



SUMMARY RECORD OF THE 45th MEETING

Chairman: Mr. MATHIAS (Portugal)

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Distr. GENERAL
A/SPC/35/SR.45
10 December 1980
ENGLISH
ORIGINAL: SPANISH

The meeting was called to order at 10.55 a.m.

ORGANIZATION OF WORK

1. The CHAIRMAN informed members of the Committee, that with regard to item 59, entitled "Questions relating to information", the Working Group of the Committee and interested delegations would continue their discussions on the draft resolution during the weekend and were meeting at the present time. As the draft resolution under preparation had financial implications and the time-limit set by the General Assembly for submission to the Fifth Committee ended today, he had talked to the Chairman of the Fifth Committee and the competent members of the Secretariat and would be received during the morning by the President of the General Assembly with a view to clarifying the question and seeing what procedure could be followed in order to ensure the adoption of a resolution on item 59.

AGENDA ITEM 122: INTERNATIONAL CO-OPERATION TO AVERT NEW FLOWS OF REFUGEES
(continued) (A/35/242; A/35/604; A/SPC/35/7)

2. The CHAIRMAN drew the Committee's attention to the draft resolution that would be distributed during the day under symbol A/SPC/35/L.21.

3. Mrs. NOWOTNY (Austria) said that recently mass migration and mass exodus had reached a dimension previously unknown. There were millions of refugees, men, women and children, who had fled from war, drought, famine and persecution and who constituted a totally underprivileged new class, without votes and with few representatives.

4. A tribute should be paid to the tireless efforts of the international community, in particular, the High Commissioner for Refugees, and also various international governmental and non-governmental organizations to provide humanitarian assistance to those refugees, with limited resources and often under very adverse conditions. The Convention Relating to the Status of Refugees and the Office of the High Commissioner had been created as a consequence of the migration of refugees of the Second World War, but now the situation and the dimensions of the problem had changed. It was an international phenomenon to which the international community would have to formulate an adequate response. To that end, the United Nations would have to assume a leadership role and provide meaningful and effective solutions, which called for intense international co-operation.

5. Mass exodus and migration were the result of violations of human rights, repression for political motives, disturbances of a political nature, the economic situation and natural disasters such as drought and famine. A fundamental condition for avoiding fresh mass exoduses was strict respect for human rights in all their aspects, civil and political, economic, social and cultural.

6. With regard to the economic causes, it should be pointed out that frequently many of the countries of first asylum were also poor countries which received an additional burden on their struggling economies, endangering their sometimes fragile social and political structures.

(Mrs. Nowotny, Austria)

7. Her delegation supported the initiative of the Federal Republic of Germany and was prepared to study with interest any institutional proposal in that regard, such as that for the creation of the appropriate body to study the ideas and suggestions of Member States on the question. Such a body could present in a comprehensive manner the relevant and accepted principles of international law and international relations, including the right to seek asylum, and elaborate guidelines of a preventive nature, as well as for coping with the problems raised by mass flows of refugees, with a view to avoiding the economic disruption and internal destabilization of the recipient countries.
8. Mr. KUTSCHAN (German Democratic Republic) said that experience had shown that the search for a solution to refugee problems was a difficult task necessitating a constructive approach and concerted action on the part of States. Also, it was not possible to arrive at unanimous conclusions concerning the causes of flows of refugees, and the item under consideration only served to create new futile confrontations which did not help to solve the current refugee problems. It was intended, for example, to create a body which was able to take quick action in order to avert new flows of refugees, and, in that regard, it should be asked whether the mandate and rights of such a body would not be equivalent to those of a supranational organ, which would restrict the sovereign rights of States and leave the door open to interference in their internal affairs.
9. In his opinion, since the purpose of such a body would be to deal with crisis situations, the conclusion must be reached that the Security Council and General Assembly of the United Nations were regarded as inappropriate organs for such purposes in cases, for example, where flows of refugees developed as a result of military conflicts; as everybody knew, in the majority of cases the causes of such phenomena were imperialist attacks. That criterion was in contradiction with the provisions of the Charter, which assigned to those two organs clear-cut responsibilities for dealing with situations which might endanger peace.
10. The question also arose as to who in the proposed body would adopt the decision to name those responsible for an international crisis situation. Obviously, such an organ would also have to take action in cases where, in a given country, as a consequence of revolutionary transformations, the overthrow of fascist dictatorships or anti-imperialist activities, the supporters of the old régime fled the country. Any attempt to avert such flows meant simply and plainly that peoples would be prevented from implementing their rights to self-determination, to national independence and social liberation and that the tasks entrusted to United Nations bodies would be seriously undermined.
11. The creation of an organ of that kind might lead to interference in the internal affairs of States and would jeopardize the mandates of many United Nations bodies, in particular the Security Council and the General Assembly, interfering in their activities and, finally, making their proper functioning impossible.
12. Within the United Nations there were a sufficient number of institutions which could be used to combat the various causes of flows of refugees. In that regard, he drew attention to the activities of the Special Committee against Apartheid, the

(Mr. Kutschan, German Democratic Republic)

Office of the High Commissioner for Refugees, the Economic and Social Council and the Third Committee of the General Assembly. The final result of the measures adopted would always depend on the political will of States to make a genuine contribution.

13. The creation of one single organ to deal with all aspects of the refugees issue would be a venture doomed to failure, and it should also be borne in mind that a new organ would require considerable financial resources which would have to be deducted from those used to help refugees.

14. His delegation maintained that, with the Charter of the United Nations, the principles governing friendly relations and co-operation between States and other instruments of international law, as well as the conventions on the legal status of refugees, there was no justification for the drafting of more guidelines for States on the solution of refugee problems. The States concerned should themselves undertake concerted action to settle such questions.

15. The German Democratic Republic regarded the maintenance of peace, the continuation of the process of international détente, the elimination of racism and apartheid and respect for the sovereignty and political and economic independence of States as prerequisites for the settlement of refugee problems. It would continue to stand by the side of those States which struggled against the aggressive and interventionist policies of imperialist forces, against all forms of fascism and racism, and for the full implementation of the right to self-determination of the peoples of Palestine, Namibia, South Africa and elsewhere.

16. Mr. PHAM DUONG (Viet Nam) said that the Committee was dealing with a problem of great political importance. He recalled that the Minister for Foreign Affairs of the Federal Republic of Germany had insisted, before the General Assembly, on the need to tackle the root causes of the refugee problem, and that he had suggested that the international community should take on the political task of rectifying the causes of the mass migration and expulsion of refugees and draft norms to regulate the conduct of States. He recalled, too, that the representative of the Federal Republic of Germany had proposed, in the Committee, the establishment of a United Nations good offices committee to promote international co-operation, in order to avert new refugee flows.

17. In the light of those suggestions, it was appropriate to ask whether those political tasks were in keeping with the aims and principles of the Charter and whether the international community deemed it necessary and appropriate to establish a new United Nations organ, as had been proposed.

18. His delegation considered that, while migrant and refugee flows had preoccupied the international community over recent years, the internal and external causes of that problem were too complex to be attributed, as they had been in certain quarters, to the conduct of Governments, namely, to domestic political factors in the countries of origin. That reasoning was just in the case of countries characterized by racism, racial discrimination, apartheid, zionism or other forms of

(Mr. Pham Duong, Viet Nam)

repression and genocide as, for example, in the case of the Palestinian people. Nevertheless, in the majority of other cases, there were various internal causes such as drought, desertification and floods. In addition, there were external causes such as wars of aggression, foreign intervention, politically and militarily motivated incitement to mass emigration, economic blockade, and political and military coercion aimed at weakening and dominating other peoples, all of which were causes external to the will of the victim countries. The proposals submitted were thus based on considerations which did not fully correspond to the historical realities of the refugee problem. They could therefore lead to the adoption of inappropriate solutions, in contravention of the principles of the Charter and international law, thus opening the way to interference in the internal affairs of sovereign States.

19. With respect to the external causes of mass migration, no United Nations organ could resolve those problems, with the exception of the Security Council and the General Assembly. The establishment of any United Nations machinery responsible for the political aspects of the problem of refugees and emigrants would therefore be inappropriate and futile, and could not be accepted by his delegation. The best solution to the current problem of refugees and emigrants lay in promoting genuine co-operation between the countries of origin and international organizations. That would enable those countries to overcome the difficulties caused by wars of aggression, acts of subversion and natural disasters. It would help persons who for one reason or another wished to settle abroad. It would promote co-operation between the international organizations concerned and the countries of first asylum so as to alleviate the burden on such countries and facilitate movements of refugees and emigrants towards the countries where they would ultimately settle. Finally, it would end all interventionist and subversive activities between sovereign States in the form of incitement to leave the country illegally and the contracting of mercenaries from among the refugees.

20. He extolled the commendable efforts of the various agencies which were providing humanitarian assistance to refugees and emigrants, such as the United Nations High Commissioner for Refugees, UNICEF, FAO, WFP, ICRC, etc. He trusted that the United Nations, with the voluntary co-operation of Governments, would continue that noble task.

21. Mr. ERDOS (Hungary) said that the phenomenon of refugees was part of today's sad reality which reflected the complexity of the world and the grave problems facing the international community. There would always be refugees as long as there was injustice, racial discrimination, religious and other intolerance, exploitation, outside interference and oppression of national liberation movements.

22. Before the start of the debate on item 122, his delegation was preparing to commemorate the work of UNHCR and to support efforts to improve existing United Nations machinery and methods for the relief of refugees. His country intended, in particular, to highlight the humanitarian focus which characterized UNHCR's activities. Yet deliberations on international co-operation to avoid new refugee flows had become more and more disquieting, since there had been a tendency towards

(Mr. Erdos, Hungary)

confrontation, accusation and interference in the internal affairs of other States. It no longer seemed to be a question of supporting the international organizations and the relevant organs of the United Nations which were responsible for the solution of the pressing problems of the millions of refugees in the world. At present there was a proposal to establish an organ which, despite the goodwill of some, would be a more device for accusations and recriminations, under the pretext of drafting norms to guide Governments' attitudes.

23. Hungary was aware of the existence of the political causes of the problem of refugees, and was taking part in the consideration of those causes in the organs of the United Nations established for that purpose. It should be stressed that it was unrealistic to consider the problem and to prepare norms outside those organs. In addition to amounting to interference in the internal affairs of other States, the formulation of general norms to govern the attitudes of Governments was difficult because of the many factors giving rise to the refugee problem, the great variety of circumstances surrounding the situation of refugees, the differing gravity of the problem and the number of people affected. Such an attempt could lead to a dangerous over-simplification of the problem of refugees, initiate sterile confrontation, sow confusion, shelter the real culprits and even prejudice the activities of the United Nations. To resolve the problem of refugees it was necessary to improve the working of existing United Nations machinery and to use every possibility offered by the United Nations system.

24. Mr. HUSSON (France) thanked the representative of the Federal Republic of Germany for having provided an opportunity to examine the means available to the international community for averting new flows of refugees. By the positions it adopted, its reception of tens of thousands of displaced persons and its contributions to UNHCR programmes, France was constantly showing its concern for the fate of refugees. Accordingly, it could not but support the inclusion of item 122 in the General Assembly's agenda.

25. In recent years, flows of refugees had acquired unprecedented proportions and gravity, as well as characteristics previously unknown. The problem no longer concerned isolated individuals living in exile, but involved entire populations which had become displaced. The reality of 12 million refugees - including a large proportion of children - of financial needs that doubled each year and of the threat of more such outflows in many regions of the world called for a responsible, lucid and innovative response from the international community.

26. His delegation wished to pay a tribute to the unremitting, resolute and effective efforts of UNHCR and of other organizations that intervened in emergency situations. Naturally, however, such organizations took action after the event and had little impact on the causes of the exodus in question. Accordingly, it seemed necessary to adopt a new approach and to consider the possibility of taking preventive action. The Federal Republic of Germany's initiative would permit a debate which might help the international community to reduce or prevent new flows of refugees. In his delegation's opinion, the work on related items carried out by the Committee and by the Commission on Human Rights was being continued and complemented by the discussion of agenda item 122.

(Mr. Husson, France)

27. Because that item was highly political, it was difficult to formulate principles or to define mechanisms. The situations giving rise to a refugee exodus were extremely complex and, in discussing them, it was important to take into account the interrelationship of treaty provisions and to uphold the competence and authority of the many organs and institutions concerned. For example, the role to be played by the guidelines and mechanisms outlined by the representative of the Federal Republic of Germany would need to be defined, in the context of the Charter and, above all, in respect of the Security Council. His delegation felt that it was essential to make careful preparations to ensure that the discussion held during the next session would be productive and would be of benefit to all refugees.

28. Mr. MI Guojun (China) said that the question of refugees was indeed an urgent issue which deserved serious attention from the international community. His delegation, like others, noted with satisfaction the outstanding work carried out by the United Nations and other competent organs in the field of refugee relief but, at the same time, it felt that many questions remained to be examined further before ways could be found to reduce and prevent massive flows of refugees.

29. The situation of refugees was becoming increasingly serious and the problem was spreading to many regions of the world. The 1979 figure of 16 million refugees was on the rise. In the Middle East, the policy of aggression and expansionism pursued by the Israeli authorities had led to four wars, creating more than 1.8 million Palestinian refugees, who had been forced into exile. In Africa, some 5 million refugees were living in grim conditions. Persecuted by the racist régime of South Africa, large numbers of innocent blacks had emigrated to neighbouring countries, upsetting the peace and stability of the area and increasing the financial burden of the countries concerned. In Asia, there had been a sharp increase in the number of refugees in recent years as a result of the policies of expansionism and aggression of the Soviet hegemonists. In Kampuchea, the war of aggression waged by the Vietnamese authorities had forced a large number of innocent inhabitants to abandon their homes and property. According to UNHCR sources, the number of "boat people" had risen to 11,000 in October 1980. Before that date, 2,230 Vietnamese refugees had already reached China and a further 756 persons had passed through the Chinese city of Beihai en route to Hong Kong.

30. The tragic fate of the world's refugees demanded that the United Nations and the international community should continue to be deeply concerned with them and to give them support. The key to that issue lay in a solution to the root causes of the refugee problem. In his delegation's opinion, the major cause of the refugee problem was political in nature. The majority of refugees had been obliged to abandon their countries as a result of imperialism, colonialism, racism and hegemonism. The acts of aggression and expansion committed by Soviet hegemonism were a major cause of new flows of refugees. The invasion of Afghanistan by Soviet troops had resulted in the emigration of more than 1 million Afghans. The Vietnamese authorities were responsible for the exodus of their people and had even exported people for profit, yet those authorities claimed to have acted out

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(Mr. Mi Guojun, China)

of humanitarian motives in arranging the "legal, safe and orderly departure of those who want to leave the country". The authorities of Viet Nam hid behind the pretext that those people had been "lured away by other countries".

31. The Government and people of China had always been concerned for the refugees and, despite many difficulties, had tried to provide assistance through international co-operation. Thus far, China had accepted more than 260,000 Indo-Chinese refugees and had contributed the equivalent of \$580 million for refugee relief and resettlement. Recently, his Government had pledged \$300,000 in cash for the 1981 General Programme of UNHCR activities. His delegation believed that, at its current session, the General Assembly should discuss and should try to solve the most urgent refugee problems, namely, those concerning the refugees from Afghanistan, Kampuchea, Palestine and South Africa. In order to attack that problem at its roots, China proposed that the international community should take concerted action to ensure that the countries concerned ceased all acts of aggression and all invasion of other countries; that public opinion should be mobilized to condemn the Governments concerned for political repression and racial discrimination against their citizens, and that an appeal should be addressed to all countries dedicated to justice to impose the necessary sanctions; that the United Nations should investigate and examine the causes of flows of refugees, particularly in connexion with Indo-Chinese refugees; and that all Member States should adopt the necessary measures to prevent flows of refugees and to strengthen international co-operation.

32. Lastly, his delegation wished to state that it was ready to improve its co-operation with the United Nations agencies responsible for refugees and with other competent authorities, and to contribute to the study of prevention of new flows of refugees and to the relevant refugee relief activities.

33. Mr. BOLD (Mongolia) noted that that was not the first time that the United Nations had dealt with the question of refugees. The socialist countries, for their part, had been presenting their position of principle with regard to the Palestinian refugees for the past 30 years.

34. Many delegations had expected something different from the Federal Republic of Germany's proposal to include in the agenda an item concerning international co-operation to avert new flows of refugees. However, the way in which that problem had been formulated and the proposed methods of solving it showed that those delegations had been mistaken. Some countries had used the inclusion of that item as a pretext to attack the socialist States, where progressive social and economic changes were being carried out. For example, the representative of China had slandered the Union of Soviet Socialist Republics and the Socialist Republic of Viet Nam.

35. The statements of previous speakers showed that there were significant differences concerning the approach to be adopted to deal with the problem of refugees, as well as serious misgivings with regard to the proposal of the Federal Republic of Germany. His delegation believed that the establishment of a United Nations good offices committee to promote international co-operation to avert new

(Mr. Bold, Mongolia)

flows of refugees, as proposed by the Federal Republic of Germany on 26 November (A/SPC/35/SR.43), would have serious consequences. Such a committee would become a supreme body with unlimited powers going beyond the bounds of contemporary international law. Its establishment would constitute a denial of the sovereign rights of States and the fundamental principles of international relations and would have a negative impact on the competence of existing bodies. It had been said that the proposed committee would send inspectors on fact-finding missions to States Members of the United Nations, would provide advice on specific events and would adopt urgent measures. Such an innovation was unacceptable to any sovereign State. His delegation opposed the establishment of such a supra-State body, whose activities would entail interference in the internal affairs of States.

36. The main reasons why the majority of refugees were obliged to abandon their homes were wars of aggression, apartheid, racism, zionism, hegemonism, persecution and repression by anti-popular régimes. The constant struggle to ensure the peace and security of peoples and peaceful living conditions was of decisive importance in eliminating the causes of many of the evils which had had an impact on the refugee problem. The outcry over refugees and the great exaggeration of the problem for political reasons impeded the adoption of effective humanitarian measures. The refugee problem called for the holding of direct talks between the interested parties. A more careful and detailed study should be made, which would take into account the political will of all, respect for the norms of international law, and the need to maintain and strengthen the peace and security of peoples.

37. Mr. JUWANA (Indonesia) said that his delegation understood the deep concern of the Government of the Federal Republic of Germany regarding the world refugee question, which not only posed a humanitarian problem but also imposed a social and economic burden on the receiving States and led to strained relations between those States and the countries of origin of the refugees. That, in turn, could only have the adverse effect of endangering the stability, peace and security of the region concerned and of the world in general. His delegation shared that concern, since the problem was not hypothetical but involved a real danger. Indonesia and the other States members of the Association of South-East Asian Nations (ASEAN) had experienced such events in their own region over the past few years. Indonesia, as a receiving State for many of the refugees from the Indo-Chinese peninsula, accepted its humanitarian duty, although, in its view, it was essential that resettlement should take place promptly and that there should be no new flows of refugees. The existing refugee situation in South-East Asia had been brought under control, thanks to the concerted efforts of the countries of the region and to the assistance of the international community and the relevant bodies of the United Nations, in particular UNHCR. However, the amelioration of the problem did not dispel the possibility of its future recurrence. It was therefore important that all delegations should welcome the initiative taken by the Federal Republic of Germany in proposing that the possibilities of international co-operation to avert new flows of refugees should be explored and studied. His delegation had given careful consideration to the proposal of the Federal Republic of Germany on the matter and urged the international community to accord it the utmost attention.

(Mr. Juwana, Indonesia)

38. His delegation recognized that the question involved complex and delicate factors that could have far-reaching implications for relations among States. In that connexion, his delegation agreed with the various suggestions made by previous speakers to the effect that, without prejudice to the legitimate objective of achieving a solution to the question, the proposals on the preparation of guidelines should be worked out with prudence and care and that a step-by-step approach should be adopted. Furthermore, the efforts of the international community would have greater effect if the guidelines were the result of a common enterprise in which all States shared responsibility and had obligations. In the view of his delegation, such an approach was both realistic and constructive. Guidelines should be adopted on the basis of consensus, which would make their application more effective. Such a procedure would also make it possible to avoid any hasty decision or judgement during the deliberations and any misunderstandings that could lead to a futile or polemical debate. His delegation hoped that all Member States would assist in working out an effective and comprehensive solution to the problem with a view to averting new flows of refugees.

39. Mr. DESTEFANIS (Italy) said that his delegation welcomed the opportunity to consider the item "International co-operation to avert new flows of refugees" at a moment when the phenomenon of mass refugee movements had assumed dramatic proportions. As had already been pointed out, there were between 10 million and 12 million men, women and children who had had to flee their countries and homes and who were suffering from destitution, lack of protection and displacement. Worse still, there seemed to be no effective remedy in view to alleviate their plight; on the contrary, the possibility could not be excluded that similar situations would develop in the future. Unfortunately, the problem of refugees was a very complex phenomenon whose political underpinnings made it even more difficult to deal with. In fact, the underlying causes of such massive displacements had always been conflicts between countries or oppression and intolerance of various kinds within a particular country. The phenomenon was therefore linked to a large extent with respect for human rights and fundamental freedoms.

40. The humanitarian aspects of the problem and its consequences were well known. In that context, his delegation wished to express its strong support for the activities of UNHCR and for the ever-increasing assistance provided by the international community to meet the most urgent needs of the millions of refugees and to alleviate their sufferings. However, there was no doubt that the phenomenon also had political implications and often reflected negatively on relations between neighbouring States, on the internal situation of individual States and on the stability of regions. It was therefore linked to some extent with the problem of international peace and security, which was why it would seem opportune for the international community to study ways and means of solving the problem or at least such measures as might prove appropriate, from the political as well as the humanitarian standpoint, to deal with situations likely to generate new mass exoduses.

(Mr. Destefanis, Italy)

41. No doubt the most effective cure would consist in universal respect for human rights and fundamental freedoms and for the principle of the peaceful settlement of disputes and friendly relations between States. However, although it might be hoped that all of that could be achieved and although all nations might work towards the attainment of those fundamental goals of mankind, it was necessary to acknowledge that, given the complexity of the existing situation, progress in that field could only be very slow. In any case, his delegation believed that something more could and must be done in the framework of international co-operation in order to avert, as far as possible, a repetition of human catastrophes in the future.

42. References to the possibility of averting new mass flows of refugees should not be interpreted to mean advocating the adoption of measures to restrict the free movement of individuals or putting limits on the principle of asylum; the goal was to eliminate the root causes of a serious problem. It was sought to establish international co-operation that should not be construed as interference in the internal affairs of States but could assist in dealing with situations involving the danger of a mass exodus and elicit mutual understanding and a sharing of the burden among the nations involved, regardless of the political, ideological or social motives underlying such situations. His delegation welcomed the initiative taken by the delegation of the Federal Republic of Germany and believed that the phenomenon of mass refugee movements should be studied thoroughly. It also hoped that the international community could arrive at a consensus on the need to establish adequate mechanisms within the framework of the United Nations to deal with the various aspects of situations which might give rise to new mass exoduses of individuals. For those reasons, his delegation had decided to join the sponsors of draft resolution A/SPC/35/L.21, submitted by the delegation of the Federal Republic of Germany.

The meeting rose at 12.10 p.m.