



Thursday, 10 January 1952, at 10.30 a.m.

Palais de Chaillot, Paris

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Chairman: Mrs. Ana FIGUEROA (Chile).

*In the absence of the Chairman, Mr. Dehousse (Belgium), Vice-Chairman, presided.*

**Refugees and stateless persons (*continued*)**

[Item 30]\*

**Problems of assistance to refugees: reports of the International Refugee Organization and of the High Commissioner for Refugees (A/1884 (chapter VI), A/1948, A/2011, A/C.3/563, A/C.3/L.199, A/C.3/L.200) (*continued*)**

[Item 31] \*

1. The CHAIRMAN put to the vote the proposal to impose a limit of ten minutes on statements to be made on the joint draft resolutions submitted by Colombia, the Netherlands, the United Kingdom, Uruguay and Yugoslavia (A/C.3/L.199) and by Colombia, Denmark, Lebanon, the Netherlands, New Zealand, the United Kingdom and Uruguay (A/C.3/L.200).

*The proposal was adopted by 29 votes to none, with 4 abstentions.*

**JOINT DRAFT RESOLUTION SUBMITTED BY COLOMBIA, THE NETHERLANDS, THE UNITED KINGDOM, URUGUAY AND YUGOSLAVIA (A/C.3/L.199) (*concluded*)**

2. Mr. DELHAYE (Belgium) paid a tribute to the achievements of the International Refugee Organization but pointed out that the problem of refugees had not yet been solved. Many refugees who had refused repatriation and wished to be resettled did not fulfil the

\* Indicates the item number on the General Assembly agenda.

<sup>1</sup> See United Nations Conference of Plenipotentiaries on the Status of Refugees and Displaced Persons: *Final Act and Convention relating to the Status of Refugees* (Palais des Nations, Geneva, 1951).

conditions of the countries of immigration; it was with those elements that the United Nations High Commissioner for Refugees was primarily concerned.

3. For the fulfilment of his task, the High Commissioner depended to a great extent on co-operation with governments and that co-operation could not be fully achieved by direct contact between the High Commissioner's Office and the governments concerned. The establishment of branch offices was therefore highly important. The Belgian Government had agreed that such an office should be set up at Brussels to serve the Benelux countries.

4. In view of the fact that Belgium had been among the first signatories of the Convention relating to the Status of Refugees,<sup>1</sup> his delegation hoped that other States Members and non-members of the United Nations would accede to the convention.

5. His delegation would therefore vote for the joint draft resolution submitted by Colombia, the Netherlands, the United Kingdom, Uruguay and Yugoslavia (A/C.3/L.199).

6. Mrs. MARSHALL (Canada) stated that, although Canada had participated in the drafting of the convention, her Government had not yet studied the final text in detail, and she therefore felt that it would be inappropriate to invite other States to sign it. She would abstain from voting on the joint draft resolution. She wished to stress, however, that refugees in Canada would continue to enjoy the rights enumerated in the convention, as they had done theretofore.

7. Mr. PAVLOV (Union of Soviet Socialist Republics) considered the joint draft resolution (A/C.3/L.199) unacceptable. He could not endorse the High Commissioner's report (A/2011), since it contained no reference whatsoever to repatriation, which should be the main purpose of the High Commissioner's work. There was ample evidence in IRO documents that many refugees wished to return to their countries of origin,

but the High Commissioner had omitted to state, either in his report or in his oral answers to questions during the debate in the Third Committee, what action would be taken in that respect.

8. Moreover, his delegation could not endorse any expression of satisfaction with the Convention relating to the Status of Refugees, since it considered the definition of the term "refugee" in that convention to be fundamentally erroneous. He did not consider that Germans who were in Germany could be regarded as refugees and thought that the purpose of the definition was to create a nucleus of discontented elements on which pressure could be brought to bear with a view to returning them to their places of origin as military units. Such a position was fraught with serious political consequences.

9. He would vote against the joint draft resolution (A/C.3/L.199).

10. Mr. D'SOUZA (India) stated that, although his delegation was in favour of repatriation in principle, it realized the many difficulties involved and had therefore been unable to support the peremptory provisions on the subject contained in the Byelorussian draft resolution (A/C.3/L.201).

11. He would vote for paragraph 1 of the joint draft resolution (A/C.3/L.199), since his delegation had voted for the adoption of the High Commissioner's report in the Economic and Social Council.

12. He would abstain from voting on paragraphs 2 and 3, since his Government had not yet reached a final decision with regard to signing the Convention relating to the Status of Refugees.

13. He would vote for paragraph 4, both because India had voted for General Assembly resolution 428 (V) and as a personal tribute to the High Commissioner.

14. Mr. MUFTI (Syria) considered that it was premature to invite States to sign the convention, in view of the fact that many governments were still considering its details. Although his delegation had every confidence in the High Commissioner and considered the conditions of co-operation between the High Commissioner and governments to be acceptable, a highly important provision of the General Assembly resolution on the matter (resolution 428 (V), annex, chap. II, para. 8 (c)) — that concerning repatriation — had not yet been carried out.

15. The Syrian delegation would therefore abstain from voting on the draft resolution as a whole until it could in all conscience consider that that important provision had been satisfactorily implemented.

16. Mrs. DOMANSKA (Poland) thought that the purpose of the draft resolution was to perpetuate the existing position of refugees. It was alleged that refugees were afraid to return to their countries of origin; nevertheless, over a million persons had returned to Poland, not only from the countries of Western Europe, but also from the USSR, where they had been sheltered during the Second World War.

17. The Western Powers were disseminating propaganda and using terrorism and blackmail in their efforts to prevent repatriation; their alleged fears for the refugees who had returned were, however, groundless. Former refugees, many of whom had lived abroad for years owing to the hostility of the pre-war régime in Poland, were participating in rehabilitation work in that country. In the United States of America and Canada, on the other hand, many members of liberal professions were obliged to do manual labour in order to survive.

18. The sponsors of the joint draft resolution (A/C.3/L.199) were not seeking to solve the problem, but to perpetuate the miserable plight of refugees; repatriation was the only possible solution. The Polish delegation would therefore vote against the joint draft resolution.

19. Mr. KUSOV (Byelorussian Soviet Socialist Republic) stated that the joint draft resolution was unacceptable. He could not approve the High Commissioner's report, in view of the fact that it absolutely disregarded the fundamental principle of the promotion of repatriation embodied in General Assembly resolution 8 (I).

20. The Byelorussian delegation also objected to the definition of the term "refugee" in the Convention relating to the Status of Refugees and could not therefore vote for paragraphs 2 and 3 of the joint draft resolution. The definition was so vague that it could be used to cover any person who had left his own country for any reason. The purpose of such a loose definition was to include in the category of refugees the traitors, war criminals, diversionists and spies who had fled from justice in the peoples' democracies. That constituted a violation of the original General Assembly resolution on refugees (8 (I)), in which a clear distinction had been drawn between *bona fide* refugees and war criminals. Such a situation, and the intention to turn the temporary problem of refugees into a permanent one, represented a danger to peace.

21. In view of those circumstances, and of the fact that the draft contained no reference to the free and rapid repatriation of refugees, the Byelorussian delegation would vote against it.

22. Mr. ROCHEFORT (France) announced that his delegation would vote for the joint draft resolution (A/C.3/L.199), which entailed no alteration of the Statute of the Office of the High Commissioner for Refugees (General Assembly resolution 428 (V), annex).

23. He had taken note of the High Commissioner's report, and thanked the High Commissioner for answering his questions so satisfactorily. He fully endorsed the view that the only constructive approach to the refugee question was by close co-operation between international and national authorities. France, with its long tradition of hospitality to refugees, naturally approved the Convention relating to the Status of Refugees, and was glad to note that other governments were invited to become parties to it as soon as possible. Similarly, France agreed that it was an important func-

tion of the High Commissioner to help those who asked to be repatriated of their own free will.

24. Mr. HAJEK (Czechoslovakia) pointed out that the joint draft resolution endorsed the work of the High Commissioner, which his delegation was not prepared to do. The High Commissioner had failed to answer any of the criticisms made by the Eastern European countries, and it was clear that the United Nations policy on refugees had retrogressed markedly between the time of the adoption of the resolutions on refugees by the General Assembly at its first session (8 (I) and 62 (I))—when the imperialist Powers still had some intention of adhering to the Charter of the United Nations—and the time of the adoption of the Convention relating to the Status of Refugees, which the Third Committee was being asked to endorse. Whereas the resolutions adopted by the General Assembly at its first session made a clear distinction between genuine refugees on the one hand, and quislings, traitors and war criminals on the other, the new convention, adopted at Geneva in 1951, defined the word "refugee" in such broad terms as to exclude practically no category and even to permit the term to apply to Germans living in Germany.

25. The convention was intended not to uphold the principles of the Charter, but to facilitate implementation of the United States Mutual Security Act.

26. The Czechoslovak delegation would therefore vote against the joint draft resolution.

27. AZMI Bey (Egypt) said that his delegation would be unable to support the joint draft resolution (A/C.3/L.199) because Egypt was preoccupied with refugee and over-population problems of its own. On the other hand, since Egypt could ignore neither the seriousness of the problem nor the responsibility which nations must shoulder for it, and had, indeed, participated in the conference which had prepared the convention, Egypt would abstain in the vote.

28. It would, however, vote in favour of the draft resolution submitted by Colombia, Denmark, Lebanon, the Netherlands, New Zealand, the United Kingdom and Uruguay (A/C.3/L.200).

29. Mr. REYES (Philippines) regretted that his delegation would be unable to support the joint draft resolution (A/C.3/L.199). That was not because of any lack of interest on the part of his country in the refugee problem: quite the contrary, as its treatment of the group of 5,500 refugees from Shanghai, to which the Philippines had given shelter in 1949, convincingly showed. Most of those refugees had, after remaining far longer than originally promised, been resettled in other countries. But the Philippines was considering offering a permanent home to the residual group of 150, for whom no other country of asylum could be found by the International Refugee Organization.

30. The Philippines had a good record in the matter of treatment of refugees, and the Third Committee had been less than fair to it in ignoring that record. Several references had been made to the plight of the remaining 150 refugees in Samar by the High Com-

missioner for Refugees, the General Council of IRO and members of the Third Committee. But not one word of recognition or appreciation had been said for the help given by the Philippine Government to the 5,350 refugees who had already been resettled as well as for the residual group of 150 who were being cared for in Samar. The implication was that this residual group was being neglected whereas the exact opposite was true. Recently (349th meeting), the Committee had interrupted its work to approve a vote of sympathy to victims of floods in Italy. During the month of December 1951, the Philippines had been devastated by heavy floods which came in the wake of two of the most destructive typhoons in Philippine history. Those floods and typhoons, together with the volcanic eruptions in Camiguin Island, caused more than 1,000 deaths and destroyed the homes of more than 100,000 people. Yet, in the midst of that national calamity, the first thought of the President of the Philippines had been for the refugees and the first relief team sent out from Manila had been directed to Samar to look after them.

31. The Philippines was greatly interested in the refugee problem, but it would have to abstain on the joint draft resolution (A/C.3/L.199) on the ground that, since it had itself not yet signed the Convention relating to the Status of Refugees, it was not in a position to call on other States to do so.

32. Mr. GARIBALDI (Uruguay) said that his delegation, though one of the sponsors of the joint draft resolution (A/C.3/L.199), had an important reservation to make regarding paragraph 3. In accordance with the Uruguayan Constitution, his delegation could commit his Government to do no more than study the convention; only Parliament could ratify it. As regards the substance of the convention, Uruguay, for the reasons already given during the debate on human rights in the Third Committee, could not agree to the inclusion of the federal clause.

33. Subject to those reservations, the Uruguayan delegation would support the joint draft resolution.

34. Mr. DE ALBA (Mexico) proposed that the joint draft resolution should be voted on paragraph by paragraph.

35. His delegation would support paragraphs 1 and 4, calling for moral support for the High Commissioner.

36. It would abstain from voting on paragraphs 2 and 3, dealing with the convention. The Mexican Government had not yet had time to make a thorough study of the convention, and it might, later, have suggestions and reservations to make. Mexico had, for instance, already objected to the use of the term "national labour market", on the ground that labour was not a commodity; and it might also have observations to make on the clauses dealing with employment, since the position of its own nationals had to be protected.

37. The CHAIRMAN put to the vote, paragraph by paragraph, the joint draft resolution submitted by

Colombia, the Netherlands, the United Kingdom, Uruguay and Yugoslavia (A/C.3/L.199).

*Paragraph 1 was adopted by 35 votes to 5, with 5 abstentions.*

*Paragraph 2 was adopted by 18 votes to 5, with 22 abstentions.*

*Paragraph 3 was adopted by 19 votes to 5, with 22 abstentions.*

*Paragraph 4 was adopted by 35 votes to 5, with 6 abstentions.*

38. The CHAIRMAN put the joint draft resolution (A/C.3/L.199) to the vote as a whole.

*The joint draft resolution (A/C.3/L.199) as a whole was approved by 25 votes to 5, with 15 abstentions.*

39. Mr. HARRY (Australia), explaining his vote, said that he had supported paragraph 3 of the joint draft resolution because his Government, although it had not yet signed the convention, was giving it sympathetic consideration. He had not therefore felt it inappropriate to invite other States to become parties to the convention.

40. Mr. YU (China) had voted in favour both of paragraph 3 and of the joint draft resolution as a whole because he thought it the duty of every Member to support all constructive measures taken by the United Nations. The fact that a State had voted in favour of paragraph 3 did not necessarily mean that it would itself comply with the request contained therein.

41. Mr. GARCIA BAUER (Guatemala) explained that he had abstained from voting on paragraphs 2 and 3, and on the joint draft resolution as a whole, because although it had granted asylum to refugees, it was as yet somewhat premature for his country to commit itself on the lines proposed, for the constitutional processes of Guatemala required conventions to be considered and ratified by Congress, and his country, which had not been represented at the Geneva conference where the convention was prepared, had not yet studied the text.

JOINT DRAFT RESOLUTION SUBMITTED BY COLOMBIA, DENMARK, LEBANON, THE NETHERLANDS, NEW ZEALAND, THE UNITED KINGDOM AND URUGUAY (A/C.3/L.200)

42. The CHAIRMAN called for the discussion on the joint draft resolution submitted by Colombia, Denmark, Lebanon, the Netherlands, New Zealand, the United Kingdom and Uruguay (A/C.3/L.200) and of the Syrian amendment thereto (A/C.3/L.207/Rev.3).

43. Mr. FRIIS (Denmark), introducing the joint draft resolution (A/C.3/L.200) on behalf of all the sponsors, explained that it had been based upon the communications transmitted by the High Commissioner and IRO, and upon the High Commissioner's replies to the questions asked of him in order to supplement the information embodied in his somewhat concise report (A/2011).

44. It reflected the High Commissioner's three main conclusions. First, it authorized him to appeal for funds to enable emergency aid to be given to the neediest refugees, on the understanding that he could choose the time and manner, but that such authorization did not preclude any government from deciding freely and individually whether it could or could not contribute. Secondly, in recognizing the High Commissioner's legitimate interest in the relation between the refugee problem and the long-term programmes of economic development drawn up and executed by governments, the sponsors were convinced that he was fully aware of the need to avoid duplication of work. Thirdly, the draft resolution expressed the High Commissioner's concern that refugees should participate in migration projects.

45. The Danish delegation had originally felt that the Syrian amendment (A/C.3/L.207/Rev.3) was not strictly necessary, as the idea of the repatriation of those refugees who expressed the wish therefor had already been embodied in the statute of the High Commissioner's Office and in the recommendations adopted by the General Assembly in 1950 (resolutions 428 (V), para. 2 (d) and 430 (V), para. 1) and subsequently circulated to governments. The sponsors of the draft resolution, however, had decided, after consultation, that they could accept the Syrian amendment.

46. Mrs. ROOSEVELT (United States of America) drew the Committee's attention to her country's abiding concern for the plight of refugees and to the very large sums contributed both publicly and privately for their relief. That concern had not ended with the dissolution of IRO; the United States Government wholeheartedly supported the work of the High Commissioner for Refugees.

47. Small groups of refugees would be left in urgent need when IRO was discontinued; the governments in whose territories they resided should care for them as far as possible. It was to be hoped that the High Commissioner would be able to persuade them to assume that responsibility. The French Government's care of the refugees within its borders was to be highly commended.

48. The United Nations should limit the number of appeals it made to governments. Contributions were already required for the large relief programmes in Palestine and Korea and through UNICEF and the technical assistance programme. The United States delegation could not vote for a draft resolution authorizing the issuance of yet another appeal which would place the United Nations in the position of administering relief on a world-wide basis and which set the precedent of authorizing a United Nations official to collect funds for a rather indefinite programme in competition with other and more definite United Nations programmes. Furthermore, her delegation did not feel that it could honestly vote for a draft resolution calling for an assistance fund when there was no prospect that her Government would contribute to it. The United States Government felt that it was already making the greatest possible effort towards the solution of the problem and that its contributions to general programmes

of economic development throughout the world and to the transport of migrants from Europe would be of greater benefit to a larger number of refugees in the long run.

49. Nevertheless, the United States delegation, impressed by the High Commissioner's sincerity and moderation and by the evident desire of other delegations to support the appeal, would not stand in the way of the Committee's wishes and would therefore abstain.

50. Refugees should undoubtedly be given a fair share in migration projects, in particular in any opportunities for migration from Europe afforded by the new Provisional Committee established by the Brussels Conference. The United States delegation was therefore in favour of the principle stated in paragraph 3 of the operative part of the joint draft resolution. It was also in favour of the Syrian amendment (A/C.3/L.207/Rev.3).

51. Miss BERNARDINO (Dominican Republic) said that her country's generous attitude towards refugees had always been so well known inside and outside the United Nations that she need not expatiate upon it. Refugees received equal treatment under the law with national citizens, and those who had found asylum in the Dominican Republic soon became active in the exercise of their own professions. Her Government would support the High Commissioner as heartily as it had supported IRO and felt that he should be given ample facilities to carry out his task.

52. She would therefore support the joint draft resolution and hoped that the High Commissioner's appeal would meet with widespread response.

53. Mr. DELHAYE (Belgium) would support paragraph 3 of the operative part of the joint draft resolution; the migration of refugees and their resettlement in acceptable economic and social circumstances would go far towards solving the problem; but receiving countries must accept all types of refugees, not merely those most suited for productive work. The High Commissioner's report and statements had convinced the Belgian representative that paragraph 2 of the operative part, as amended by the Syrian delegation, should be supported. The appeal referred to in paragraph 1 would be unobjectionable if addressed exclusively to voluntary organizations, but his Government must reserve its entire freedom of decision with regard to the appeal and could not recognize even a moral commitment.

54. His delegation would, therefore, abstain on paragraph 1, but would vote for the draft resolution as a whole, as amended.

55. Mrs. MARSHALL (Canada) said that, although her Government felt the utmost goodwill towards the High Commissioner and wished to do all in its power to alleviate the refugees' plight, she would have to abstain from voting on paragraph 1. There had been all too many appeals for worthy causes; yet another might detract from the success of previous appeals and might, moreover, encourage some governments supinely to await international assistance rather than

make their own efforts to solve the problem. In thus abstaining, her delegation hoped that it would avoid damping the enthusiasm of delegations which favoured the authorization and at the same time it fully reserved its Government's position with regard to contribution to the assistance fund.

56. She was in favour of the principles underlying paragraphs 2 and 3 and would vote for them. In view of her position with regard to paragraph 1, she would abstain from voting on the draft resolution as a whole.

57. She proposed that the vote should be taken paragraph by paragraph.

*It was so agreed.*

58. Mr. VALENZUELA (Chile) would support paragraph 1, on the understanding that it did not commit his Government to make any contribution to the assistance fund. He would abstain on paragraph 2, because, although the principle was acceptable, the reference to economic development programmes was inappropriate in a draft resolution to be approved by the Third Committee. It was particularly desirable that resolutions and recommendations dealing with that subject, emanating as they did from so many United Nations organs and specialized agencies, should be coordinated and consistent. He would also abstain from voting for paragraph 3. There could be no objection to refugees participating in the benefits derived from migration projects; but the wording as it stood might be construed to mean that the States interested would have to adopt or participate in such projects.

59. With those reservations, he would vote for the joint draft resolution as a whole.

60. Mr. REYES (Philippines) would abstain from voting on all the operative parts of the joint draft resolution. While the Philippine Government had no objection in principle to the High Commissioner being authorized to issue his appeal, it could not commit itself with regard to making a contribution to such a fund at that time. It could not pledge itself to make special provision for refugees in economic development programmes. The problem of migration was very complex, particularly when immigrants had economic, social and cultural backgrounds different from that of the receiving country; the most careful planning of migration was essential, taking that difficulty into account.

61. Mr. BAROODY (Saudi Arabia) would support the joint draft resolution as amended by the Syrian delegation.

62. Mr. NAJAR (Israel) wondered what was the real intention of the Syrian amendment. The principle regarding repatriation already appeared in the High Commissioner's Statute, in General Assembly resolution 430 (V), and, by implication, in the joint draft resolution (A/C.3/L.199) just approved. The Syrian delegation had originally proposed (A/C.3/L.202) the amendment of the Byelorussian draft resolution (A/C.3/L.201) in such a way that the condemnation of the High Commissioner's work expressed therein still sub-

sisted. Then, the Syrian delegation had abstained from voting on paragraphs 1 and 4 of the previous joint draft resolution (A/C.3/L.199). It might thus seem as if the Syrian amendment reflected some lack of confidence in the High Commissioner; his own delegation would abstain from voting on it. If, however, the Syrian amendment had in fact been accepted, he would support the draft resolution as a whole.

63. The CHAIRMAN, replying to a question raised by the USSR representative at the 380th meeting, said that the General Committee had decided that the Third Committee should discuss item 58 of the General Assembly's agenda: "Draft protocol relating to

the status of stateless persons", and that, subsequently, its legal aspects could be referred to the Sixth Committee for consideration.

64. The Third Committee would decide when it wished to take up that item after it had completed its work on the draft international covenant on human rights.

65. Mr. DE ALBA (Mexico) moved the adjournment of the meeting.

*The motion was adopted by 31 votes to 1, with 5 abstentions.*

The meeting rose at 1.15 p.m.