

40. This draft definition, having been adopted, by the Economic and Social Council, was not further discussed by the Ad Hoc Committee at its Second Session. In accordance with Economic and Social Council Resolution 319 (XI) B, the Ad Hoc Committee duly submitted this draft definition together with the remaining draft provisions as revised by it to the General Assembly at its Fifth Session where they were considered by the Third Committee. The latter had before it draft proposals submitted by *Belgium*<sup>54</sup>, the *United Kingdom*<sup>55</sup> and a joint draft proposals submitted by *Belgium, Canada, Turkey* and the *United Kingdom*<sup>56</sup> containing general definitions. It also had before it a draft proposal submitted by *Venezuela* containing a definition by categories.<sup>57</sup> An informal working party<sup>58</sup> established at the 329th meeting prepared a revised text<sup>59</sup> which in an amended form was adopted by the Third Committee<sup>60</sup> and by the General Assembly in Plenary Session in Resolution 429 (V) of 14 December, 1950.<sup>61</sup> In that Resolution the General Assembly recommended that Governments participating in the Conference of Plenipotentiaries should take into consideration the text of the definition, annexed to the Resolution, worded as follows :

54. Document A/C.3/L. 114. The draft definition was, with certain verbal differences, identical with the draft definition submitted by Belgium to the Economic and Social Council. See ante para 38, note 51.

55. Document A/C.3/L. 115. The draft definition was identical with that submitted by the United Kingdom to the Economic and Social Council. See ante para. 38. note 51.

56. Document A/C.3/L.130. During the discussions in the Third Committee, the principle of a general definition was also supported by the *Netherlands* (A/C.3/SR.325, pp. 337-338), *Yugoslavia* (*Ibid.* pp. 339-340) and *Chile* (*Ibid.* SR. 328, p. 355), *China* (*Ibid.* SR.329, p.362).

57. During the discussions in the Third Committee the principle of a definition by categories was also supported by *France* (*Ibid.* SR. 328, p. 356 and SR. 329, pp. 364-365) and the *U. S. A.* (*Ibid.* SR. 329, pp. 363-364).

58. Belgium, Canada, France, Israel, Turkey, United Kingdom, United States and Venezuela.

59. Document A/C.3/L. 131/Rev. 1.

60. A/C.3/SR. 332. pp. 375-381.

61. A/PV. 325, p. 672.

“A. For the purposes of the present Convention the term ‘refugee’ shall apply to any person who :

- (1) Since 1 August 1914, has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1932, the Protocol of 14 September 1939 or the Constitution of International Refugee Organisation.
- (2) As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion is outside the country of his nationality, or owing to such fear or for reasons other than personal convenience, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or owing to such fear or for reasons other than personal convenience, is unwilling to return to it”.

.....

41. It will be seen that a substantive difference between this draft definition and that adopted by the Economic and Social Council in Resolution 319 (XI) is that term ‘refugee’ is no longer limited to persons fearing persecution as a result of events in Europe, although the dateline of 1 January 1951 remains. At the Conference of Plenipotentiaries, the *French* Delegation submitted a draft amendment to paragraph 2 of Article 1 to add the words : “in Europe” after the words ; “As a result of events occurring”.<sup>62</sup> This draft amendment gave rise to considerable discussion. The limitation of the Convention to “events in Europe” was supported by the re-

62. Document A/CONF. 2/75

representatives of certain other States<sup>63</sup> while others considered that the Convention should not be purely European in character.<sup>64</sup> The representative of *Switzerland*, while in favour of the more general solution, proposed as a compromise that the general formula be adopted subject to the right of each State to introduce reservations.<sup>65</sup> While this solution received considerable support,<sup>66</sup> there appeared to be certain misgivings as to the legal technique of adopting a broader definition and subsequently entering reservations.<sup>67</sup> The President of the Conference suggested the solution of embodying the two alternatives in the definition itself, leaving it to opt for whichever of them they preferred<sup>68</sup> and a specific proposal along these lines was introduced by the representative of the *Holy See*<sup>69</sup> and adopted.<sup>70</sup> At a later stage a group prepared a text<sup>71</sup> which was adopted as Article 1 B of the 1951 Convention worded as follows :

63. i. e. *Italy* (A/CONF. 2/SR. 21, p. 4) and *U. S. A.* (*Ibid.*, p. 15). The main argument advanced by the representatives of these countries and also by the representative of *France* (*Ibid.*, SR. 20, pp. 9-10) was that States could not assume obligations the scope of which they could not foresee.
64. i. e. *Belgium* (*Ibid.*, SR. 20, pp. 7-8), *Egypt* (*Ibid.*, p. 9), *Iraq* (*Ibid.*, p. 11) and *Yugoslavia* (*Ibid.*, SR. 21, p. 5).
65. *Ibid.*, SR 20, P. 14. Since this proposal permitted a compromise it was supported by the representatives of various States, although a number of them expressed themselves in principle in favour of the more general solution, i. e. *Canada* (*Ibid.*, p. 16), *Sweden*, (*Ibid.*, SR. 21, p. 17), *Germany* and *Denmark* (*Ibid.*, p. 17) *Netherlands* (*Ibid.* SR. 22, pp. 11-12), *Norway* (*Ibid.*, p. 14), cf. also *United Kingdom* (*Ibid.*, SR. 33, p. 15).
66. See previous note.
67. Document A/CONF. 2/SR. 20, pp. 10-11. *France* (*Ibid.*, p. 16), *Egypt* (*Ibid.*, SR. 21 pp. 18-19) Assistant Secretary-General in Charge of Legal Affairs and *Ibid.* pp. 10-20 *passim*)
68. *Ibid.*, p. 20
69. *Ibid.*, SR 23, p. 4. The following words to be added to subparagraph A 2 of Article 1: "in Europe, or in Europe and other Continents as specified in a statement to be made by each High Contracting Party at the time of signature, ratification or accession."
70. Document A/CONF. 2/SR. 23, p. 7.
71. Document A/CONF. B/105.

- "B. (1) For the purposes of this Convention, the words 'events occurring before 1 January 1951, in Article 1, Section A, shall be understood to mean either;
- (a) 'events occurring in Europe before 1 January, 1951, or
- (b) 'events occurring in Europe or elsewhere before 1 January 1951'; and each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the the purpose of its obligations under this Convention.
- (2) Any Contracting State which has adopted alternative (a) may at any time extend its obligations by adopting alternative (b) by means of a notification addressed to the Secretary-General of the United States.<sup>72</sup>

42. The discussion of the problem of the geographic limitation and the solution adopted presents a certain interest from the point of view of legal technique. Apart from the provision concerning the geographic limitation and the matters mentioned in the following section, the draft definition prepared by the General Assembly and annexed to Resolution 429(V) was adopted by the Conference of Plenipotentiaries subject to

72. The latter provision had its origin in the Sixth Committee which included it in consequence of the deletion of paragraph F of the draft definition annexed to General Assembly Resolution 429 (V), according to which "the Contracting States may agree to add to the definition of the term "refugee" contained in the present Article persons in other categories, including such as may be recommended by the General Assembly (A/CONF. 2/SR. 33, pp. 16-17). The legal technique represented by the last mentioned provision will be considered more fully later. (See post paras 49-50.)

certain modifications which would not seem to call for comment in the present connexion.

43. (iii) **Legal techniques considered or adopted in connexion with the preparation of the 1951 Convention**

From the above description of the historical development of the term "refugee" in the 1951 Convention it will be seen that various legal techniques were considered or adopted and these legal techniques will now be examined.

(1) **Convention or Recommendation**

44. It has been seen above that in the *Study of Statelessness* prepared for the Economic and Social Council by the Secretary-General, the latter recommended the adoption of a Convention<sup>73</sup> and that in the report on its First Session, the Ad Hoc Committee decided to recommend to the Economic and Social Council that the most effective solution of the problem referred to in it was by means of Conventions.<sup>74</sup> In the "*Study of Statelessness*" the question was put and answered as follows :

"Convention or Recommendation ?

"The question is whether the end in view could not be attained simply by legislative measures taken by each of the reception countries individually.

"In the light of experience, this method does not seem likely to produce any results.

"Nothing can of course be done in this respect without the collaboration, or *a fortiori* against the wishes, of the countries of reception. But if the good intentions of those countries are to be translated into action, it is essential to resort to the method of a Convention, for the following reasons :

73. See ante para. 34. This view was repeated in the Memorandum submitted by the Secretary-General to the First Session of the Ad Hoc Committee (E/AC. 32/2).

74. See ante para. 35 and E/AC. 32/SR. 2, p. 6

"Certain measures, such as the provision of a document to take the place of a passport, necessitate a formal international agreement.

"Other measures, which could in theory be adopted through legislation cannot actually be taken for technical and psychological reasons.

"In point of fact :

"(a) No Government will be willing to take the first step in this direction for fear of being the only one to improve the status of stateless persons,<sup>75</sup> one thus causing an influx of them into its territory;

"(b) Action on these lines, if taken by a single Government alone, might appear to be inspired by certain political views. Simultaneous action is the only means of avoiding such suspicions;

"(c) A law designed to improve the status of stateless persons would have to contain a whole body of provisions impinging on the most varied branches of internal legislation. It would be difficult to get parliaments, habitually overburdened with work as they are, to adopt such a law, of an unwanted nature and content, which would require prior study by a number of commissions;

"(d) Ratification of a convention in which all these provisions find their natural place gives rise to less difficulty;

"(e) Experience in this field shows that nothing was done in the field of internal legislation to give

75. For the meaning in which this term was used, see ante para. 34.

effect to the recommendations contained in the Arrangement of 30 June 1926, although these recommendations, which were adopted after exhaustive discussion, answered to the intentions of numerous Governments. However, when they had been inserted in the 1933 and 1938 Conventions, these same provisions were incorporated in the law of the contracting countries;

“(f) A general convention is a lasting international structure; being open to the accession of States which have not signed it, it encourages Governments to associate themselves with the work of their forerunners; even if those Governments are not in a position to accede to it, such a convention sometimes exerts a direct influence on the administrative and legal practice of their countries.

“As a provisional measure and pending the conclusion of a convention, however, the possibility might be considered of inviting States Members, in the form of a recommendation, to refrain from taking discriminatory measures against stateless persons, either *de jure* or *de facto*, and to deal with them in conformity with a status inspired by the principles underlying the Conventions of 28 October 1933 and 10 February, 1938”.<sup>76</sup>

- (2) General definition or definition by categories
- (3) Universal definition or definition subject to geographical limitation

45. The above matters have already been considered above in connexion with the historical development of the definition of the term “refugee” in the 1951 Convention.

76. *A Study of Statelessness*, pp. 63-64 reproduced (with the exception of the final paragraph) in the Memorandum submitted by the Secretary-General to the First Session of the Ad Hoc Committee (E/AC. 32/12) pp. 5-6

(4) Addition of further categories of refugees on the basis of recommendations by the General Assembly

46. It will be recalled that in the Memorandum submitted by the Secretary-General to the First Session of the Ad Hoc Committee, one of the three possible solutions for the problem of definition was to consider as a refugee any person placed under the protection of the United Nations in accordance with the decisions of the General Assembly. It was, however, pointed out that Governments might be reluctant to accept this solution, which might, as it were, involve signing a “blank cheque”. One method of overcoming this difficulty was to provide that in the event of any modification by the General Assembly of the scope of the United Nations protection, the scope of the Convention would also be modified *ipso facto*, subject to the right of States to declare within a certain time limit that they did not accept the modification or accepted it only in part.<sup>77</sup> The definition in the draft proposal submitted by the United States at the First Session of the Ad Hoc Committee, which, as has been seen was a definition by categories contained a provision according to which the term “refugee” was also to extend to

“Persons in any other categories which might be agreed to by the High Contracting Parties on the recommendation of the General Assembly.”<sup>78</sup>

The draft article adopted by the Ad Hoc Committee at its First Session included a provision according to which :

77. E/AC. 32/2, p. 16, ante para. 36.

78. Document E/AC. 32/L.4/Add. 1. The draft definition submitted by France, which was a general definition, opened with the words : “Subject to any supplementary decisions which may be taken by the General Assembly and to any special agreements which might be concluded between the signatories to the present Convention and the High Commissioner for Refugees”. (E/AC. 32/L. 3, ante para. 37.

"The Contracting States may agree to add to the definition of 'refugee' contained in this article, persons in other categories recommended by the General Assembly." 79

During the discussion on this provision, the representatives of *Israel* explained the intentions of the working group which had prepared the draft article. The group had thought that the General Assembly might adopt a recommendation to include a new category of refugees. The acceptance of the new category thus recommended by the signatories to the Convention should be collective and not unilateral since otherwise there would be as many separate Conventions as acceptances. Acceptances would be made according to one of the procedures used in the United Nations: The Secretary-General would send the recommendations to the States signatories to the Convention. If general agreement among the signatories were reached, it would suffice to notify all States members thereof and such notification would automatically lead to the extension of the Convention to the proposed new categories. If, on the contrary, opinion was divided, the best course would be to call a diplomatic conference to resolve the difficulties.<sup>80</sup> The representative of the United States considered that the paragraph "would not prevent certain signatory States from recognizing new categories of refugees by means of bilateral or multilateral agreements independently of their inclusion in the Convention."<sup>81</sup> In its report the Committee stated that it had "anticipated the possibility of extending the Convention to categories of refugees other than those defined in the Article. Such extension would require agreement of the contracting States to become binding upon them. The General Assembly may propose the inclusion of new categories".<sup>82</sup>

79. Document E/1618, p. 12

80. Document E/AC. 32/SR. 18, p. 8

81. *Ibid.*, pp. 8-9

82. Document E/1618, p. 40

A draft provision similar to the one adopted by the Ad Hoc Committee was contained in the draft definition by categories submitted by *France* at the Eleventh Session of the Economic and Social Council :

"B. The Contracting States may agree to extend the definition of refugees contained in this Article to persons in other categories recognized by the General Assembly.

This provision shall not affect the exercise by States of the right to conclude private agreements under which, without committing the United Nations, they undertake unilaterally to extend the benefits of this Convention to refugees not covered by the present Article".<sup>83</sup>

47. This draft provision was used as a basis of discussion in the Social Committee of the Council. The representative of *Chile* considered that as States were always free to modify the Convention by drawing up a protocol, there was no need to interpose the General Assembly. The Representative of the *United States* supported its retention for the sake of consistency since it had decided (i.e. at that state) that the Convention itself should first receive the approval of the General Assembly. The Representative of *France* explained that the second paragraph was intended to supplement the original clause by making it clear that private arrangements might be made by States even in the absence of a General Assembly recommendation. While *France* was not prepared to accept the first paragraph without the second, it would agree to the deletion of the entire provision. The Representative of the *United Kingdom* also stressed the freedom of action of States in extending the definition. Furthermore, the States in question might have to wait some time for the approval of the General Assembly whose attitude

83. Document E/L. 82

might even differ from their own. The Committee, therefore, decided to delete the draft provision which did not therefore figure in the definition adopted by the ECOSOC in resolution 319 (XII) of 16 August 1950.<sup>84</sup> It was, however, re-submitted by the representative of *Venezuela* in the Third Committee of the General Assembly in the following terms :

“B. The Contracting States may agree to add to the definition of ‘refugee’ in this Article persons in other categories recommended by the General Assembly.

48. Explaining his proposal the representative of *Venezuela* recognized the validity of the reason which had led to the rejection of the provision by the Economic and Social Council, namely that any of the Contracting States could at any time agree to accept any category of refugees they deemed fit. Such a provision should, however, be included because the existing draft might give the impression that it was inflexibly restrictive and that the General Assembly could not subsequently augment the number of categories. It was improbable that States themselves would be greatly interested in increasing the categories, whereas the General Assembly would be continuously concerned with the question. If it proposed new categories, the States would be free to accept or reject them. Lastly it would be wise to keep, by means of such a paragraph, a link however slight, between the General Assembly and the Contracting States.<sup>85</sup>

49. The proposal was accepted and the provision, in slightly amended form, was embodied in the draft definition annexed to General Assembly Resolution 429 (V) of 14 December, 1950 :

84. Document E/AC. 7/SR. 160, pp. 13-15. See also *Ibid*, SR. 159, p. 12.

85. Document A/C. 3/SR. 324, p. 339.

“F. The Contracting States may agree to add to the definition of the term ‘refugee’ in the present Article persons in other categories *including* such as may be recognized by the General Assembly”.<sup>86</sup>

50. The provision was, however, rejected by the Conference of the Plenipotentiaries. In connexion with the provision concerning the geographic limitation,<sup>87</sup> the Chairman of the Style Committee explained that for those States which accepted the second alternative (“events occurring in Europe or elsewhere before 1 January 1951”) the draft provision had no meaning because for them no other categories remained to be included.<sup>88</sup> The representative of the Netherlands pointed out that if the draft provision were deleted, a new clause would have to be included to cover categories of refugees arising as a result of events occurring after 1 January 1951.<sup>89</sup> The representative of the *United Kingdom* recalled that the text of the draft definition before the Conference represented a compromise. His delegation had initially favoured a definition unlimited both in time and in space and later agreed, in a spirit of compromise, to accept a restriction of the definition of the term “refugee” to those persons who became refugees as a result of events occurring before 1 January 1951. This compromise having been reached, serious technical difficulties would arise if Contracting States were allowed unilaterally to adapt the Convention so as to extend its scope to persons who became refugees as a result of events occurring after 1 January 1951. After this discussion the Conference decided to delete the draft provision.

86. underlining added.

87. See ante para. 37.

88. Document A/CONF. 2/SR. 33, p. 17.

89. *Ibid*, SR. 34, p. 10.

(5) Recommendation that the Convention shall serve as an example exceeding its contractual scope

51. It will be recalled that at the Eleventh Session of the Economic and Social Council, *France* submitted a draft proposal for a definition by categories. At the same time *France* submitted a proposal for a draft Preamble,<sup>90</sup> the final paragraph of which was, subject to certain modifications, the same as that adopted by the Economic and Social Council.<sup>91</sup> The draft Preamble annexed to Resolution 319 (XI) B of 16 August 1950 of the Economic and Social Council contained a final paragraph worded as follows :

“Expressing the hope, finally, that this Convention will be regarded as having value as an example exceeding its contractual scope, and that without prejudice to any recommendations the General Assembly may be led to make in order to invite the High Contracting Parties to extend to other categories of persons the benefits of this Convention, all nations will be guided by it in granting to persons who might come to be present in their territory in the capacity of refugees and who would not be covered by the following provisions, treatment affording the same rights, and advantages.”

52. During the discussion of this draft paragraph, the representative of the *United States*, *inter alia*, expressed the

90. Document E/L. 81

91. Speaking of the Preamble generally, the representative of *France* stated that : “The chief aim of the Preamble was to state the refugee problem in human and equitable terms. It enabled that problem to be expanded to its true dimensions, and indicated the ideal towards which the United Nations must strive if it was to rest content with an imperfect and impartial solution. That was all the more essential since any Convention must of necessity represent a compromise between the ideal and the practicable. It was therefore necessary to find a place in the Preamble for the sacrificed ideal which it had provided impossible to embody in the Convention . . .” Document E/AC. 7/SR. 158, p. 11

view that all persons in need of protection at the present time were fully covered by the definition in Article 1 of the draft Convention. For this reason, the paragraph wrongly implied that the Convention was not wide enough in scope.<sup>92</sup> The representative of *Belgium* considered that the paragraph should be deleted. The Convention would indeed serve as an example but the wording of the paragraph was too complicated to serve as a prefatory recommendation.<sup>93</sup> The representative of *India* considered that it would be more appropriate to draw up a resolution for the Economic and Social Council to submit to the General Assembly, pointing out the desirability of all contracting governments according similar treatment to refugees excluded from the categories laid down in the Convention and of all non-contracting governments according such treatment to refugees within those categories.<sup>94</sup> The representative of *Canada* considered the paragraph inappropriate, with its suggestion that the application of the Convention should be regarded as being wider than it in fact was. The Social Committee having rejected the proposal for a broad definition, it seemed most inappropriate to express the hope in the Preamble that the Convention would in fact be applied to all refugees in all countries and not only to the categories included in the definition article.<sup>95</sup> The representative of *Pakistan* while recognizing that the paragraph displayed a generous emotion in trying to take stock of the real situation and broaden the definition of “refugee”, expressed certain doubts regarding its legal effect. In his view a preamble could not be used to give the operative provisions of an

92. *Ibid*, SR. 166, p. 14.

93. *Ibid*, pp. 17.

94. *Ibid*, pp. 17-19.

95. *Ibid*, pp. 19-20.

instrument a meaning they were not capable of bearing.<sup>96</sup> In spite of these objections, however, the paragraph was accepted.<sup>97</sup> At the Fifth Session of the General Assembly the draft Preamble was not discussed<sup>98</sup> and the draft Preamble considered by the Conference of Plenipotentiaries was that annexed to Economic and Social Council Resolution 319 (XI) B of 11 and 16 August 1950.

53. At the Conference of Plenipotentiaries, the *United Kingdom* delegation proposed an amendment to the draft Preamble<sup>99</sup> from which *inter alia* the final paragraph was omitted. The representative of the *United Kingdom*, introducing the amendment, considered that while it was right that the Conference should express a sentiment such as that contained in the paragraph, it would be more proper to include it by way of a recommendation at the end of the Convention, since it went beyond the limits of a general statement on the text of the Convention.<sup>100</sup> The omission of the paragraph received the approval of the representative of *France*.<sup>101</sup> The matter was not discussed further and the drafting of the

96. *Ibid*, p. 21. This view was supported by the Representative of the *United States* who considered that the French text was not so much a Preamble as a draft for a resolution with which the General Assembly could introduce it. If it could be presented in that form, the Council might avoid many difficulties and also serve the additional advantage that it would be addressed not merely to governments adhering to the Convention, but to all nations equally. *Ibid*, pp. 21-22.

97. *Ibid*, SR/167, p. 9.

98. General Assembly Resolution 429 (V) of 14 December 1950, recommended to the Conference of Plenipotentiaries to take into consideration the draft Convention submitted by the Economic and Social Council and, in particular, the text of the definition of the term "refugee" annexed to the Resolution. The annex to the Resolution did not contain a draft preamble.

99. Document A/CONF. 2/99.

100. Document A/CONF. 2/SR. 31, p. 24.

101. *Ibid*, p. 26.

Preamble with the omission of the paragraph was referred to the Style Committee.<sup>102</sup> The paragraph, subject to certain modifications, was finally included in the Final Act of the Conference as Recommendation E :

"The Conference

"Expresses the hope that the Convention relating to the Status of the Refugees will have value as an example exceeding its contractual scope and that all nations will be guided by it in granting to persons in their territory as refugees and who would not be covered by the terms of the Convention, the treatment for which it provides."

54. The difficulties which have arisen in regard to the application of this Recommendation to new refugee situations have already been mentioned<sup>103</sup> and will be referred to again later.<sup>104</sup>

(F) **The Statute of the Office of the United Nations High Commissioner of Refugees**

(i) **Introduction :**

55. In the *Study of Statelessness* prepared in pursuance of Economic and Social Council Resolution 116 (VI) D of 1 and 2 March 1948<sup>105</sup> the Secretary-General recommended that the Council should recognise the necessity for providing at an appropriate time permanent international machinery for ensuring the protection of stateless persons.<sup>106</sup> The *Study of Statelessness* was considered by the Economic and Social

102. *Ibid*, p. 29.

103. *Ante* paras. 8 and 9

104. *Post* paras. 118-124/127.

105. *Ante* para. 34.

106. For the meaning of "stateless persons" see *ante* para. 34.

Council at its Ninth Session in August 1949 when it also had before it a communication from the International Refugee Organisation<sup>107</sup> calling attention to the fact that the latter contemplated terminating its activities on 30 June 1950<sup>108</sup> and recommending that the Council should examine the problem of future international action on behalf of refugees. On 6 August 1949, the Council adopted Resolution 248 (IX) A<sup>109</sup> in which, *inter alia*, it took cognizance of the communication from the General Council of the IRO. Considering that the question of the protection of refugees who were the concern of the IRO was an urgent one owing to the fact that the IRO expected to terminate its activities about 30 June 1950 and that at that time there would still be considerable refugee problem, the Council requested the Secretary-General *inter alia*, to prepare, for the consideration of the General Assembly at its Fourth Session, a plan for such organisation within the framework of the United Nations as may be required for the international protection of refugees, taking into account the following alternative :

- (a) The establishment of High Commissioner's Office under the control of the United Nations ;
- (b) The establishment of a service within the United Nations Secretariat.

In this report, dated 26th October 1949,<sup>110</sup> the Secretary-General expressed the view that the establishment of a High Commissioner's Office was the more appropriate solution.

107. Document E/1392 and E/1392/Corr. 1.

108. This date was later postponed to 1 April 1951.

109. Resolution 248 (IX) B of 8 August 1949 related to the drawing up of a Convention on the Status of Refugees. See *ante* para. 36.

110. Document A/C. 3/527.

56. During the Fourth Session of the General Assembly, the Third Committee devoted nine meetings to the question of refugees.<sup>111</sup> It had before it, *inter alia*, the above-mentioned report of the Secretary General, the communication from the General Council of the International Refugee Organisation referred to above<sup>112</sup>, a further communication from the IRO<sup>113</sup> and a draft resolution submitted by *France* concerning the functioning of the High Commissioner's Office.<sup>114</sup> The latter French draft resolution and draft resolution on the same subject submitted by the *United States*<sup>115</sup> were withdrawn in favour of a joint draft resolution submitted by *France* and the *United States*.<sup>116</sup> This joint draft resolution, as amended, was adopted by the Third Committee, and appropriate recommendations made to the General Assembly. In Resolution 319 (IV) of 3 December 1949, the General Assembly, *inter alia* decided to establish as of 1 January 1951, a High Commissioner's Office for Refugees in accordance with the provisions of the *Annex*<sup>117</sup> to the Resolution and requested the Secretary-General to prepare detailed draft provisions for the implementation of the Resolution and the *Annex* and to submit them, together with comments of governments to the Economic and Social Council at its Eleventh Session. The General Assembly also requested the Economic and Social Council, at its Eleventh Session, to prepare a draft resolution embodying provisions for the functioning of the High Commissioners's Office and to submit the draft resolution to the General Assembly at its Fifth Session.

111. Summary Records A/C2/SR.256/264.

112. Document E/1392 and E/1392/Corr. 1.

113. Document A/C.3/528.

114. Document A/C.3/529.

115. Document A/C.3/L.28.

116. Document A/C.3/L.29.

117. These provisions contained a number of general principles but were not as detailed as those finally adopted in the Statute.