesh (A/CONF.78/C.1/L.59). The words "have a right" in the Nigerian proposal were unnecessary, because it was in the exercise of its sovereign rights that a State granted or refused asylum.

7. His delegation could support the proposal by Bangladesh (A/CONF.78/C.1/L.59). He thought, however, that the words "to the extent to which it is possible under their law" were unnecessary. Furthermore, the last line of the Bangladesh proposal might perhaps be reconsidered, since the Charter governed only relations between States and did not relate to individuals. His delegation was prepared to co-operate with the delegation of Bangladesh in the search for a more acceptable wording.

8. His delegation also supported the Austrian proposal (A/CONF.78/C.1/L.61), although he thought that it was slightly redundant. In conclusion, he agreed that the three amendments should be merged into a single text, either by the interested delegations or the Drafting Committee.

9. Mr. KACHURENKO (Ukrainian Soviet Socialist Republic) recalled that some delegations had expressed doubts about the need for a provision to regulate the status of asylees. It had also been said that there was no difference between refugees and asylees. The French representative had pointed out, however, that they were two different categories of persons. Consequently, there must be a difference in their respective status; and the purpose of the proposals submitted by the delegations of Nigeria, Bangladesh, Austria and the Byelorussian Soviet Socialist Republic was precisely to define the status of asylees. Though his delegation supported the Bangladesh proposal (A/CONF.78/C.1/L.59), it also believed that the words "to the extent to which it is possible under their law" should be deleted. If they were not deleted by the sponsor, his delegation would submit a sub-amendment to delete them.

10. In the Austrian proposal (A/CONF.78/C.1/L.61), he thought that the words "conform to" should be replaced by the term "comply with".

11. His delegation also supported the proposals by Nigeria (A/CONF.78/C.1/L.2) and the Byelorussian SSR (A/CONF.78/C.1/L.79). In his delegation's view, the four proposals were all aimed at preventing abuses of the right of asylum. The proposal by Bangladesh was designed to prevent abuses of an external nature; the proposals by Austria and the Byelorussian SSR were designed to prevent abuses of an internal nature, and the Nigerian proposal dealt with abuses of both kinds. With a view to ensuring a satisfactory legal formulation, he thought that the following words should be added at the end of the provision: "Each State granting asylum shall take account of the provisions of articles 1 and 2".

12. Mr. SALAS (Cuba) said that his delegation was unable to support the Nigerian proposal (A/CONF.78/C.1/L.2), because it was too broad in scope.

13. With regard to the proposal by Bangladesh (A/CONF.78/C.1/L.59), his delegation agreed that the words "to the extent to which it is possible under their law" should be deleted. If they were deleted, his delegation would be able to support the proposal.
14. He could support the proposal by Austria (A/CONF.78/C.1/L.61), since responsible behaviour by the asylee implied that he must respect the laws and regulations of the country granting asylum. His delegation could also support the proposal by the Byelorussian SSR (A/CONF.78/C.1/L.79), but wished to suggest to the Byelorussian delegation that the last sentence be deleted, since States obviously had the right to expel any person who violated their laws.
15. Mr. ONG (Philippines) said that his delegation was unable to support the Austrian proposal (A/CONF.78/C.1/L.61), which it regarded as somewhat superfluous. Indeed, from a pragmatic standpoint, it was hardly conceivable that a State, in granting asylum to a person and admitting him into its territory, would not also require him to conform to its laws and regulations.
16. The proposal by Bangladesh (A/CONF.78/C.1/L.59) deserved favourable consideration and his delegation agreed with its basic content. However, it found difficulty in accepting the last part of the proposal because the entities bound by the Charter of the United Nations were States and not individuals.
17. His delegation could also support the proposal by Nigeria (A/CONF.78/C.1/L.2, article 8). However, it agreed with the delegations of Malaysia and Indonesia that the expression "have a right to" should be deleted, since it considerably weakened the provision. It might be useful if the representatives of Bangladesh and Nigeria could consult together and agree on an improved text.
18. Turning to the Byelorussian SSR proposal (A/CONF.78/C.1/L.79), he said that his delegation's comments concerning the Austrian proposal were also applicable to the first sentence of the Byelorussian text. Furthermore, his delegation was unable to accept the second sentence in the Byelorussian proposal.
19. Mr. RAHHALI (Morocco) recalled that his delegation had previously spoken in favour of the inclusion in the convention of an article dealing with the status of asylees. In granting asylum, States were moved by humanitarian considerations; and the persons to whom asylum was granted should not then be guided by other considerations which were contrary to the principles and purposes of the United Nations. A person who had been granted asylum in a humanitarian spirit had a duty to conform to the principles of the United Nations Charter and those set forth in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States. The Contracting State which granted asylum had a duty to ensure that the fundamental freedoms accorded to persons to whom it had granted asylum were not exercised outside the legitimate framework outlined in that Declaration.

20. The 1969 OAU Convention contained provisions concerning the duties of refugees as well as the responsibility of the State granting asylum. That Convention, recognizing the humanitarian nature of the problems of refugees, expressed the desire of Contracting States to make a distinction between a refugee who sought a peaceful and normal life and a person fleeing his country for the sole purpose of fomenting subversion from outside. Under article III of that Convention, the signatory States undertook to prohibit refugees residing in their respective territories from attacking any State member of the OAU, by any activity likely to cause tension between member States.

21. His delegation had carefully studied article 10 of the draft discussed by the Group of Experts, as well as the proposals submitted by Nigeria (A/CONF.78/C.1/L.2) and Bangladesh (A/CONF.78/C.1/L.59). Although it preferred the text discussed by the Group of Experts, it thought that a merger of the amendments submitted by Nigeria and Bangladesh would make it possible to arrive at a text which would be acceptable to his delegation.

22. Miss SJÖLANDER (Sweden) recalled that the Group of Experts had decided not to include a provision on the regime of asylees. Her delegation considered that the grounds for that decision were still valid and would be unable to support any provision on the regime of asylees since any such provision would be superfluous. If the Committee decided to include such a provision, it might become involved in the discussion of other questions relating to the status of asylees, a situation which must be avoided.

23. Mr. FAJARDO-MALDONADO (Guatemala) said that the four proposals before the Committee contained three basic ideas: the need to prevent the asylee from engaging in activities contrary to the purposes and principles of the United Nations Charter (A/CONF.78/C.1/L.59); the need to prevent the asylee from engaging in subversive activities (A/CONF.78/C.1/L.2); and the need to prevent the asylee from violating the internal law of the country granting asylum (A/CONF.78/C.1/L.59 and L.61). His delegation thought that it would be superfluous to include in the convention a provision dealing with those matters, and recalled that the Group of Experts had also expressed a similar view. In addition, the consolidated text contained provisions which referred, by implication, to all the questions raised in the amendments. His delegation was therefore unable to support the proposals at present under discussion.

24. Mr. TINCA (Romania) said that, at an earlier meeting, his delegation had emphasized the need for safeguards to ensure that situations contrary to the humanitarian goals and spirit of the draft convention would not arise. Consequently, he fully supported the idea underlying the proposal by Bangladesh (A/CONF.78/C.1/L.59) and hoped that the sponsor would take into account the comments made by the representative of Sri Lanka. Similarly, he could agree to the proposal by Austria (A/CONF.78/C.1/L.61) and also to the proposal by Nigeria (A/CONF.78/C.1/L.2), which might perhaps be merged with the amendment proposed by Bangladesh.

25. Mr. KARTASHIN (Union of Soviet Socialist Republics) endorsed the four proposals now under consideration by the Committee and hoped that it would be possible for the sponsors to prepare a joint text which would be acceptable to most delegations.

26. Some speakers had asserted that the proposed amendments were superfluous, but had not adduced any arguments in support of that view. Some had felt that the Nigerian proposal (A/CONF.78/C.1/L.2) should be rejected, since it might give rise to situations in which asylees would be deprived of certain rights, for example, freedom of speech. He failed to understand such reasoning. The purpose of the proposal was to ensure that asylees did not engage in subversive activities or violate the laws of the host country. Presumably, no State represented at the Conference would grant asylum and then allow the asylee to engage in subversive activities. In any case, freedom of speech was not an unrestricted freedom. For instance, the legislation of the United States of America prohibited libel and dishonest advertising.

27. The representative of Colombia, referring to the amendment proposed by Bangladesh had said that it was States and not individuals that were bound by the United Nations Charter. However, if any one sought an interpretation of the purposes and principles as set out in the United Nations Charter, he should refer to the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, in the preparation of which many eminent jurists had participated, and also to the many works by legal experts on the meaning of the United Nations Charter. From the Charter itself and from international instruments developing the principles of the United Nations, it was quite clear that the purposes and principles of the United Nations applied both to States and to individuals through States. Under the instruments concerned, States assumed an obligation inter alia to adopt legislative and other measures to ensure that nobody in their territory engaged in activities contrary to the purposes and principles of the United Nations. Paradoxically, some speakers who were opposed to a reference to the purposes and principles of the Charter were representatives of countries in which the purposes and principles of the Charter had in fact become an integral part of the national legislation. It should be noted that his interpretation of the purposes and principles of the Charter was one that had also been adopted by the United States jurist, Professor Hyde, in his work entitled International Law, Chiefly as Interpreted and Applied by the United States.

28. Mr. CHAPATTE (Switzerland) felt that, in principle, the draft convention should not contain any provision relating to the status of asylees. He shared the view expressed by the representatives of France and Sweden that the proposals at present under discussion would, if they were adopted, create some imbalance, since they would emphasize the duties of refugees, without specifying their rights. However, if the Committee considered that an article of that nature was essential, his delegation could none the less **accept** the Austrian proposal (A/CONF.78/C.1/L.61), which simply confirmed a principle embodied in article 2 of the 1951 Convention relating to the Status of Refugees.

29. Mr. FALASE (Nigeria) said that his delegation's proposal (A/CONF.78/C.1/L.2) was designed to make good an omission in the consolidated text. He did not see any grounds for the fears expressed by some speakers that adoption of the proposal would lead to irresponsibility on the part of host countries in their treatment of refugees. As to the assertion that the term "subversive activities" was not clear, surely it was for each and every Government to determine which activities were subversive. It had also been alleged that the proposal was superfluous; but it should be noted that article 3 of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, a convention which commanded wide support in Africa, referred exclusively to the prohibition of subversive activities.

30. He wished to point out that the Committee was not bound by the conclusions reached by the Group of Experts, or by the consideration that it had not been deemed necessary to include such a provision in earlier conventions or agreements. The proposals now under discussion, which could doubtless be reconciled in a single formulation, would contribute to the work of the Conference and would also help to secure broad acceptance of the convention.

31. Mr. KIBRIA (Bangladesh) agreed to the suggestion, made at an earlier meeting by the representative of Sri Lanka, that the last part of the proposal by Bangladesh (A/CONF.78/C.1/L.59) should be recast to read: "... the purposes and principles of the United Nations as set out in the Charter". As to the comment by the representative of France that the French text of the proposal referred to refugees (réfugiés) rather than to "asylees", the best course might be for the Drafting Committee to discuss the matter.

32. He had already had occasion to point out that the four amendments under discussion, although similar, were not identical. The Austrian proposal (A/CONF.78/C.1/L.61) related to the asylee and his duties towards the country of asylum. His own delegation's proposal (A/CONF.78/C.1/L.59), on the other hand, placed an obligation on the State to ensure that an asylee did not engage in certain types of activities. The focus of the amendment proposed by Nigeria (A/CONF.78/C.1/L.2) was on the right to terminate the state of asylum, a point which was not mentioned in the proposal by Bangladesh. Lastly, the proposal by the Byelorussian Soviet Socialist Republic (A/CONF.78/C.1/L.79) employed stronger terms than those used in the Austrian proposal, since it defined the responsibilities of asylees. Consequently, the sponsors of the amendments could indeed engage in consultations, but it was questionable whether they would be able to prepare a single text.

33. The phrase "to the extent to which it is possible under their law" had been inserted in his delegation's proposal chiefly in order to arrive at a consensus. All States Members of the United Nations were committed to uphold the purposes and principles of the Charter and it was difficult to envisage a situation in which domestic legislation would conflict with those purposes and principles. Therefore, he would in no way insist on the phrase, which had been included merely in an endeavour to allay any misgivings that the proposed article would infringe human rights guaranteed under national constitutions.

34. Many speakers had considered that the draft convention was concerned not only with the granting of asylum but also with the régime for asylees. It was difficult to sympathize with the view that a provision on the régime for asylees was not required simply because the Group of Experts had been of that opinion. A conference of plenipotentiaries was in no sense obliged to follow the same course.

35. The CHAIRMAN invited comments from delegations on the procedure to be followed in connexion with article 2 and the proposed new article.

36. Mr. EVSEEV (Union of Soviet Socialist Republics) said that he had no objection to a vote on article 2 and the proposed new article, which could be put to the vote separately. However, if the Committee was to proceed to the vote, he proposed that the phrase "to the extent to which it is possible under their law" should be deleted from the amendment submitted by Bangladesh (A/CONF.78/C.1/L.59).

37. Mr. KERLEY (United States of America) said that, if that subamendment were accepted, his delegation would propose that the phrase in question should be reinserted.

38. Following a procedural discussion in which Mr. BLOEMBERGEN (Netherlands), Mr. KIBRIA (Bangladesh), Mr. PONCE (Ecuador), Mr. FALASE (Nigeria), Mr. ONG (Philippines), Mr. SADI (Jordan), Mr. NETTEL (Austria), Mr. VANDERPUYE (Ghana), Mr. KERLEY (United States of America), Mr. de ICAZA (Mexico), Mr. EVSEEV (Union of Soviet Socialist Republics), Mr. LEDUC (France) and Mr. BRENNAN (Australia) took part, the CHAIRMAN suggested that the sponsors of the four proposals under consideration should hold consultations with a view to preparing a joint text and that, at its next meeting, the Committee would first consider whether or not it should vote on article 2.

39. It was so decided.

Article 3

40. The CHAIRMAN invited the Committee to consider draft article 3 in the consolidated text. Since the question of non-refoulement, to which that article related, was closely linked with the question of non-extradition, which was the subject of several amendments, the Committee would have to decide whether to consider the two matters together or separately.

41. After a procedural discussion in which Mr. STOEWEL (Federal Republic of Germany), Mr. GRAHAM-HARRISON (United Kingdom), Mr. MARESCA (Italy), Mr. PONCE (Ecuador), Mr. EVSEEV (Union of Soviet Socialist Republics) and Mr. de ICAZA (Mexico) participated, the CHAIRMAN suggested that the question of non-extradition and the amendments relating thereto should be considered separately at a later stage.

42. It was so decided.

43. Mr. BRENNAN (Australia) introduced his delegation's amendment (A/CONF.78/C.1/L.10) to paragraph 1 of draft article 3, which was similar to those submitted by the Federal Republic of Germany (A/CONF.78/7) and the United States (A/CONF.78/C.1/L.44). The purpose of the amendment was to eliminate the distinction made in the draft in the consolidated text between the application of the principle of non-refoulement on the one hand, to persons already in the territory of the State from which asylum was sought and, on the other hand, to persons at the frontier. To persons in the first category, the principle of non-refoulement would be applied as of right whereas, in regard to persons in the second category, States were merely asked to "use their best endeavours" not to reject a person at the frontier under certain circumstances. That distinction did not appear to be a valid one; and his delegation wished to see the principle of non-refoulement recognized as a right in all circumstances. It would seem to be incompatible with the humanitarian objectives of the convention that any Contracting State should be entitled to reject persons at the frontier, when such persons might be in greater danger than persons already in the territory of the State concerned. Acceptance of his delegation's amendment would not be inconsistent with the provisions of article 1, since it would not mean that a State would be obliged to grant asylum to a person requesting it at the frontier, but merely that the State would be required to allow him to cross the border. The amendment was similar to the corresponding provisions contained in the Declaration on Territorial Asylum and the OAU Convention.

44. Mr. NAKAGAWA (Japan) said that the principle of non-refoulement had been adopted in the 1951 Convention on the Status of Refugees and in other international instruments and had been applied in practice by many countries, including his own.

45. His delegation was in general agreement with the approach adopted in draft article 3, paragraph 1, in the consolidated text, which differentiated between persons eligible for the benefits of the convention who were actually in the territory of a Contracting State and persons who were seeking asylum at its frontiers.

46. Nevertheless, it was introducing two amendments (A/CONF.78/C.1/L.54) to bring the formulation into line with the phraseology used in other articles. Thus, in the first line of the paragraph, the words "entitled to" should be replaced by the words "eligible for" and the words "where his life or freedom would be threatened" in the fourth line would become "where he would be subjected to persecution, prosecution or punishment for any of the reasons stated in article 2". The second modification would help to avoid the ambiguity of the expression "life and freedom".

47. Mr. DAWSON (United States of America) said that, while his delegation accepted paragraphs 2 and 3 in the consolidated text, it wished to make considerable changes in paragraph 1, as set forth in its amendment (A/CONF.78/C.1/L.44).

48. The use of the "best endeavours" clause in the consolidated text, in respect of rejection at the frontier, appeared to be an unjustifiable departure from the principle of non-refoulement, although it was true that the prohibition in the 1951 Convention against the return or expulsion of a refugee "in any manner whatsoever" had proved somewhat ambiguous, and had been interpreted differently by different Contracting Parties.

49. His delegation's amendment to article 3 would remove any such ambiguity or double standard, and would provide clear humanitarian protection for an endangered refugee in both cases, namely, within the territory of a Contracting Party or at its frontiers. It would thus constitute a distinct advance in international law on the subject.

50. In that connexion, he wished to point out that his delegation had also proposed an amended version of article 4. Naturally, when the two articles - amended as proposed by the United States - were being implemented, determinations would be made on an individual-case basis as to whether a person was entitled to the benefits of the convention. In making that determination, his Government would follow its normal procedures. In the case of persons coming from a country having a land frontier with the United States, who sought asylum at the frontier, the procedures would include, except in urgent cases, the reference of the applicants to the nearest United States Consulate for the purpose of establishing their status.

51. Mr. YAVUZALP (Turkey) said that, in general, the consolidated text on which the Committee's discussions were based concentrated on the cases of individual asylum-seekers. The only article which explicitly dealt with cases of massive influx was article 5, which related solely to the economic consequences of such an influx.

52. Although the possibility of such a massive influx might be fairly remote for many countries, there were a number of countries in which it was quite a likely one. Experience showed that, in such a case, the consequences were not solely economic and that serious security problems could arise. If the convention were to be comprehensive, it would have to cover such situations and provide safeguards for States where a genuine security problem occurred.

53. His delegation's amendment (A/CONF.78/C.1/L.28) was designed to meet that contingency and, if adopted, would mean that article 3 would preserve the necessary balance between State sovereignty and individual rights and humanitarian considerations, while taking account of national security requirements.

54. The amendment did not entail any restrictions or introduce any new elements but merely clarified the concept which had already been stated in respect to an individual asylum-seeker. The provision would become operative on certain conditions, namely, that the influx was a massive one, that it created a national security problem for a Contracting State and that the problem in question was of a serious nature.

55. There was another, minor, amendment (A/CONF.78/C.1/L.55) proposed by his delegation, namely that, in the first sentence of paragraph 1, the word "legally" should be inserted before the words "in the territory of a Contracting State". The purpose of that proposal was to discourage illegal entry into the territory of a Contracting State.

56. Mr. TINCA (Romania), introducing his delegation's amendments to article 3 (A/CONF.78/C.1/L.48), said that his delegation wished to make two small changes in the draft in the consolidated text. The first proposal was to insert "paragraph 1 of" before the words "article 2" at the end of paragraph 1 and the second was that the words "having committed" be inserted in place of the words "having been convicted by a final judgement of" in paragraph 2. The first amendment, a purely formal one, should meet with no difficulties while, in the case of the second, there could be no doubt that a person who had committed a particularly serious crime constituted a danger to the community, even if he had not been convicted by a final judgement.

57. Mr. GRAHAM-HARRISON (United Kingdom) said that, to the asylum-seeker, there was no decision which could be more dreadful than a refusal of non-refoulement. If the Conference did not succeed in making some advance in defining the principle of non-refoulement, it would have fallen short of success. In that spirit, his delegation welcomed the Australian amendment (A/CONF.78/C.1/L.48) which removed the distinction between asylum-seekers already in the territory of a Contracting State and those who presented themselves at its frontier. Both the draft in the consolidated text and the Australian text began, however, with the words "No person entitled to the benefits of this Convention". His delegation's sub-amendment (A/CONF.78/C.1/L.39) would replace those words by "No person seeking asylum".

58. It had submitted that sub-amendment since, in its view, exceptions to the principle of non-refoulement should be as few and as narrowly restricted as possible. It was unlikely that his delegation's formulation would open the doors unreasonably wide, because the clause would apply only if the receiving State accepted that the applicant had a well-founded fear of persecution, prosecution or punishment for any of the reasons stated in article 2.

59. His delegation had submitted two further amendments in document A/CONF.78/C.1/L.38. The first of them related to a drafting point, and was to the effect that the words "seeking asylum" should be inserted after the words "in which he is" in paragraph 2. That change would cover the case in which the asylum-seeker presented himself at the frontier.

60. The second amendment was designed to strengthen the guarantees of non-refoulement to the asylum-seeker. According to the amended text, the Contracting State would be under a duty to give the person concerned an opportunity of going to another State.

61. Mr. von STEMPER (Federal Republic of Germany) said that article 3 had an immediate bearing upon the inalienable essence of the right of asylum: to protect the asylum-seeker against having to return to the country in which he might be liable to persecution.

62. If the Conference could not bring itself to grant the politically persecuted person a legal claim to asylum, the least it could do was to give him a clear and unambiguous guarantee that he would not be rejected at the frontier of the country in which he sought refuge. Under the draft in the consolidated text, the legitimate interests of the refugee were not adequately covered. The "best endeavours" clause left it within the discretion of the State to pronounce itself on a matter of decisive importance for the refugee's fate.

63. Consequently, article 3 in the draft convention submitted by his delegation (A/CONF.78/7) corresponded in essence to article 2 of the Bellaggio draft. The only provision that it had adopted from the draft in the consolidated text was that the rule would apply only to those persons who were eligible for the benefits of the convention.

64. His delegation reserved the right to comment at a later stage on the extradition issue.

65. Mr. AJAYI (Nigeria) said that his delegation supported in principle the draft in the consolidated text, with the deletion of the last sentence of paragraph 1. It felt that the deletion of that sentence would make for wider acceptance of the convention. Instead of that sentence, the Nigerian draft convention (A/CONF.78/C.1/L.2) contained the words "or at the frontier" in the first sentence of paragraph 1.

66. Paragraphs 2 and 3 of the Nigerian draft were identical with the corresponding paragraphs in the draft in the consolidated text.

The meeting rose at 6 p.m.