

United Nations

**GENERAL
ASSEMBLY**

THIRTY-FIFTH SESSION

*Official Records**



SPECIAL POLITICAL COMMITTEE
43rd meeting
held on
Wednesday, 26 November 1980
at 3 p.m.
New York

SUMMARY RECORD OF THE 43rd MEETING

Chairman: Mr. MATHIAS (Portugal)

CONTENTS

AGENDA ITEM 122: INTERNATIONAL CO-OPERATION TO AVERT NEW FLOWS OF REFUGEES

ORGANIZATION OF WORK

*This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one month of the date of publication* to the Chief of the Official Records Editing Section, room A-3550, 866 United Nations Plaza (Alcoa Building), and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate fascicle for each Committee.

Distr. GENERAL
A/SPC/35/SR.43
10 December 1980
ENGLISH
ORIGINAL: SPANISH

The meeting was called to order at 3.35 p.m.

AGENDA ITEM 122: INTERNATIONAL CO-OPERATION TO AVERT NEW FLOWS OF REFUGEES
(A/35/242)

1. Mr. JELONEK (Federal Republic of Germany) said that both the address by the Minister for Foreign Affairs of the Federal Republic of Germany to the General Assembly on 24 September and the explanatory memorandum contained in document A/35/242 set forth his country's motives for requesting the inclusion in the agenda of the item now under consideration. His delegation had discovered that other delegations shared its concern, and it had received many suggestions in that connexion. The discussion on the subject in the Committee would provide an opportunity to examine the world refugee problem thoroughly and to seek ways of remedying the situation in future.
2. Hopes for a gradual mitigation of the refugee problem had not been fulfilled. On the contrary, the problem had become even worse in recent years. Cautious estimates indicated that there were now 10 to 12 million refugees in the world; but abstract figures gave little idea of the misery and suffering of so many human beings. The international community had done a great deal to ease that suffering, but thus far it had not been able to do more than help the refugees. It had rarely been able to prevent situations in which people had been obliged to flee from their homes or had been driven from them.
3. The international community had not begun to deal consciously or continuously with the problem of refugees until after the First World War, when the League of Nations had provided a suitable forum for such an undertaking. Those beginnings had been closely linked with the name of Nansen, who had originally suggested the creation of the "Nansen passport" - which had been recognized by 53 nations in 1922 - and who had also founded the refugee relief organization of the League of Nations. The Second World War had brought even greater misery to innumerable people who had been carried off or driven from their homelands or who had been obliged to flee. The community of nations had attempted to meet that challenge by creating the International Refugee Organization, which had helped millions of refugees by the time it was replaced by UNHCR in 1951. In 1951 also, the United Nations Convention relating to the Status of Refugees had been concluded. That Convention was applicable to all persons who, as a result of events occurring before 1951, had been living outside the country of their nationality owing to well-founded fear of being persecuted for reasons of race, religion, nationality, social group or political opinion. That description had been adopted as a general principle in the 1967 Protocol relating to the Status of Refugees, but the Protocol's validity had no limitations in terms of time or geography, since it had been realized that refugee aid measures must be of a permanent nature.
4. The tasks of UNHCR, which deserved the respect and support of everyone, were of a humanitarian nature and focused on protecting refugees, securing their legal status and easing their economic and social plight. The work of UNHCR was considered in the Third Committee, in which his delegation had made suggestions

(Mr. Jelonek, Federal Republic
of Germany)

with a view to helping UNHCR to act as quickly and effectively as possible in cases of emergency. On the other hand, the task in considering agenda item 122 in the Special Political Committee would be to determine how the international community could help to avert such emergency situations or to deal with them at their inception. As had been seen at both the Geneva refugee conferences in July 1979 and May 1980, the United Nations did not yet have a structural basis to enable it to take immediate action when critical situations developed. One of the reasons for his country's initiative was the wish that the Organization should have a clear, objective and instrumental basis for dealing with crises quickly and effectively or, preferably, for preventing them.

5. Mass movements of people seeking refuge in other countries because of adverse conditions or events in their own countries were not only a humanitarian problem. They also had serious repercussions on the economic and social stability of receiving countries. Such situations could, in turn, lead to difficulties in maintaining friendly and good-neighbourly relations among States, and could strain the stability of entire regions and undermine peace, security and order in the world. In the preamble to the Charter of the United Nations, all nations were called upon to live together in peace with one another as good neighbours; and Article 1 of the Charter called upon nations to develop friendly relations, to take appropriate measures to strengthen universal peace and to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms without distinction as to race, sex, language or religion. In the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the General Assembly further defined the basic requirements for good relations among States. Many of the principles for good-neighbourly conduct set forth in those international instruments might also be relevant in cases of incipient flows of refugees. When a State caused large numbers of its citizens to seek refuge in neighbouring countries, it could create serious difficulties for those countries. The need to satisfy the basic needs of the refugees could impose serious political, economic and social burdens, and could thus affect the internal order of the receiving nations. The results could therefore be regarded, at least indirectly, as interference in the internal affairs of receiving States.

6. The causes which led to flows of refugees were of various kinds; and some of them, for example earthquakes, were either entirely or to a large extent beyond human control. Others - for example, regularly occurring floods or droughts - could be eliminated or at least eased by human effort. It was necessary to focus attention first on those causes that could be influenced by man - namely, on the conduct of nations which was likely to lead to flows of refugees. Such causes included deportation, or the driving of individual groups of people out of a country by use or threat of force; depriving individual groups of people of their economic or social basis of existence; and discriminating against individual groups of people on grounds of race, religion, ethnic origin or political views.

(Mr. Jelonek, Federal Republic
of Germany)

7. No State should attempt to solve its internal problems at the expense of neighbouring States. Such conduct violated the principles of good neighbourliness and friendly co-operation. The Declaration concerning Friendly Relations affirmed that States should co-operate in the promotion of universal respect for, and observance of, human rights and fundamental freedoms, and in the elimination of all forms of racial discrimination and all forms of religious intolerance. A minimum of co-operation required that States should refrain from discriminatory measures which might lead to large-scale flows of refugees to other countries. The Declaration concerning Friendly Relations included a wide range of topics and, for that reason, must be of a general nature. His delegation felt that it would be possible in a future declaration to develop a series of guidelines on how States should act in order to avoid situations which, as experience showed, might lead to flows of refugees. While those guidelines would have to be based on historical experience, they should not revive old disputes, but should point the way to the future. They should be based on a consensus that there must be no more flows of refugees due to deportation or expulsion by the threat or use of force, or measures depriving people of their basis of existence, or discrimination against certain groups. In addition, the guidelines should include other situations which might lead to flows of refugees. It must be kept in mind that not only countries from which refugee flows came, but also all other nations, should refrain from taking steps which might cause or accelerate refugee flows. In addition, all nations, whether they had acceded to the 1951 Convention relating to the Status of Refugees or not, should be called upon to help the States involved, and also the United Nations with its relevant organs and specialized agencies, in solving such problems.

8. Such guidelines, however, would not be complete unless they included practical suggestions on steps to be taken by States, regional organizations, and the organs and specialized agencies of the United Nations in order to deal with the danger of incipient flows of refugees. Action in such cases must be taken in accordance with Article 2, paragraph 3, of the Charter, which provided that international disputes should be settled by peaceful means in such a manner that international peace and security and justice were not endangered, and also in accordance with the principle set out in the Declaration that States should seek early and just settlement of their disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their choice. Corresponding provisions were found in the Charter of the Organization of African Unity (art. XIX et seq.), in the Charter of the Organization of American States (art. XX et seq.), and in Principle V of the Final Act of the Conference on Security and Co-operation in Europe. Those methods were all the more appropriate in preventing conflicts.

9. In cases in which neither the "classical" methods for a bilateral settlement of differences nor regional organizations were able to prevent a flow of refugees, suitable instruments for consultation within the United Nations were necessary. The Committee should examine to what extent those tasks could be performed within existing United Nations institutions and whether it would be advantageous for the General Assembly to create a body which, in such situations, could take quick action to determine the facts of the matter and offer its good offices in

(Mr. Jelonek, Federal Republic
of Germany)

preparation for the work of existing institutions. That body might be designated the "United Nations good offices committee for the promotion of international co-operation to avert new flows of refugees". Its services should be available at all times and it should be kept informed of developments in its area of concern. Its members should be elected at regular intervals and, with all due regard for the areas of competence of existing United Nations organs and special organizations. It could initiate fact-finding missions; call upon the States involved to discuss jointly ways of averting the danger of a new flow of refugees; direct the attention of the regional organizations to critical developments within their respective areas; call the attention of other United Nations organs and specialized agencies to such developments, and lastly, offer its own good offices to the States involved.

10. His delegation did not wish to make premature comments on the character and composition of such a body, which remained to be discussed. It was most important that the United Nations should be able to take quick action, when necessary, to avert new flows of refugees. The United Nations should make further efforts to ensure that no State, by misinterpreting the situation, took measures likely to cause problems for and endanger other States through refugee flows. The international community had a legitimate interest in expressing its concern about such developments at an early stage, and in taking suitable precautionary measures; and it must make use of its moral strength to ensure that the Charter of the United Nations and the principles of good neighbourliness and friendly relations were observed, in order to avert any possible threat to good-neighbourly relations, regional stability and international security.

11. Mr. NEVES (Portugal) said that his delegation fully shared the concern at the world-wide increase in refugees. The Deputy Prime Minister and Minister for Foreign Affairs of Portugal had stated during the general debate at the present session of the General Assembly that there were still many cases in which the human rights of entire populations were systematically ignored and denied and people were condemned to repression, hunger and exile. Situations of that kind had resulted in an ever-growing flow of refugees, particularly in South-East Asia and other areas of the world. It was wrong to ignore both the political origins of those flows and the problem that they caused which - if not corrected - could pose a serious threat to peace.

12. Such massive displacement of populations could be caused by natural disasters, situations of violence within a country or between two States, or the persistent occupation of countries or territories by foreign forces. However, most refugee flows were the result of continued and sometimes deliberate policies of Governments which forced part of their populations to flee in search of the basic human, moral, political and economic conditions which they could not find in their own country.

13. His delegation agreed with the representative of the Federal Republic of Germany that the international community had a duty to do all it could to prevent the future occurrence of such situations. He was deeply concerned at the economic

(Mr. Neves, Portugal)

tensions created in countries of asylum, which had to cope with social instability and in some cases even risk political unrest as a result of the inability of other countries to respond to the legitimate needs and aspirations of their own citizens. Lastly, he expressed the hope that the debate would lead to a definition of a framework to deal with that problem in accordance with the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States. Otherwise, the threat to international peace and security would continue to grow.

ORGANIZATION OF WORK

14. The CHAIRMAN observed that consideration of agenda item 59 had not yet been concluded. Because of the financial implications of the draft resolution which was at present the subject of negotiations, consideration of item 59 must be concluded on 2 December at the latest. Once again, he urged the Group of 77 to submit a text on the item as a basis for negotiations with representatives of the other regional groups. He also requested members of the Committee who wished to speak on agenda item 122 to have their names included on the list of speakers so that the Committee could conclude its consideration of that item by the prescribed date.

The meeting rose at 4.10 p.m.